

UČNI NAČRT PREDMETA / COURSE SYLLABUS						
<b>Predmet:</b>	Arbitraža, mediacija in alternativno reševanje sporov v gospodarskih sporih					
<b>Course title:</b>	Arbitration, Mediation and Alternative Dispute Resolution in Commercial Disputes					
<b>Študijski program in stopnja</b> Study programme and level	<b>Študijska smer</b> Study field			<b>Letnik</b> Academic year	<b>Semester</b> Semester	
Alternativno reševanje sporov - 2. stopnja				2	1	
Alternative Dispute Resolution - 2nd degree				2	1	
<b>Vrsta predmeta / Course type</b>				Obvezni		
				Compulsory		
<b>Univerzitetna koda predmeta / University course code:</b>				03		
<b>Predavanja</b> Lectures	<b>Seminar</b> Seminar	<b>Vaje</b> Tutorial	<b>Klinične vaje</b> work	<b>Druge oblike študija</b>	<b>Samost. delo</b> Individ. work	<b>ECTS</b>
40	0	0	0	0	160	8
<b>Nosilec predmeta / Lecturer:</b>				izr. prof. dr. Nana Weber / Assoc. Prof., Nana Weber, PHD		
<b>Jeziki/ Languages:</b>		<b>Predavanja / Lectures:</b> Slovenski jezik/Slovenian/Angleški jezik/English				
		<b>Vaje / Tutorial:</b>				
<b>Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:</b>				<b>Prerequisites:</b>		

<p>Vpis v drugi letnik druge stopnje.</p> <p>Vsaj 80% prisotnost na predavanjih.</p>	<p>Enrollment in second year of the 2nd degree Study.</p> <p>At least 80% attendance at lectures.</p>
<p><b>Vsebina:</b></p> <p>Arbitraža, mediacija in alternativno reševanje sporov v gospodarskih sporih na drugi stopnji obravnava:</p> <ul style="list-style-type: none"> <li>- poglobljeno obravnavanje posebnosti gospodarskih sporov po vrsti, strankah, spori z mednarodnim elementom, spori znotraj EU,</li> <li>- specifika institucionalne in specializirane arbitražne institucije in ad hoc arbitraža,</li> <li>- zahtevnejšo analizo podobnosti in razlik med postopki: arbitraže, mediacije, med-arb postopka,</li> <li>- seznanitev z zgodnja nevtralna ocena spora.</li> </ul> <p>Obravnava na zahtevnejšem nivoju pri tem predmetu na drugi stopnji vključuje tudi:</p> <ul style="list-style-type: none"> <li>- poglobljen študij sporočilnosti mednarodnih gospodarskih sporov,</li> <li>- zahtevnejšo obravnava značilnosti formalnih pravnih virov:</li> <li>- Vzorčni zakoni UNCITRAL-a o arbitraži in conciliaciji.</li> <li>- ZArbit, ZMCGZ in ZARSS,</li> <li>- kritična analiza razlik med ADR civilnih in ADR v gospodarskih sporih,</li> <li>- razumevanje pomena vzorčne arbitražne, kombinirane in mediacijske klavzule.</li> </ul> <p>Posebna pozornost se posveča tudi obravnavi:</p> <ul style="list-style-type: none"> <li>- specifike pogodbe o mediaciji v gospodarskem sporu,</li> </ul>	<p><b>Content (Syllabus outline):</b></p> <p>Arbitration, Mediation and Alternative Dispute Resolution in Commercial Disputes on II. level includes:</p> <ul style="list-style-type: none"> <li>- deepened peculiarities of commercial disputes, the parties, disputes with an international element, conflicts within the EU,</li> <li>- specifics of institutional and specialized arbitration institution and of ad hoc arbitration,</li> <li>- complex analysis of the differences between: arbitration, mediation, med-arb,</li> <li>- early neutral evaluation of the dispute,</li> </ul> <p>Arbitration, Mediation and Alternative Dispute Resolution in Commercial Disputes on II. level includes also:</p> <ul style="list-style-type: none"> <li>- deepened study of international commercial disputes,</li> <li>- complex study of formal sources:</li> <li>- Model laws UNCITRAL on arbitration and conciliation</li> <li>- ZArbit, ZMCGZ and ZARSS,</li> <li>- critical analysis The difference between civil and commercial ADR,</li> <li>- understanding of sample arbitration, mediation clauses.</li> </ul> <p>Special attention is paid to:</p> <ul style="list-style-type: none"> <li>- the specific of the contract for commercial mediation,</li> </ul>

