

## Incoming student mobility

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

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

|  |   |    |
|--|---|----|
| <b>General information COURSES OFFERED IN FOREIGN LANGUAGE FACULTY OF LAW OSIJEK</b> |   |    |
| Lecturer   | Paula Poretti, PhD, Associate Professor                               |    |
| Course   | <b>PROCEDURAL PROTECTION OF CONSUMER RIGHTS UNDER EU CONSUMER LAW</b> |    |
| Study programme  | Erasmus   |    |
| ETCS and teaching  | ECTS  | 6  |
|  | Hours weekly (L+P+S)  | 30 |

|  |  |  |
|--|--|--|
| <b>1. COURSE DESCRIPTION</b>   |  |  |
| <i>1.1. Course objectives</i>  |  |  |
| <ol style="list-style-type: none"> <li>1. To introduce students to the policy and instruments of harmonization process of procedural landscape of Member States in the field of consumer protection</li> <li>2. To orient students to the range of legal documents in the field</li> <li>3. To provide students with the opportunity to develop basic skills in the interpretation of the ECHR and CJEU case-law</li> </ol>  |  |  |
| <i>1.2. Prerequisites for enrolment</i>  |  |  |
| No prerequisites.  |  |  |
| <i>1.3. Learning outcomes:</i>   |  |  |
| <ol style="list-style-type: none"> <li>1. Know the key aspects of the harmonization process in the field of consumer protection at EU level and its latest developments</li> <li>2. Understand the role of the European courts in protection of consumer rights (European Court of Human Rights (ECtHR) and Court of Justice of the European Union (CJEU))</li> <li>3. Describe new concepts in procedural consumer protection</li> <li>4. Critically evaluate an issue regarding procedural protection of consumer rights</li> <li>5. Compare advantages and disadvantages of consumer alternative dispute resolution to the „regular path“ of civil proceedings</li> </ol> |  |  |
| <i>1.4. Course description</i>   |  |  |
| <p>The course provides an introduction to the development and overview of current state of procedural protection of consumer rights under EU consumer law and national procedural laws in the relevant legal sources. During the course the students will be given an opportunity to study the development of the concept of <i>access to justice</i> for consumers in EU law; the definition and meaning of the term consumer in EU law; and to differ between the tools for addressing disputes - individual and collective redress; and assess efficiency of alternative dispute resolution procedures as a way to resolve disputes between consumers.</p>                |  |  |
| <i>1.5. Course organisation</i>  | <input checked="" type="checkbox"/> Lectures<br><input type="checkbox"/> seminars and workshops<br><input type="checkbox"/> practical work | <input checked="" type="checkbox"/> individual tasks<br><input type="checkbox"/> multimedia and network<br><input type="checkbox"/> laboratory<br><input type="checkbox"/> mentoring |

|  |          |                       |  |  | <input checked="" type="checkbox"/> long distance learning* | <input type="checkbox"/> other |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
|--|----------|-----------------------|--|--|---|--------------------------------|--------------------|------|---------------------|-----------------|-------------------|--------|--|-----|-----|------------|---|-----|--------------------|------------------------------|----|----|----------------------|---|-----|--|--|----|----|----------|---|-----|--|---|----|----|--------------|---|-----|---|--|----|----|-------|---|--|--|--|----|-----|
|  |          |                       |  |  | <input type="checkbox"/> field work                         |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| 1.6. Comments  |          |                       |  |  |   |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| 1.7. Student's obligations   |          |                       |  |  |   |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| 1.8. Monitoring student's work   |          |                       |  |  |   |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Attendance   | <b>x</b> | Active participation  | <b>x</b>   | Seminar  |   | Experimental work              |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Written exam   |          | Oral exam             |  | Essay  |   | Research <b>x</b>              |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Project  |          | Continuous assessment |  | Report   |   | Practical work                 |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Portfolio  |          |                       |  | Presentation   | <b>x</b>  |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| 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>1-6</td> <td>Regular attendance</td> <td>Keeping record on attendance</td> <td>10</td> <td>20</td> </tr> <tr> <td>Active participation</td> <td>1</td> <td>1-6</td> <td>Active participation in interactive lectures; expressing opinions and giving arguments; commenting and discussing opinions of other students</td> <td>Number of participations in discussions; activity in problem solving tasks, readiness to elaborate arguments on similarities and differences between legal systems with reference to English legal terms</td> <td>10</td> <td>20</td> </tr> <tr> <td>Research</td> <td>3</td> <td>1-6</td> <td>Researching the chosen topic, detailed analysis of facts, own arguments and opinions in a form of written research paper</td> <td>Assessing presence of critical insight into problems and open issues, the ability to clearly formulate own reasons and opinions in written form</td> <td>30</td> <td>40</td> </tr> <tr> <td>Presentation</td> <td>1</td> <td>1-6</td> <td>Oral report (in form of Power Point presentation) in English on findings and results of individual research</td> <td>Evaluation against clearly set criteria of a successful and well elaborated oral presentation based on own research activities</td> <td>10</td> <td>20</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 | 1-6 | Regular attendance | Keeping record on attendance | 10 | 20 | Active participation | 1 | 1-6 | Active participation in interactive lectures; expressing opinions and giving arguments; commenting and discussing opinions of other students | Number of participations in discussions; activity in problem solving tasks, readiness to elaborate arguments on similarities and differences between legal systems with reference to English legal terms | 10 | 20 | Research | 3 | 1-6 | Researching the chosen topic, detailed analysis of facts, own arguments and opinions in a form of written research paper | Assessing presence of critical insight into problems and open issues, the ability to clearly formulate own reasons and opinions in written form | 30 | 40 | Presentation | 1 | 1-6 | Oral report (in form of Power Point presentation) in English on findings and results of individual research | Evaluation against clearly set criteria of a successful and well elaborated oral presentation based on own research activities | 10 | 20 | Total | 6 |  |  |  | 60 | 100 |
| STUDENT ACTIVITY *   | ECTS     | LEARNING OUTCOME **   | TEACHING METHOD  | EVALUATION METHOD  | POINTS  |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
|  |          |                       |  |  | min   | max                            |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Attendance   | 1        | 1-6                   | Regular attendance   | Keeping record on attendance   | 10  | 20                             |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Active participation   | 1        | 1-6                   | Active participation in interactive lectures; expressing opinions and giving arguments; commenting and discussing opinions of other students | Number of participations in discussions; activity in problem solving tasks, readiness to elaborate arguments on similarities and differences between legal systems with reference to English legal terms | 10  | 20                             |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Research   | 3        | 1-6                   | Researching the chosen topic, detailed analysis of facts, own arguments and opinions in a form of written research paper                     | Assessing presence of critical insight into problems and open issues, the ability to clearly formulate own reasons and opinions in written form  | 30  | 40                             |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Presentation   | 1        | 1-6                   | Oral report (in form of Power Point presentation) in English on findings and results of individual research                                  | Evaluation against clearly set criteria of a successful and well elaborated oral presentation based on own research activities   | 10  | 20                             |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| Total  | 6        |                       |  |  | 60  | 100                            |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| 1.10. Mandatory reading (in the moment of study programme draft application)   |          |                       |  |  |   |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |
| <ol style="list-style-type: none"> <li>1. Benohr, Iris EU Consumer Law and Human Rights, Oxford University Press, London, 2013.</li> <li>2. Garašić, Jasnica (ur.) Europsko građansko procesno pravo, Narodne novine, Zagreb, 2013. (odabrana poglavlja)</li> <li>3. Uzelac, Alan, Asimetrične i hibridne klauzule u rješavanju potrošačkih sporova // Zaštita potrošača u Republici Hrvatskoj. Okrugli stol održan 11. svibnja 2015., u palači Akademije u Zagrebu / Barbić, Jakša (ur.).Zagreb:</li> </ol>   |          |                       |  |  |   |                                |                    |      |                     |                 |                   |        |  |     |     |            |   |     |                    |                              |    |    |                      |   |     |  |  |    |    |          |   |     |  |   |    |    |              |   |     |   |  |    |    |       |   |  |  |  |    |     |

