



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DIPARTIMENTO	Scienze Politiche e delle Relazioni Internazionali		
ANNO ACCADEMICO OFFERTA	2023/2024		
ANNO ACCADEMICO EROGAZIONE	2023/2024		
CORSO DILAUREA MAGISTRALE	INTERNATIONAL RELATIONS, POLITICS & TRADE (FULLY ONLINE)		
INSEGNAMENTO	FOREIGN DIRECT INVESTMENTS AND GOLDEN POWERS		
TIPO DI ATTIVITA'	B		
AMBITO	50480-giuridico		
CODICE INSEGNAMENTO	21593		
SETTORI SCIENTIFICO-DISCIPLINARI	IUS/09		
DOCENTE RESPONSABILE	MOCAVINI GIORGIO	Ricercatore a tempo determinato	Univ. di PALERMO
ALTRI DOCENTI			
CFU	6		
NUMERO DI ORE RISERVATE ALLO STUDIO PERSONALE	108		
NUMERO DI ORE RISERVATE ALLA DIDATTICA ASSISTITA	42		
PROPEDEUTICITA'			
MUTUAZIONI			
ANNO DI CORSO	1		
PERIODO DELLE LEZIONI	2° semestre		
MODALITA' DI FREQUENZA	Facoltativa		
TIPO DI VALUTAZIONE	Voto in trentesimi		
ORARIO DI RICEVIMENTO DEGLI STUDENTI			

**DOCENTE:** Prof. GIORGIO MOCAVINI

<b>PREREQUISITI</b>	Basic knowledge of Public Law and Administrative Law principles.
<b>RISULTATI DI APPRENDIMENTO ATTESI</b>	<p>1) Knowledge and understanding. Knowledge and understanding of the basic concepts of foreign direct investments law. Knowledge and understanding of the screening mechanism of foreign direct investments. Comprehension of the norms and procedures regulating the foreign direct investments and the golden powers of the States.</p> <p>2) Applying knowledge and understanding. Ability to apply knowledge, to understand and solve cases about the foreign direct investments disputes.</p> <p>3) Making judgements. Ability to analyze and evaluate from a legal point of view the activity and the organization of global regulatory agencies, States and investors on the basis of the methodology learned during the course. Ability to express autonomous judgement about the activity of the governments in the screening process of the foreign direct investments.</p> <p>4) Communication skills. Ability to communicate information, ideas, problems and solutions about foreign direct investments procedures and golden powers of the States to both specialist and non-specialist audiences. Students interact and discuss relevant literature sources on specific topics (e.g., case-studies) in the web-forum section of the platform.</p> <p>5) Learning skills. Students are enabled to acquire skills through self-assessment tests at the end of each video-lecture, as well as through e-tivities such as: web-forums on specific topics, FAQs, and a simulation of the final exam.</p>
<b>VALUTAZIONE DELL'APPRENDIMENTO</b>	<p>The final exam is carried out at the end of the course by using the following criterion:</p> <p>Oral exam. The candidate should answer at least three questions regarding the whole syllabus and referring to the recommended texts.</p> <p>Evaluation criteria (up to 30/30 cum laude):</p> <ul style="list-style-type: none"><li>- Excellent: 30-30 laude = very good knowledge of the topics, excellent communication skills, good analytical ability, the student is able to apply knowledge to solve proposed problems.</li><li>- Very good: 26-29 = Good knowledge of the subjects, very good communication skills, the student is able to apply knowledge to solve problems.</li><li>- Good: 24 - 25 = basic knowledge of the main topics, good communication skills, with limited ability to independently apply knowledge to solve the proposed problems.</li><li>- More than sufficient: 21-23 = limited knowledge of the main topics, basic communication skills, poor ability to independently apply the knowledge.</li><li>- Sufficient: 18-20 = minimum basic knowledge of the main topics, very little or no ability to independently apply the acquired knowledge.</li><li>- Insufficient = the student has not an acceptable knowledge of the contents of the topics covered in the course.</li></ul>
<b>OBIETTIVI FORMATIVI</b>	<p>The course aims to describe the screening mechanisms of the foreign direct investments adopted by the States and is divided in three parts. The first one is an analysis of the development of legal globalization and international trade. The second one focuses on the golden powers and screening mechanisms of the investments in a comparative perspective. The last one is an analysis of the major disputes on foreign direct investments and their supranational regulation. Students are able to know the most important elements of the foreign direct investments law in different legal systems and to solve disputes about foreign direct investments in many jurisdictions.</p>
<b>ORGANIZZAZIONE DELLA DIDATTICA</b>	<p>Foreign direct investments and golden powers is a 6-ECs course and, as such, it implies 30 hours of videolecturing and 12 hours of interactive activities (or e-tivities), in addition to the corresponding self-study activity underlying the overall learning process of the students.</p> <p>The course is organized as follows:</p> <ul style="list-style-type: none"><li>- n. 30 video-lectures: each video-lecture includes the associated slides and a written handout listing the core bibliographic sources, and a self-assessment test consisting of 5 multiple-choice questions.</li><li>- n. 1 web-forum oriented to discuss and debate a specific topic relevant in foreign direct investments law (peer-learning organized in threads).</li></ul>

	<p>- n. 1 project work related to the participatory and interactive development of a case-study by the students.</p> <p>In addition, Frequent Asked Questions (FAQs) are described and answered in a specific section of the platform with the purpose of supporting the learning experience of the students.</p>
<b>TESTI CONSIGLIATI</b>	<p>- 30 sets of slides (one per each video-lecture). - 1 written handout listing the core bibliographic sources and providing a logical pathway alongside the learning process.</p> <p>Additional readings: - Sabino Cassese, Advanced Introduction to Global Administrative Law, Cheltenham, Elgar, 2021, ISBN: 9781789904239. - Giulio Napolitano (ed.), Foreign direct investment screening, Bologna, il Mulino, 2019, ISBN: 9788815 285775 (only the following chapters: Introduction, 1, 2, 3, 4, 5, 6, 7 and 8).</p>

## PROGRAMMA

<b>ORE</b>	<b>Lezioni</b>
1	The globalization process
1	The global constitutionalism
1	The role of global institutions
1	The structure and functions of global institutions
1	The proliferation of international courts
1	The judicial regulation in the global space
1	Courts as global administrative law regulators
1	The transnational private regulation
1	The legitimacy of private regulation and the enforcement of global decisions
1	The regulation of financial markets
1	Foreign direct investment screening: open questions and future challenges
1	The global rush towards national screening systems
1	The trade barriers
1	Foreign direct investment screening: lessons from US
1	The Chinese regulation of inward foreign direct investments
1	China's new foreign investment law
1	The regulation of Chinese outward foreign direct investments
1	The new EU regulation on foreign direct investments
1	Foreign direct investments in EU
1	The screening on foreign investments in France
1	The German foreign investment control
1	The Foreign direct investment screening in Italy
1	The investment control procedures in Italy
1	The dialogue between public authorities and enterprises
1	The use of golden powers in Italy
1	The problems of the use of golden powers
1	The national security
1	Legal issues on golden powers
1	Transparency in the use of golden powers
1	The legal nature of golden powers
<b>ORE</b>	<b>Altro</b>
6	E-tivity 1: Web-forum oriented to discuss and debate a specific topic.
6	E-tivity 2: one project work related to the participatory and interactive development of a case-study by the students.