

Studia commercialia Bratislavensia

Vedecký časopis Obchodnej fakulty Ekonomickej univerzity v Bratislave

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Úloha univerzít v príprave študentov na problematiku udržateľného rozvoja

Katarína Chomová¹

The role of universities in preparing students for sustainable development

Abstract

Raising public awareness of the challenges of sustainable development, as well as their urgency to put new solutions into practice, contrasts with limited progress in integrating sustainable development in universities and curricula. Although many universities, especially under the pressure of both the internal and external environment, are aware of their role in educating students towards the practical promotion of sustainable development, change is coming very slowly. The biggest barrier is the fact that the orientation of the university towards sustainability requires innovative teaching methods aimed mainly at supporting critical thinking, interdisciplinary approach, integration of practice (not only companies but non-government organisations, local community, etc.). Such a dynamic learning process promotes the meaningful integration of sustainability competencies, which help students to make active changes in society and not to be just passive recipients of information.

Key words

Education, universities, sustainable development, transformation

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Úvod

Jedným z významných fenoménov súčasnosti je rastúce povedomie o degradácii životného prostredia, sociálnej nerovnosti a ekonomickej nestabilite (Vasil'ová, 2013). Environmentálna, spoločenská i ekonomická zodpovednosť spolu s pojmami udržateľný rozvoj či udržateľnosť sa stáva témou nielen korporátnych stratégií a spotrebiteľského rozhodovania, no taktiež univerzitných iniciatív, projektov, vzdelávacích a študijných programov.

Vzdelávanie o udržateľnom rozvoji na univerzitách získava neustále zvyšujúcu pozornosť aj v rámci výskumných projektov a vedeckých článkov. Vo veľkej miere sa zhodujú na tom, že miera integrácie témy o udržateľnom rozvoji je na univerzitách nedostačujúca a je potrebné prehodnotiť proces učenia s cieľom zvýšenia porozumenia študentov o tom, aké drastické následky pre ľudský život môže mať nadmerné využívania planéty s obmedzenými zdrojmi.

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Spoločne prijímaná definícia udržateľného rozvoja pochádza z Brundtlandskej komisie: „rozvoj, ktorý spĺňa potreby súčasnosti bez toho, aby bola ohrozená schopnosť budúcich generácií uspokojovať svoje vlastné potreby“ (WCED, 1987).

Do popredia sa teraz dostávajú otázky, aký je najvhodnejší spôsob integrácie tém o udržateľnom rozvoji do študijných osnov, aké existujúce bariéry môžu brzdiť postup integrácie a aké sú predpoklady jej úspechu. Ďalšou otázkou je ako motivovať vedenie univerzít, aby sa otázkou udržateľnosti začali vážne zaoberať a ako vysvetliť dôležitosť tejto témy v očiach konzervatívnejších akademikov.

Začlenenie vzdelávania o udržateľnosti do študijných programov spôsobí lepšie pochopenie rôznych globálnych problémov týkajúcich sa udržateľného rozvoja, ako sú: extrémna chudoba, ľudské práva, globalizácia, otázky rovnosti, profesionálna etika a výzvy týkajúce sa ochrany životného prostredia. Takéto vzdelávanie si však vyžaduje inovatívne spôsoby výučby, ktoré však pomôžu študentom pomôcť lepšie reagovať na skutočný svet a jeho problémy, lepšie pochopia svoju úlohu globálnych občanov a svojej globálnej sociálnej zodpovednosti.

1 Metodika práce

Cieľom príspevku je priniesť najnovšie poznatky o spôsoboch a metódach integrácie problematiky udržateľného rozvoja do univerzitného prostredia a to predovšetkým na univerzity so zameraním na humanitné a spoločenskovedné disciplíny.

Z výskumných metód sme použili predovšetkým analýzu dokumentov. Systematické prehľadávanie dokumentov sme uskutočňovali prostredníctvom databázových portálov: Web of Science a Google Scholar prostredníctvom vyhľadávania kľúčových slov „university“, „higher education“, „sustainability“ a „sustainable development“ so zameraním na články publikované v posledných rokoch. Ďalšie metódy sú metóda analýzy, komparácie. Použité metódy neboli kvantifikované prieskumom, ten sa práve spracúva a bude využitý v ďalších autorkiných článkoch.

2 Výsledky a diskusia

Každá zmena vo vzdelávaní si vyžaduje angažovanosť fakúlt a akademických pracovníkov. Len s ich úsilím, motiváciou a inovatívnymi nápadmi sa môže táto zmena uskutočniť. Príklady univerzít či jednotlivých fakúlt, ktoré zmenili celé svoje zameranie (kurikula) s orientáciou na udržateľnosť sú pomerne obmedzené (Von Blotnitz a kol., 2015). Podľa Krizeka a kol. (2012) ide o úsilie nadmerne angažovaných akademických pracovníkoch, i keď je podľa neho otázne, do akej miery sú oboznámení s touto témou a tým do akej miery sú kompetentní učiť o udržateľnom rozvoji.

Podľa Muldera a kol. (2012) je najlepšia kombinácia oboch stratégií (reforma osnov -curriculum a individuálne špecializované kurzy). Takáto kombinácia bola označená ako najviac vyhovujúca, pokiaľ ide o implementáciu problematiky udržateľného rozvoja na univerzity.

Univerzity na celom svete majú strategickú úlohu, podporovať vzdelávanie v oblasti udržateľného rozvoja a zabrániť tak globálnemu kolapsu (Ferrer-Balas a kol., 2009; Moore, 2005). Výučba, výskum, publikačná činnosť a vzťahy s miestnymi komunitami by mali byť integrované tak, aby čo najviac odrážali zásady udržateľnosti. Podľa Filha a kol. (2015) okolo 600 univerzity z celého sveta prijali túto novú víziu vzdelávania so zameraním na udržateľnosť.

2.1 Integrovanie udržateľného rozvoja na slovenských univerzitách

Klimková (2017) uskutočnila obsahovú analýzu dokumentov vybraných študijných programov učiteľstva, ktorá ukázala:

1. kompetenciám pre udržateľný rozvoj nie je všeobecne venovaná pozornosť;
2. sú zrejmé zásadné medzery a nedostatky univerzitnej praktickej profesijnej prípravy učiteľov smerom k udržateľnosti, čo predstavuje bariéry pre jeho realizáciu v školskej praxi.

Podľa Klimkovej (2017) napriek pomerne dlhej tradícii environmentálne orientovaných odborov v krajinách strednej a východnej Európy sa ukazuje, že koncept „Education for Sustainable development“ sa v slovenskom kontexte skôr neujal. Ako konštatujú niektorí odborníci a teoretici, príčina, prečo je to tak, bude ukrytá v tom, že ide o fundamentálne nový typ vzdelávania, transdisciplinárny, otvorený. „Komplexné spoločenské problémy si vyžadujú hybridné riešenia“ (Vladyková, 2015), čo predpokladá neustále diskurzy a spoluprácu uskutočňovanú naprieč prírodnými, spoločenskými a humanitnými vedami a praktickou sférou občianskej spoločnosti. Ide o vzdelávací koncept (svojou povahou interdisciplinárny), ktorý je pomerne náročné transformovať do konkrétnych vzdelávacích a študijných programov a ktorý kladie vysoké nároky na rozmanité kompetencie vyučujúcich, súvisiace s tvorivosťou a rozvojom kognitívnych schopností oveľa viac, než s teoretickou odbornosťou. Zároveň to predstavuje výzvu a požiadavky implementovať do prípravy učiteľov koncepty udržateľnosti a udržateľného rozvoja pre všetky študijné programy (Klimková, 2017).

Klimková (2017) empirickou sondou zistila, že projekt udržateľnosti je v súčasnosti vo vysokoškolskom vzdelávaní na Slovensku ukotvený a aplikovaný výlučne v curriculum niekoľkých environmentálnych študijných programov.