HAZU - Hrvatska akademija znanosti i umjetnosti, Znanstveno vijeće za državnu upravu, pravosuđe i vladavinu prava, 2016. str. 65-72

4. Poretti, Paula, Debt Collection Practices under Croatian enforcement law – Is there a way out for over-indebted consumers, *European Consumer and Market Law (EuCML)*, Springer/ Kluwer, 6(2018), str. 233-241.
5. Poretti, Paula, Sudska zaštita prava potrošača – (naj)bolji put?, *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, 39(2018), 1, 535-570.
6. Poretti, Paula, Postulati prava EU u građanskom parničnom postupku – Očekivanja nasuprot realnosti, *Akademija pravnih znanosti-HAZU* (u postupku objave)
7. Poretti, Paula, Pravo EU u građanskom procesnom pravu, u: Petrašević, Tunjica; Vuletić, Igor (ur.), *Procesno-pravni aspekti prava EU*, Pravni fakultet Sveučilišta J.J. Strossmayera u Osijeku, 2016., str. 91-124.
8. Poretti, Paula, Collective redress in the European Union – Current Issues and Future Outlook, in: Duić, D., Petrašević, T. (ed), *EU and Member States – Legal and Economic Issues, EU and Comparative Law Issues and Challenges Series (ECLIC)*, J.J. Strossmayer University of Osijek; Faculty of Law Osijek, 2019, p. 339-363.
9. Poretti, Paula, Consumer redress and enforcement mechanisms – challenges in application of EU consumer law in providing *access to justice*, in: Mašek Tonković, Anka (ed.), *6. Međunarodni znanstveni simpozij Gospodarstvo istočne Hrvatske – Vizija i razvoj* (Book of Proceedings), Osijek, Sveučilište J.J. Strossmayer u Osijeku; Ekonomski fakultet Osijek, 2017, 515-526.
10. Petrašević, Tunjica; Poretti, Paula, Zaštita potrošača u Republici Hrvatskoj s posebnim osvrtom na ugovore sklopljene izvan poslovnih prostorija ponuditelja i ugovore na daljinu, *Društveni ogledi*, 3(2016)1, 9-54.

#### *1.11. Recommended reading (in the moment of study programme draft application)*

1. European Commission, Evaluation Study of national procedural laws and practices in terms of their impact on the free circulation of judgments and on the equivalence and effectiveness of the procedural protection of consumers under EU consumer law, JUST/2014/RCON/PR/CIVI/0082, European Union, 2017.
2. Inception impact assessment 'A New Deal for Consumers-revision of the Injunctions Directive', Ref. Ares(2017)5324969 - 31/10/2017.
3. Study on the State of Collective Redress in the EU in the context of the implementation of the Commission Recommendation, JUST72016/JCOO/FW/CIVI/0099, 2017. Dostupno na: [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=612847](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=612847).
4. Prijedlog Direktive o reprezentativnim tužbama predstavljen zajedno sa prijedlogom četiriju Direktiva iz područja zaštite potrošača, kao dio 'New Deal for Consumers' (dostupno na: [https://ec.europa.eu/commission/state-union-2017\\_en](https://ec.europa.eu/commission/state-union-2017_en)) koji je uključen u Radni program Europske komisije 2018, COM(2017) 650 final.

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

-