

Code	Course title	Language	Study cycle	Course duration	credits	Number of hours		Lecturer e-mail
						lectures	work load	
	Supranational Constitutionalism	English	BA MA PhD	Winter	5	45	150	Assoc.Prof.Martin Belov martinbelov@yahoo.com

Short description of the course :

The course “Supranational Constitutionalism” aims at introducing the fundamental concepts, paradigms and normative ideologies concerning the global and supranational constitutionalism in general and the EU constitutionalism in particular. It provides an analysis of both the theoretical background and the legal basis for the emergence and development of supranational and global constitutionalism.

The first part of the course (questions 1-9 of the synopsis) is devoted to the theory of supranational and global constitutionalism. The course commences with presentation of the concept of constitutionalism in its classical and traditional version. On that basis some post-Westphalian concepts such as multilevel constitutionalism and global constitutionalism are presented. The multilevel constitutionalism and the constitutional pluralism as the two main scientific paradigms striving at explanation of the current processes of vertical pluralization of the public power leading not only to proliferation of the power levels but also inducing structural changes in the power scheme and the constitutional geometry are going to be explained.

The main trends and issues in the development of constitutionalism on sub-national, national, supranational and global level produced by the globalization are going to be discussed. The challenges to the Westphalian constitutionalism produced by the emergence of supranational and global constitutionalism are going to be presented. Special emphasis will be put on the crisis of hierarchy as explanatory and normative paradigm with important implications on the system of sources of law and the institutional systems of the states and the EU. The emergence of financial constitutionalism on EU and global level as one of the main novelties in the constitutional law domain during the last years will also be presented. Last but not least, the limitations to the development of supranational and global constitutionalism are going to be critically analyzed.

The second part of the course (questions 10-23 of the synopsis) is devoted to the EU as an organization with developed supranational constitutionalism. The institutional design of the EU, the specific features of its constitutional infrastructure as well as key challenges to its adequate functioning are going to be presented. The constitutionalism of the EU is analyzed in the context of the challenges created by the global constitutionalism and the global governance, from the one side, and by the reemergence of the nationalism, on the other hand.

The challenges to constitutional democracy created by the emergence of EU supranational constitutionalism as well as of global constitutionalism are differentiated into three groups. The first group comprises challenges stemming out of the crisis of representation and the crisis of party democracy. The classical concepts of representative, direct, participatory and deliberative democracy will be explained in the light of the debate on the democratic deficit in the EU. The impact and the role of the direct democracy on the EU integration will be thoroughly examined. Special emphasis will be put on

three types of referenda: referenda for ratification of reforms of the primary EU law, referenda for EU membership or EU secession and referenda for key policies (e.g. migration or financial policies). In that regard also the Brexit referendum and its consequences on the future of Europe will be analyzed and discussed.

The second group concerns the challenges produced by deficiencies in the institutional design of the EU. The accent will be put on the relations between Parliament and government in the multilevel constitutionalism of EU as well as on the emergence of deparlamentarisation and executive federalism which, according to some authors, may even lead to post-parliamentarism.

The third group of issues, which is intrinsically interconnected with the first two groups of problems, tackles the challenges stemming out of expert based models of governance. The analysis here concentrates on agencification, comitology and the increased political role of courts having its projections in phenomena such as judicial dialogue, judicial cross-fertilization and jurisprudential shaping of the constitutional identity. Finally, the constitutional future of the EU is going to be discussed.

	Comparative Constitutional Law	English	BA MA PhD	winter	5	45	150	Assoc.Prof .Martin Belov martinbelov@yahoo.com
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Short description of the course :

The course “Comparative Constitutional Law” aims at presenting to the students the main concepts, paradigms and trends with regard to the institutional design of the modern constitutional systems in comparative legal perspective. The course is based on institutionalist approach while at the same time taking into account the socio-legal context in which the constitutional institutions are allocated as well as their functional proximities. The course is devoted to the presentation of the historical origins, the current legal outlook and the contemporary challenges and trends of the comparative constitutional design. The teaching will be focused predominantly on the EU member states. However some of the most important or most interesting non-EU constitutional systems such as the US, the Russian and the Swiss systems will also be taken into consideration.