Je zrejmé, že vzdelávanie pre udržateľný rozvoj je v kompetencii prírodovedných, alebo technických študijných programov. V humanitných a spoločenskovedných disciplínach na Slovensku je skôr okrajovou záležitosťou, alebo formálne deklarovaným doplnkom, čo predstavuje pre hodnotovú orientáciu súčasnej a budúcej generácie vážne konzekvencie (Klimková, 2017).

2.2 Transformácia vysokoškolského vzdelávania

Na základe Sterlinga (2011) sa zmena vo vzdelávaní o udržateľnosti môže vykonávať na troch úrovniach, od slabej po silnú integráciu konceptu udržateľnosti.

Prvá úroveň: Cieľom je „robiť veci lepšie“ a zlepšovať existujúce systémy bez toho, aby sa spochybňovali predpoklady a „hodnoty“ študenta. Podľa Sterlinga (2011) predstavuje väčšina výučby na univerzitách túto úroveň. Cieľom je skôr prenášať vedomosti, ako spochybňovať paradigmy alebo hodnoty študentov.

Druhá úroveň si rovnako kladie za cieľ „robiť lepšie veci“. Od študentov sa už ale vyžaduje, aby kriticky prehodnotili svoje hodnoty a prípadne ich mohli aj zmeniť. Toto je výzvou pre študenta, ktorý musí brať do úvahy všetky informácie, vrátane toho, čo sa predtým naučil. Vyžaduje si od študenta schopnosť kriticky myslieť.

Tretia úroveň je ešte náročnejšia: Sterling (2011) to popisuje ako „videnie vecí inak“ a zahŕňa zmenu paradigmy.

Univerzity by mali dôsledne a pravidelne hodnotiť svoje krátkodobé a dlhodobé vyučovacie ciele, ktoré by mali odrážať Sterlingov (2011) trojúrovňový rámec udržateľnosti vo vzdelávaní.

Na základe Sterlingovho modelu a prechodu z prvej na druhú a tretiu úroveň si transformácia univerzitného kurikula smerom k udržateľnosti vyžaduje: (1) prijatie kritického myslenia (Ferrer-Balas a kol., 2009; Howlett a kol., 2016), (2) interdisciplinárne a transdisciplinárne prístupy (Ferrer-Balas a kol., 2009; Moore, 2005; Remi; Sterling, 2011), (3) integráciu teórie a praxe (Moore, 2005) a (4) podporu inovatívneho vzdelávania (Oliveir, 2017).

(1) Kritické myslenie

V novej realite 21. storočia by mali univerzity fungovať skôr ako „reflexné“ inštitúcie rozvíjajúce kritické myslenie a nielen ako vzdelávacie inštitúcie, ktoré prenášajú vedomosti. Howlett a kol. (2016) zdôrazňuje význam kritického myslenia pre udržateľný rozvoj. V literatúre panuje veľká zhoda v tom, že kritické myslenie je schopnosť, ktorej sa možno naučiť (Schafersman, 1991).

Kritické otázky a informačná gramotnosť sú dôležité pre pochopenie zložitosti a neistoty problémov udržateľnosti (Lambrechts, 2016). Význam týchto kompetencií sa zvyšuje hlavne v tomto období, kedy sa dezinformácie a falošné správy šíria prostredníctvom sociálnych médií a veľa občanov na celom svete ich považujú za pravdivé (Peters, 2017).

(2) Interdisciplinárny prístup

Absencia implementácie interdisciplinárneho prístupu integrovaného do učebných osnov, je hrozba, ktorá je identifikovaná v rade štúdií týkajúce sa prekážok integrácie udržateľnosti na univerzity (Dyment, 2015). Korene týchto problémov sa často vyskytujú v tradičnej, rozčlenenej štruktúre univerzity (Savelyeva, 2012) a v jej disciplinárnych hraniciach (Moore, 2005).

Tradičné rozdelenie vied a disciplinárna orientácia na univerzitách odrážajú všeobecnú fragmentáciu vzdelávania, ktoré stále prevláda na všetkých úrovniach vzdelávania a v rôznych výskumných oblastiach a sú v rozpore s požiadavkami vzdelávania, ktoré prispieva k „transformácii spoločnosti pre 21 storočie“. Sebareflexia transformačného potenciálu vysokých škôl a úloha učiteľov a ďalších aktérov zmeny je nevyhnutná, ale nestačí na prekonanie disciplinárnych prekážok. Je teda nevyhnutné začať spoluprácu prebiehajúcu naprieč prírodnými, spoločenskými a humanitnými vedami a s praktickou sférou občianskej spoločnosti.

(3) Integráciu medzi praxou a teóriou

Záujem o trvalo udržateľný rozvoj a spoločenskú zodpovednosť vo vzdelávaní napríklad v obchodných a ekonomických disciplínach je logickým vyústením rastúceho záujmu vrcholových manažérov, marketingových manažérov a podnikateľov o tieto témy (Vasil'ová, 2013). Veľa univerzít deklaruje spoluprácu s praxou, prevažne s firmami, ktorých primárnym cieľom je budovanie svojho public relations či nábor nových pracovníkov. To je samozrejme v poriadku, i keď domnievame sa, že spolupráca s praxou sa dá dosiahnuť aj inak.

Podľa Ferrera (2009) existujú dva spôsoby: spolupráca univerzity s komunitou (firmy, neziskové organizácie, lokálna komunita) alebo sa dá využiť aj prostredie univerzity ako učebné laboratórium (Ferrer, 2009; Wiek a kol., 2014).

Podľa Barbera (2014) ďalším spôsobom, ako je možné prepojiť prax s teóriou je vytvorenie tzv. medziodborových pracovných skupín, ktoré uvedú zoznam problémov, s ktorými sa stretáva komunita a tieto sa stanú témami a projektami, ktoré študenti riešia počas semestra. Študenti môžu vďaka získanej teórii riešiť skutočné projekty (Barber a kol., 2014; Ferrer a kol., 2009; Wiek a kol., 2014). Okrem toho, začlenenie študentov do dialógu s komunitami predstavuje príležitosť naučiť sa a porozumieť rôznym uhlom pohľadu (Too, 2015).

Bamber a Hankin (2011) preferujú zapojenie študentov prostredníctvom miestnej komunity, pretože takáto spolupráca má jasný transformačný potenciál pre študentov, spochybňuje ich vlastné stereotypy a osobné hodnoty. S tým súhlasí aj Sterling (2011), domnieva sa, že zapojenie študentov do projektov v miestnej komunite posúva vzdelávanie na vyššiu úroveň.

(4) Inovatívne vzdelávanie

Podľa Oliveira (2017) existuje súvislosť medzi podporou témy udržateľnosti na univerzitách a ich vzťahom k inováciám vo vzdelávaní a dôležitosťi inovačnej kultúry univerzity. Leithwood a Jantzi (2006) poukazujú na to, že prvé miesta v rebríčku top univerzít dosahujú práve univerzity k pozitívnym vzťahom k inováciám a univerzity, ktoré rýchlo reagujú na zmeny v spoločnosti, teda aj na zmeny orientované na udržateľný rozvoj.

2.2 Akademickí pracovníci

Vo vzdelávacích inštitúciách majú najväčší vplyv na výsledky vzdelávajúcich sa osôb učitelia a školitelia. Pri prechode z tradičnej na novú úlohu univerzít smerom k udržateľnosti, autori často vidia riešenie práve v kvalite výučby a v pridaní zodpovednosti jednotlivých učiteľov v ich už aj tak zložitej práci. Pretože dobrí učitelia vedia študentov inšpirovať a pomôcť im nadobudnúť odbornejšie a relevantnejšie zručnosti. Plnia takisto kľúčovú úlohu v zavádzaní nových metód výučby a vzdelávania a v podnecovaní kreativity a inovácií. (Bask, A. a kol., 2020).

