

# European Law School

First year courses

## Bachelor European Law School English Language Track year 1 compulsory courses

Faculty of Law

### An Introduction to Law

#### Full course description

Subjects covered in the course: Foundations of Law, Sources of Law, Basic Legal Concepts, Property Law, Contracts, Tort Law, Criminal law, Human Rights, International law, Law of Europe, Administrative law, Tax law, Constitutional law, Procedural law, Philosophy of law.

#### Course objectives

This is an introductory course to legal studies. It has a broad spectrum of 15 subjects that aims at teaching the fundamental concepts of the main disciplines of law. Having completed this course successfully, the student will be acquainted with many of the subjects they will encounter during their bachelor legal programs. Moreover, she will have exercised several skills, including critical reflection, legal reasoning, reading sources of law, solving cases, and communicating about the outcomes.

#### Recommended reading

The course uses a book written by the Faculty of Law at Maastricht University called:

- 'Introduction to Law' and published by Springer.

Information on how to purchase a copy is made available during the Faculty introduction and in the first week of the course.

### **PRI1002**

#### **Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

#### **ECTS credits:**

12.0

#### **Instruction language:**

English

#### **Coordinator:**

[J.C. Hage](#)

**Teaching methods:**

PBL, Lecture(s)

**Assessment methods:**

Written exam

**Keywords:**

Crimes, democracy, Legal Validity, Obligations, Powers, Rights, rule of law, States

**Faculty of Law**

## **Skills: Legal Research and Reasoning**

### **Full course description**

The course Skills: Legal Research and legal reasoning is part of the ELS Skills Track, together with Skills: Comparative Law and Legal Translation and Skills: Academic Legal Writing (year 2). The primary aim of Legal Research and Reasoning is to teach beginning students the skills they need in order to study successfully in the European Law School bachelor programme. This course focuses on the abilities which are expected of an undergraduate law student: the fundamentals of legal research and writing - logical and analytical thinking in a legal context - argumentation - working with legal provisions - public speaking/debating. As an additional help for beginning students, Legal Research and Reasoning also comprises a short PBL training and an exam training.

### **Course objectives**

At the end of this course, students will have learned to avoid plagiarism and to find, evaluate and use legal resources. Students will also have learned and practiced the basics of writing a legal research paper. In particular, they will have practiced the drafting of a feasible research question, learned how to structure a research paper and how to refer to sources. In addition, they will know the fundamentals of formal logic, have practiced the analysis and construction of (legal) arguments and have learned to recognize flawed arguments. Students will moreover have gained first experiences in legal debating and public speaking. Lastly, students will be able to understand and apply legal provisions, to solve simple cases and to compose simple legal opinions.

### **Recommended reading**

Reader.

## **LAW1003**

**Period 1**

4 Sep 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

4.0

**Instruction language:**

English

**Coordinator:**

[A. Parise](#)

**Teaching methods:**

Skills

**Assessment methods:**

Take home exam, Final paper

**Keywords:**

Research; reasoning; legal sources; writing, logic; working with legal, rules.

**Faculty of Law**

## Comparative Government

### Full course description

The course Comparative Government provides an introduction to the constitutional and political systems of the United States, the United Kingdom, France, Germany, the Netherlands and the EU, and to the European Convention on Fundamental Rights. The aim of the course is for students to become acquainted with the basic features of the systems discussed and, at the same time, with overarching concepts of constitutional law. The course devotes attention to the functions of a state, different systems of government, separation of powers, democracy and electoral systems, government-parliament relations, federalism, bicameralism, constitutional review, as well as the issue of fundamental rights and their protection within the above mentioned constitutional systems. The inclusion of the EU also facilitates to focus on the impact the EU has had on the constitutional systems and balances of power within its member states.

### Course objectives

The student knows and understands the most important overarching concepts of constitutional law. He has a good knowledge of the main features of the constitutional systems of the United States, the United Kingdom, France, Germany, the Netherlands and the EU, and of the system of fundamental-rights protection within the European states and under the European Convention on Human Rights. He is able to compare different constitutional systems and draw critical conclusions from the analysis. He has practiced to independently conduct basic comparative research and to present his findings orally before his tutorial group.

### Prerequisites

The course does not have any specific prerequisites.

### Recommended reading

- A.W. Heringa, *Constitutions Compared - An Introduction to Comparative Constitutional Law*, 4th ed. (Antwerp/Oxford/Portland: Intersentia, 2016, ISBN 978-1-78068-399-7).
- Sascha Hardt & Nicole Kornet, eds, *Selected National, European and International Provisions from Public and Private Law: The Maastricht Collection* (Groningen: Europa Law Publishing, 2017).

## PUB1002

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

[A.W. Heringa](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam, Presentation, Assignment

**Keywords:**

Functions of a constitution; systems of government; separation of, powers; electoral systems; lawmaking; bicameralism; government-, parliament relations; federalism and decentralization; judicial review, of legislation; treaties in the national legal order; scope of the ECHR;, relation to domestic human-rights enforcement; admissibility criteria, before the European Court for Human Rights; remedies; EU; supremacy and impact of EU law and EU membership.

**Faculty of Law**

## **Comparative Contract Law**

### **Full course description**

This course offers an elaborate introduction to contract law from a comparative perspective. Students gain insight into the nature of a contract, the role it plays in society and the principles by which it is governed. The course is comparative throughout: German, English, French, Dutch law, as well as other jurisdictions, are used to illustrate the main principles that govern the law of contract. Topics being addressed include formation of contract, defects of consent, illegality and immorality, interpretation, unfair terms, general conditions and remedies for breach.

### **Course objectives**

The objective of this course is to gain insight into the principles of contract law and to become aware of fundamental similarities and differences among the contract laws of Germany, England and Wales, France and the Netherlands. At the end of the course, students should be able to reason about the choices that different jurisdictions make in designing their contract laws. In addition to this, they should also be able to apply contract law rules to hypothetical cases and to discuss this application both in class and in a paper.

### **Prerequisites**

None, other than that students were admitted to the European Law School English Language Track and passed the language test organised in Skills: Legal Research and Reasoning.

## Recommended reading

Jan Smits, Contract Law: A Comparative Introduction, Edward Elgar Publishing 2014

### LAW3011

#### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[N. Kornet](#)

#### Teaching methods:

PBL, Lecture(s)

#### Assessment methods:

Final paper, Written exam

#### Keywords:

Contract law – Comparative law

## Faculty of Law

# Introduction to European Legal History

## Full course description

This course provides an introduction to European legal history, from Roman Antiquity to the present day. The focus of this course is on 'external legal history', meaning the study of the law in its broad historical context, and including both the development of legal science and the 'law in action', that is, the practice of law. The history of specific legal concepts and institutions (i.e., internal legal history) is not a main focus of this course. However, attention will be paid to the historical development of contract law. The objective here is to place the concept of 'contract', which you will study using historical source material, into the more general context of external legal history. The following topics are dealt with:

- Roman Law in Antiquity;
- The rediscovery and study of Roman Law in Italy (12th – 15th century);
- Judicial Humanism in France (16th century);
- The development of law in the Republic of the Seven United Netherlands (17th century);
- Enlightenment and codification (18th/19th century); and
- German 'Pandectism' (19th century).

This course will also devote some attention to the development of law in England, which differs from that on the continent of Western Europe.

## Course objectives

Facilitating students to reflect on the law from a European, comparative perspective. Providing knowledge on the origins of the differences between the European systems of law and their similarities.

## Prerequisites

None

## Recommended reading

- R. Lesaffer, European Legal History. A Cultural and Political Perspective, Cambridge: Cambridge University Press, 2009 (or later edition).
- R. Feenstra & M Ahsmann, Contract. 'Contract' and 'freedom of contract' in historical perspective (available in EleUM; also through printing on demand).
- CALI Self-study modules (available in EleUM).
- Reader: available through printing on demand

### **MET1005**

#### **Period 3**

8 Jan 2018

2 Feb 2018

[Print course description](#)

#### **ECTS credits:**

4.0

#### **Instruction language:**

English

#### **Coordinator:**

[A. Parise](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Assignment, Written exam

#### **Keywords:**

Legal History, *Ius commune*, Roman Law, Codification

## Faculty of Law

# States, Markets and European Integration

## Full course description

The objective of this course is to provide students with a thorough knowledge of the process of European Integration. This course aims to provide students with up-to-date information concerning the process and the purposes of European integration, recent developments and the consequences for the future of the EU. In this way students are offered the knowledge that is necessary for a good understanding of the law of the European Union and of the European '*Ius Commune*' that is presently

being recreated. For this course, we use a multidisciplinary (meta-legal) approach and we offer ELS-students an historic, economic and political theory view on the process of European integration, with a particular focus on the most recent developments.

## Course objectives

The students will be able to understand the European integration process in a more critical manner than the way it is frequently told in standard text books by comprehending the political and economic motivations behind European integration. Participants will acquire the necessary rudimentary economic tools to understand the economic arguments for integration. Moreover students will learn essential (political) integration theories that try to explain or predict European integration. Both economic theory and political integration theories will be applied to the European integration process and hence will provide a critical insight in the history of European integration as well as in current issues, as the Eurocrisis, the refugee crisis, the Brexit and the future of EU integration. Summarising, the course aims to learn students to analyse and to critically reflect on the European integration process, to approach the integration process from various angles and to be aware of the societal and historical context in which European integration proceeds or -currently- does not proceed.

## Recommended reading

- Bache, I., George, S., Bulmer, S., 'Politics in the European Union', Oxford University Press, Fourth edition, 2014. A customized version is available as well (recommended). In this version, only the chapters that we will study are included.
- Reader

### **MET3007**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[K. de Smedt](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam, Presentation

**Faculty of Law**

**Substantive Criminal Law**

## Full course description

Although every (European) country has its legal culture, and its own criminal law, each system may be understood as a 'local' answer to some 'universal' questions that constitute the foundation of criminal law. Criminal law deals with similar subjects and thus more or less the same issues internationally. That's why it is necessary to cross borders to see what kind of solutions other legal systems have to offer for present and future problems. The main objective of this course is therefore to get acquainted with the elementary concepts of the so-called general part of substantive criminal law, and the main differences and similarities between several European legal systems, like the common law system of England and Wales and the civil law system of the Netherlands and Germany. The main concepts that will be studied are: the objective and subjective elements of an offence (*actus reus* and *mens rea*), justifications and excuses, inchoate offences, modes of participation, and criminal liability of legal entities. This seven week course will combine seven sessions of group tutorials. According to the philosophy of problem-based learning, tutorial meetings shall be used to explore various concepts of substantive criminal law in different countries on the basis of some reading assignments, presentations and case studies. Using comparative literature students are asked to answer given background questions and specific questions on the case studies.

This obligatory course is a 4th period course of the first Bachelor year of the ELS-ET.

## Course objectives

The object of this course is to identify various principles, rules and concepts of the so-called general part of substantive criminal law by using a conceptual and comparative methodology. Upon completion of this course, the student must be able to

- analyze and understand the main concepts and rules of substantive criminal law;
- to understand and compare on an introductory level the main differences and similarities of the basic criminal liability concepts of three major European legal systems, i.e. Netherlands, Germany and the common law system of England and Wales;
- to critically reflect on some basic philosophical aspects and (recent) historical developments related to the rules of criminal liability (e.g. theories of punishment);
- to recognise and debate on an introductory level some societal and ethically relevant aspects of developments in substantive criminal law (e.g. terrorism, corporate criminal liability)
- to distil a problem in criminal law cases and to identify and apply the relevant rules and criteria in order to solve the cases (in a comparative way);
- to communicate and debate during the tutorials and also during separate oral presentations possible solutions of a criminal law case in a well argued way

## Prerequisites

The student is expected to have mastered the general basic principles of criminal law as discussed in the first year course Introduction to law (J. Hage & B. Akkermans (eds), Introduction to law, Springer, 2014) and legal English. No specific knowledge on criminal law is however required.