The course commences with presentation of the form of governance and the form of territorial distribution of power as constitutional models for distribution and allocation of public power and constitutional functions and competences among constitutional institutions. The absolute, constitutional, constitutional-parliamentary and parliamentary monarchies as well as the elective and hereditary monarchies will be explained. The same holds true for the different forms of the republic – the parliamentary, hybrid parliamentary, semipresidential, presidential and superpresidential republics.

Furthermore the different forms of unitary states and federations are going to be explored. The unitary state with local self-government, the unitary states with regionalism, autonomies and devolution as well as the symmetric and asymmetric, competitive and cooperative, centralized or typical federations are going to be presented. The comparative analysis of the different forms of government and forms of territorial distribution of power will be preceded by the explanation of the typical characteristics of each of these constitutional models. The presentation of the framework outlook and the comparative classification will be exemplified with the most typical examples that illustrate the specificities of each of the constitutional prototypes.

The second part of the course is devoted to the comparative presentation of the most important state institutions as well as of the institutions of the public sphere. The constitutional instruments for citizens’ participation and political engagement of the citizens – forms of direct democracy, elections and

political parties will be analyzed. Comparative classification of the forms of direct democracy (citizens' initiatives, referendums etc.) as well as the electoral systems will be provided.

Furthermore the comparative institutional design of the central institutions of the state – the Parliament, the government, the head of state and the institutions for constitutional control – will be explained in detail. The emphasis of the teaching will be put on the status, structure, functions and competences of these constitutional institutions. The constitutional reception and transplanted of institutions, principles and ideas via “judicial dialogue” and “judicial cross-fertilization” and the use of comparative legal arguments and foreign judicial practice by the Constitutional Courts will also be explored. Attention will be given also to the problems of the constituent power and the comparative models for constitutional amendment.

Last but not least, the constitutional features of the EU will be analyzed. This will be done in the context of the debates on the supranational and global constitutionalism and on the constitutionalization of the international law. Special emphasis will be put on the different scientific paradigms and constitutional models for explaining the emergence and development of EU constitutionalism (e.g. multilevel constitutionalism and constitutional pluralism). The uneasy interplay between federalist tendencies and democracy and rule of law in the EU will also be addressed.

	Roman Private Law	French, Italian	BA MA	Summer	5	45	150	Prof. Dr.Scient. Malina Novkirishka mnovkirishka@abv.bg
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Short description of the course:

Droit romain privé. On présente les institutions du droit romain privé concernant le droit des personnes, droit de famille, droits réels, les obligations et les contrats, l'hérédité et la procédure civile. Le cours est tenu individuellement avec les étudiants d'Erasmus qui rédigent une thèse sur un thème selon le plan des études.

	Roman Public Law	French, Italian	BA MA	Summer	5	45	150	Prof. Dr.Scient. Malina Novkirishka mnovkirishka@abv.bg
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Short description of the course:

Droit romain public. On présente les différents aspects de droit public romain) organisation du gouvernement et de l'administration, droit militaire, droit et procédure pénale, droit fiscal, droit sacré, droit internationale, procédure civile. Le cours est tenu individuellement avec les étudiants d'Erasmus qui rédigent une thèse sur un thème selon le plan des études.

	Modul/Veranstaltung: Europäisches Strafrecht	German	BA MA	winter	5	45	150	Prof Plamen Panayotov pan@vip.bg
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Short description of the course:

Umfang: 45 akademische Stunden Vorlesungen.
Studiengang: Rechtswissenschaften.

Lehrstuhl: Strafrecht.

Lehrstuhlinhaber und Dozent: Prof. Dr. Plamen Panayotov.

Art der Bewertung: mündliche Prüfung.

Annotation:

Das Strafrechtssystem des jeweiligen EU-Mitgliedstaates hat als grundlegende Quellen Normen des positiven Rechts aus drei Rechtsordnungen: nationales Recht, Völkerrecht und Recht der Europäischen Union.

Die Veranstaltung bietet die Möglichkeit einer eingehenden Auseinandersetzung mit dem Strafrecht der Europäischen Union.

Veranstaltungsplan:

Thema 1. Kompetenz der EU auf dem Gebiet des Strafrechts - 5 Stunden.