Podľa Thomasa však dôležitú úlohu pri implementácii udržateľného prístupu hrajú individuálne hodnoty akademikov na univerzitách. Tie ovplyvňujú obsah, študijné výsledky a použitú pedagogiku vo výučbe. Hodnoty zohrávajú kľúčovú úlohu v spôsobe, akým akademik bude reagovať na návrhy na vzdelávanie k trvalo udržateľnému rozvoju (Thomas, 2016).

Na druhej strane vrcholné vedenie univerzity by malo oceniť pedagógov s takými hodnotami a tých, ktorí sa podieľajú na modifikácii vyučovacích osnov smerujúcim k udržateľnému rozvoju. Podľa Moora (2005) má veľa univerzít prehnané ocenenia počtu publikácií a vysokoškolské vzdelávanie sa tak dostalo na druhé miesto. Táto skutočnosť je bariérou v transformácii v učení a vzdelávaní pre udržateľnosť.

Podľa Bilodeau je potrebné vytvoriť novú generáciu profesionálov, ktorí myslia a rozhodujú v rámci novej perspektívy smerom k udržateľnosti (Bilodeau et al., 2014; Leal Filho a kol., 2015). Rovnako je dôležité podporiť aj rozvoj kompetencií pedagogických pracovníkov, ktorí už povolanie vykonávajú dlho.

2.3 Študenti

Snaha o presadzovanie princípov trvalo udržateľného rozvoja v praxi a záujem o vzdelávanie v tejto oblasti rastie aj v radoch študentov. I keď veľa štúdií potvrdzuje, že študenti majú veľmi nízke chápanie pojmu udržateľnosť (Chaplin a Wyton, 2014) alebo ho redukujú len na problémy ohľadom problémy životného prostredia, čím strácajú systémový pohľad (Lambrechts, a kol., 2017).

Pokiaľ ide o angažovanosť študentov v oblasti udržateľnosti, je zrejmé, že hodnoty študentov ako aj ich formovanie postojov (Zsoka a kol., 2013) sú dôležité pre udržateľné správanie. Existuje tu však paradox: zatiaľ čo študenti veria, že udržateľné správanie je dôležité, váhajú s osobnými krokmi, väčšinou presúvajú zodpovednosti na iných ľuďoch alebo organizácie (Chaplin a Wyton, 2014) a rovnako prevažuje neochota zmeniť životný štýl alebo sa inak angažovať za zmeny v prospech udržateľnosti.

Zsoka a kol. (2013) uskutočnili výskum v študijných programoch podnikového manažmentu, ktorý je často spájaný len so zameraním na zisk. V rámci výberovej skupiny študentov obchodného manažmentu/marketingu identifikovali štyri rôzne segmenty, z ktorých každý má špecifické vlastnosti a názory smerom k otázkam životného prostredia a udržateľnosti.

Prvý segment (26%) si myslí, že ľudia sú schopní vyriešiť environmentálne problémy. Respondenti v tomto segmente majú záujem o otázky životného prostredia, veľa o nich čítajú a rozprávajú sa. Napriek tomu, sa ale nevyhýbajú nadmernej spotrebe a nešetria energiou. Ich snahy o udržateľnosť sú orientované hlavne na potraviny. Domnievajú sa, že každý by mal prispieť k udržateľnosti. Tento segment možno označiť ako „mierneho riešiteľa problému“.

Druhý segment (22%) je pesimistický ohľadom riešenia problémov ohľadom životného prostredia. Respondenti v tomto segmente sa nezaujímajú o otázky životného prostredia a nie sú ochotní vyvinúť úsilie na dosiahnutie udržateľnosti a neočakávajú to ani od iných ľudí. Tento segment možno označiť ako „pesimistickí neveriaci“.

Tretí segment (36%) je skôr optimistický, pokiaľ ide o možnosti ľudí riešiť environmentálne problémy. Respondenti v tomto segmente nečítajú a ani nehovoria o otázkach životného prostredia, ale vynakladajú úsilie na dosiahnutie udržateľnosti; vyhýbajú sa nadmernej spotrebe, šetria energiu a snažia sa byť trvalo udržateľné. Ďalej si myslia, že každý by mal vynaložiť úsilie ohľadom udržateľnosti. Tento segment možno označiť ako „optimistickí realisti“.

Štvrtý segment (16%) si myslí, že ľudia by mohli vyriešiť environmentálne problémy. Respondenti v tomto segmente majú veľký záujem v otázkach životného prostredia a čítajú a rozprávajú sa o nich. Vyhýbajú sa nadmernej spotrebe a šetria energiou, ale nerobia kompromisy ohľadom jedla. Tiež neočakávajú, že všetci prispejú k prechodu k udržateľnosti. Tento segment možno označiť ako „presvedčení individualisti“. (Lambrechts, a kol., 2017)

Záver

Prekážok, ktoré bránia k implementácii udržateľného rozvoja na univerzitách je veľa. Od nedostatku uvedomia si dôležitosti problému zo strany vedenia, cez zľahčovanie problému zo strany pedagógov a to hlavne s konzervatívnou mentalitou, slabá resp. žiadna príprava pedagógov na túto tému, odpor niektorých členov univerzity, nedostatok financií na podpora udržateľných aktivít, až po individualistické prístupy k výskumu či existenciu byrokratických systémov, ktoré bránia flexibilitu a uskutočňovaniu príslušných zmien.

Tradičné vyučovanie organizované na základe pasívneho získavania vedomostí považujeme však za najväčšiu prekážku. Pretože vzdelávanie v oblasti udržateľnosti si vyžaduje zmenu hodnôt či už pedagógov alebo študentov, holistický prístup, kritické myslenie, „hybridné riešenia“ založené na spolupráci rôznych vedeckých disciplín, rovnako ako aj intenzívne spoluprácu s neziskovým sektorom, firmami, miestnou komunitou a riešenie konkrétnych úloh z praxe. Je dokázané, že tie najlepšie univerzity sveta majú všetky tieto princípy hlboko zakorenené vo svojej DNA. Vychovávajú preto študentov, ktorí namiesto pasívneho prijímania informácií, vedú samostatne myslieť, uvedomujú si problémy v spoločnosti a hlavne majú motiváciu a odvahu priniesť zmenu.

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Food retail from the perspective of the young generation Z

Kristína Korytinová¹

Abstract

Retail is currently undergoing changes. The aim of the article is to create an analysis, the results of which will form the basis of the prepared research focusing on the location of brick-and-mortar store with food assortment in the hinterland of Bratislava. Specifically, it is a comparison of the preferences of the young generation Z in terms of brick-and-mortar store and online shopping. In this work, we apply the online query method, followed by quantitative research. The result will be a comparison of the answers of young people. Respondents' preferences are in favor of brick-and-mortar food retailers. Replacing them with an online store is not optimal for the everyday life of citizens. The results can be used as a basis for future research.

Key words

retail, brick-and-mortar store, e-commerce, foodstuff

JEL Classification: M00

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Introduction

The basic input in various analyzes in the field of current trends in retail is knowledge of the store itself, as well as retail and online shopping. Particular attention should be paid to the young generation, which feels at home in the online world. It would be difficult to conduct research on the older generation, which did not have the opportunity to grow up with the Internet. It does not have the ability to adapt to new changes as quickly as Generation Z. The fact that we practice the analysis for the needs of future knowledge of the interest of shopping in brick-and-mortar store also plays an important role in the selection of the target group.

In general, we characterize the concept of trade, which has several meanings. It can be understood as a sales room, as a certain activity, as a branch of the economy, or as a field of study. The most mentioned definition of the word trade, as an economic category, is following: Trade is the exchange of products (goods, products, goods and services) in the form of buying and selling using money (Viestová, 1995).

According to the territory of business companies, we divide the business into:

- domestic
- foreign
- international

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- global

Going deeper, trade is represented by companies specializing in retail and wholesale activities as well as foreign trade. From the point of view of the focus of this publication, we will only deal with retail.