## Recommended reading

The necessary reading material for this course consists of the following handbook:

- J. Keiler & D. Roef (eds.), Comparative Concepts of Criminal Law, Cambridge, Intersentia, 2016.

For each session is indicated what chapters should be studied beforehand.



## **CRI1011**

### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinator:**

[D. Roef](#)

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Written exam

### **Keywords:**

Substantive criminal law, Comparative criminal law, Criminal liability, Elements of an offence

## **Faculty of Law**

# **Skills: Introduction to Comparative Law**

## **Full course description**

Michael Bogdan, Concise Introduction to Comparative Law (Europa Law Publishing, 2013) Konrad Zweigert and Hein Kötz, Introduction to Comparative Law (Clarendon Press, 1998)

## **Course objectives**

- Legal translations By the end of the course you will be equipped with the necessary skills and knowledge to be able to understand legal documents properly and translate them from one language into another.
- Comparative legal research By the end of this course you will be able to write a legal paper on a topic of European private law as part of the moot court exercise referred to below. You will be able to use the gained knowledge for any other course with a research/legal writing component, as well as for your bachelor thesis.
- Presentation skills: moot court By the end of this course you will be able to synthesize issues arising from a fictitious case and formulate legal arguments you will need to defend before a court, bringing you the benefit of public speaking and argumentation training.

## **Prerequisites**

None.

## **Recommended reading**

Michael Bogdan, Concise Introduction to Comparative Law (Europa Law Publishing, 2013) Konrad Zweigert and Hein Kötz, Introduction to Comparative Law (Clarendon Press, 1998)

## **LAW1004**

**Period 4**

5 Feb 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

4.0

**Instruction language:**

English

**Coordinators:**

[G.R. de Groot](#)

[E.C. Goanta](#)

**Teaching methods:**

PBL

**Assessment methods:**

Assignment

**Keywords:**

Comparative law; legal translations; presentation skills; moot court; research skills

**Faculty of Law**

# Introduction to International and European Law

## Full course description

This course consists of two parts: International law and European. There will be two tutorials and one lecture every week. . The first part of the course will be devoted to issues of International law, such as sources and subjects of international law, international organizations (especially the UN), the law of treaties, the law of the sea, state responsibility, jurisdiction and immunities, human rights, peaceful settlement of disputes and the use of force. . During the second part, European law matters will be dealt with such as the institutional structure and the nature of European law, competences and decision-making on EU-level, legal protection, the internal market, and competition law. Every week students have the opportunity to hand in an assignment on an international or European law subject. Students who have satisfactorily completed at least 6 of these assignments will receive a bonus point. Alternatively (still under consideration) students will follow an International law simulation in the course of which assignments have to be handed in.

## Recommended reading

NA (will be announced later)

### **IER1001**

**Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

12.0

**Instruction language:**

English

**Coordinator:**

N. Athanasiadou

**Teaching methods:**

PBL

**Assessment methods:**

Written exam, Assignment

Second year courses

## **Bachelor European Law School English Language Track year 2 compulsory courses**

Faculty of Law

### **Comparative Property Law**

#### **Full course description**

Introduction into Comparative Property Law: Underlying values and principles, policy choices and ground rules.

#### **Course objectives**

The course objectives are to acquire:

- Basic knowledge of the historical development of property law in Europe.
- Fundamental comparative knowledge of leading property law values and principles, policy choices, ground rules and technical rules in civil law systems (particularly: French, German, Dutch law) and common law systems (English and Irish law). Also mixed legal systems will be discussed (among others: Scotland).
- Basic knowledge of the current developments in comparative and European property law.

#### **Prerequisites**

Required is basic knowledge of private law

#### **Recommended reading**

Sjef van Erp and Bram Akkermans (eds.) with the collaboration of Alexandra Braun, Monika Hinteregger, Caroline Lebon, Michael Milo, Vincent Sagaert, William Swadling and Lars van Vliet, *Ius Commune Casebooks for the Common Law of Europe, Text and Materials on Property Law* (Oxford: Hart Publishing 2012)

**PRI3009**

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

[J.H.M. van Erp](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Comparative property law, Numerus clausus, Transparency, Hierarchy of rights, Nemo dat, Potior iure, Primary (ownership, freehold, title), secondary (or limited) and tertiary, property rights, Security rights, European property law.

**Faculty of Law**

## Concepts of Criminal Procedure

### Full course description

Criminal law systems within the EU differ, although they are all governed by the fundamental rights enshrined in the European Convention on Human Rights (ECHR). In this course the principles and standards of criminal procedure shall be examined through the comparative study of three national systems: the Dutch, English and German. These systems mirror different legal families and approaches to criminal procedure. The ECHR standards shall be used as a common basis. Pre-trial and trial phase of criminal proceedings shall be both addressed. The topics examined include investigations, arrest and pre-trial detention, suspect interrogation, prosecution, defence rights during trial and the use of illegally obtained evidences.

### Teaching methods

- Students are expected to prepare thoroughly, participate during tutorials, solve case studies, and prepare group presentations.

### Course objectives

The aim of this course is to get acquainted with the main features of the Dutch, English and German criminal procedure and the ECHR standards. At the end of the course students will be able to:

- Identify the characteristics of inquisitorial and adversarial traditions.
- Assess their differences and similarities.
- Illustrate the main features of German, English and Dutch criminal procedure.
- Understand how crime control and due process influence coercive measures.

- Comprehend the conditions for applying the major investigative measures, for conducting lawful interrogations, and arrest and detain suspects in the three jurisdictions.
- Comprehend the increasing importance of procedural rights at the pre-trial stage.
- Identify the conditions under which prosecution takes place and the challenges with plea bargain.
- Gain insight into the conditions and exceptions of the right to confrontation.
- Understand the conditions for the use of illegally obtained evidence in trial.
- Assess the legal standards found in the ECHR for all the above topics and become acquainted with the leading jurisprudence of the ECtHR in those issues.
- Develop important skills, i.e. learn how to read case law and solve practical case studies.

## Prerequisites

Good knowledge and understanding of concepts of substantive criminal law.

Students are expected to prepare thoroughly, participate during tutorials, solve case studies, and prepare group presentations.

## Recommended reading

Collection of literature in the course's reader and case law found via online sources.

### CRI3005

#### Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[C. Peristeridou](#)

#### Teaching methods:

PBL

#### Assessment methods:

Written exam

#### Keywords:

criminal procedure; fair trial; defence rights; ECHR; comparative law; fundamental rights

## Faculty of Law

# Skills: Academic Writing

## Full course description

The course Academic Writing has been re-thought and re-structured around the principal elements and criteria required for the Bachelor's Essay, which are reflected in the new Assessment Form prescribed for the assessment of Bachelor's Essays (available on the Academic Paper Dossier

platform). In the conception and production of an academic paper of around 4.000 words (i.e. roughly half the length of the Bachelor's Essay), students will be guided step-by-step through the advanced academic writing process, working in turn on such aspects as the research proposal, bibliography, research question, structural outline, main body of text, etc. This is designed to ensure that students master each of these individual steps (while at the same time recognising that ultimately they are inextricably intertwined), and that they allow sufficient time for each stage in the process. Students will be free to decide on the topic of their papers, subject to certain limitations, which will be explained at the beginning of the course.

## Course objectives

The objective of this course is to develop the skills of academic legal research and writing, with a view to enabling students to become self-sufficient in their academic writing endeavours, including notably (but certainly not only) the Bachelor's Essay. By the second year of their studies, students have already acquired basic knowledge of the technical aspects of academic research and writing through the course "Skills: Legal Research and Reasoning", and this course seeks to build on this knowledge by further expanding, deepening and practicing students' writing skills with the introduction of new concepts and insights. This will necessitate an independent work attitude on the part of the students and the ability to gauge the quality of one's own work, not to mention also the work of others, on the basis of the guidance received during the course. For this reason, another important skill that will be developed in parallel in this course is the ability to both take on board and provide critical feedback on written academic work, as well as to address comments and incorporate suggestions as and where appropriate.

In summary, the course has the following objectives:

- The student identifies and completes the stages of the writing process (i.e. finding sources, elaborating a research question, developing a structural outline, explaining methodology, etc.)
- The student examines a legal question/ problem/ issue from various angles and develops and defends a line of argumentation in a substantial academic essay
- The student recognises audience and disciplinary expectations
- The student identifies characteristics of effective sentence and paragraph-level construction
- The student applies proper citation practices
- The student analyses, questions, and evaluates written texts of others

## Prerequisites

The course builds on knowledge obtained in course LAW1003 Skills: Legal Research and Reasoning.

## Teaching methods:

- Learning by doing
- Peer-to-peer learning

## Recommended reading

- I. Curry-Sumner et al., Research Skills: Instructions for lawyers

### **LAW2001**

#### **Period 1**

4 Sep 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

4.0

**Instruction language:**

English

**Coordinator:**

W.A. Bull

**Teaching methods:**

PBL, Lecture(s)

**Assessment methods:**

Assignment

**Keywords:**

academic writing, Legal writing, Writing skills, Bachelor's essay

**Faculty of Law**

## European Tort Law

### Full course description

The course discusses the central subjects of tort law from a comparative perspective and in the light of developments in supranational law (European Union and European Convention on Human Rights).

### Course objectives

The main objective of the course is to provide students with cases, materials and comparative literature, allowing them to learn and discuss the main differences and similarities between English, German, and French. Specific attention is paid to the increasing intertwinement between national tort laws on one hand and European Union law and the European Convention on Human Rights on the other. Students also acquire practical problem solving skills, by applying tort law norms from the above mentioned jurisdictions to hypothetical cases during the tutorials.

### Prerequisites

Basic knowledge of English, German and French legal systems

### Recommended reading

Basic literature for this course:

- Cees van Dam, European Tort Law, Oxford (Oxford University Press) 2013 (approx. € 45), ISBN 0-19-929071-7.
- Case law and other additional materials on Eleum/Blackboard or the course book.

## PRI3015

**Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

C.C. van Dam

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Assignment, Written exam

**Keywords:**

Comparative tort law, European Union law, Human rights law

**Faculty of Law**

## European Union Law: Foundations

### Full course description

This course is devoted to an in-depth study of EU institutional law, within the broader perspective of EU law. Building on basic concepts of EU law, it seeks to advance the knowledge of the students to the level where they could handle EU institutional law matters in a professional or academic context. The four main topics of the course are: the 'horizontal' division of competences between the EU institutions (including legislative and administrative decision-making), the 'vertical' division of competences between the EU and the Member States (e.g. principles of conferral and subsidiarity), the judicial enforcement of EU law (infringement proceedings and preliminary reference procedure) as well as the position of the citizen in the European legal order (review of EU legal acts).

### Course objectives

The main objectives of this course are that the student:

- acquires knowledge of the main characteristics of and developments in the field of EU institutional law;
- has in depth knowledge and understanding of the powers and functioning of the EU institutions and bodies
- understands the relationship between European law and national law as regards the divisions of competences, conflicts between the two and how these conflicts should be resolved;
- can apply theoretical concepts of EU institutional law to concrete cases and identify potential problems in this regard
- can develop a critical analysis (both orally and on paper) of concrete cases and developments in the relevant fields

### Prerequisites

None



## Recommended reading

- Textbook: European Union Law: Foundations (Oxford University Press, custom edition)
- Nigel Foster, Blackstone's EU Treaties & Legislation (latest edition)

### IER3006

#### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[M. Brkan](#)

#### Teaching methods:

Lecture(s), PBL

#### Assessment methods:

Written exam, Final paper

#### Keywords:

EU institutions, Division of Competences, judicial review, Direct effect and supremacy, Fundamental Rights

## Faculty of Law

# Private International Law

## Full course description

Private International Law (PIL) provides a set of legal rules where one or more of the parties, facts or circumstances related to a legal dispute are connected with more than one legal system. Private International Law in particular provides: 1. legal rules which establish when a national court has international jurisdiction in any case involving an international element; 2. legal rules which determine the applicable law in cases involving international elements heard before a national court; and 3. legal rules on recognition and enforcement of foreign court judgments in another country. Since each country has its own Private International Law rules, Private International Law originally is domestic law. Other influential sources of PIL are international treaties and, more increasingly, EU-regulations. Private International Law has become even more significant as a result of increasing integration within the European Union and because of globalization (of trade and free movement). This course in particular focuses on the European perspective of Private International Law. Hence it includes: 1. an examination of the general structure, main doctrines, principles and topics (family law, goods, contractual/non-contractual obligations) of PIL from the EU-perspective; 2. an introduction to the most important EU-regulations and international treaties on Private International Law such as the Regulation 593/2008 on the law applicable to contractual obligations, Regulation 864/2007 on the law applicable to non-contractual obligations, Regulation 2201/2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and Regulation 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-

operation in matters relating to maintenance obligations. 3. an overview of the historical development of Private International Law. Attention will also be paid to current Private International Law codifications in several EU-member states as illustration of PIL's originally domestic character. For the purposes of this course Private International Law is understood in a broad sense, thus including the conflict of laws and the law of international civil procedure.

