

## Incoming student mobility

**Name of UNIOS University Unit: Faculty of Law**

### **COURSES OFFERED IN FOREIGN LANGUAGE FOR ERASMUS+ INDIVIDUAL INCOMING STUDENTS**

General information COURSES OFFERED IN FOREIGN LANGUAGE FACULTY OF LAW OSIJEK		
Lecturer	Marko Sukačić, PhD, Assistant Professor	
Course	<b>HISTORICAL DEVELOPMENT OF CONSUMER PROTECTION</b>	
Study programme	Erasmus	
ETCS and teaching	ECTS	6
	Hours weekly (L+P+S)	30+0+0

1. COURSE DESCRIPTION		
1.1. <i>Course objectives</i>		
<p>The aim of this course is to give students a historical, legal, cultural, and comparative knowledge necessary for scientific and critical evaluation of the structure and the function of the consumer protection in the contemporary European law. The course provides an introduction to the development, principles, institutions and rules of Roman law that were aimed at the protection of buyers as a weaker party of the contract, in a situation where they were trading with the professional sellers. Most of such rules were incorporated in <i>ius commune</i>, a legal system that was source of law in almost entire Europe in the medieval and early modern times formed through the reception of Roman Law as a positive law. As such, it influenced the contemporary law, and subsequential legal consumer protection, and thus the historical development of EU consumer protection legislation is scrutinized. This course should enable students to acquire knowledge about the historical evolution of Consumer Law and Policy in the EU, as well as the ability to critically analyse existing solutions and basic principles in EU Consumer Law and how they were transposed in the national legislation of the EU member states.</p>		
1.2. <i>Prerequisites for enrolment</i>		
There are no special requirements for enrolling in the course.		
1.3. <i>Learning outcomes:</i>		
<ol style="list-style-type: none"> <li>1. define the concept of a consumer</li> <li>2. interpret the foundations of the EU consumer protection law</li> <li>3. connect the institutes of Roman legal tradition with the historical and contemporary Consumer protection legal instruments</li> <li>4. assess the impact of the Roman legal tradition as the basis of the EU consumer protection law</li> <li>5. critically evaluate the structures and functions of contemporary EU consumer protection law</li> </ol>		
1.4. <i>Course description</i>		
<ol style="list-style-type: none"> <li>1. The definition of the consumer</li> <li>2. Consumer protection in the ancient Roman law</li> <li>3. Selected institutes of <i>ius commune</i> aimed to the consumer protection</li> <li>4. Emergence of the consumer protection in the EU legislation</li> <li>5. Contemporary consumer protection; the justification of disrupting the balance between contracting parties, important case law</li> <li>6. Cooling-off period</li> <li>7. Influence of the implementation of EU directives into national legislation; open questions for the future</li> </ol>		
1.5. <i>Course organisation</i>	<input checked="" type="checkbox"/> Lectures	<input checked="" type="checkbox"/> individual tasks