Thema 2. Der Begriff des Europäischen Strafrechts. Primäres und sekundäres Europäisches Strafrecht – 6 Stunden.

Thema 3. Grundbereiche der strafrechtlichen Kompetenz der EU – 18 Stunden.

Thema 4. Grundsätze bei der Anwendung des EU-Rechts auf dem Gebiet des Strafrechts - 8 Stunden.

Thema 5. Hauptformen der Beeinflussung des nationalen Strafrechts durch das EU-Recht – 8 Stunden.

	European Private International Law	English	BA MA	winter	5	45	150	Assoc.Prof.:Borjana Musseva borianamusseva@gmail.com
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Short description of the course:

This course analyzes the rules of private international law, including the conflict-of-laws rules and the rules of international civil procedure, to be found in EU. It aims to provide the students with basic knowledge about the judicial cooperation in civil matters between the authorities of EU Member States. This cooperation seeks to eliminate the obstacles deriving from the incompatibilities between the various legal systems, and thus facilitate access to justice. It contributes to the area of justice, freedom and security, as governed by the Treaty on the Functioning of the European Union.

Within the subject there are different topics to be considered, especially the rules on international jurisdiction, the regulation of conflict of laws, the recognition and enforcement of foreign judgments and the procedure of service of documents and taking of evidence. The topics are taught from the point of view of the Law of the European Union. In doing so references are made to the Bulgarian legal framework, as well as to the case law of the European Court of Justice.

	Public Finance. Financial Management and Control of EU Funds.	English	BA MA PhD	winter	5	45	150	Dr.Savina Mihaylova s.mihaylova@law.uni-sofia.bg
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Short description of the course:

The Course aim is to provide students with basic knowledge on the Public Finance of the European Union and Financial Management and Control of EU Funds, financial system of the European Union and the coordination between European financial system and financial systems of the Member States, giving best practices and examples from Bulgaria and the rest member states. The course of lectures provides knowledge on the functioning and legal regimes of the Public Finance. **Public relations which arise, develop and are settled within the system of Public Finance and financial system of the European Union, including the Financial management and control of EU Funds are hence presented from two points of view: (1) as an aggregation of public legal relations related to management and control; (2) as the sum of state authorities carrying out financial activities. The aim is to provide both theoretical and practical knowledge, including knowledge on the case law of the EU court.** *The best practices of public investments in projects, funded by EU funds in Bulgaria are provided at the end.* The main objective of the course is to empower students in better understanding of the legal and institutional framework of the EU financial system and Public finance. The course provides students with systematized knowledge, skills, experience and ability to act, in both theoretical and practical aspect. The course fosters the accumulation of theoretical knowledge and the development of practical skills by employing a variety of methods, means and resources aimed at achieving quality education. The use of public funds provided by European Funds, including European Structural and Investment Funds (ESIF) is an alternative to traditional financing methods. It must be noted that the Cohesion policy is more than a simple transfer of European funds or an allocation instrument. During the new programming period of 2014-2020 it will act as an important coordinating instrument for the achievement of common European objectives, the implementation of those objectives by Member States with the participation of partners at **all management levels. Transparent public finances and a clear vision for the overall development of the country is necessary in all areas.** The new Cohesion Policy rules require unconditional adherence to strict budget discipline by all constitutional players participating in the financial system of the each member state. In theory, **the coordination of common European objectives** at European level is reflected in the Europe 2020 Strategy. Strategy implementation is supported by the Multiannual Financial Framework for 2014-2020 (i.e. the budget for Europe 2020), the expenditure side of which determines EU funds contributions. As for coordination between individual Structural and Investments Funds at European level, this has already been achieved through the adoption of the Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013. This Regulation reflects Europe 2020 through the 11 thematic objectives to be addressed by the funds. As for individual Member States, national-level **coordination with common European and national objectives should be achieved by means of the Partnership Agreement and the individual programmes. Shared management** (Article 4 of the Treaty on the Functioning of the European Union – TFEU; the financial regulation and sectoral regulations) presumes **coordination of management of EU funds** between all responsible institutions, strengthening of administrative capacity and good management. Within the frame of the course will be consistently reviewed: the assessment of conformity with legislation in the field of state aid and implementation of the state aid regime; public procurements, irregularities and *financial corrections* applicable to expenditure financed by the Union under *shared management in the case of non-compliance with the rules on public procurements.* Also The role of financial and credit institutions in the absorption of ESI funds. Financial instruments under ESIF. Synergies of Juncker Plan/EFSI and ESI funds, because so called “blending” will be the tool of Cohesion policy implementation.