## Course objectives

The general aim of the course is to provide students with an understanding of the problems inherent in legal situations involving (a) crossborder element(s) in Europe. The students will gain knowledge of the basic principles and legal rules of Private International Law from the European perspective as well as of its historical developments.

## Prerequisites

Basic knowledge of law in general.

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## Recommended reading

- The coursebook can be ordered through POD. - The mandatory textbook for this course is the latest edition of M. Bogdan, Concise introduction to EU Private International Law, Groningen: Europa Law Publishing. - The use of the latest edition of 'Selected National, European and International Provisions from Public and Private Law, the Maastricht Collection' by Nicole Kornet & S. Hardt (eds.), Groningen: Europa Law Publishing, is recommended for those students who are already in possession of the book and/or participate in other ELS-courses. For other students such as non-ELS-students another option is: Prof. dr. K. Boele - Woelki (ed.), Ars Aequi wetseeditie European Private International Law 2015-2017, Nijmegen: Ars Aequi Libri (latest edition; ISBN: 9789069165998). (See also announcement before the start of the course, all books can be ordered e.g. via studystore or the publisher;).

## **PRI3018**

### **Period 3**

8 Jan 2018

2 Feb 2018

[Print course description](#)

### **ECTS credits:**

4.0

### **Instruction language:**

English

### **Coordinator:**

M.N. Wells-Greco

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Written exam

### **Keywords:**

(European) Private International Law

## Faculty of Law

# European Union Law: Substantive Law

## Full course description

The purpose of this course is to introduce students to the core of what is known as the "substantive law" of the European Union. The course is based on two main pillars, on the one hand the four freedoms and on the other hand the rules of competition law. These constitute the foundation of the economic and social order of the European Union. The course deals in detail with the free movement of goods (financial and quantitative restrictions), the free movement of persons, the freedom of establishment, the free movement of services. It specifically addresses the position of family members and the recognition of qualifications. Some attention is paid to third country nationals. Furthermore, the outlines of the free movement of capital are addressed. In the last part, the course gives an introduction to the area of competition law. Cartel agreements and concerted practices, the abuse of a dominant position, mergers, state monopolies, state aid and the enforcement of competition law shall be addressed.

## Key words

1. History of the Internal Market. – legal developments and CJEU case law, on financial restrictions on the free movement of goods. Common External, Tariff; Import duties; Charges having equivalent effect; Internal, taxation.,
2. Legal developments and case law on quantitative restrictions; quotas;, measures having equivalent effect; certain selling arrangements;, justifications (including proportionality),
3. Development of EU citizenship; the notions of worker; self-employed, persons; rights of family members; prohibition on discrimination on, nationality; restrictions in the free movement and limitations of the, free movement based on Treaty, secondary legislation and case-law.,
4. Free Movement of Establishment and Services; diploma recognition of, professionals.,
5. Position of Third Country Nationals; residence and equal treatment., Long Term Residence; Family Reunification; Association Agreements., Free Movement of Capital.,
6. Prohibition of agreements, concerted practices and decisions of, associations of undertakings; prohibition on abuse of a dominant, position.,
7. State aid and enforcement of competition law.,

## Course objectives

Has knowledge and insight in the most important fields of substantive EU Law (free movement/competition). Has the ability to identify and solve legal problems in the areas of law described above. Develops a critical attitude towards the areas of law described above.

To this end the following learning outcomes are defined (and assessed):

- Knowledge and insight:
- EU free movement and competition law as described above.
- Applying knowledge and insight, judgement and communication
- Find, analyse and critically assess sources.
- Case solving: being able to distill a legal problem from a set of fact, select the corresponding rules, analyse and apply these rules and draw a logical conclusion solving the problem.
- Analysis; being able to analyse and critically reflect upon the legal systems and subjects addressed in the course.
- Being able to communicate in both written and oral form the analyses and necessary steps for case

solving mentioned above.

- Being able to do the above in functional English.

In addition the following outcomes will be addressed in the case:

- Applying knowledge and insight, judgement and communication:
- Approach problems from different angles.
- Take into account societal and/or ethical aspects in a case.
- Awareness of historical and/or societal context.
- Learning skills:
- Planning, executing and evaluation own learning strategy
- Team work.

## Prerequisites

The course builds on the knowledge acquired in Introduction to International and European Law and EU Law: Foundations.

## Recommended reading

To be announced.

### IER3003

#### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[S.J.F.J. Claessens](#)

#### Teaching methods:

Lecture(s), PBL

#### Assessment methods:

Assignment, Written exam

## Faculty of Law

# Comparative Administrative Law

## Full course description

The primary purposes of administrative law are:

1. to empower the government to put its policies into effect and
2. to keep the powers of the government within their legal boundaries, so as to protect citizens

against their abuse.

The course Comparative Administrative Law provides an introduction into the general administrative law of France, Germany, the Netherlands and the United Kingdom (mainly England & Wales).

The course concentrates on the following themes:

1. the administrative decision-making process and its outcome;
2. the general principles regulating administrative decision-making;
3. the access to administrative courts;
4. the remedies against the administration.

## Course objectives

The primary purpose of this course is for students to acquire a basic knowledge of the administrative law systems of France, Germany, the Netherlands and the UK. Furthermore, specific differences and similarities between the four systems of administrative law will be analysed.

## Recommended reading

- A reader
- Nicole Kornet & Sascha Hardt, "Selected National, European and International Provisions from Public and Private Law" - The Maastricht Collection (Fourth Edition), published on 14 September 2015.

### **PUB2014**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[M. Eliantonio](#)

#### **Teaching methods:**

PBL, Lecture(s)

#### **Assessment methods:**

Written exam, Assignment

#### **Keywords:**

Administrative law; principles; administrative action; access to court; remedies against the administration; comparative law.

# Inleiding Nederlands Bestuursrecht

## Full course description

Dit blok beoogt een inleiding te geven in het bestuursrecht. In het bestuursrecht gaat het om verhouding tussen de overheid (in de hoedanigheid van bestuursorganen) enerzijds en burgers en rechtspersonen anderzijds. Deze verhouding is bijzonder, omdat bestuursorganen de bevoegdheid hebben om door middel van besluiten burgers en rechtspersonen eenzijdig te binden. Het gaat daarbij bijvoorbeeld om het verlenen van een omgevingsvergunning bouwen, het terugvorderen van onterecht ontvangen studiefinanciering, het verlenen van een subsidie, het sluiten van een woning of het opleggen van een bestuurlijke boete. Belangrijke vragen zijn: hoe komen bestuursorganen aan dergelijke bevoegdheden en wat kunnen burgers en rechtspersonen doen wanneer zij het met de genomen besluiten niet eens zijn (bestuursrechtelijke rechtsbescherming)?

Dit vak geeft studenten een inleiding in het bestuursrecht, met name door hen in staat te stellen om: a. de wijze waarop bestuursbevoegdheden in het leven worden geroepen te herkennen en te benoemen, b. de kernbegrippen van het bestuursrecht te definiëren en toe te passen, c. de geschreven en ongeschreven normen van het bestuurshandelen te benoemen en d. de begrippen van het bestuursprocesrecht (incl. voorprocedures) te definiëren en toe te passen.

**Onderwijsmiddelen:** het blok kent één onderwijsbijeenkomst per week (2 uur) en een viertal colleges. De taken, opdrachten, aanwijzingen en uiteenzettingen in deze onderwijsvormen behoren tot de verplichte leerstof van het blok.

## Course objectives

Na succesvolle afronding van dit vak hebben de studenten de volgende kwalificaties verworven:

- de student heeft basiskennis van belangrijke bestuursrechtelijke leerstukken;
- de student kan de kernbegrippen van het bestuursrecht (bestuursorgaan, besluit, belanghebbende) definiëren/beschrijven en op een bestuursrechtelijke casus uit de praktijk toepassen;
- de student weet hoe bestuursbevoegdheden in het leven worden geroepen en worden toebedeeld en kan in dat kader een onderscheid maken tussen attributie, delegatie en mandaat;
- de student weet aan welke normen bestuurlijk handelen is gebonden en kan beargumenteren hoe controle op de uitoefening van die bevoegdheden plaatsvindt; deze kennis kan de student toepassen op een bestuursrechtelijke casus uit de praktijk;
- de student kan beschrijven hoe een belangrijke karakteristiek van het bestuursrecht (de betrokkenheid van de overheid als een van de partijen in een geding) tot uitdrukking komt in de bestuursrechtelijke rechtsbescherming;
- de student beheerst enkele basale professionele vaardigheden, te weten het snel vinden van relevante wetten/wetsartikelen in een wettenbundel of via de geëigende overheidsportals op internet, het zoeken van relevante informatie via juridische databanken en het ordenen en analyseren van jurisprudentie.

## Recommended reading

Leermiddelen (onder voorbehoud):

- T. Barkhuysen, C. de Kruif, W. den Ouden en Y.E. Schuurmans, Bestuursrecht in het Awb-tijdperk, Deventer: Kluwer 2014 (zevende druk)
- Reader met aanvullende literatuur
- Voorgescreven jurisprudentie (zelf op te zoeken via Legal Intelligence)

## **PUB1004**

### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

Dutch

### **Coordinator:**

[J.E. van den Brink](#)

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Written exam

### **Keywords:**

Bestuursrecht

## **Faculty of Law**

# **Inleiding Nederlands Straf- en Strafprocesrecht**

## **Full course description**

Dit blok is bedoeld als een inleiding tot het Nederlandse strafrecht en strafprocesrecht. Het beoogt elementair inzicht te geven in de structuur, beginselen en regels van het strafrechtelijk systeem, waarbij eerst aandacht wordt besteed aan het formele strafrecht en daarna aan het materiële strafrecht. Tijdens de eerste vier bijeenkomsten komen de belangrijkste leerstukken van het formele strafrecht aan bod. Het formele strafrecht, grotendeels geregeld in het Wetboek van Strafvordering, kan worden begrepen als het geheel van rechtsregels betreffende de opsporing, vervolging en berechting van personen die ervan worden verdacht een strafbaar feit te hebben gepleegd. In het formeel strafrechtelijke deel komen achtereenvolgens de volgende onderwerpen aan de orde: de diverse fasen en actoren van het strafproces, het verdenkingsbegrip, opsporingsbevoegdheden, vrijheidsbenemende dwangmiddelen, fouillering en doorzoeking, vervolging, de systematiek van artikelen 348-350 Sv, regeling met betrekking tot getuigen en beginselen van bewijsrecht. Tijdens de drie volgende bijeenkomsten komen de belangrijkste leerstukken van het materiële strafrecht aan bod. Als er wordt gesproken over materieel strafrecht dan heeft men het over de vraag wat een strafbaar feit is. Dit deel van het strafrecht wordt voor een belangrijk deel gevonden in het Wetboek van Strafrecht, maar ook in bijzondere wetten, zoals de Opiumwet. In dit materieelrechtelijk deel wordt aandacht besteed aan de volgende onderwerpen. Na een bijeenkomst over het legaliteitsbeginsel en het leerstuk van causaliteit wordt aandacht besteed aan de verschillende schuldvormen en de strafuitsluitingsgronden. Daarna komen leerstukken in beeld die leiden tot een nadere definitie van de personen die bij een strafbaar feit betrokken kunnen zijn. Het gaat dan om onderwerpen als poging, voorbereiding en deelnemingsvormen, zoals uitlokking en medeplichtigheid. De belangrijkste onderwijsvormen in dit blok betreffen de onderwijsbijeenkomsten (1 x 2 uur per week) en een drietal hoorcolleges. De taken, opdrachten en aanwijzingen in alle genoemde onderwijsvormen behoren tot de verplichte leerstof van het blok.