				<input type="checkbox"/> seminars and workshops	<input type="checkbox"/> multimedia and network																																												
				<input type="checkbox"/> practical work	<input type="checkbox"/> laboratory																																												
				<input type="checkbox"/> long distance learning*	<input type="checkbox"/> mentoring																																												
				<input type="checkbox"/> field work	<input type="checkbox"/> other																																												
1.6. Comments																																																	
1.7. Student's obligations																																																	
Students are required to actively participate in a minimum of 70% of classes and pass the class through essays and oral exams.																																																	
1.8. Monitoring student's work																																																	
Attendance	1	Active participation	1	Seminar	Experimental work																																												
Written exam		Oral exam	2	Essay	2	Research																																											
Project		Continuous assessment		Report	Practical work																																												
Portfolio				Presentation																																													
1.9. Evaluation and assessment of student's work during the course and on the final exam																																																	
<table border="1"> <thead> <tr> <th rowspan="2">STUDENT ACTIVITY *</th> <th rowspan="2">ECTS</th> <th rowspan="2">LEARNING OUTCOME **</th> <th rowspan="2">TEACHING METHOD</th> <th rowspan="2">EVALUATION METHOD</th> <th colspan="2">POINTS</th> </tr> <tr> <th>min</th> <th>max</th> </tr> </thead> <tbody> <tr> <td>Attendance</td> <td>1</td> <td>1-5</td> <td>Class attendance min. 70%</td> <td>Written records</td> <td>5</td> <td>10</td> </tr> <tr> <td>Active participation</td> <td>1</td> <td>1-5</td> <td>Participation in the discussion</td> <td>Assessing the quality of the discussion</td> <td>5</td> <td>10</td> </tr> <tr> <td>Oral exam</td> <td>2</td> <td>1-5</td> <td>Oral examination</td> <td>Oral exam</td> <td>25</td> <td>40</td> </tr> <tr> <td>Essay</td> <td>2</td> <td>1-5</td> <td>Writing an essay of an agreed topic</td> <td>Assessment of the quality of written work</td> <td>25</td> <td>40</td> </tr> <tr> <td>Total</td> <td>6</td> <td></td> <td></td> <td></td> <td>60</td> <td>100</td> </tr> </tbody> </table>						STUDENT ACTIVITY *	ECTS	LEARNING OUTCOME **	TEACHING METHOD	EVALUATION METHOD	POINTS		min	max	Attendance	1	1-5	Class attendance min. 70%	Written records	5	10	Active participation	1	1-5	Participation in the discussion	Assessing the quality of the discussion	5	10	Oral exam	2	1-5	Oral examination	Oral exam	25	40	Essay	2	1-5	Writing an essay of an agreed topic	Assessment of the quality of written work	25	40	Total	6				60	100
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1.10. Mandatory reading (in the moment of study programme draft application)																																																	
<ol style="list-style-type: none"> <li>Zimmermann, R., The Law of Obligations, Roman Foundations of the Civilian Tradition, University Press, Oxford, 1996. (selected chapters)</li> <li>Benöhr, I., EU Consumer Law and Human Rights, Oxford University Press, Oxford, 2014. (selected chapters)</li> <li>Weatherill, S., EU Consumer Law and Policy, Edward Elgar Publishing, Cheltenham, 2013. (selected chapters)</li> </ol>																																																	
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<ol style="list-style-type: none"> <li>Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance)Text with EEA relevance</li> <li>Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Text with EEA relevance.)</li> <li>Schulze R., et al., A Casebook on European Consumer Law, Hart Publishing, Oxford, 2002.</li> <li>Twigg-Flesner, C., Research Handbook on EC Consumer and Contract Law, Elgar, Cheltenham, 2016.</li> <li>Zollers, F. E.; Hurd, S, N.; Shears, P., Consumer protection in the European Union: An Analysis of the Directive on the sale of consumer goods and associated guarantees, University of Pennsylvania Journal of International Law, vol. 20, no. 1, 1999., p. 97-132</li> <li>Smits, J. M., Rethinking the Usefulness of Mandatory Rights of Withdrawal in Consumer Contract Law: The Right to Change Your Mind? Penn State International Law Review, vol. 29, no. 3, 2011., p. 671-684</li> </ol>																																																	

7. Rekaiti, P.; Van den Bergh, R., Cooling-Off Periods in the Consumer Laws of the EC Member States. A Comparative Law and Economics Approach, *Journal of Consumer Policy*, vol. 23, 2002., str. 371-408
8. Sukačić, M., Consumer protection in ancient Rome – lex iulia de annonae and edictum de pretiis rerum venalium as prohibitions of abuse of dominant position?, in Radić, Ž. et al. (eds.), *Economic and Social Development: 22nd International Scientific Conference on Economic and Social Development "The Legal Challenges of Modern World"*, Split, 2017., p. 107-117
9. Sukačić, M., Lex commissoria: From a forbidden clause in roman law to a (contemporary) debtor's welcome relief, *Journal on European history of law*, vol. 12, no. 2, 2021., p. 96-105

*1.12. Method of monitoring the quality which enables acquisition of knowledge, skills and competences*

In the phase of the curriculum preparation, the quality is monitored through the comparison with similar programs conducted at other faculties. In the implementation phase, the quality is controlled with the monitoring the attendance, the constant communication with students (both in person and via e-mail) and with the anonymous survey, which will be conducted at the end of the course to examine what learning outcomes have been achieved and to what extent (collected results are taken into account for possible changes in the curriculum and in teaching methods). After the end of the course, the quality is controlled with the university survey.