	Issues of Modern Jurisprudence	English	BA MA	Winter summer	5	45	150	Dr. Dilyan Nachev <u>dilyan.nachev@yahoo.fr</u>
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Short description of the course:

The “Issues of Modern Jurisprudence” course tends to introduce students to several major writers in legal theory, such as, Hans Kelsen, H.L.A. Hart, Ronald Dworkin, John Finnis, Lon Fuller and some of their best-known ideas and theories. It has for main purpose to help law students develop the ability to analyze and to think critically about the law. The course tries to answer some of the ever-lasting central questions of Jurisprudence, e.g. “What is Law?”, “What is the purpose of the Law?”, “How do judges solve legal cases?”, “What different sorts of legal standards exist and what are the main criteria of distinction?” etc.

	Theory and Constitutional Organization of Public Power	English	BA MA	Winter summer	5	45	150	Dr. Simeon Groysman <u>s.groysman@abv.bg</u>
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Short description of the course:

This course aims to provide students with a strong foundation in understanding of main concepts of Public Power, as well as with knowledge of the fundamental legal principles and sources of Constitutional Law. The course has the purpose to stimulate discussions among students about the comparison of national legal systems.

	European Union Tax Law	English	BA MA	Winter	5	45	150	Assoc. Prof. Evelina Dimitrova evdimitrova@yahoo.com
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Short description of the course

EU Tax Law is a programme with a focus on either direct taxation, indirect taxation and State Aid in the field of Taxation. This programme is designed to provide the students with a broad and in-depth knowledge of EU Tax Law, giving them a firm grasp of key European case law and fundamental legal concepts. At the same time, the students will develop an insight into the relationships and interactions between different aspects and concepts of EU Tax Law. The courses included in the programme are: Introduction to Taxation and the Internal Market; EU Competences, Institutions and Procedures in the Field of Taxation; General Principles of EU Law; Direct Tax Coordination and Harmonisation: analysis of the steps undertaken to harmonise European fiscal system; EU Directives in the Field of Taxation; Coordination of Tax Policies within the EU; The Role of the Fundamental Freedoms; Indirect Tax Coordination and Harmonisation; Fiscal State Aid; Current Issues in EU Tax Law.

	Constitutional Review within EU	English	BA MA	Winter summer	5	45	150	Prof.Mariana Karagyozeva-Finkova marf@mail.orbitel.bg
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Short description of the course:

The aim of this course is to introduce graduate students to the main models of Judicial/Constitutional Review and the assessment of judicial/constitutional decision-making of the respective courts. While the bulk of the course will focus on the European model of Constitutional Review and the ECJ as a constitutional jurisdiction, some time will be devoted to the U.S. Supreme Court, the mixed model and the Bulgarian Constitutional Court/CC/.

The lectures have as a basic purposes to make students well aware about general features of the American & European models of Constitutional Review and the ongoing convergence trend, about the possible future of the ECJ under the new Treaty for the Constitution for Europe as well as to develop skills to deal with the broader field of constitutional jurisprudence of the Bulgarian CC.

Each student is required to write a 15-20 pages paper on some topic related to the models of Judicial/Constitutional Review.

Students can undertake an independent research work on one more topic / different from the basic research paper/within the field for some additional credits

Classroom participation, including oral presentations will be taken into account when determining final grades

	Bulgarian “Ombudsman” and the role of the institution in a democratic society	English	BA MA	Winter summer	5	45	150	Prof.Mariana Karagyozeva-Finkova marf@mail.orbitel.bg
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Short description of the course:

The aim of this course is to introduce graduate students to the new institution of Bulgarian constitutional construction- the “Ombudsman” and the role the institution has to play in a democratic society. While the bulk of the course will focus on the constitutional and legislative arrangement of Bulgarian Ombudsman, some time will be devoted to history of the European model of Ombudsman, as well as to the role and powers of the EU Ombudsman.