1 Current state of the problem

1.1 Retail

In the current situation, we are observing retail operations in the process of transformation. They are characterized by great diversity and their new forms are constantly evolving. There are many different classifications. Consider the following definition: Retail trade includes all activities connected with the sale of goods or services directly to the final consumer for their personal, non-commercial use. Any organization can be engaged in this type of sale, whether a manufacturer, wholesaler or retailer. It does not matter how and where the goods or services are sold (Kotler, 1995).

Customers or consumers today place very much emphasis on the retail experience compared to the past. They appreciate the personal and characteristic experience of the given retail. Before the purchase itself, the customer searches for various information about the product through available contact points, such as a sales associate in the store, friends, relatives, often through social networks, websites and so on.

On the contrary, retailers are providing better and better customer service in order to increase profits from purchasing, to create loyalty and to maintain a positive image of their products and brand itself. Customer experience is influenced by the different experiences that we define in the section below for each type of retail.

1.2 Retail as a brick-and-mortar store vs. Online shopping

Retail as a brick-and-mortar store

Brick-and-mortar store is a goods store that is located in physical premises, i.e. in a building or outdoors. The customer is served by the staff of the store / shop, he can try the goods directly and pay on the spot. Here, he can also file complaints or service related to the purchased goods in the future.

In order for retailers to attract customers, they need to find solutions that support shopping and loyalty. The most visible differences can be seen in groceries. The sale of snacks and food alone is not enough. The key to protecting traditional retail stores in the evolving online shopping environment is the shopping experience. Only a brick-and-mortar store can provide a sensory experience in the form of a rich offer of fresh products up to exclusive foods, counters with ready-made meals and delicacies. Clearly, brick-and-mortar retailers can increase customer interest by rapidly adapting to the changing needs of consumers.

As part of the modernization and innovation of brick-and-mortar store, let us mention some changes. In the long run, stores can save both time and money through automation. Up to 45% of the work of employees is related to actions related to the organization of shelves, such as replenishment of goods. It would be ideal to focus on the workforce and reduce costs in this area. However, there is an investment from a retail point of view in terms of purchasing various systems that, for example, automatically update prices, keep products in one position towards the customer and simplify the overall operation.

Factors that influence the customer's opinion about brick-and-mortar store:

- Offered goods
- Shop equipment and arrangement of goods
- Distance to the nearest store
- Availability of parking spaces
- Surrounding equipment e.g. cafes, playground, relaxation area

Online shopping

Called as an internet store, e-commerce and online store is well-known concept everywhere in the world. In recent years, it has become a very developed and popular form of shopping used mainly by the young generation Z. Interestingly, the history of online sales, as we know it today, began in August 1994. The subject of the first known online transaction using a payment card was Sting's solo album: Ten Summoner's Tales (SystemOnline, 2019).

One of the main advantages of online shopping is the non-restricted opening hours for shopping. Furthermore, online sales allow retailers to sell their goods anywhere in the world. The same applies to consumers who have the opportunity to order goods from every part of the world. From a marketing perspective, digital advertising costs less and is highly effective combined with the use of social media.

On the contrary, one of the biggest issues of online shopping is digital security. With each purchase, it is necessary to enter personal information as well as payment card details, which are unfortunately often misused. It is more difficult for retailers to find regular customers, as competition in cyberspace is high and personal interaction with consumers is limited (Hudson, 2018).

The main differences between brick-and-mortar store and online shopping

- Internet (online) store is virtual = on the Internet, the brick-and-mortar store is located in real space = building, exterior
- In the online store, the customer does not have a real opportunity to see or try the goods, which is associated with the risk
- An online store saves customers time, but customers have physical access to the goods in a brick-and-mortar store available in stock
- Operating an online store is cheaper, because the cost of premises and staff is reduced compared to the brick-and-mortar store, many times the price of goods depends on it.

- The brick-and-mortar store often times provides simpler and more reliable service

2 Methodology

The main goal of the article is to draw attention to retail. Characterize retail in general, further define retail as a brick-and-mortar store and online shopping. Inform the consumer and his shopping preferences. Specifically, we are interested in food goods in a stone shop to summarize the facts for the upcoming research with a focus on the location of the stone shop in the hinterland of Bratislava. The partial goal is to answer the following hypotheses (Pavlu, 2018):

We assume that the type of goods is a determining factor in choosing the form of purchase.

We assume that the most popular form of grocery shopping is in brick-and-mortar stores.

To achieve the above goal, we use the online query method, which requires quantitative data collection. These data include statistics, percentages, etc., which are obtained from various surveys, questionnaires or by processing existing statistics. Effective implementation of quantitative research consists in the systematic collection of data through questionnaires (Fennetteau, 2015). The elaboration of the questionnaire consists in the formulation of a set of questions and the diversity of answers and their arrangement so that the provided answers allow to introduce the relevant results into the study problem after the analysis of the data (Boulan, 2015). There are currently more and more studies based on online questionnaires. The current pandemic situation in the world also contributes to this. We distinguish two types of online questionnaires: electronic questionnaire and WEB questionnaire (Gavora, 2010). In the article we use the form of a WEB questionnaire, which contains quantitative research, followed by an analysis and comparison of answers.

Description of the questionnaire

The author of Ortolang defines a questionnaire as a set of written or oral questions to which a person is subjected or to which he must answer, a handwritten or printed document on which a list of questions is given (Ortolang, 2018). The respondents of the questionnaire are generation Z (1996 and newer), specifically a selected sample of 100 people. The questionnaire was sent via the website to university students within the subject of business operation. The research lasted two months, from October to November in 2020. Generation Z was chosen as a relevant sample precisely because it is the first online generation that has not experienced a world without the Internet. It is described in words like multitasking and technology. This target group is chosen deliberately because they know how to work with the Internet, the online world is their playground and at the same time they are able to compare online shopping and shopping in a brick-and-mortar store.

Question 1: Which of the following forms of shopping do you prefer?

Question 2: What kind of goods do you prefer when shopping online?

Question 3: What kind of goods do you prefer when shopping in a brick-and-mortar store?

Question 4: Do you think online shopping will replace brick-and-mortar store in the future?

Question 5: Would you prefer to completely replace brick-and-mortar stores with online shopping?

3 Results and discussion

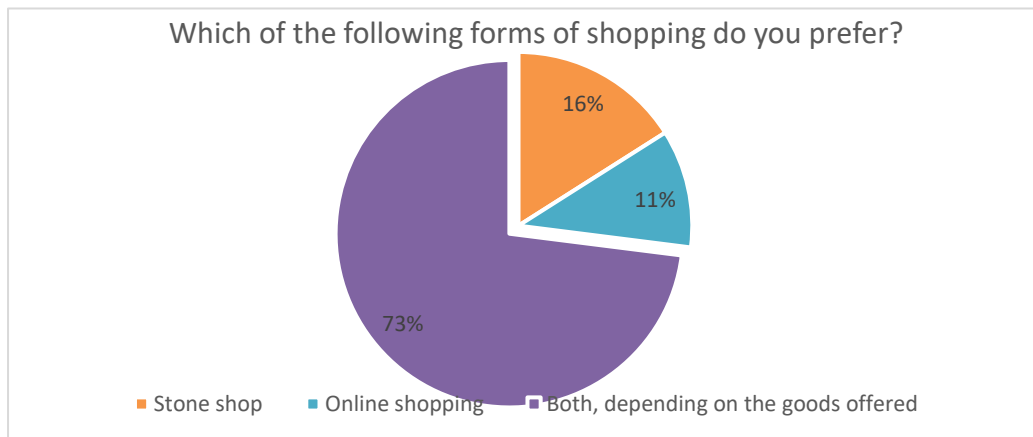
Hypothesis validation involves a deductive approach (Blanchet, 2005). The questionnaire becomes a tool to confirm or refuse hypotheses. It is composed of questions that are answered.

As a reminder, we will present the selected hypotheses:

We assume that the type of goods is a determining factor in choosing the form of shopping.

