

<b>1. Field of study</b>	<b>International Business Law and Arbitration</b>
2. Faculty	Faculty of Law and Administration
3. Academic year of entry	2019/2020 (winter term), 2020/2021 (winter term), 2021/2022 (winter term), 2022/2023 (winter term), 2023/2024 (winter term), 2024/2025 (winter term)
4. Level of qualifications/degree	second-cycle studies
5. Degree profile	general academic
6. Mode of study	full-time

**Module:** Legal Aspects of ADR in Business

**Module code:** IBLA-MA-LAADRB

**1. Number of the ECTS credits:** 3

<b>2. Learning outcomes of the module</b>			
<b>code</b>	<b>description</b>	<b>learning outcomes of the programme</b>	<b>level of competence (scale 1-5)</b>
LAADR_B_1	Has an advanced knowledge of international and European standards concerning legal regulations and practical application of the alternative dispute resolution methods, in particular mediation and arbitration, in business disputes. Understands the influence of international and European regulations concerning the alternative dispute resolution methods on legal provisions related to ADR in business disputes introduced in national law.	IBLA_W01	4
LAADR_B_2	Has a systematic knowledge of the ideas and legal constructions introduced in the provisions of international and European law as well as in the provisions of national law regarding alternative dispute resolution in business disputes. In particular, knows the difference between the provisions of international law, European law and national law and has the knowledge on the regulation of particular issues related to alternative dispute resolution in business disputes in substantive and procedural law as well as in private and public law.	IBLA_W02	4
LAADR_B_3	Has an advanced knowledge in the field of alternative dispute resolution in business disputes, including domestic disputes and disputes arising out of cross border business relations. Knows and understands the importance of ADR, in particular mediation and arbitration, for the possibility to find optimal for entrepreneurs solution of the dispute in business cases. Properly differentiates between the role of the arbitrator and the role of the mediator. Knows the key principles of constructing mediation contracts and mediation clauses in contracts, as well as arbitration agreements. Knows fundamental legal differences between adjudicating a business dispute case in the procedure of traditional court litigation and resolving the dispute with the application of out – of – court methods of ADR.	IBLA_W15	5
LAADR_B_4	Has a full working command of English for international business.	IBLA_U01	5
LAADR_B_5	Finds relevant legal provisions in the field of alternative dispute resolution in business, in particular mediation and arbitration, in international, European law and national law. Interprets legal regulations and draws conclusions as to the admissible or required course of action connected with the application of ADR in business disputes, including domestic disputes and disputes arising out of cross – border business relations.	IBLA_U04	5

LAADRB_6	Uses the provisions of international, European and national law to apply ADR in business disputes. In particular, uses knowledge of provisions of civil law and civil procedure concerning alternative dispute resolution in business disputes in situations which require the application of interdisciplinary knowledge.	IBLA_U08	4
LAADRB_7	Can act in an ethical and professional manner as a mediator or on behalf of an entrepreneur in disputes concerning business activity.	IBLA_K07 IBLA_U13 IBLA_U14	3 4 4
LAADRB_8	Has the skills to participate in the procedures of out – of – court resolution of legal disputes in business cases. Is prepared to perform a number of functions connected with the application of ADR in business disputes. Is able to adapt to current expectations and needs, in particular to act as an advisor or to represent an entrepreneur during the procedure of out – of – court resolution of legal disputes, as well as to serve as a mediator or negotiator.	IBLA_K04 IBLA_K06	4 3

### 3. Module description

<b>Description</b>	<p>The underlying objective of the course is to provide students with knowledge, the skills and social competences in the field of application of key methods of alternative dispute resolution in business disputes. Students will have acquired knowledge concerning the concept of Alternative Dispute Resolution (ADR) and basic methods of ADR. Upon successful completion of the course, they will have become aware of the importance of the application of ADR in business and, in particular, the significance of ADR for the opportunity to work out a solution in business disputes, which is the best possible solution for entrepreneurs being parties to disputes. The course places an emphasis on the application of ADR methods in international disputes, which arise out of conducting cross – border business activity on the territory of the European Union.</p> <p>The syllabus for the course covers in particular legal aspects of application of mediation, as one of the most important and popular methods of ADR in business disputes. These problems are presented especially from the perspective of solutions adopted in the European Union law, based on the provisions of the Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters, as well as on the basis of the provisions of international law and Polish law. An important part of the course is presentation of information concerning the procedural aspects of mediation, legal character and consequences of the settlement concluded in the mediation procedure. Other major points on the syllabus are the status of the mediator in the mediation procedure, the fundamental rights and duties of the parties involved in the dispute, and mediation contracts in business. Furthermore, students will have acquired knowledge of the legal bases for the use of arbitration as one of the principal methods of ADR in international business disputes in the light of international law. Special attention in this regard is paid to analysis of the regulation of the UNCITRAL Model Law on International Commercial Arbitration.</p> <p>Upon successful completion of the course, the students will have become familiar with specialist legal English vocabulary used in the field of alternative dispute resolution.</p>
<b>Prerequisites</b>	None

### 4. Assessment of the learning outcomes of the module

code	type	description	learning outcomes of the module
LAADRB_w_1	Written exam	Student answers 5 – 8 questions (short open-ended descriptive questions or single-choice closed questions). Questions are structured in such a way as to assess the knowledge, skills and social competences of the students.	LAADRB_1, LAADRB_2, LAADRB_3, LAADRB_4, LAADRB_5, LAADRB_6, LAADRB_7, LAADRB_8
LAADRB_w_2	Oral exam	Student answers 3 questions. Two questions are drafted in such a manner as to assess the knowledge of the student (explanation of a concept, provision of a definition of an issue), and one question drafted in such a manner as to assess the skills and social competences of the student..	LAADRB_1, LAADRB_2, LAADRB_3, LAADRB_4, LAADRB_5, LAADRB_6, LAADRB_7, LAADRB_8

LAADRБ_w_3	Discussion	Students, assisted by the instructor, analyse a problem formulated by the instructor.	LAADRБ_1, LAADRБ_2, LAADRБ_3, LAADRБ_4, LAADRБ_5, LAADRБ_6, LAADRБ_7, LAADRБ_8
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5. Forms of teaching						
code	form of teaching			required hours of student's own work		assessment of the learning outcomes of the module
	type	description (including teaching methods)	number of hours	description	number of hours	
LAADRБ_fs	lecture	The lecturer presents key issues in the field of alternative dispute resolution in business disputes and the opportunities and principles of their application in resolving domestic business disputes and cross – border international business disputes. This type of theoretical introduction is followed by a discussion during which students, assisted by the lecturer, analyse legal issues and problems formulated by the lecturer.	20	Self-study using literature, legal acts and judgments recommended by the lecturer, with a view to gaining theoretical knowledge of the issues assigned discussed during classes.	55	LAADRБ_w_1, LAADRБ_w_2, LAADRБ_w_3