Classroom participation and the oral exam will be taken into account when determining final grades.

	Refuge Law	English	BA MA	Winter summer	5	45	150	Prof.Maria Slavova mgslavova@gmail.com
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Short description of the course:

The course emphasizes on academic study and professional training through inquiry into the core areas of the matter of refuge legal status: intellectual, spiritual, physical, emotional, community and creative expression. Faculty and students work together closely, creating a dynamic learning environment that encourages the best available academic training. The learning is distinguished by its practical goals and successful exercise of the rights and duties of Bulgaria as an EU member in the sphere of the refuge and asylum law and correspondingly provides skills for the implementation of specific EU law and the functioning of the judiciary and the role of EU national enforcers. As the world faces the largest refugee crisis since World War II, it is necessary to confront this emergency by knowledge and skills to tackle these daily realities.

International and Global Affairs	English	BA MA	winter	5	45	150	Dr.Mira Kaneva mirakaneva@yahoo.com
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Short description of the course:

The course of lectures follows two directions: first, it outlines a theoretical overview of the seminal theoretical concepts in international studies (basic phenomena such as *power, state sovereignty, identity, borders, human rights, democracy, norms and institutions*), and, next, it stretches out to global processes with *global justice, proliferation, conflicts, negotiation, integration, development and security* being only the fundamentals.

The course is based on *the intersection of the state-centric (international) and non-state (global) view on transnational affairs*. It, therefore, prepares students to understand the complex workings of the global networked society so that they could craft effective solutions from the messy clutter of real-world problems.

The course targets students who are oriented towards social sciences without conditioning whatsoever prior theoretical competence except curiosity.

The course aims at the contextualization of abstract terms through relevant case studies whose research and presentation is open to the students' individual preferences.

Human Rights' Protection in the International, National and EU Law	English	BA, MA	summer	5	45	150	Prof.Evgeni Tanchev tancheve@gmail.com
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Short description of the course (in the foreign language)

This course aims at providing the students with knowledge pertaining to the different mechanisms for human rights' protection on the different levels of the emerging global constitutionalism. Both the substantive and procedural dimensions of the human rights are explained with view to the international law, EU law and the national legal systems.

After brief introduction in the main concepts and notions of the human rights' theory a general scheme of the human rights' protection mechanisms will be presented. Then the human rights' guarantees in the framework of the UN, Council of Europe and the EU will be analyzed and compared. A special emphasis will be put on the practice of the European Court for Human Rights in Strasbourg as well as of the Court of the EU. A comparison between the national systems for human rights' protection will be accomplished.

Center of the discussion here will be the human rights' protection in front of the constitutional jurisdictions. Hence mechanisms such as the constitutional complaint as well as the actio popularis will be presented. Finally, a brief overview of the Bulgarian human rights' protection system will be made.

Multilevel Constitutionalism

English

BA,
MA

summer

5

45

150

Prof.Evgeni Tanchev
tancheve@gmail.com

Short description of the course

2. Multilevel Constitutionalism.

The multilevel constitutionalism is one of the main explanatory paradigms for the emergent supranational constitutionalism and constitutionalization. The course will first explain the difference between the multilevel constitutionalism and the constitutional pluralism as two competing concepts for the explanation of the European integration and the emergence of supranational constitutional regimes at the beginning of the 21st century. Afterwards the multilevel constitutionalism of the EU will be analysed in detail.

Comparative Contract Law

English

BA,
MA

winter
summer

5

45

150

Dr.Dimitar Stoyanov;
dimitarstoyanov2011@gmail.com

This course is intended to provide students with an elaborate introduction to contract law from a comparative perspective. The main aim of this course is to present the notion of a contract, its elements and the legal consequences of its conclusion, comparing several national legislations. This course will emphasize upon core concepts of contract law in European legal systems (France, Italy, Germany, Eastern European countries, generally referred to as "civil law legislations") and compare it to Common law legislations. Thus, it will point out similarities and differences between them in an attempt to establish functional equivalents and the level of mutual influence. The course will end with a brief overview of recent international attempts to achieve harmonization on the field of contract law.