## Recommended reading

Het voorgeschreven basisboek in dit blok is: M.J. Kronenberg en B. de Wilde, Grondtrekken van het Nederlandse strafrecht, Kluwer, laatste druk Daarnaast zijn de in het literatuurboek opgenomen teksten en de colleges deel van de verplichte leerstof.

### **CRI1004**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[M. Ziesemer](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

#### **Keywords:**

Materieel strafrecht Strafprocesrecht

## Faculty of Law

# Inleiding Nederlands Privaatrecht

## Full course description

Het blok Inleiding Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. Daarna volgt een korte inleiding in het overeenkomstenrecht. Het grootste deel van het blok is gewijd aan het goederenrecht waarbij onder andere het leerstuk van de overdracht uitvoerig wordt behandeld, zowel voor onroerende als roerende zaken en vorderingen. De derdenbescherming van de verkrijger te goeder trouw wordt behandeld aan de hand van onroerende en roerende zaken. Wat onroerende zaken betreft komt ook de rol van de openbare registers en het kadaster naar voren en verkrijging van een onroerende zaak door verjaring. Tenslotte wordt ook veel aandacht besteed aan beperkte rechten (onder andere opstal, erfpacht en erfdiensbaardheid) en kwalitatieve verplichtingen en kettingbedingen. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges.

## Recommended reading

- W.H.M. Reehuis/A.H.T. Heisterkamp, Pitlo, Het Nederlands burgerlijk recht, Deel 3, Goederenrecht, 2006

### **PRI1005**



**Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

6.0

**Coordinator:**

[L.P.W. van Vliet](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Faculty of Law**

## **Moot Court Training**

### **Full course description**

A moot court is a simulated court session, for which teams of students, first, prepare written pleadings with respect to a problem of law and, second, present their arguments in oral proceedings before a mock court. The course is based on fictitious cases involving issues of international law, ECHR, and European Union law. Please note that you need to be physically present in Maastricht throughout the course in order to successfully complete it.

### **Course objectives**

The course is intended to train students' written and oral communication skills in the form of written and oral pleadings. Students will be required to apply the law to the facts of a particular case and to argue in favour of their client. This course is also designed in order to develop students' ability to perform team work.

### **Prerequisites**

This course is part of the program of the second year of European Law School. It is not available for students not registered in the European Law School program.

### **Recommended reading**

- Christopher Kee, *The Art of Argument, A Guide to Mooting*, CUP, 2007.

This book is accessible online through the UM Library and a link will be provided on the Student Portal.

## **IER2003**

**Period 6**

18 Jun 2018

13 Jul 2018

[Print course description](#)

**ECTS credits:**

4.0

**Instruction language:**

English

**Coordinator:**

[L. Visser](#)

**Teaching methods:**

PBL

**Assessment methods:**

Written exam, Assignment

**Keywords:**

Moot court - Pleadings - Written and oral skills - European Union Law - International Law - ECHR

Elective courses

## Bachelor European Law School English Language Track electives

Faculty of Law

### Hoofdzaken Bedrijfseconomie voor Juristen

#### Full course description

In dit blok wordt vooral aandacht besteed aan de interne (richt zich op het verschaffen van financiële informatie aan bedrijfsinterne gebruikers) en externe (richt zich op het verschaffen van financiële informatie aan externen zoals aandeelhouders en belastingdienst) berichtgeving.

#### Course objectives

De student is na het volgen van dit blok in staat om een jaarrekening van een onderneming "te lezen". Hij verkrijgt inzicht in interne en externe berichtgeving alsmede de wijze van het vastleggen van de waarde en winst van een onderneming.

#### Recommended reading

- Bedrijfseconomie voor fiscalisten, Dr. J.W.J. De Kort, SDU Fiscale & Financiële uitgevers, ISBN 978-90-6476-226-0, de meest actuele druk. - Jaarrekening lezen voor juristen, De Geus/Klumper/Scholten, Boom Juridische Uitgevers, ISBN 978-90-8974-709-9, de meest actuele druk.

## TAX3001

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

9.0

**Instruction language:**

Dutch

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Verslaggeving / boekhouden / berichtgeving / waarde / winst / , jaarrekening.,

**Faculty of Law**

## European Administrative Law

### Full course description

Most of what the EU actually does can be qualified as administrative law. A directive setting standards for air quality, a fine imposed by the European Commission to a company found guilty of a cartel, a guidance on safety standards issued by the European Aviation Safety Agency are all measures which fall within the scope of administrative law.

While at national level there is a rather clear-cut division between legislative and administrative bodies, and it is not hard to identify what constitutes 'the administration', when the EU is involved matters become more complicated. Some of EU law is adopted and executed at EU level. If the Commission investigates the behaviour of a company which it suspects abusing its dominant position, it acts as an administrative authority. At the end of this process, the Commission may then issue an administrative measure, e.g. a fine, against which judicial review will be open before the European Courts. This is a typical case of direct administration.

Most of EU law, however, is not executed by the European institutions themselves. Because of the complexity and the sheer amount of work involved, the EU has, from the outset, needed national administrations to put European policies into effect. First of all, national parliaments need to transpose Directives and operationalise Regulations. If the EU passes a Directive on waste treatment, the national parliaments must create national law e.g. setting percentages of minimum waste recycling, designating the competent authorities in charge of monitoring whether companies comply with the requirements, setting fines for non-compliance etc. The designated national authorities will then have to inspect premises, draw up reports, impose fines etc. In such cases, one talks about indirect administration, because EU law is executed through the national administrations.

In cases of indirect administration, it is generally national rules of administrative law that govern the actions of national authorities. These national rules govern the procedural requirements have to be fulfilled if one asks for a permit, if and at which court one can file an action if the permit is refused and with which means the government can ensure that the requirements for obtaining the permit are enforced. Because national administrations are, in such cases, executing European law, and national courts are adjudicating on European law, national procedural rules have to respect some minimum requirements imposed by the EU legislator and the CJEU. In this way the EU has been increasingly influencing national administrative law.

The course European Administrative Law covers all these themes: starting from the cases of direct administration (i.e. what is sometimes referred to as 'the administrative law of the European Union'), the course moves to discuss situations in which the EU and the national administrations have to cooperate in the execution of European law, and will subsequently discuss the way European law

influences national administrative law in the cases of indirect administration.

## Course objectives

The student knows and understands the most important overarching concepts of administrative law and he/she is expected to have a thorough knowledge of the administrative law of the European Union and of the influence of European law on the administrative law of the Member States. He/she is able to compare different administrative systems and draw critical conclusions from the analysis. He/she has practiced to independently conduct comparative research.

## Prerequisites

This course builds upon the knowledge acquired in the courses Comparative Administrative Law, European Law I and, to a certain extent, European Law II.

## Recommended reading

Reader

### **PUB3003**

#### **Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[M. Eliantonio](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Final paper, Written exam

#### **Keywords:**

European law, administrative law, European administrative law, Comparative Law, Europeanisation of public law, procedural law, agencies, comitology, principles, shared administration, administrative decision-making, remedies.

## Faculty of Law

# European Human Rights

## Full course description

In this course the focus will be on the protection of human rights in Europe. Attention will be paid to

various aspects of the European Convention on Human Rights and especially the jurisprudence of the European Court of Human Rights. The content of various human rights will be studied, like for example the right to life, the prohibition of torture, the right to liberty and the freedom of expression. Also the supervisory mechanism of the European Convention will be discussed as well as some general concepts and doctrines like positive obligations and the margin of appreciation.

## Course objectives

Introduction to protection of human rights under the European Convention and increasing the knowledge and understanding of the subject by reading a text book and judgments of the court. Also judgments of the Court and cases in the course book are discussed and analysed.

## Prerequisites

Basic knowledge of international law and constitutional law

## Recommended reading

- Jacobs, White & Ovey, The European Convention on Human Rights, latest edition

### LAW2006

#### Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[J. van der Velde](#)

#### Teaching methods:

Lecture(s), PBL

#### Assessment methods:

Written exam

#### Keywords:

Human Rights, European Convention on Human Rights, European Court of Human Rights.

## Faculty of Law

# Methodological, Theoretical and Practical Aspects of Research on Human and Legal Decision-Making and Neurosciences

## Full course description

In the legal arena, everything revolves around evidence and credibility. This course addresses the relevance and validity of various types of empirical evidence that regularly surface in courts of law. Particular attention is devoted to physiological measures (skin conductance and heart rate for example), brain imaging techniques (such as functional magnetic resonance imaging and positron emission tomography), neuropsychological assessments (cognitive tests and psychological questionnaires), and behavioral genetic evidence (twin and adoption studies but also research on specific genes such as monoamine oxidase A; “the warrior gene”). The significance of collecting such evidence can hardly be overestimated; not only can it serve as evidence in individual cases, it also informs and challenges the models and theories about human behavior and error—delinquency and decision-making included—that legal scholars and policymakers work with. The decision-making processes that are essential to evaluate the credibility of such evidence will also take center stage. Students will be introduced to decision-making at an academic level and discover that the science behind it is real; it involves cognitive models of decision-making, psychometric testing, theoretical approaches to human error, logical analyses of arguments, and mathematical techniques to quantify the accuracy of decisions and the strength of evidence. The majority of topics will feature in lectures given by distinguished experts of the Research and Documentation Center (WODC) of the Dutch Ministry of Security and Justice.

This course is part of the interfaculty minor Human and Legal Decision-Making, which consists of three other, complementary courses; Neurosciences & Law, Neuropsychology & Law, and Economic Psychology. If you are interested in the subject matter of this course, you are encouraged to look into the other courses of the minor Human and Legal Decision-Making.

## Course objectives

Upon completion of this course, students must:

- Be familiar with physiological measures, brain imaging techniques, neuropsychological tests, and behavioral genetic studies as empirical evidence that can be brought into court.
- Be able to critically analyze the validity and relevance of such evidence within legal systems.
- Be able to recognize and evaluate different models of human behavior and error.
- Be able to identify and criticize the various ways in which humans make decisions (applied to law, medicine, and psychiatry).
- Know about the various roles that human decision-making play in the legal domain.
- Be able to recognize, remedy, and prevent diverse threats (e.g., cognitive biases, logical fallacies) that may undermine the quality of decision-making.
- Be able to employ simple mathematical methods to quantify the weight of evidence (e.g., likelihood ratios) and the accuracy of decision rules (e.g., receiver operating characteristics).

## Prerequisites

Although there are no prerequisites for this course, we expect good English language and writing skills. Furthermore, some basic knowledge of psychology, scientific methodology, and neuroscience is useful to understand the subject matter of this course. Students who are not acquainted with these subjects are therefore advised to study some introductory literature that will be made available during this course.

## Recommended reading

The literature for this course consists of state-of-the-art articles on decision-making and neurobiological criminology.

Examples of the literature are:

- Buckholtz, J. W., & Faigman, D. L. (2014). Promises, promises for neuroscience and law. *Current Biology*, 24, R861-R867.
- Cornet, L. J. M. (2015). Using basic neurobiological measures in criminological research. *Crime Science*, 4, 1-16.
- Dror, I. E. (2015). Cognitive neuroscience in forensic science: Understanding and utilizing the human element. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 370: 20140255.
- Swets, J. A., Dawes, R. M., & Monahan, J. (2000). Better decisions through science. *Scientific American*, 283, 82-87.