We assume that the most popular form of grocery shopping is brick-and-mortar stores.

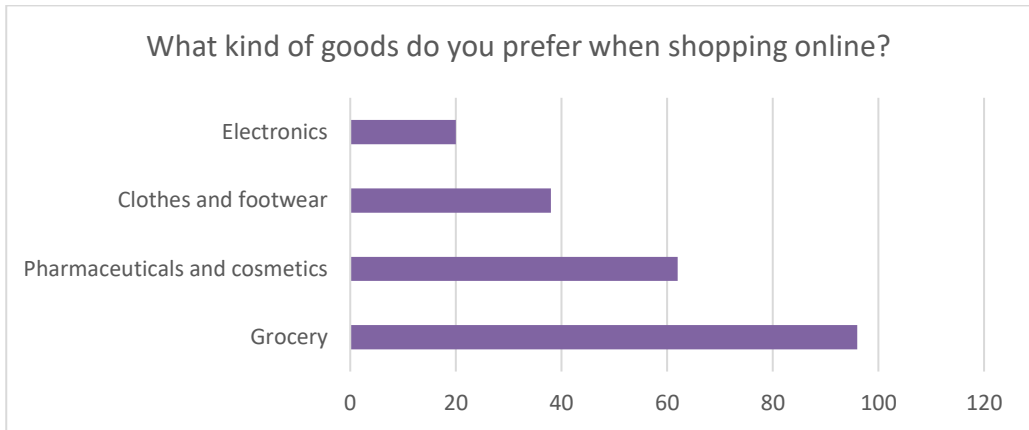
Graph 1 Form of shopping



Source: Own processing

We got a clear result from the first question. Our first hypothesis is confirmed. Of all respondents, up to 73% take into account the goods offered when deciding to shop either in a brick-and-mortar store or online. Each of us has certain personal preferences that guide us. These affect our consumer behavior, which every retailer should be aware of in their target group.

Graph 2 Online shopping



Source: Own processing

It follows from the above that customers most often buy electronics or clothing and footwear over the Internet. A negligible number of consumers reach for groceries when shopping online. The explanation is relatively simple, customers lack the shopping experience. Nevertheless, it is necessary to take into account the fact, that online food shopping is also waking up in Slovakia. There are various companies on the market that make this possible. Their prices are higher compared to brick-and-mortar stores, which is why not everyone can afford it.

Graph 3 Brick-and-mortar retail

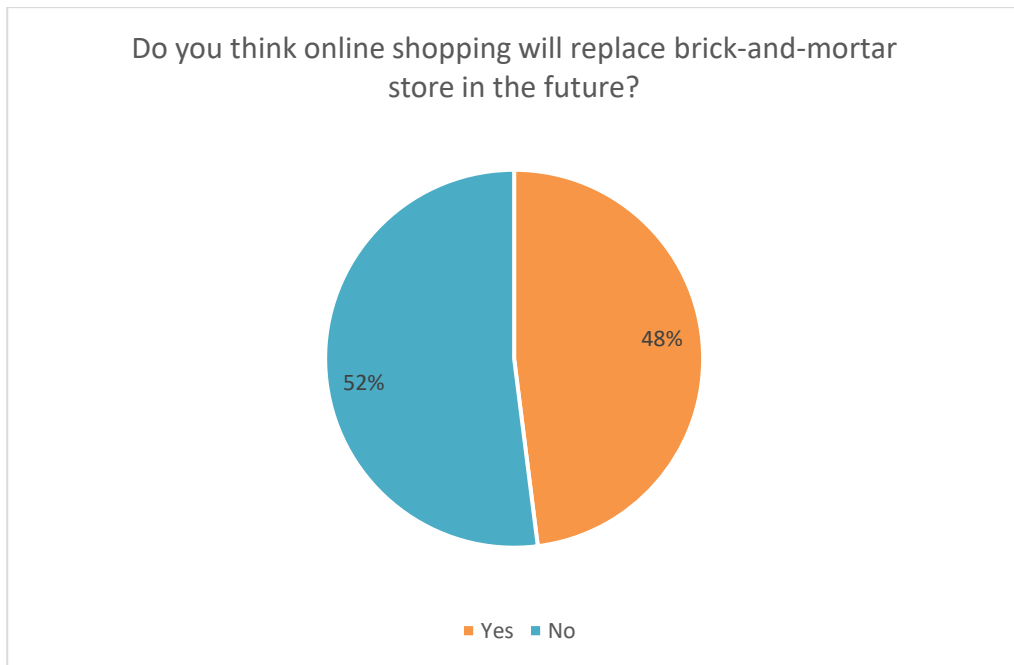


Source: Own processing

As we can see, almost every respondent prefers to buy food in a brick-and-mortar store. Our second hypothesis was also confirmed, assuring us that brick-and-mortar stores continue to make sense alongside the rapidly evolving online world and shopping.

Pharmaceuticals and cosmetic goods, which also belong to a popular purchase in a brick-and-mortar store, does not lag behind groceries. At the drugstore, we need to take into account the olfactory senses that attract us to goods offered.

Graph 4 Online shopping in the future



Source: Own processing

Graph 5 Preferences of shopping in the future



Source: Own processing

The young generation of respondents did not react very clearly here, in contrast to the three questions mentioned above. If a brick-and-mortar store should be replaced by online shopping for a variety of goods, we are certainly talking about the very distant future, if at all. The whole society would have to go through a huge process of transformation, digitization and automation in almost every area. It is not easy to replace all brick-and-mortar retail stores, as it involves a large number of jobs and so on. We would like to state that this issue can be taken into account in the distant future.

An interesting finding is the fact that up to 94% of respondents do not want to forget about retail in brick-and-mortar stores and replace it with an online world. This fact gives us the motivation to improve retail in brick-and-mortar stores. Let us therefore pay attention to it and start to apply all the positive changes for the longest possible sustainability of physical stores.

Conclusion

The aim of the article was to create a summary of the partial analysis for the prepared research with a focus on the location of brick-and-mortar store in the hinterland of Bratislava. Specifically, it is about drawing attention to the consumer and his shopping preferences and choosing between brick-and-mortar retailing and online shopping. We are mainly interested in the grocery goods in brick-and-mortar store.

Retail is currently undergoing changes. Internet shopping is slowly, but surely coming to the fore. For many, still unattractive, but, on the contrary, for the young generation Z which grew up with the Internet, it is a part of daily life. However, there are still some kind of goods that will attract customers more live than over the internet. According to young people, groceries are among the most bought goods in brick-and-mortar stores. Pharmaceuticals and cosmetic goods do not lag behind. Contrary, preferences when shopping online are for goods such as electronics, or clothing and footwear.

In general, it can be stated that the brick-and-mortar grocery store is not a thing of the past. Online shopping will not replace it soon, which is of course positive in several aspects. A small store conveniently located still has a lot to offer. If we look at it from the customer's point of view, this form of shopping allows us to create from everyday food purchases an experience. The feeling that we can smell, touch or taste the goods by engaging all our senses is priceless. Unlike brick-and-mortar store shopping, online shopping is available to the customer 24/7 and can be made from the comfort of home. Negatives must also be taken into account - the protection of personal data and security issues certainly are one of those.

Based on the above, it follows that new technologies, and therefore also online shopping, are not attractive enough to completely replace the brick-and-mortar store in every type of goods offered. Therefore, the location of new stone grocery stores in Bratislava is important and will be processed in future research.

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Alternative dispute resolution in the Slovak Republic and the Czech Republic

Lenka Vačková¹

Abstract

This paper aims to analyse the degree of use of consumer alternative dispute resolution (ADR) in the years 2017 – 2019 and the results of alternative dispute resolution for consumer disputes. During that period 7 ADR entities have been operating in the Slovak Republic. The integral part of the research is a comparison of this type of out-of-court settlement with alternative dispute resolution for consumer disputes in the Czech Republic. The methods used for the research include analysis, comparison, deduction and synthesis.