European Standards on Criminal Investigation: EctHR Jurisprudence

English

BA,
MA

summer

5

45

150

Dr.Zdravka Krasteva, PhD
zdravka.krasteva@gmail.com

Short description of the course

This course focuses on advanced topics of criminal investigation from a human rights perspective. Major topics of criminal investigation are discussed through the study of jurisprudence of the European Court of Human Rights:

- the State's obligation to conduct an effective official investigation into the violations of the fundamental rights and freedoms of individuals;
- problems with the institution of the pre-trial proceedings in cases of police violence, domestic violence and hate crimes;
- requirements for the independence of investigative bodies in the light of the ECHR;
- investigative versions and planning of the investigation as a means of achieving European standards for effective official investigation;

- the use of force and weapons in compliance with the right to life (Article 2 of the ECHR) and the prohibition of torture (Article 3 of the ECHR);
- the procedural and tactical organization of searches and seizures and other coercive techniques for establishing evidence in the light of the prohibition of torture (Article 3 of the ECHR), the right to respect for private and family life (Article 8 ECHR), the right to property (Protocol No 1 to the ECHR), the right to a fair trial (Article 6 ECHR) and freedom of expression (Article 10 of the ECHR).
- interrogation of the accused and interviewing of witnesses in the light of the prohibition of torture, the right to a fair trial and the privilege against self-incrimination;
- Forensic medical examination seen through the lens of the European standards for effective official investigation of crimes.

Cross-Border Consumer Contracts	English	BA, MA	winter summer	5	45	150	Dr. Dafina Sarbinova dafina.sarbinova@gmail.com
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The purpose of the course is to give detailed knowledge to students on the EU legal framework and practice on the law applicable to cross-border consumer contracts, the rules as to court's jurisdiction to hear disputes on such contracts, and recognition and enforcement of judgements relating to such contracts. The cornerstone as to what law applies to a contract generally and as to which courts are competent on disputes relating to contracts, is the choice of the parties (the so called "party autonomy" principle, having both substantive and procedural aspects). This principle however is subject to restrictions in the context of consumer contracts. The purpose of the restrictions is to protect the weaker party under the contract (i.e. the consumer). The general conflict of laws rules have neutral character, in the sense that they do not specifically contemplate that one of the parties (i.e. consumers) may typically possess less expertise and experience compared to their professional business counterparty. Such general rules therefore do not provide any specific protection to consumers. This is why, EU law has provided consumers - as the weaker party to the contract, with specific protection in the field of private international law. In particular, consumers may sue in their home Member State (where consumers are domiciled) a foreign counterparty - e.g. a professional. Consumers may furthermore rely on the protection of their home Member State law despite professional counterparties' practice to choose another law convenient to them - in the general terms and conditions presented to consumers. . Attempts also exist to reinforce consumers' rights as to enforcement of judgements abroad. There are furthermore projects on alternative dispute resolution tools in cross-border consumer cases. The course will examine the broad spectrum of specific aspects of the private international law to cross-border consumer contracts. The focus of the course will be on the EU laws establishing special rules in the said area to protect consumers. The following specific topics will be covered by the course:

- (i) modern principles and trends in reshaping traditional conflict of laws and jurisdiction selection rules to protect the weaker party to a contract;
- (ii) determining court jurisdiction in matters related to consumer contracts and conditions triggering protective jurisdictional rules under the EU Brussels Ia Regulation; relevant case law of the Court of Justice of the European Union;
- (iii) determining the law applicable to consumer contracts under the EU Rome I Regulation; conflict of laws rules protecting consumers in the event of choice of law and in the event of absence of such choice;
- (iv) mandatory rules under EU directives protecting consumers which override any choice of law of a non-EU Member State; distinguishing mandatory rules of law protecting consumers from rules that parties cannot derogate from by agreement;
- (v) recognition and enforcement of judgements related to consumer disputes;

other means of effective consumer dispute resolution – class action in cross-border consumer contracts; alternative dispute resolution in cross-border consumer contracts; online dispute resolution tools to e-consumer contracts.