<ul style="list-style-type: none"> <li>- mediacija z več strankami v gospodarskem sporu,</li> <li>- posebnosti mediacije v gospodarskih sporih,</li> <li>- arbitraža in mediacija, ko je ena izmed strank država,</li> <li>- posebnosti reševanja domenskih sporov,</li> <li>- conflict management.</li> </ul>	<ul style="list-style-type: none"> <li>- mediation with more parties in commercial mediation,</li> <li>- peculiarities of mediation in commercial disputes,</li> <li>- arbitration and mediation, when one of the parties is country,</li> <li>- solving domain disputes,</li> <li>- conflict management.</li> </ul>
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### Temeljna literatura in viri / Readings:

- Ude, L., Arbitražno pravo. Ljubljana : GV založba, 2004 (Nova Gorica : Grafika Soča)
- Betetto, N., [et al.] ; ur. Ristin, G., Hajtnik, Z.: Mediacija v teoriji in praksi : veliki priročnik o mediaciji. Ljubljana : Društvo mediatorjev Slovenije, 2011
- Arbitraža, mediacije in druge oblike alternativnega reševanja sporov. Ljubljana : Inštitut za primerjalno pravo pri Pravni fakulteti v Ljubljani, 2003
- PUHARIČ, K., Arbitration law and practice in Central and Eastern Europe V: Pravniki. - ISSN 0032-6976. - Letn. 62, št. 6/8 (2007), str. 463-466.
- Jacquelline M. Nolan- Haley, Alternative Dispute Resolution, Thomson West, St. Paul, 2008
- Harald Sippel : Med-Arb Recent Trends and an Outlook on the future, p. 151-176, CYARB, Volume VI, 2016, Lex Lata BV, The Hague, p. 151-176.
- Michael Dunmore : Influences On Procedural Aspects of International Arbitration, CYIL, Volume VII, 2016, Lex Lata BV, The Hague, p. 107-128.
- Zakon o arbitraži, (ZArbit)
- Zakon o mediaciji v civilnih in gospodarskih zadevah (ZMCGZ)
- Zakon o alternativnem reševanju sodnih sporov, (ZARSS)

### Cilji in kompetence:

Študentje bodo osvojili naslednja znanja in kompetence:

- Spoznali bodo, kateri so gospodarski spori, posebnosti in vrste,
- spoznali različne vrste ARS za to vrsto sporov, vzorčne zakone UNCITRAL, znanje o upravljanju s konflikti,
- spoznali posebnosti arbitraže, kombiniranega reševanja sporov in mediacije v gospodarskih sporih,
- osvojili poznavanje in razumevanje pravnih pojmov, pravnih načel in pravil s področja alternativnega reševanja sporov;
- pridobili sposobnost razumevanja in argumentiranja prednosti uporabe

### Objectives and competences:

Students will gain the following knowledge and competencies:

- they will learn about economic disputes, specifics and types,
- get acquainted with different types of ADR for this type of disputes, UNCITRAL model laws, knowledge of conflict management,
- get acquainted with the specifics of arbitration, combined dispute resolution and mediation in commercial disputes,
- gain knowledge and understanding of legal concepts, legal principles and rules in the field of alternative dispute resolution;

alternativnega načina reševanja sporov;

- pridobili sposobnost samostojnega in avtonomnega študijskega dela;
- razvili sposobnosti kritične analize pravnih virov in pravnih besedil;
- razumevanje pomena kritične refleksije obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti;
- sposobnost kritične strokovne razprave in analize pravne tematike.