Key words

consumer alternative dispute resolution, ADR entity, consumer, Slovak Republic, Czech Republic

JEL Classification: K 39, K 49, D 18

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Introduction

Alternative dispute resolution is a relatively new type of out-of-court settlement of consumer disputes. In the Slovak Republic Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (EU Directive on consumer ADR) was implemented by the Act No. 391/2015 Coll. on alternative dispute resolutions for consumer disputes (Act on Consumer ADR). In the Czech Republic the amendment of the Act No. 634/1992 Coll. on Consumer Protection was adopted.

This paper is focused on comparison of legislation of the ADR proceedings in both countries and on the comparison of decision-making process of chosen ADR entities.

1 Literature review

Out-of-court settlement of consumer disputes is a part of scientific research of R. Hučková (Hučková, 2016). H. Magurová analyses ADR proceedings in Magurová, 2016. J. Haasová deals with the topic of consumer protection in the papers from scientific conference of VŠE in Prague in 2016. M. Pospíšil in his papers from the same conference

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concludes that consumer should stay active although in contractual relationship consumer – trader, a consumer is considered to be a weaker party. (Pospíšil, 2017) Information about the adoption of a new Consumer Code in the Czech Republic and in the Slovak Republic were processed by Maslák, 2018. In this papers are used data based on annual activity reports of ADR entities in both countries.

2 Methodology

The objective of this article is to compare the alternative dispute resolution in the Slovak Republic with the out-of-court consumer dispute resolution in the Czech Republic. We tried to compare mainly decision-making process of chosen ADR entities in both countries. Firstly, we collected information about the consumer ADR on the websites of ADR entities. Annual reports of the ADR entities provide data necessary for further research. In this part of the research, we used the method of analysis, induction and deduction. Subsequently, by using the method of comparison, relevant information about the decision-making process of the Slovak ADR entities and the Czech ADR entities were compared. It is important to note that only selected ADR entities, mainly ADR authorities, were the subject of the research. Then we used method of synthesis to formulate conclusions of our research.

3 Results and discussion

In the Slovak Republic the Act on consumer ADR regulates not only requirements for the application to initiate the ADR proceedings, but also the procedure of the ADR entity, including dismissing the application, setting aside the application after the initiation of ADR proceedings and reasons for termination of the proceedings. It also covers duties of the ADR entities including publication of mandatory information on the web sites of the ADR entities and in the annual activity reports.

The EU Directive on consumer ADR was implemented by the amendment of the Act on Consumer Protection in the Czech Republic. This amendment regulates requirements for the consumer application and the procedure of the ADR entity, reasons for dismissing and termination of the ADR proceedings, and information obligations of the ADR entities towards the Ministry of Industry and Trade of the Czech Republic and towards consumers, too. More detailed rules of the proceedings are published on the websites of the Czech Trade Inspection Authority as a residual ADR entity and specialized ADR entities.

In the Slovak Republic a new Act on Consumer Protection is being prepared by the Ministry of the Economy of the Slovak Republic. A new Act should unify the Act on Consumer ADR, the Act No. 250/2007 Coll. on Consumer Protection and amendments to Act on the Slovak National Council No. 372/1990 Coll. on Offences, as amended and the Act No. 102/2004 Coll. on Consumer Protection in relation to sales of goods or provisions of services based on distance and off-premises contracts and amending certain laws, as amended. The new Act on Consumer Protection should also involve selected parts of the Act No. 40/1964 Coll. Civil Code, as amended. (najpravo.sk, 2020) If the

new Act on Consumer Protection will be adopted, the Slovak legislation on consumer protection will move closer towards the Czech legislation and to the European legislation, too (due to the fact that three directives of the Council and the European Parliament should be implemented into the Slovak legislation).

It is important to mention that the effort of unifying, but also simplifying the consumer law has been noticeable in the Czech Republic recently. According to Haasová, 2017 a new Consumer Code should be adopted in the Czech Republic. It should contain not only current legislation of the Act on Consumer Protection, but also parts from the new Civil Code. There were different views on the adoption of the new Consumer Code (deputies of the Ministry of Industry and Trade of the Czech Republic and author of the Civil Code prof. Eliáš and others) with respect to the new Civil Code in 2014. Finally, the Consumer Code was not adopted in the Czech Republic. Around the same time there was effort to pass new consumer legislation in the Slovak Republic, too. The situation with the new Consumer Code in the Slovak Republic depended on the adoption of the new Civil Code. We can conclude that the situation for adoption of a new Consumer Code in the Slovak Republic was murky. (Maslák, M., 2018) Consequently, the Ministry of Economy of the Slovak Republic prepared the proposal of the aforementioned Act on Consumer Protection.

3.1 ADR entities

Since August 2020 the following ADR authorities operate in the Slovak Republic: Regulatory Office for Network Industries and Regulatory Authority for Electronic Communication and Postal Services. Slovak Trade Inspection acts as residual ADR entity. This means that matters to which no ADR authority is competent, will be resolved by the Slovak Trade Inspection (with exception of disputes concerning the consumer financial services). Among authorized legal persons included in the list of ADR entities on their request belong Consumer Protection Society (S.O.S.) Poprad, Slovak banking association, OMBUDSPOT, Association for Protection of Consumers' Rights and Slovak Insurance Association (the Insurance Ombudsman) (MH SR, 2021). Social and Legal Advisory Services Association for All which has been included in the list of ADR entities since May 2018 requested removal from the list due to pandemic of COVID-19 and ended the activity in ADR proceedings in 2020. (mediacentrummagnolia.sk, 2021)

The Act on Consumer Protection in the Czech Republic states the following ADR entities: Financial Arbitrator, Czech Telecommunication Office and Energy Regulatory Office. These ADR entities are entitled to issue a binding decision which is legally enforceable. The Czech Trade Inspection Authority acts as the residual entity, too. Other ADR entities authorized by the Ministry of Industry and Trade of the Czech Republic are Association of Czech Consumers, Czech Bar Association and Office of the Ombudsman of the Czech Insurance Association. The last four entities (including the Czech Trade Inspection Authority) direct their activities towards an agreement (which should be a result of a conciliation procedure) and do not have the power to issue binding decisions or to force the parties to an agreement. (MPO.cz, 2019)

3.2 Reasons for dismissing/refusing the application

According to Section 11 of the Act on consumer ADR a consumer who is not satisfied with the method of handling the complaint determined by the trader or who has reasonable grounds to believe that his rights have been breached has the right to request a remedy. The consumer is entitled to initiate the ADR proceedings if the trader does not accept his request for remedy or if the trader stays passive and did not reply within 30 days from the date of submitting the request for remedy. The ADR proceedings start from the date of receipt of a complete application by the ADR entity. (Section 14 (1) of the Act on consumer ADR)

In the Czech Republic a complainant may apply to the Czech Trade Inspection Authority or other authorized entity within one year from the day the right that is the subject-matter of the issue, was claimed by the trader. (Section 20p of the Act on Consumer Protection)

Based on the Slovak Act on consumer ADR the respective ADR entity has either an option or an obligation to dismiss the application. According to Section 12 (6) if the application is incomplete, due to lack of essential information or necessary documents, or is incomprehensible, the consumer must remedy the deficiencies in the period, which should not be shorter than 15 days. Otherwise, if it is not possible to continue in the proceedings, the ADR entity shall dismiss the application.

Under the section 13 (2) of the Act on consumer ADR the application is also dismissed on the following grounds

- a) lack of competence of the ADR entity or when authorized legal person is not registered for this kind of dispute,
- b) defect of *litis pendenza* and the principle of *res judicata* – earlier proceedings before other ADR subject have been conducted, court proceedings or arbitration or ADR proceedings were terminated, or mediation settlement agreement concluded,
- c) an application is unfounded,
- d) an application is anonymous, or
- e) the ADR entity requests removal from the list of ADR entities.

