

ECTS catalog with learning outcomes
University of Montenegro

Faculty of Law / BUSINESS LAW / BUSINESS LAW CLINICS

Course:	BUSINESS LAW CLINICS			
Course ID	Course status	Semester	ECTS credits	Lessons (Lessons+Exercises+Laboratory)
13157	Mandatory	3	8	4+1+0
Programs	BUSINESS LAW			
Prerequisites	No prerequisites.			
Aims	After passing this subject, the student will gain insight and have basic practical knowledge and skills in certain segments of business law and will be able to: Analyze cases before European judicial bodies involving collision of legal interests, fundamental freedoms, and basic rights guaranteed by instruments of varying legal force and significance (provide preliminary legal identification of the issue, adequately assess the disputed question, determine its legal nature). Prepare arguments for the roles of plaintiff and defendant in a simulated case, demonstrating the skill of dialogue, active listening, and rebutting arguments. Understand the role and jurisdiction of institutions, active and passive participants in European judicial bodies.			
Learning outcomes	After passing this subject, the student will gain insight and have basic practical knowledge and skills in certain segments of business law and will be able to: Analyze cases before European judicial bodies involving collision of legal interests, fundamental freedoms, and basic rights guaranteed by instruments of varying legal force and significance (provide preliminary legal identification of the issue, adequately assess the disputed question, determine its legal nature). Prepare arguments for the roles of plaintiff and defendant in a simulated case, demonstrating the skill of dialogue, active listening, and rebutting arguments. Understand the role and jurisdiction of institutions, active and passive participants in European judicial bodies.			
Lecturer / Teaching assistant	Professor: Aneta Spaić Teaching Assistant: Nikolina Tomović			
Methodology	As a mandatory subject (worth 8 ECTS credits and structured with 3+2 class hours) in the Masters program of the Business Law specialization at the Faculty of Law, University of Montenegro, besides classical theoretical teachings, it also includes practical instruction involving direct contact of our students with professionals in the field of Business Law. Teaching methods include visits and training sessions with judges of the Commercial Court and law firms. The Business Law Clinic is predominantly organized through the practical dimension of acquiring professional knowledge, which, in addition to traditional lectures, recognizes the importance of analyzing court cases. The subject is conceived as an advanced and practical version of subjects from the undergraduate level with a commercial law background, and the analysis of cases from national and regional judicial bodies is of particular importance for the adequate preparation of students for the market.			
Plan and program of work				
Preparing week	Preparation and registration of the semester			
I week lectures	The role and content of the Business Law Clinic.			
I week exercises	The role and content of the Business Law Clinic.			
II week lectures	CHARTER OF FUNDAMENTAL RIGHTS OF THE EU: BASIC RIGHTS V. FUNDAMENTAL FREEDOMS Basic rights. Balancing fundamental rights and fundamental freedoms. Principle of proportionality - Proportionality test: origin, concept, balancing of interests, criteria. Fundamental freedoms. Key provisions of the TFEU. TEU. Charter.			
II week exercises	CHARTER OF FUNDAMENTAL RIGHTS OF THE EU: BASIC RIGHTS V. FUNDAMENTAL FREEDOMS Basic rights. Balancing fundamental rights and fundamental freedoms. Principle of proportionality - Proportionality test: origin, concept, balancing of interests, criteria. Fundamental freedoms. Key provisions of the TFEU. TEU. Charter.			
III week lectures	Balancing freedom of expression and assembly and free movement of goods. Freedom of expression and assembly, Art. 9 and 10 ECHR. Article 11 ECHR. Schmidberger case. Facts, AGs opinion, case judgment, analysis, justification for restrictions.			
III week exercises	Balancing freedom of expression and assembly and free movement of goods. Freedom of expression and assembly, Art. 9 and 10 ECHR. Article 11 ECHR. Schmidberger case. Facts, AGs opinion, case judgment, analysis, justification for restrictions.			
IV week lectures	Balancing human dignity with freedom to provide services. Human dignity - Chapter I of the Charter. Omega case. Facts, Advocate Generals opinion, Case judgment, Analysis, Justification of restrictions.			
IV week exercises	Balancing human dignity with freedom to provide services. Human dignity - Chapter I of the Charter. Omega case. Facts, Advocate Generals opinion, Case judgment, Analysis, Justification of restrictions.			
V week lectures	Balancing social rights and freedom to provide services. Social rights: legal nature and protection -			