Pridobili bodo tudi naslednje splošne kompetence in znanje:

- o uporabi ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze;
- sposobnost skupinskega dela in pripravljenosti za sodelovanje;
- razvoj veščin javnega nastopanja in predstavitev,
- razvoj veščin samostojnega dela ter oblikovanja kritične pravne miselnosti.

- gain the ability to understand and argue the benefits of using an alternative method of dispute resolution;
- acquire the ability of independent and autonomous study work;
- develop the ability to critically analyze legal sources and legal texts;
- understand the importance of critical reflection on existing legal sources and assessing their need and quality;
- gain ability to critically discuss and analyze legal issues.

They will also acquire the following general competencies and knowledge:

- on the use of appropriate methods of legal research, their procedures, analysis and synthesis;
- ability to work in a team and willingness to cooperate;
- development of public speaking and presentation skills,
- development of skills of independent work and formation of critical legal mentality.

#### **Predvideni študijski rezultati:**

Znanje in razumevanje:

- zmožnost kritične presoje ter analize in interpretacije obravnavane tematike;
- sposobnost oblikovanja in podajanja kritične ocene;
- študent bo razumel, kateri spori so gospodarski spori,
- katere so posebnosti, razlike, vrste glede na stranke spora, razlikoval bo cross-

#### **Intended learning outcomes:**

Knowledge and understanding:

- ability to critically assess, analyze and interpret the topic;
- ability to form and give a critical assessment;
- the student will understand which disputes are economic disputes,
- what are the specifics, differences, types according to the parties to the dispute,

border spore in pravila za reševanje sporov,

- poznal bo korektne klavzule za reševanje sporov z metodami ARS,
- poznal bo večino najpomembnejših institucionalnih arbitraž,
- poznal bo specifične prednosti in priporočila za oblikovanje in podajanje informacij z obravnavanega področja, kakor tudi uporabljivost teh informacij v širšem kontekstu gospodarstva.

will distinguish cross-border disputes and dispute resolution rules,

- will know the correct clauses for resolving disputes using ADR methods,
- will know most of the most important institutional arbitrations,
- will know the specifics, advantages and recommendations for the design and presentation of information in the field, as well as the applicability of this information in the broader context of the economy.

**Metode poučevanja in učenja:**

**Learning and teaching methods:**

**Oblike dela:**

- Frontalna oblika poučevanja
- Delo v manjših skupinah oz. v dvojicah
- Samostojno delo študentov
- e-učenje
- drugo (vpišite)

**Types of learning/teaching:**

- Frontal** teaching
- Work in smaller groups or pair work
- Independent students work
- e-learning
- other \_\_\_\_\_

**Metode (načini) dela:**

- Razlaga
- Razgovor/ diskusija/debata
- Delo z besedilom
- Proučevanje primera
- Igra vlog
- Druge vrste nastopov študentov
- Reševanje nalog
- Študijski obiski podjetij ipd.)
- Vključevanje gostov iz prakse
- Udeležba na okrogli mizi, na konferenci

**Teaching methods:**

- Explanation
- Conversation/discussion/debate
- Work with texts
- Case studies
- Role-play
- Different presentation
- Solving exercises
- Field work (e.g. company visits)
- Inviting guests from companies
- Attending round table and conference

Delež (v %) /

**Načini ocenjevanja:**

Weight (in %) **Assessment:**

Način:		Type:
Pisni ali ustni izpit	<b>100%</b>	Writtten or oral exam

**Reference nosilca / Lecturer's references:**

Nana Weber je izredna profesorica za civilno in gospodarsko pravo na Evropski pravni fakulteti, docentka za delovno pravo na MLC Fakulteti za management in pravo Ljubljana in docentka za poslovne vede na B2 Visoki šoli za poslovne vede. Leta 2003 je diplomirala na Pravni fakulteti v Ljubljani. Tam je s podiplomskim študijem nadaljevala in leta 2010 magistrirala na področju civilnega in gospodarskega in leta 2013 doktorirala na področju civilnega prava. Leta 2010 je diplomirala še na Akademiji za glasbo (profesorica glasbe).