Closely similar, section 20q of the Czech Act on Consumer Protection distinguishes five reasons for dismissing the consumer's request. They include amending essential requirements or documents by the consumer in the period of 15 days; incompetency of the ADR entity; a decision in the case was already given (*res judicata*) or a proceedings has already been initiated (*litis pendens*); clearly unfounded request and the consumer is not entitled to submit the request after one-year period from claiming his right at the seller (expiration of the one-year period for submitting a request).

Under the Slovak legislation, the last reason for refusing a request is a voluntary dismissal by the ADR entity. Other optional reasons include no communication between a trader and a consumer before the initiation of the proceedings, claims with value smaller than 20 euros, the clearly inappropriate proceedings and alternative dispute resolution proceedings that would involve disproportionate effort (for example with regard to expensive expert evaluations).

According to the Table 1 and the Table 2 we can generally observe that in the years 2017 – 2019 the number of applications dismissed by the Slovak Trade Inspection represents from 19 % to 27 % of terminated cases. By way of comparison, the Czech Trade Inspection Authority refused during the same period from 22 % to 26 % of received requests.

Among the main reasons for obligatory dismissal by the Slovak Trade Inspection belong lack of competence, unfounded application and incomplete application despite the request of the ADR authority. Other grounds (voluntary refusal of applications) are disputes with value smaller than 20 euros and no prior communication between the consumer and the trader (see the Table 2).

Similarly, the percentage of suspended or refused request (including requests withdrawn by consumer) by the Czech Telecommunication Office ranges from 24% to 27% out of received requests. According to Table 4, in years 2018 – 2019 the most frequent reasons for refusing the consumer requests by the Czech Telecommunication Office include: failure to pay administrative fee and failure to correct substantial defects of the request. Likewise, the Financial Arbitrator dismissed the most complaints because the consumer failed to provide necessary assistance despite requests and notifications from the Financial Arbitrator (compare with the Table 6).

From our point of view, it is not important whether the reason for dismissing the request is formulated as obligatory (in the Czech Republic and the Slovak Republic) or voluntary (in the Slovak Republic). We have noted that the most frequently used reasons for refusing the complaints are identical in both countries. Many of the complaints were dismissed because consumers stay passive and for instance do not complete complaint despite the request of the ADR entity (the Czech Republic and the Slovak Republic) or before submitting a complaint there was no prior communication between the trader and the consumer (the Slovak Republic). (see also Vačoková, 2020) According to Po-spíšil, 2017 consumer is a weaker party, but it doesn't mean he should act careless and irresponsible.

3.3 Termination of alternative dispute resolution

Provision of the Section 20 (1) of the Act on Consumer ADR distinguishes six options of the termination of ADR proceedings in the Slovak Republic. These options are: agreement on a resolution, reasoned opinion, setting aside the proposal, death or declaration of a death of a party which is a natural person or dissolution of a party which is a legal entity without legal successor or removing the authorized legal entity from the register.

In the Czech Republic, Section 20u of the Act on Consumer Protection states the following five reasons for terminating a consumer dispute: amicable settlement approved by the parties, a unilateral statement of a consumer on the termination of the participation on the dispute notified to the CTIA or designated ADR entity; death of a party or a party declared dead or missing or dissolution of a party to the dispute without the legal successor; expiration of the 90-day period or period extended by a further 90 days and dismissing of the request according to section 20u.

In the Slovak Republic the expiry of 90 days period or period prolonged by another 30 days, is a reason to terminate the ADR dispute too (Explanatory memorandum, 2015), although it is not listed among the reasons for ending the ADR procedure.

It can be observed that ways to terminate the ADR disputes in the Slovak Republic are very similar in comparison with the Czech Republic, but not entirely identical. Slovak legislation regulates also situations when the parties do not agree on the resolution but the law was breached by the trader, by allowing the possibility to issue a reasoned opinion. The reasoned opinion is not binding and has informal character but it can be used as evidence in court proceedings. It includes also conclusion with specification of provisions of the Act on consumer ADR or other specified act and a statement of reasons with the description of the circumstances, the indication of the nature of evidence and the procedure of assessment of the evidence by ADR entity. (Explanatory memorandum, Hučková, 2016, Magurová, 2016)

Article 8 (5) of the ADR Rules issued by the Czech Trade Inspection Authority recognizes a qualified advice as a possibility of the ADR entity in the situation when the request is dismissed due to unfounded application. A qualified advice, like a reasoned opinion, is not legally binding and may differ from court or other decision.

In our opinion, the possibility of the termination the ADR proceedings by issuing a reasoned opinion is a good solution in situations when the ADR entity has no doubt that the rights of the consumer were broken, but the dispute is not resolved by amicable settlement of the parties.

By way of comparison, in years 2017 – 2019 the Slovak Trade Inspection issued from 13 to 18 reasoned opinions, representing 6 % to 9% of terminated cases. Parties to the dispute concluded from 28 to 42 agreements on the dispute (from 13 % to 22%). The Czech Trade Inspection Authority terminated the ADR procedure by agreement of the parties in 50, 3 % to 53, 5 % from received applications (see the Table 1 and the Table 2).

The number of amicable settlements and reasoned opinions issued in years 2017 – 2019 by the Slovak Trade Inspection (similarly the number of amicable settlements approved by the Czech Trade Inspection Authority) is decreasing. On the other hand the number of cases set aside by the Slovak Trade Inspection is rising slightly.

3.4 Postponing of ADR proceedings

After the initiating of the proceedings the Slovak ADR entity is entitled to postpone the application for the reasons listed in the section 19 (1) of the Act on consumer ADR. They are

- a) a defect of *litis pendentia* or a principle of *res judicata*,
- b) a consumer failed to provide assistance due to the request of the ADR entity,
- c) a statement of a consumer on the termination of the participation on the dispute,
- d) if the parties to the dispute do not agree with the way of solving the impartiality and independency of an authorized natural person,

- e) it is not clear whether the rights of the consumer have been breached by the trader according to consumer laws.

Compared to the Czech legislation "a unilateral statement of a consumer about the termination of the participation notified to ADR entity" is a reason for terminating of the ADR proceedings under the section 20u of the Act on Consumer Protection.

Between the years 2017 and 2019 the Slovak Trade Inspection postponed from 50% to 53% of terminated cases. The only two reasons for setting aside the proposals were the termination of the participation in the proceedings by a statement of a consumer and the reason that consumer's rights have not been broken.

While in 2017 Regulatory Authority for Electronic Communication and Postal Services (RÚ) in the Slovak Republic dismissed a large majority of the cases (more than half of them based on failure to amend the application by the consumer), in years 2018 – 2019 the authority set aside from 86 % to 100% of resolved disputes (see the Table 5). But it is important to note that RÚ received in 2018 only 7 and in 2019 only 8 applications. And very similarly Regulatory Office for Network Industries in years 2017 – 2019 set aside from 67 % to 83 % of received applications (from 9 to 22 applications). (Vačková, 2020)

With regard to the out-of-court settlement in consumer disputes of the Financial arbitrator, in years 2017 – 2019 around 60% of the terminated disputes ended by amicable settlement of the parties. This means that for instance in 2018 amicable settlement was reached in 986 cases (from 1660 legally ended), 1 agreement of the parties was approved by the Financial arbitrator, 967 cases were terminated for withdrawal by the consumer (because the financial institution accepted his claim fully or partially) and in 18 cases the proceedings was terminated due to the reason that the dispute became devoid of purpose. The claims of the consumer were accepted by the financial institutions but the consumer did not withdraw the complaint (see the Table 6). (Annual report of the Financial Arbitrator, 2018, p. 16)

Most complaints before the Financial arbitrator ended by amicable settlement of the parties, on the second place are complaints terminated because the party failed to provide necessary assistance even though they have been requested repeatedly (in the years 2017-2018) and in the third place are complaints rejected by the decision of the Financial arbitrator (see the Table 6).