## LAW3024

### Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinators:

[F.L. Leeuw](#)

A.M.P.N. van Impelen

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Final paper, Written exam

### Keywords:

Human and legal decision making, Neurolaw, Methodology, Empirical evidence on neuroscientific factors

## Faculty of Law

# European Criminal Justice Area

## Full course description

This course focuses on cooperation between the Member States of the European Union in criminal matters. The Treaty on the European Union in 1992 created the so called Area of Freedom Security and Justice, which led to increasing efforts by the Member States to streamline their endeavors in regard to co-operation in criminal matters. The Treaty of Lisbon even further integrates and develops the co-operation in criminal matters within the European Union. This course will inter alia explore the effects of the Area of Freedom Security and Justice on the different forms of co-operation in criminal matters at the various stages of a criminal trial. A variety of European legal instruments, like the European Arrest Warrant, as well as pertinent case law of the European Court of Justice will be discussed. Furthermore, the course will deal with cornerstone principles of the Area, such as mutual recognition and ne bis in idem. In addition to the European Arrest Warrant, other forms of mutual recognition in criminal matters, e.g. the execution of judgments, the European Protection Order and

the Supervision of Orders on Detention on Remand will be analyzed. Finally the repercussions of these new forms of co-operation on European citizens will be discussed and strengths and weaknesses of the new emerging European Criminal Justice System will be highlighted. The course has a focus limited to cooperation and will therefore not deal with the influence of Union law on national substantive criminal law. That is the topic of the master course European Criminal Law (CRI4007). The main objective of this course is therefore to get acquainted with the elementary concepts of European cooperation in criminal matters and with the changes and developments brought about by the introduction of the European Area of freedom, security and justice. This seven week course will combine seven sessions of group tutorials. According to the philosophy of problem-based learning, tutorial meetings shall be used to explore various concepts of the emerging European criminal justice area on the basis of some reading assignments and case studies.

## Course objectives

The main objective of this course is to get acquainted with mutual recognition as the basis for all modalities of cooperation in criminal matters within the European Union. Students will understand the changes and developments brought about by the introduction of the European Area of Freedom, Security and Justice. They will be enabled to apply as well as critically discuss legal instruments and developments in the Area of Freedom Security and Justice. They should be able to find their way in European legislation implemented in a national penal system, evaluate their functioning and form a balanced opinion about the effects of European cooperation in criminal matters.

## Prerequisites

- Interest in cooperation in criminal matters
- Readiness to participate in group sessions based on PBL

## Recommended reading

- André Klip, European Criminal Law, Intersentia Antwerpen, 3rd ed. 201
- Materials on European Criminal Law, Intersentia Antwerpen, 3rd ed. 2017
- Reader

## LAW3012

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinator:

[A.H. Klip](#)

### Teaching methods:

PBL

### Assessment methods:

Written exam, Assignment



**Keywords:**

Cooperation in criminal matters/ mutual recognition/ European arrest warrant

**Faculty of Law**

# Law and Art: The Free Movement of Cultural Property

## Full course description

Law and Art - The Free Movement of Cultural Property is a course analysing the trade in artworks and cultural objects and their protection against various forms of threats from a legal perspective. Artworks speak to our imagination and either fascinate or irritate (or bore) us and in the public discourse in the media it is the uniqueness of artworks that is emphasised: their uniqueness, their representation of the artistic genius, expressions of the human condition... Nevertheless artworks can be endangered during conflicts, can be stolen or looted, can be forged and the authenticity can be questioned.

Beside their artistic and historic value, art works are also goods: material objects that can be valued in money. This dual character of artworks combining their economic value with a higher or aesthetic value is what makes artworks particularly interesting to study from a legal perspective. It is more challenging and interesting to discuss the possible claims and limitation periods concerning a fabulous painting stolen or looted more than 50 years ago than the restitution of a bike which has been stolen perhaps only 10 years ago.

Another challenge for the law is the fact that the art trade (legal and illicit) is a truly international market. Since artworks are relatively easy to take across borders, stolen or looted art objects can show up all over the globe. To add to the difficulties, laws affecting the art trade differ from country to country. This is especially true for export regulations, the rules on the bona fide purchase and limitation periods. The position of the bona fide purchaser is a delicate issue. Who should be protected and for how long? Must a bona fide purchaser return a stolen painting to the original owner? Which law applies if more than one jurisdiction is involved? Which international obligations exist? What happens to former colonial cultural goods? Do they have to be returned to the country of origin or can they still be admired in the museums of the former colonial powers? Are there just and fair solutions for these types of disputes?

These examples show that this course deals with many different areas of law: International and European law, Human Rights, Private and Public International Law, Public as well as Criminal Law. But you can easily widen the legal fields having a relation to the art market, such as for example Intellectual Property Law or Tax Law. The course will examine a broad spectrum of issues including the protection of cultural property during times of war against destruction and removal as well as their restitution; the protection of cultural property in times of peace against illegal export and the illicit trade; The European dimension of cultural policies will be addressed including the free movement of cultural property in the European Union, media policies, resale royalty legislation, state aid and the cultural sector. Additionally, the question of cultural diversity and the issue of authenticity and fakes as well as the international and European legislative developments concerning stolen, illicitly excavated, exported and looted works of art will be discussed.

In the first week, during the first lecture there is a general introduction given, in which the organisation of the course is explained and the work on issues concerning the International Art Trade and the Law is commenced.

## Course objectives

Aim of the course is to creating awareness of legal problems concerning the licit and illicit art market. Students will become familiar with various areas of law all related to art, cultural property and heritage (International and European law, Human Rights and Private International Law, Property Law, Contract and Tort Law, Tax Law and various regulations concerning the art market etc.

**This course is also part of an interfaculty MINOR**

## Prerequisites

Basis knowledge of law is important even if this course is open for students of the faculties of LAW, Arts and Culture and UCM and Erasmus students but students who have not a law background should in any case read before the course starts the recommended literature.

## Recommended reading

As reading material we shall use

- Lyndel Prott (ed) Witnesses to History, published by UNESCO Publishers in 2009. This book is available free as ebook

Furthermore,

- Kurt Siehr, International Art Trade and the Law, Recueil des Cours 1993, Vol. 243 (to be found in the library),

The book of

- Katja Lubina, Looted Art (electronically available on ELEUM and provided as PDF by e-mail) and different articles on

Different articles will be recommended on ELEUM as well as many cases and court decisions from various jurisdictions.

## **IER3004**

### **Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinators:**

[H.E.G.S. Schneider](#)

V.M. Tünsmeyer

### **Teaching methods:**

Lecture(s)

**Assessment methods:**

Final paper

**Keywords:**

Art law, cultural heritage protection, looted art, restitution and return, fakes, misrepresentation, warranty of title, provenance

**Faculty of Law**

## **Kostprijsverhogende Belastingen**

### **Full course description**

Het vakgebied Kostprijsverhogende belastingen omvat diverse belastingen zoals omzetbelasting, accijnzen, milieuheffingen, de overdrachtsbelasting, bijzondere verbruiksbelastingen enz. Het blok kostprijsverhogende belastingen is met name toegespitst op de omzetbelasting. Van genoemde belastingen is de omzetbelasting (btw) zowel in maatschappelijk als in wetenschappelijk opzicht de belangrijkste. Elke ondernemer heeft ermee te maken. De nationale opbrengst bedraagt meer dan € 40 miljard. De omzetbelasting wordt grotendeels beheerst door Europese regelgeving en door de rechtspraak van het Hof van Justitie van de Europese Unie. De harmonisering van de omzetbelasting, die sinds 1967 voortschrijdt en in 1993 de afschaffing van de fysieke grenscontroles met zich bracht, staat in dienst van de verdere realisering van de interne markt waarop gelijke concurrentievoorwaarden gelden. Het systeem van heffing, het toepassingsbereik, de structuur van de regelgeving, alle fiscaal relevante elementen ter vaststelling van een belastingschuld, zelfs detailregels en begrippen zijn Europees vastgelegd. Voorzover er onduidelijkheden in de toepassing van regels rijzen wordt de regelgeving vaak door het Hof van Justitie van de Europese Unie uitgelegd. De Btw-richtlijnen zijn tot de Lid-Staten gericht, maar ondernemers kunnen er rechten aan ontleen. Aan de hand van casuspositities maakt u kennis met het systeem van de omzetbelasting en het belang ervan voor ondernemers. De kernelementen van de btw komen aan bod: belastingplicht, belastbaar feit, plaats van de prestatie, vrijstellingen, aftrek van voorbelasting en grensoverschrijdende transacties. Daarnaast wordt diepgaand de onroerende-zaakproblematiek behandeld in samenhang met de overdrachtsbelasting. Gedurende het blok worden interactieve colleges gegeven (1 x per week). De te behandelen casus in de werkgroepen hebben een tweeledig doel. Zij ondersteunen de studenten bij de oefening om uit de feitelijkheid de fiscaal-juridische problemen te herkennen. Dit en het verder analyseren en oplossen van de casus beoogt tevens het vlak waarbinnen de casus of de rechtsvraag speelt, te leren kennen als deel van het geheel (bijv. plaats en functie van vrijstellingen, of, de allocatie van ondernemersactiviteiten als probleem van internationale afbakening. enz.). Daarmee verwerft men ook overzicht met betrekking tot de achtergronden van de regelgeving.

### **Course objectives**

Het doel van dit blok is de studenten vertrouwd te maken met de uitgangspunten van de heffing van omzetbelasting en, waar het betreft transacties in onroerend goed, tevens met de samenloopproblematiek met de overdrachtsbelasting. De basis van het blok wordt gevormd door de Wet op de omzetbelasting 1968, een en ander tegen de achtergrond van de Europese regelgeving op btw-gebied, alsmede de samenloopbepalingen in de Wet op belastingen van rechtsverkeer.

Na dit blok zal de student in staat moeten zijn:

- inzicht te geven in het (rechts)karakter, de achtergrond en het systeem van de omzetbelasting en de overdrachtsbelasting;

- de omzetbelasting te plaatsen binnen de context van het Europese recht;
- inzicht te geven in de belangrijkste onderwerpen (zoals ondernemer, prestatie, plaats van de prestatie, vrijstellingen en het aftrekrecht) op het gebied van de omzetbelasting, als ook in hun achtergronden en hun systematiek;
- de Nederlandse omzetbelastingwetgeving te interpreteren in het licht van de Europese Btw-richtlijn, de Btw-verordening en Europese jurisprudentie van het Hof van Justitie van de Europese Unie;
- een oordeel te geven over de Nederlandse en Europese jurisprudentie met betrekking tot de afzonderlijke onderwerpen;
- op realistische casusposities de geldende leerstukken zowel vanuit een theoretische als praktische invalshoek toe te passen door achtereenvolgens het probleem te analyseren, de betreffende regeling te interpreteren en het gegeven antwoord te motiveren;
- creatief en kritisch om te gaan met de genoemde onderwerpen, feilen van bestaande regelingen te formuleren alsmede oplossingen aan te dragen om deze te verhelpen;
- waar het betreft onroerend goedtransacties de samenloop met de overdrachtsbelasting vanuit voornoemde invalshoeken te benaderen.
- ethische dilemma's te onderkennen en te benoemen.

## Recommended reading

Als verplichte literatuur voor dit vak geldt: 1. Het blokboek kostprijsverhogende belastingen 2. M.E. van Hilten en H.W.M. van Kesteren, Omzetbelasting, Kluwer: Deventer, 2014, meest recente druk; 3. Boekdelen, jurisprudentie, recente wetgeving en tijdschriftartikelen, aangeduid in de hoorcolleges en/of werkgroepen dan wel bekend gemaakt via EleUM. Als aanbevolen literatuur voor dit vak geldt: 1. A.J. van Doesum en F. Nellen, VAT in a Day, Kluwer, Deventer, 2013; 2. W.A.P. Nieuwenhuizen, BTW Jurisprudentie van het Hof van Justitie, Editie 2014/2015, Kluwer, Deventer, 2013; 3. T.J. Kok, Boom Basics Fiscaal Omzetbelasting, Boom fiscale uitgevers, Den Haag, 2013; 4. Vakstudie Omzetbelasting, Fiscale Encyclopedie, Kluwer, Deventer (digitaal via Kluwer Plaza).