Poklicno pot v pravo je začela v sodstvu in na različnih stopnjah sodišč, nato je delala na državnem pravobranilstvu, v odvetniški pisarni in v kabinetu ministra za javno upravo. Leta 2016 je začela samostojno pot in do nedavnega delovala kot odvetnica. Sedaj vodi družbo Weber N., pravna svetovanja, analize in mediacije, d.o.o.

Izkušnje mediatorke v Mediacijskem centru Ljubljana, pri Odvetniški zbornici Slovenije in Ministrstvu za delo družino, socialne zadeve in enake možnosti ter izvajalke izvensodnega reševanja potrošniških sporov pri Ministrstvu za gospodarski razvoj in tehnologijo so botrovale odločitvi, da pomaga reševati spore na neformalen način v okviru lastnega podjetja.

Je tudi članica državne izpitne komisije za pravniški državni izpit (področje civilnega materialnega in procesnega prava) in zborovodja Mešanega pevskega zbora Nove Univerze.

Na redni bazi piše strokovne in znanstvene članke iz različnih pravnih področij. Med drugim je ena od avtoric Družinskega zakonika (Uradni list, 2019), avtorica uvodnih pojasnil Družinskega zakonika (GV Založba, Lexpera, 2018), in avtorica zbirke Vprašanja in odgovori iz delovnega prava (GV Založba, Lexpera), v okviru katere so doslej izšle knjige Prenehanje pogodbe o zaposlitvi (2020), Ko delavca ni na delu (Dopust, regres in druge odsotnosti z dela (2021)) in Prejemki iz delovnega razmerja (2023). Je tudi avtorica uvodnih pojasnil k Zakonu o sodnih taksah (ZST-1); Odvetniška tarifa; Notarska tarifa: (neuradna prečiščena besedila) - Uradni list Republike Slovenije 2022, in avtorica Zakona o sodnih taksah (ZST-1) z uvodnimi pojasnili - Lexpera, GV založba, 2023.

\* \* \*

Nana Weber is associate professor for civil and corporate law at the European Faculty of Law New University, assistant professor for labour law and assistant professor for bussines

sciences at Ljubljana School of Business. She graduated from the University of Ljubljana Faculty of Law, in 2003. She continued her postgraduate course in the same University and received a Master's degree of Science in 2010 (Civil and Commercial Law), and Doctor's degree of Science in 2013 (Civil Law). In 2010 she graduated in Music Pedagogy at the Musical Arts in 2010 (Professor of Music).

Her professional legal career began at different levels of the court, then she worked at the State's Attorney Office, at lawyer and at Ministry of Public Administration. She went freelance in 2016 and until recently worked as a lawyer. She now runs Weber N., Legal Consulting, Analysis and Mediation, d.o.o.

Her experience as a mediator at the Ljubljana Mediation Centre, the Bar Association of Slovenia and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and as a provider of out-of-court dispute resolution for consumer disputes at the Ministry of Economic Development and Technology, led to her decision to help resolve disputes in an informal way within her own company.

She is also a member of the State Examination Board for the State Lawyers' Examination (civil substantive and procedural law) and choirmaster of the mixed choir at New University.

On regular basis she writes professional and scientific articles. Among other things, she is one of the authors of the Family code (Uradni list 2019), the author of the introductory explanations of the Family Code (GV Založba, Lexpera, 2018) and author of professional collection Labour Law Questions and Answers (GV Založba, Lexpera), in which so books Termination of employment contract (2020), When the worker is not at work (Annual leave, payment for annual leave, and other absences from work) (2021)) and Employment Benefits (2023) were published. She is also the author of the Introductory Explanatory Notes to the Law on Court Fees (ZST-1); Lawyer's Tariff; Notary's Tariff: (Unofficial Consolidated Texts) - Official Gazette of the Republic of Slovenia 2022, and the author of the Law on Court Fees (ZST-1) with Introductory Explanatory Notes - Lexpera, GV založba, 2023.