



Capacity Building of the Faculty of Law, University of Montenegro - curricula refreshment, boosting of international cooperation and improving human, technical and library resources (CABUFAL)

WP 4.2 Evaluation of the accredited curriculum and syllabi

REPORT

The new curriculum accredited by the FoL UoM and the individual syllabi of the courses illustrates a great improvement in the Europeanisation of the subject matters taught to the students. New teaching units focusing on EU legislation, ECJ case law and comparative practices have been included in all courses. It is also very clear from all the individual course syllabi that professors have conducted comparative analyses of their courses with similar courses at the leading universities in EU Member States in the region and hence already proposed the addition of the necessary EU elements to the courses. The below comments express suggestions for minor changes and inclusion of topics, which might already be presented to the students during the lectures, but their specific expression in the syllabi is lacking.

Below are the results of the evaluation by the courses:

1. Civil Procedural Law

Comments:

The course focuses on specific civil procedure before the Montenegro courts, which is regulated by the national legislation, therefore there is little room for Europeanization. A suggestion would be to include a unit on the recent EU legislative developments in this field.

2. Commercial Law

Comments:

The course focuses on specific commercial law contracts which are regulated by the national legislation, therefore there is little room for Europeanization. A suggestion would be to include some comparative examples of such contracts in other EU MS, if this is not already done through the lectures.



3. Company Law

Comments:

This course focuses on business entities as regulated by national legislation, therefore there is little room for Europeanization of the course. A suggestion would be to put some attention to entities that have partners/stakeholders from other EU MS and how does that affect the organization and the functioning (questions of responsibility) of such organizations. Some further attention could also be given to mergers and acquisitions with companies in other EU MS. Finally, since corporate social responsibility is becoming a crucial international and European facet of the operation of companies, this should be at least presented to the students.

4. Constitutional Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course. The only addition could be in the field of human rights where not only a comparison with the Constitutional Court and the activity of the ECHR in Strasbourg is presented to the students, but also a comparison is made between the human rights of the Montenegrin Constitution and the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights and Fundamental Freedoms.

5. Copyright Law and Industrial Property Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

6. Criminal Law I – General Part

Comments:

The suggested amendments by the professors already introduce the European element to the syllabus of this course, as this course is the general part of the criminal law course. The description of the introduced new topics could be more detailed. A good understanding of the common European strategy in criminal law and the criminal law harmonization efforts would be required from the students at this stage. Additionally, the external dimension of EU action in criminal matters could be addressed.

7. Criminal Law – Specific Crimes



Comments:

The suggested amendments by the professors introduce the study of organized crime as an important European element to the syllabus of this course. Specific forms of organized crime, such as terrorism, money-laundering, corruption etc. should be addressed as part of this course, since these are the focus areas of the European criminal law.

8. Criminal Procedural Law

Comments:

The syllabus already includes proposals by the professors to introduce the European criminal procedure law elements, however the description of the introduced new topics could be more detailed. A focus on the following would be necessary within the proposed Europeanization:

- mutual recognition in criminal matters and EU Arrest Warrant;
- action by EU bodies facilitating police and judicial co-operation – such as Europol, Eurojust and OLAF; and
- access to personal databases in EU MS for cooperation in law enforcement matters

9. Criminalistics

Comments:

The European element if this could be the inclusion of the issue of protection of personal data and access to EU personal data databases by the law enforcement bodies from the perspective of criminal forensics.

10. Family Law

Comments:

The suggested amendments by the professors already introduce the European element to the syllabus of this course.

11. Financial Law

Comments:

As the course focuses on taxation and budget management, the suggested amendments by the professors already introduce the European element. However, as the title of the course suggests maybe some units on EU Financial Regulation, on the common market for financial services and the harmonization process, and on the EU financial services authorities could be included.



12. General Theory of Law

Comments:

Another addition, as to those proposed by the professors, could be the illustration of the relationship between the discussed units in the course and the European Union as a supranational entity with lawmaking power. What is the position and role of the EU from the perspective of the general theory of law and its relationship to natural and positive law?

13. History of State and Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

14. Inheritance Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

15. International Business Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

16. International Private Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course. Additionally, the following issues could be specifically addressed: Brussels II Regulation, European Enforcement Order, European Small Claims Procedure and the Payment Order.

17. Introduction to Civil Law

Comments:



The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

18. Law of Obligations

Comments:

The course focuses on specific obligations which are regulated by the national legislation, therefore there is little room for Europeanization. The modified learning outcomes sufficiently identify the European element, however the units that give the students this knowledge could be included in the syllabus itself.

19. Maritime Law

Comments:

The suggested amendments by the professors introduce some European element to the syllabus of this course, however the European element of the existing course structure could be more pronounced with an additional focus on the role of the EU in regulating the maritime transport, monitoring the implementation of the EU maritime framework and on the work of the European Maritime Safety Agency.

20. Notarial Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

21. Property Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

22. Roman Law

No amendments necessary.



23. General Sociology and Sociology of Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

24. The Basis of Economic Policy

Comments:

The course as such should already contain the European element, as it is necessary to address the European integration as part of the European economic policy. Thus discussions about the EU market, EU fiscal policy, the EU Monetary Union, the role of the EU Central Bank and the EU trade policy should be part of the existing units of the course.

25. Labour Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

26. International Law on Human Rights

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.

27. Administrative Law

Comments:

The suggested amendments by the professors already significantly introduce the European element to the syllabus of this course.