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	Articles 33 to 35 of the Charter.
V week exercises	Balancing social rights and freedom to provide services. Social rights: legal nature and protection - Articles 33 to 35 of the Charter.
VI week lectures	Case Viking Line and Laval - facts, Advocate Generals opinion, case judgment, analysis. Balancing social rights and freedom to provide services.
VI week exercises	Case Viking Line and Laval - facts, Advocate Generals opinion, case judgment, analysis. Balancing social rights and freedom to provide services.
VII week lectures	Colloquium
VII week exercises	Colloquium
VIII week lectures	Expert ex cathedra lecture by practitioners, with analysis of case examples from judicial practice on the topic "Tax Evasion".
VIII week exercises	Expert ex cathedra lecture by practitioners, with analysis of case examples from judicial practice on the topic "Tax Evasion".
IX week lectures	Ex cathedra lecture by practitioners, with practical aspects - Corporate Governance.
IX week exercises	Ex cathedra lecture by practitioners, with practical aspects - Corporate Governance.
X week lectures	Corrective Colloquium
X week exercises	Corrective Colloquium
XI week lectures	Topic from European environmental law: Collision of rights within the European legal framework.
XI week exercises	Topic from European environmental law: Collision of rights within the European legal framework.
XII week lectures	Ex cathedra lecture and analysis of judgments on Protection of Intellectual Property Rights.
XII week exercises	Ex cathedra lecture and analysis of judgments on Protection of Intellectual Property Rights.
XIII week lectures	Ex cathedra lecture and simulation of a trial on Copyright Law: Practical implications of unclear definitions.
XIII week exercises	Ex cathedra lecture and simulation of a trial on Copyright Law: Practical implications of unclear definitions.
XIV week lectures	Ex cathedra lecture and simulation of negotiations - M&A transactions.
XIV week exercises	Ex cathedra lecture and simulation of negotiations - M&A transactions.
XV week lectures	Final Exam.
XV week exercises	Final Exam.
Student workload	In the semester: Teaching, individual work, and final exam: (8 hours) x 16 = 128 hours Necessary preparations before the semester begins (administration, enrollment, certification): 2 x (8 hours) = 16 hours Total workload for the subject 6x30 = 180 hours Additional work for exam preparation in the re-sit exam period, including taking the re-sit exam: from 0 to 36 hours (remaining time from the first two items to the total workload for the subject 180 hours) Load structure: 128 hours (Teaching and individual work) + 16 hours (Preparation) + 36 hours (Additional work)
Per week	Per semester
8 credits x 40/30=10 hours and 40 minuts 4 sat(a) theoretical classes 0 sat(a) practical classes 1 excercises 5 hour(s) i 40 minuts of independent work, including consultations	Classes and final exam: 10 hour(s) i 40 minuts x 16 =170 hour(s) i 40 minuts Necessary preparation before the beginning of the semester (administration, registration, certification): 10 hour(s) i 40 minuts x 2 =21 hour(s) i 20 minuts Total workload for the subject: 8 x 30=240 hour(s) Additional work for exam preparation in the preparing exam period, including taking the remedial exam from 0 to 30 hours (remaining time from the first two items to the total load for the item) 48 hour(s) i 0 minuts Workload structure: 170 hour(s) i 40 minuts (courses), 21 hour(s) i 20 minuts (preparation), 48 hour(s) i 0 minuts (additional work)
Student obligations	Students are required to attend classes and participate in knowledge assessments.
Consultations	Every day after classes.
Literature	Sybe A.de Vries, Balancing Fundamental Rights with Economic Freedoms According to the European Court of Justice, available at: https://www.utrechtlawreview.org/articles/abstract/10.18352/ulr.220/ Anna-

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							<p>Sara Lind and Magnus Strand, A new Proportionality test for Fundamental Rights, The Joint Cases C-92/09 and C-93/09 Volker und Markus Schecke GbR (C-92/09) and Hartmut Eifert (C-93/09) v. Land Hessen, available at: https://uu.diva-portal.org/smash/get/diva2:441211/FULLTEXT01.pdf. Ivana Krstić and Bojana Čučković, Accession of the European Union to the European Convention on Human Rights as a Means of Advancing Human Rights in Europe, available at: https://anali.rs/xml/201-/2016c/2016-2c/Anali_2016-2c-204-842-1-pb.pdf Dušan Ignjatović, Protection of Human Rights in the EU after Lisbon - Completing the European Human Rights Protection System?, The Lisbon Treaty - Safe Harbor or the Beginning of a New Journey. Zlatan Meškić, European Union Law I, GIZ BMZ, Federal Ministry for Economic Cooperation and Development, Sarajevo, 2012. Schmidberger case, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62000CJ0112 Omega case, available at: https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A62002CJ0036 Viking Line case, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62005CJ0438 Laval case, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62005CJ0341 Presentations available on the website: https://cleuim.ucg.ac.me/</p>
Examination methods							Interactivity in practical guest lectures and colloquiums (up to 50 points); Final exam (up to 50 points).
Special remarks							/
Comment							/
Grade:	F	E	D	C	B	A	
Number of points	less than 50 points	greater than or equal to 50 points and less than 60 points	greater than or equal to 60 points and less than 70 points	greater than or equal to 70 points and less than 80 points	greater than or equal to 80 points and less than 90 points	greater than or equal to 90 points	