## TAX3003

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

### Coordinator:

[A.J. van Doesum](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

### Keywords:

btw, overdrachtsbelasting, omzetbelasting, onroerende zaken, intracommunautaire transacties, kostprijsverhogende belastingen, Europees belastingrecht

## Faculty of Law

# Law in Europe: from Gaius until the EU

## Full course description

In this course the history of, primarily, Private law in Europe will be dealt with, from Gaius until the EU. Common roots, such as Roman law, Canon law, Humanism and Natural law will be discussed; the codification process in the 19th century will be investigated; and the consequences of the creation of the EU for Private law will be studied.

## Course objectives

The student is able to discuss the common legal past of the various European states; he/she is aware of the dependency of law on time and place; The student has knowledge of the differences between Justinianic law and Classical Roman law, and has an understanding of the reception of Roman law in medieval Europe; The student has insight in the influence of Roman, Canon and Feudal law, Legal Humanism and Natural law on the civil and common law systems; The student comprehends the 19th century codification process and is able to form a reasoned point of view about the harmonisation of (Private) law in Europe; The student is able to communicate in writing about the history of Private law in Europe.

## Prerequisites

Introductory course in Legal History

## Recommended reading

- O.F. Robinson, T.D. Fergus, W.M. Gordon, European Legal History, London etc. 2000 or later edition;
- Additional literature indicated per week (to be consulted in the library).

### **MET3005**

#### **Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[C.H. van Rhee](#)

#### **Teaching methods:**

PBL

#### **Assessment methods:**

Presentation, Assignment

#### **Keywords:**

European Legal History, History of Private law

## Faculty of Law

# Winst uit Onderneming

## Full course description

Het blok bestaat uit twee delen, te weten het deel winst uit onderneming dat in de onderwijsbijeenkomsten aan bod komt en anderzijds het Practicum Tax accounting dat tijdens de colleges behandeld wordt. De onderwijsbijeenkomsten zullen beginnen met de bestudering van de personen die winst uit onderneming en resultaat uit overige werkzaamheden genieten. Na de afbakening van het fiscale begrip onderneming wordt aandacht besteed aan de diverse aspecten van de fiscale winstbepaling. Hiernaast gaan de colleges van het practicum Tax Accounting lopen waarbij ingegaan wordt op de afleiding van de fiscale winst uit de vennootschappelijke of bedrijfseconomische winst, met andere woorden de fiscale comptabiliteit. Ter voorbereiding op deze colleges dienen opdrachten uitgewerkt te worden. In het kader van het goed koopmansgebruik komen o.a. de vermogensetikettering, de ondernemingskosten, vrijstellingen en de foutenleer aan de orde. Daarna zal de aandacht gericht worden op de fiscale balanswaardering (voorraad, onderhanden werk, debiteuren, bedrijfsmiddelen en afschrijvingen, fiscale reserves, voorzieningen) en op de belastingfaciliteiten voor ondernemers. Tenslotte zal diepgaand aandacht besteed worden aan bedrijfsopvolging, firmaproblemen, de oudedagsvoorziening voor ondernemers en de staking van ondernemingen (met aandacht voor overlijdenswinst, inbreng in man-vrouwfirma en doorschuiving in familiesfeer). Na afsluiting van dit blok weet de student wanneer sprake is van ondernemerschap, kan de student de fiscale winst van een onderneming bepalen en is hij in staat de staking van een onderneming fiscaal te begeleiden. Ook is de student in staat te adviseren bij investeringsbeslissingen.

## Course objectives

Doelstelling van dit blok is het verwerven van een grondige kennis inzake de fiscale winstbepaling in de inkomstenbelasting en de winstbepaling in de jaarrekening.

## Prerequisites

De inhoud van het blok Hoofdzaken loon- en inkomstenbelasting wordt als voorkennis bekend verondersteld

## Recommended reading

Literatuur: H. Mobach e.a., *Cursus Belastingrecht, deel Inkomstenbelasting*, Kluwer, in blokboek aangegeven besluiten, jurisprudentie en tijdschriftartikelen, .W.J. de Kort, *Bedrijfseconomie voor fiscalisten*, Sdu Fiscale & Financiële Uitgevers, Amersfoort

## TAX3004

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

**Coordinator:**

[A.H.H. Bollen](#)

**Teaching methods:**

Lecture(s), PBL, Assignment(s), Presentation(s)

**Assessment methods:**

Written exam, Assignment

**Keywords:**

Onderneming, winstbepaling, resultaatbepaling, waardering, staking, ondernemersfaciliteiten, oudedagsvoorzieningen, fiscale comptabiliteit, tax accounting

**University College Maastricht**

## **Atrocity Triangle: A course on the Criminology of Gross Human Rights Violations**

### **Full course description**

The first part of the course introduces the leading concepts and theoretical frameworks that will structure the course. The course therefore firstly addresses the concept of the 'atrocity triangle' and it looks into the relationship between the three actors (the perpetrator, the victim, and the bystander) involved in the triangle. Subsequently, an integrated criminological model will be introduced which sets out the relevant etiological elements that will be addressed in greater detail in the second part of the course.

The second part of the course, which focuses on the perpetrators, will start with the forms, functions and effects of (political) violence and the concept of torture in particular. The analysis continues on the macro level and addresses the role of policy and ideology. Subsequent analysis focusses on the meso level and the role of military organizations and other institutions is discussed. In this context attention is paid to the influence of military training and we will discuss how with the help of a bureaucratic system genocide can be planned, organized and carried out. The discussion will thus address several compulsive and determinative features of the environment surrounding perpetrators of gross human rights violations. We will furthermore discuss several experiments (Milgram, Ash, Stanford, etc.) on obedience, institutional roles and conformity, but we will also address other social-psychological mechanisms which are helpful in understanding how and why people are able to participate in the perpetration of gross human rights violations. Lastly, the important role that language and discourse plays in conflict and international crime is highlighted.

The third part of the course will focus on the bystander. We will start the discussion on the role of the bystander by looking into the phenomenon of the 'the bystander effect' in order to address the question why bystanders fail to act. Secondly, the role of bystanders in international politics at the macro-level of both states and international organizations in the field of human rights will be discussed. We will give special attention to the role of the UN Security Council when it was confronted with gross human rights violations. Lastly, in addition to perpetrators and bystanders (collaborators), certain actors in the same situations did not perpetrate or passively stood by, instead they took affirmative action and came to the help of those in need. We will therefore look more closely into the phenomenon of rescuing in order to find out what turns actors into rescuers.

The fourth and last part of the course will take a more victimological perspective, which focuses on the position of the victim. Who are the victims and why are they victimized? What is the relationship



between these victims and their perpetrators and what are the consequences of this relationship? In this context specific attention will be paid to gender selective violence. More particularly, the phenomena of rape as a 'weapon of war' and gendercide (gender selective mass killings) will be discussed. Also, the complex case of child soldiers will be addressed as they are victims and perpetrators at the same time.

Several lectures will be held during this course. These lectures will be used to illustrate the discussed materials and to provide the participants with a deeper understanding of the subject matter by presenting the linkage between theory and (research) practice. During the lectures, various guest speakers will address the subject matter from the practitioner's perspective. In addition, we will screen a number of documentaries that will be analyzed during the post-discussion. We hope that, through these documentaries, the subject matter of this course will become more accessible and less abstract.

Case studies play an important role throughout the course and we will therefore pay attention to a wide variety of cases including The Holocaust and other cases of genocide (Armenia, Australia, Cambodia, Rwanda, Srebrenica, Darfur, etc.). Although cases of genocide will play an important role in this course, the caseload is certainly not limited to genocide and other violent conflicts will be addressed as well. Here one could think of the following cases, Chili, Argentina, Guatemala, Indonesia, East Timor, Iraq, Syria, Congo, Central African Republic, etc. Not to forget the torture practices of the U.S.

The insights gathered throughout this course have policy implications and inform us how we could react to gross human rights violations once they have occurred. These policy implications are addressed in greater detail during another UCM course titled The aftermath of atrocity: A course on transitional justice and post-conflict reconstruction (SSC 3052) which will be taught during the spring semester in period 5.

## Course objectives

- To gain a criminological understanding of gross human rights violations and other international crimes by examining their causes on individual (micro), institutional (meso), national and international (macro) levels using a criminological approach that integrates relevant insights from different disciplines (social psychology, sociology, victimology, history, international relations, international law and psychology).
- Moreover, to view the world through the eyes of the perpetrators as well as the victims and the bystanders by focusing on their roles in the occurrence of gross human rights violations.
- To make insightful the linkage between gross human rights violations and violent conflicts in the world.
- To gain an understanding of how to approach the criminological study of complex cases of violence and to be able to analyze such cases independently.

## Prerequisites

Two 2000-level courses in the Social Sciences or Humanities.

## Recommended reading

- Handbook (t.b.a)
- E-reader.

**SSC3032**

**Period 2**



30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

5.0

**Instruction language:**

English

**Coordinators:**

[C.A.R. Moerland](#)

F. Grünfeld

**Teaching methods:**

PBL, Presentation(s), Lecture(s), Assignment(s), Paper(s)

**Assessment methods:**

Final paper, Attendance, Participation, Written exam, Oral exam, Take home exam

**Faculty of Law**

# Introduction to International Human Rights

## Full course description

In this course we look at human rights from the perspective of international law: the obligations of states to uphold universal standards and the mechanisms in place to transform national injustices into international concerns giving rise to recommendations (but not necessarily sanctions) to governments. These obligations and mechanisms were created after 1948, when the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations (UN). Human rights are a universal language intended to end discrimination and violence, reduce human suffering and promote human development.

## Course objectives

*Generally:*

- To provide an introduction to international human rights law and the institutional framework of the UN.

*Specifically:*

- Understanding the nature of international (UN) human rights norms and state obligations, as well as the position and role of non-state actors.
- Finding your way through the major international (UN) human rights treaties (ICERD 1965, ICCPR and ICESCR 1966, CEDAW 1979, CAT 1984, CRC 1989, CRPD 2006) and relevant documents related to the institutional framework of the UN.
- Being able to apply international (UN) human rights norms with critical reasoning and legal argumentation to concrete problems.
- Being able to distinguish between, and become familiar with, treaty- and UN Charter-based mechanisms (especially, special procedures and UPR).

## Prerequisites

Bachelor level law, including a course on international law: students must have followed one or more international law courses.

## Recommended reading

**Obligatory** 2 books:

- Bisset, Alison (ed.), International Human Rights Documents. Oxford: OUP (Tenth Edition, 2016), ISBN 9780198768302.
- Moeckli, Daniel, et al. (eds.), International Human Rights Law. Oxford: OUP (Second Edition, 2014): ISBN 9780199654574.

## IER3009

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Coordinators:

[J.C.M. Willems](#)

[J.A. Sellin](#)

[A.C. Broderick](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

### Keywords:

Subjects to be discussed include: universality and other key concepts, human rights treaties, categories of rights, non-state actors, vulnerable groups, mechanisms, Institutions, committees and courts.