From our point of view, the Czech legislation regarding the termination of the ADR proceedings is much simpler than Slovak legislation mainly according to section 20 (1) c) and the section 19 (1) on postponing the application. Reasons for setting aside the application are "de facto" largely similar to the reasons for dismissing the submission. The difference is mainly in the time when it is used (before initiating of the proceedings or after it). We suggest to think about using (in our opinion) more reasonable way of decision-making process of the Czech ADR entity in the prepared unification of the Slovak legislation of consumer protection.

Tab. 1 Results of a decision-making process of the Czech Trade Inspection Authority (CTIA)

CTIA	2017	2018	2019
received submissions	3394	3582 (+5%)	3504
refused (for legal reasons)	740 (22%)	858 (24%)	908 (26%)
withdrawal of the suggestion	310	351	351
agreement of parties	1124 (53, 5%)	1109 (51, 8%)	1005 (50, 3%)
ended by expiry of 90-days period	976	1033	992
ongoing procedure	244	231	248
including extension by further 90 days	95	85	72

Source: Own analysis of data based on CTIA 2017 – 2019 Annual reports

Tab. 2 Reasons and number of applications refused by the Slovak Trade Inspection (STI)

STI	2016	2017	2018	2019
terminated cases	180	194	207	219
refused/dismitted	43 (24%)	36 (19%)	41 (20%)	59 (27%)
incompetence of the ADR entity	16	17	11	23
the application was not completed	10 (23%)	6 (17%)	5 (12%)	9 (15%)
value of the dispute < 20 euro	5	7	6	3
the application is unfounded	4	2	18	21
not informally resolving the dispute with the trader	3 (7%)	2 (6%)	-	2 (3%)

Source: Own analysis of data based on STI 2017 – 2019 Annual ADR reports, Vačková, 2020

Tab. 3 Number of agreements, number of reasoned opinions and the reasons and number of applications postponed by the Slovak Trade Inspection (STI)

	2016	2017	2018	2019
Terminated cases	180	194	207	219

	2016	2017	2018	2019
agreements on resolving the dispute	47 (26%)	42 (22%)	42 (20%)	28 (13%)
reasoned opinions	22 (12%)	18 (9%)	16 (8%)	13 (6%)
postponed cases	68 (38%)	96 (50%)	106 (51%)	116 (53%)
termination of the participation of the consumer	31	45	52	58
rights of consumer have not been broken	37	51	54	58

Source: Own analysis of data based on Annual reports ADR STI 2016 – 2019, Vačková, 2020

Tab. 4 Compulsory published information of the Czech Telecommunication Office (CTO)

CTO	2017	2018	2019
requests received	418	434	376
suspended or refused without founding a solution	113 (27%)	105 (24%)	99 (26%)
withdrawal of the request	27%	20%	23%
substantial defects of the request were not rectify	9%	24%	24%
administrative fee was not paid by the requesting party	59%	49%	39%
the request has become irrelevant (is devoid of purpose)	2%	7%	11%
the earlier request has been filled with other administrative body	-	-	2%
manifestly inadmissible request	3%	-	-

Source: Own analysis of data based on CTO Annual reports 2017 – 2019

Tab. 5 Decision-making process of the Regulatory Authority for Electronic Communications and Postal Services (RÚ)

UREKPS	2016	2017	2018	2019
received applications	18	18	7	8
dismissed together	8	15	1	-

UREKPS	2016	2017	2018	2019
not completed application	8	9	1	-
incompetence of the ADR entity	-	4	-	-
value of the dispute < 20 euro	-	2	-	-
postponed applications	8 (47%)	3 (16%)	6 (86%)	9 (100%)

Source: Own analysis of data based on Annual reports RÚ 2016 – 2019, Vačková, 2020

Tab. 6 Results of a decision-making process of the Financial arbitrator

Financial arbitrator	2017	2018	2019
complaints received	1343	1399 (4% annual growth)	1178 (17% annual growth)
decisions in legal force	1007	1660 (65% annual growth)	1944 (17% annual growth)
terminated for withdrawal	598	967	1107
agreement approved	1	1	5
terminated for the complaint became devoid of purpose	16	18	12
amicable settlement of the dispute	615 (60%)	986 (59%)	1124 (58%)
complaint rejected/dismissed	77	105	250
complaint partially or fully upheld	9/17	74/20	121/5
terminated for failure to provide assistance	195	356	222
terminated for inadmissibility	26	43	143
terminated for incompetence	63	74	79
terminated for other reasons	5	2	-
annulled	1	-	-

Source: Own analysis of data based on Annual reports on the activities of the Financial arbitrator 2017 – 2019

Conclusion

Transposition of EU Directive on consumer ADR in the Slovak Act on Consumer ADR and in the Czech Act on Consumer protection, is similar but not identical.

Financial Arbitrator, Czech Telecommunication Office and Energy Regulatory Office are acting as key ADR authorities in the Czech Republic. Their decisions are legally binding and enforceable. This paper focused on volume of cases in the period of 2017-2019. Financial Arbitrator received a high number of consumers' applications (1178 – 1399). During that period the number of applications received per year by Czech Telecommunication office ranged from 376 to 434. Energy Regulatory Office received the smallest share of applications, the number of consumer disputes ranged from 72 to 175 per year. (ERO.cz, 2020) Czech Trade Inspection Authority, having competence as the residual entity, received yearly from 3394 to 3582 submissions.

What we really appreciate in the Czech application practice is the authorization of the Czech Bar Association as ADR entity entitled for resolving disputes between a lawyer – provider of legal services and a client – consumer. It received from 44 to 23 requests in years 2017 to 2019.

Slovakia has a higher number of ADR entities authorized to resolve consumer disputes. To compare the volume of cases in Slovakia, Slovak Regulatory Authority for Electronic Communications and Postal Services received only 7 to 18 applications in the same period and Slovak Regulatory Office for Network Industries received 9 to 22 petitions. Slovak Trade Inspection acting as state authority and the residual entity dealt with the most applications, ranging from 256 to 282 per year.

Focusing on financial services industry, Slovak Insurance Association received from 75 to 133 petitions in the years 2017-2019 and the Slovak Bank Association solved in this period from 64 to 176 disputes but with declining tendency.

The similar number of the submissions as to the Regulatory Office for Network Industries and to the Regulatory Authority for Electronic Communications and Postal Services was delivered to consumer association S.O.S Poprad (from 11 to 28). Other three consumer associations dealt only with one or two applications per year. (Vačoková, 2020)

The decision-making process in both compared countries is similar, but the analysis showed also some different aspects. The most used reasons for dismissing applications are lack of essential information or necessary documents and lack of competence of ADR entity (obligatory ground for dismissal in the Slovak Republic). Slovak ADR entities also have grounds for dismissal they can use at their discretion, such as no prior communication between the trader and the consumer. It can be noticeable that the consumer in the ADR proceeding should not stay passive, but should, on the contrary, be active, similarly as the trader or provider of the services during the whole proceedings.

Possible results of ADR proceeding are also quite similar in both countries. However, the Slovak Act on Consumer ADR distinguishes the possibility of issuing a non-binding reasoned opinion when the ADR entity has no doubt that the rights of the consumer has been breached, but no agreement has been reached by the parties.

Unlike the Czech legislation, the Slovak Act on Consumer ADR provides for setting aside the proceedings after its initiation. Some reasons for setting aside the application are similar like the reasons for dismissal (f. e. defect of *litis pendentia* or principle of *res iudicata*, not providing assistance by the consumer etc.). The most used reasons for postponing the application are: no clear view on whether the rights of the consumer have been breached by the trader and consumer statement to terminate his participation

on the dispute notified to ADR entity. The last one is also a reason for termination of the ADR proceeding according to Czech Act on Consumer Protection. From our point of view, the planned adoption of a new Slovak Act on Consumer Protection represents a very good opportunity to simplify the ADR proceedings, make it more efficient and to move closer towards Czech legislation.

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