## Faculty of Law

# Hoofdzaken Loon- en Inkomstenbelasting

## Full course description

Globale kennis van en inzicht in de hoofdlijnen van het personen- en familierecht, huwelijksvermogensrecht en erfrecht. Kennis van en inzicht in de belangrijkste leerstukken van de Nederlandse loon- en inkomstenbelasting. kennis van en inzicht in de hoofdlijnen en systematiek van de Nederlandse loonbelasting, bijvoorbeeld belastingsubject en bronnentheorie, dienstbetrekking en inhoudingsplichtige, loon in natura, persoonsgebonden aftrek, tarieftoepassing en heffingskortingen Kennis van en inzicht in de Nederlandse inkomstenbelasting, met name van het niet-winstdeel, bijvoorbeeld eigen woning, aanmerkelijk belang, periodieke uitkeringen, levensverzekering en

chtscheiding, en vermogensrendementheffing. Inzicht in de Wet IB 2001 waarbij de systematiek van de heffing duidelijk moet worden aan de hand van subject, object en tarief. De verschillende bronnen inzake niet- winst komen aan bod, zoals loon, eigen woning, kapitaalverzekeringen en periodieke uitkeringen en box 3. Daarnaast wordt inzicht verkregen in het begrip aanmerkelijk belang. Ook de persoonsgebonden aftrek en de heffingskortingen worden besproken. Vaardigheden - vaardigheid in het casusoplossen - vaardigheid om zelfstandig op heldere wijze mondeling of schriftelijk fiscaaljuridische vragen te beantwoorden - vaardigheid in het analyseren van jurisprudentie en andere juridische teksten - vaardigheid in het berekenen van fiscaal inkomen en vermogen - vaardigheid in het invullen van aangiftebiljet IB. Inzicht in de begrippen dienstbetrekking, loon, inhoudingsplichtige en eindheffing. Inzicht inzake de verzekeringsplicht van de volksverzekeringen, werknemersverzekeringen en Zorgverzekeringswet 2006. Globaal inzicht in personen- en familierecht, huwelijksvermogensrecht en erfrecht.

## Prerequisites

Actieve deelname onderwijsgroep

## TAX2014

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

12.0

### Instruction language:

Dutch

### Coordinator:

[A.M.M. Thomassen](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

## Faculty of Law

# Law and Neurosciences

## Full course description

This course introduces students to the new interdisciplinary field of law, neuroscience and philosophy. It uses an integrative approach by addressing the relevancy of potential applications of neuroscience in the fields of both criminal law and civil law. The course aims, inter alia, to assist students in understanding and critically reflecting on the present and future possibilities pertaining to the intersection between law and neuroscience. It also explores how neuroscientific research may challenge the foundations and conditions of criminal and civil (tort) liability. The main themes of the course include the following: the neuroscientific challenge to free will and responsibility; the scientific and legal view on human agency and personhood; diagnosing and assessing mental capacities and disabilities; legal decision-making and the use of neurological evidence in court; neuroscience and human rights and finally, the predictive and rehabilitative use of neuroscientific techniques.

This elective is also part of the minor Human and Legal Decision-Making which consists of four complementary courses; neuropsychology & law, methodological, theoretical and practical aspects of studying human and legal decision-making and neurosciences, law & neurosciences, economic psychology. Please take note that in comparison with the previous year this course has moved to the second period, to allow its content to be more in alignment with the two courses of the minor in the first period.

## Course objectives

Upon completion of this course, the student must be able to:

- describe and understand the basic conditions of criminal and private law liability and relate these conditions to neuroscientific insights and challenges
- describe and understand the different philosophical positions on the free will and determinism debate
- reflect on the neuroscientific challenges to free will, human agency and legal responsibility;
- understand and evaluate the relevance of neuroscientific techniques as a diagnostic tool in order to determine mental capacities and disabilities;
- understand how neurosciences can contribute to our knowledge of judicial decision making
- assess the value and limitations of neuroscientific evidence in court cases
- reflect on the value of neuroscientific techniques as a predictive tool for risk assessment
- reflect on the use of neuroscientific techniques (especially direct brain interventions) to modify the brain in order to enhance people's responsibility

## Prerequisites

Although there are no prerequisites for this course, we expect good English language and writing skills. Also, some basic legal knowledge is necessary to understand the main topics of this course. Therefore, in the first two weeks some introductory lectures will be given on the basic concepts of criminal and private law.

In addition, students without any knowledge of law are required to study additionally:

- chapters 2,4, and 6 from J. Hage & B. Akkermans (eds), *Introduction to law*, Springer, 2014 and
- chapters 1, 3 and 6 from J. Keiler & D. Roef (eds.), *Comparative Concepts of Criminal Law*, Cambridge, Intersentia, 2016.

This additional literature will be made available in a reader.

Students report spending an average of 12-14 hours for each session.

## Recommended reading

The literature for this course consists of state-of-the-art articles on neurolaw. It is indicated for each session which reading materials should be studied beforehand.

Examples of relevant literature:

- N. Vincent, 'On the relevancy of neuroscience to criminal responsibility', *Criminal Law and Philosophy*, 2009, 77-98;
- M.S. Pardo & D. Patterson, D., 'Philosophical foundations of law and neuroscience', *University of Illinois Law Review*, 2010, 1212-1235 + 1242-50.
- S. Morse, 'Determinism and the Death of Folk Psychology: Two Challenges to Responsibility From Neuroscience', *J.L.Sci & Techn.*, 2008, 1-20;

- F.X. Shen & O.D. Jones, 'Brain Scans as Evidence: Truths, Proofs, Lies and Lessons', Mercer Law Review ,2011, 861-883;

## LAW3021

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinator:

[D. Roef](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam, Final paper

### Keywords:

Neurolaw - Criminal law and neurosciences - Private law and neurosciences

## Faculty of Law

# Willem C. Vis Moot Court Competition Bachelor

## LAW3212

### Period 2

30 Oct 2017

22 Dec 2017

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

12.0

### Instruction language:

English

### Coordinator:

[N. Kornet](#)

## Faculty of Law

# Rechtspsychologie

## Full course description

Hoe goed is ons geheugen? Wat betekent dat voor de betrouwbaarheid van getuigenverklaringen? Wat kan mis gaan bij het organiseren van een zogenaamde Oslo-confrontatie? Hoe ver mag de politie gaan in het uitoefenen van druk tijdens het verhoren van verdachten? Hoe zit DNA- bewijs in elkaar? Hoe redeneren rechters? Dat zijn een paar voorbeelden van het soort vragen waarover het in dit blok zal gaan. In het blok staat één casus centraal: de Schiedammer parkmoord.

## Recommended reading

Literatuur: - P.J. van Koppen, De Schiedammer parkmoord. Ars Aequi 2003. - F. Posthumus, Evaluatieonderzoek in de Schiedammer parkmoord. Openbaar Ministerie 2005. - P.J. van Koppen e.a. (red.), Reizen met mijn rechter, Deventer, Kluwer 2010; - H.F.M. Crombag, P.J. van Koppen en W.A. Wagenaar, Dubieuze zaken: De psychologie van strafrechtelijk bewijs, Amsterdam, Contact 1992; goedkope herdruk 2011.

## MET3004

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

### Coordinator:

[M.R. Vanderhallen](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

## Faculty of Law

# Vennootschapsbelasting

## Full course description

In dit blok staat de belastingheffing over de winst van NV's, BV's en andere lichamen centraal. Het blok vormt een inleiding op de belastingheffing over de winst van vennootschappen. In het masterblok Fiscaal concernrecht wordt hierop voortgebouwd. In dit blok komen de specifieke aspecten van de winstbepaling voor vennootschappen ten opzichte van die voor ondernemers in de inkomstenbelasting aan de orde. Behandeld worden de afbakening voor de vennootschapsbelasting van het subject en het object, de storting van kapitaal en de uitdeling van winst, de aftrek van rente

en de verrekening van verliezen. Verder komen, inleidend, aan de orde de voor de vennootschapsbelasting specifieke leerstukken van de deelnemingsvrijstelling en de fiscale eenheid. Naast de vennootschapsbelasting wordt aandacht besteed aan de dividendbelasting, die wordt geheven bij de winstuitkeringen door een vennootschap aan haar aandeelhouders.

## Course objectives

Verwerven van basiskennis van de vennootschapsbelasting en de dividendbelasting. Na afloop van het blok moet de student in staat zijn om problemen op het gebied van de vennootschapsbelasting en de dividendbelasting, die geen betrekking hebben op concernstructuren, grensoverschrijdende structuren of fusies en splitsingen, te onderkennen en te analyseren en er mogelijke oplossingen voor aan te dragen.

## Prerequisites

Voor een goed begrip van de vennootschapsbelasting is enige kennis van de inkomstenbelasting onontbeerlijk. Degenen die weinig of geen kennis van de inkomstenbelasting hebben, wordt daarom dringend aangeraden om voor de aanvang van het blok een beknopte inleiding in de inkomstenbelasting door te nemen. Bruikbaar zijn, uit het boek: C.A. de Kam P.M. van Schie e.a., Belastingrecht in Hoofdlijnen, Studenteneditie, FED fiscale studiereserie 38, laatste druk, Kluwer, Hoofdstuk 2 of uit het boek: M.L.M. van Kempen, P.H.J. Essers e.a., Cursus belastingrecht (Inkomstenbelasting), studenteneditie laatste druk, Kluwer, Hoofdstuk 1 of uit het boek: L.G.M. Stevens, Elementair belastingrecht voor economen en bedrijfsjuristen, laatste editie, theorieboek, Hoofdstuk 4. Dit hoofdstuk geeft een kort overzicht van de structuur van de inkomstenbelasting. Uit hetzelfde boek kan desgewenst vooraf ook nog worden bestudeerd: hoofdstuk 6, voor de begrippen onderneming, ondernemer en totale winst, en hoofdstuk 7, voor de jaarwinstbepaling.

## Recommended reading

Vennootschapsbelasting (inleidend) - J.A.G. van der Geld, Hoofdzaken vennootschapsbelasting, laatste druk, Kluwer óf - E.J.W. Heithuis e.a., Compendium van de vennootschapsbelasting, laatste druk  
Vennootschapsbelasting (verdiepend) - J.L. van de Streek, S.A.W.J. Strik, Cursus belastingrecht (Vennootschapsbelasting), studenteneditie, laatste editie, Kluwer, óf - J.N. Bouwman, Wegwijs in de Vennootschapsbelasting, laatste druk, SDU Dividendbelasting - O.C.R. Marres en P.J. Wattel, Dividendbelasting, FED fiscale studiereserie nr. 26, laatste druk, Kluwer  
Voor een eerste kennismaking met de vennootschapsbelasting kan het boek van Van der Geld of Heithuis gebruikt worden. Wie in de master niet het blok Fiscaal concernrecht gaat volgen, kan voor het blok Vennootschapsbelasting hiermee volstaan naast de literatuur en rechtspraak die bij de taken in de onderwijsgroepen en in de colleges besproken worden. De verdiepende literatuur is voorgeschreven voor het masterblok Fiscaal concernrecht. Wie dit blok gaat volgen, kan ook alleen het boek van Van de Streek en Strik of van Bouwman aanschaffen. Voor de dividendbelasting wordt zowel voor het bachelorblok Vennootschapsbelasting als voor het masterblok Fiscaal concernrecht het boek van Marres en Wattel gebruikt.

## TAX3005

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

**Coordinator:**

[J.H.M. Arts](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Vennootschapsbelasting, Dividendbelasting,

**Faculty of Law**

## **International Business Law**

### **Full course description**

This course will cover some of the very general principles of international business law that govern various commercial transactions at the international level. The objective of this course is to enable students to answer some crucial questions regarding international business and commerce, which includes, but are not limited to the following: What is the applicable law for the transaction? What are the responsibilities and liabilities of the parties involved? Who arranges the carriage contract and who is in charge of transporting the goods from one point to another? How does the buyer pay the seller? What happens in the event that something goes wrong?

To help the students answer these questions, this course will focus on the following subject matters: 1) international sale of goods and general contract terms; 2) carriage of goods by land and sea; 3) letter of credit as a payment mechanism; and 4) international commercial arbitration as one possible way for parties to resolve their disputes. In addition to these core issues, this course will also attempt to shed light on various business concerns (e.g. business ethics) and current events that is of relevance to this course.

Given that our face-to-face instruction time will be relatively short in order to cover all of the subjects noted above, we admit at the very beginning that there will be a limit to what we will be able to teach the students (without force-feeding the information to students, which we do not intend to). With this in mind, this course will NOT cover various subjects including but not limited to: 1) extensive history of business/commercial law; 2) carriage of goods by air or rail; 3) leasing and financing contracts; or 4) insolvency and insurance claims just to provide a handful of examples. Our aim will NOT be to simply cram as much information as possible, but to select the essential concepts, to go over them in some depth, and to instill sufficient knowledge for the students to be able to apply these concepts in a practical manner. While the students may not become absolute experts of IBL at the end of this course, the students will possess enough foundational understanding of the subject matter, which will equip them with the ability to build further atop this foundation on their own.

### **Teaching methods:**

The bulk of the information that the students need to succeed in this course will be presented at the lectures every week (please note that the lectures will NOT be recorded). The knowledge that the students accumulate from the lecturers (plus the information covered in the weekly handouts and various other materials) will be applied in the tutorials each week by students solving a number of practical cases. Moreover, the tutorials will be student-centered and Socratic, which is to suggest that if the tutors notice students being silent for a prolonged period of time during the tutorials, the tutors reserve the right to invite those students to participate more actively.



### **Assessment methods:**

Legal Memorandum (60%), Mock Trial/Arbitration (30%), and Negotiation Strategy (10%). The Mock Trial/Arbitration and the Negotiation Strategy will be a group assessment that the students will NOT be able to resit.

### **Course objectives**

One of the overarching issues that this course will keep coming back to is the question of what impact these "international" laws (i.e. UN Convention on Contracts for the International Sale of Goods) are having on the harmonization of the law at the international/European level. Each week, the students will see evidence to suggest that there is no such thing as the "uniform law of contract" that governs an entire commercial contract from start to finish. Therefore, the students will consider "International Business Law" as a fragmented network of laws, with different laws governing each part of the transaction. Having this fundamental understanding will allow students to start grasping this complex subject matter with a bit more ease. At the of the course end, the goal is for the students to be able to demonstrate a basic level of competence and knowledge for matters related to international business law.

### **Recommended reading**

The students will be given a choice in terms of what type of learning materials (i.e. reader, handouts, executive summaries, podcasts, vlogs etc.) they prefer to use before the course starts. In other words, the course materials will consist of different formats and compositions depending on what the students desire, but they will all be made freely available on BlackBoard. Substantively speaking, the materials for each week (whatever type of format and composition the students vote for) will be designed to prepare them for the lectures, the tutorials, and the assignments. In addition, the course manual will provide a weekly list of recommended readings above and beyond the mandatory materials that the students will be strongly encouraged to follow.

## **PRI3008**

### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinator:**

[M.T. Kawakami](#)

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Assignment, Written exam

### **Keywords:**

International business law, International sale of goods, Incoterms 2010, International carriage of

goods, documentary credit, international commercial arbitration, alternative dispute resolution, and private international law.

## Faculty of Law

# Successiewet en Erfrecht

## Full course description

In dit blok komen aan de orde de belastingen die worden geheven op het moment waarop vermogen door schenking of vererving overgaat van de ene hand in de andere. Hierbij wordt verband gelegd met het personen- en familierecht dat in blok 1.5 Inleiding Privaatrecht aan de orde is geweest. Tevens wordt gedurende twee weken van het blok ingegaan op het erfrecht. In de Successiewet 1956 wordt een onderscheid gemaakt tussen schenkbelasting en erfbelasting. Naast de bespreking van de belastingplichtige, het belastbaar feit, het tarief en de vrijstellingen, komen de talrijke zogenoemde "fictiebepalingen" aan de orde. Aan het einde van het blok passeren enige grensoverschrijdende aspecten de revue. Daarbij is de laatste jaren aandacht gegeven aan buurland België. Tevens wordt ingegaan op de Europeesrechtelijke gevolgen van grensoverschrijdende situaties en aan het internationaal privaatrecht. Het blok Successiewet en erfrecht heeft tot doel de student kennis van en inzicht te laten verwerven in het Nederlandse erfrecht en de erf- en schenkbelasting. Daarbij wordt hij ook ingevoerd in de Europeesrechtelijke dimensies.

## Prerequisites

Er is geen specifieke voorkennis vereist. Het blok vormt een samenspel tussen privaatrecht en belastingrecht.

## TAX3006

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

### Coordinator:

[K.M.L.L. van de Ven](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

### Keywords:

Erfrecht, schenk- en erfbelasting, rechtsvergelijking, Europese regelgeving

## Faculty of Law

# Comparative Legal History of the Euregion

## Full course description

In the Early Modern Period (16th-18th centuries) the Meuse-Rhine region was divided in many autonomous territories like the duchies of Gueldres, Cleves, Julich, the Prince Bishopric of Cologne and Liege etc. Most of these territories underwent a process of legal modernization in this period. One of the most important features of this process was the codification of customary law, as ordered by the sovereigns of these territories. Although the codifiers in those territories made use of the Corpus Iuris Civilis as a subsidiary law source, they found different solutions for comparable legal problems, resulting in different mixtures of customary and Roman law, which were studied in regional legal treatises and jurisprudence in the following period. Today, many contemporary treatises on the legal systems of Cleve, Julich, Cologne and Liege are available as facsimile editions online, enabling us to study similarities and differences in the legal systems of the Meuse-Rhine territories.

## Course objectives

**1.** Acquisition of necessary skills in the field of comparative legal history research (application):

- problem definition and research design: how to choose a topic which is relevant for comparison
- read, translate and interpret primary legal sources of the early modern period (written in Middle Dutch, Middle French or Middle German)
- compare and describe two or three legal systems of the Meuse-Rhine Euregion
- frame one's observations in a broader theoretical framework in order to review and evaluate (by means of comparative research) generally accepted or disputed theses and views in the field of legal history

**2.** Acquisition of insight in the legal history of the Meuse-Rhine Euregion (understanding):

- outline general legal history of the Meuse-Rhine Euregion
- identify, describe and explain specificities of legal history of the Meuse-Rhine Euregion within a wider European context

## Prerequisites

Elementary legal history; advanced (passive) knowledge of French and/or German and/or Dutch is a prerequisite.

## Recommended reading

Lesaffer, R., European Legal History. A cultural and Political Perspective, Cambridge University Press 2009.

## MET3006

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinators:**

[A.M.J.A. Berkvens](#)

[B. van Hofstraeten](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Final paper

**Keywords:**

Comparative legal history; research skills; legal history of the Meuse- Rhine region, 16th-18th century.

**Faculty of Law**

## Omgevingsrecht

### Full course description

De ruimte in Nederland is vrij beperkt. Vele activiteiten zijn van invloed op de (kwaliteit van de) omgeving. Het recht van de ruimtelijke ordening (ruimtelijk bestuursrecht), het milieurecht (voorkomen en ongedaan maken van verontreiniging) en het natuurbeschermingsrecht - samen het omgevingsrecht vormend - zijn bij uitstek de drie rechtsgebieden waarin de regulering van die activiteiten centraal staat. Het gaat hoofdzakelijk om bijzonder bestuursrecht, dat uiteraard voor een aantal algemene aspecten (totstandkoming van besluiten, handhaving en rechtsbescherming) een belangrijke link heeft met het algemeen bestuursrecht en vooral de Algemene wet bestuursrecht. Een groot deel van het blok Omgevingsrecht zoekt in op (het vereiste van) vergunningen en het toetsingskader daarvoor. De op 1 oktober 2010 in werking getreden Wet algemene bepalingen omgevingsrecht (Wabo) geeft een compleet nieuwe dimensie aan het systeem van vergunningverlening in het omgevingsrecht! Deze staat centraal in het blok. Indien mogelijk wordt er naast de reguliere onderwijsbijeenkomsten een zitting bezocht (bouw- en milieuzaken) bij de rechtbank Limburg (te Maastricht of Roermond) en/of is er een lezing van een externe deskundige.

### Course objectives

Doel van het blok omgevingsrecht is om de contouren van het ruimtelijk bestuursrecht (Wet ruimtelijke ordening), het milieurecht (Wet milieubeheer) en eventueel -maar zeer waarschijnlijk niet- het gebiedsgerichte natuurbeschermingsrecht (Natuurbeschermingswet 1998) in kaart te brengen en met elkaar te vergelijken. De focus is op de Wabo (als overkoepelende omgevingswet). Ook wordt gekeken naar de op stapel staande Omgevingswet! Het blok is gericht op het verwerven van inzicht in en kennis van de taken en bevoegdheden van de verschillende overheidsorganen op het gebied van de genoemde drie rechtsgebieden en de onderlinge samenhang daartussen (inclusief procedures en rechtsbescherming).

### Prerequisites

Kennis van het omgevingsrecht is voor de bestuursrechtjurist onontbeerlijk, al was het maar omdat overheidsoptreden vaak een ruimtelijk facet heeft en omdat een groot deel van de bij de bestuursrechter ingestelde beroepen betrekking heeft op besluiten in de sfeer van het omgevingsrecht (vergunningverlening voor bouwen en milieu en het handhaven van overtredingen op dat punt). Ook de advocaat en de bedrijfsjurist zullen met het omgevingsrecht te maken

hebben/krijgen.

## Recommended reading

Handboeken op het terrein van de Wet algemene bepalingen omgevingsrecht en/of het ruimtelijke bestuursrecht en/of het overige omgevingsrecht: In ieder geval het boek van P. van Buuren e.a., Hoofdlijnen ruimtelijk bestuursrecht en het boek van A. Freriks e.a., Hoofdlijnen milieubestuursrecht (laatste drukken). Voor literatuurlijst, jurisprudentie e.d., zie blokboek 2015/2016 en de mededelingen tijdens de eerste onderwijsbijeenkomst.

### **PUB3002**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[R.J.G.H. Seerden](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

#### **Keywords:**

Wet algemene bepalingen omgevingsrecht, Algemene wet bestuursrecht, Wet ruimtelijke ordening, Wet milieubeheer, eventueel Natuurbeschermingswet 1998, vergunningen en algemene regels, handhaving en rechtsbescherming en de nieuwe Omgevingswet.

## Faculty of Law

# Comparative Administrative Law

## Full course description

The primary purposes of administrative law are:

1. to empower the government to put its policies into effect and
2. to keep the powers of the government within their legal boundaries, so as to protect citizens against their abuse.

The course Comparative Administrative Law provides an introduction into the general administrative law of France, Germany, the Netherlands and the United Kingdom (mainly England & Wales).

The course concentrates on the following themes:

1. the administrative decision-making process and its outcome;
2. the general principles regulating administrative decision-making;

3. the access to administrative courts;
4. the remedies against the administration.

## Course objectives

The primary purpose of this course is for students to acquire a basic knowledge of the administrative law systems of France, Germany, the Netherlands and the UK. Furthermore, specific differences and similarities between the four systems of administrative law will be analysed.

## Recommended reading

- A reader
- Nicole Kornet & Sascha Hardt, "Selected National, European and International Provisions from Public and Private Law" - The Maastricht Collection (Fourth Edition), published on 14 September 2015.

## PUB2014

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinator:

[M. Eliantonio](#)

### Teaching methods:

PBL, Lecture(s)

### Assessment methods:

Written exam, Assignment

### Keywords:

Administrative law; principles; administrative action; access to court; remedies against the administration; comparative law.

## Faculty of Law

# Inleiding Islamitisch Familierecht

## Full course description

De inhoud van de bijeenkomsten inleiding islamitisch familierecht zal globaal als volgt verdeeld worden: in bijeenkomst 1 wordt een algemene inleiding tot het islamitisch recht gegeven (de opbouw van een religieus rechtssysteem; rechtsbronnen, rechtspraktijk, recente ontwikkelingen, vergelijking met het 'westerse' rechtssysteem, Mudawwanah als prototype van islamitisch rechtstelsel). In de

tweede bijeenkomst zal worden ingegaan op het islamitisch huwelijks- en huwelijksvermogensrecht (verloving, formele/materiële vereisten huwelijk, vermogen). Vervolgens komt in bijeenkomst 3 het islamitisch huwelijksontbindingsrecht aan bod (scheidingsgronden, gevolgen van scheiding). In de vierde bijeenkomst wordt het islamitisch familierecht (afstamming; verhouding ouders-kinderen), en het islamitische personenrecht (geboorte, minderjarigheid, handelingsbekwaamheid, vermissing, overlijden) besproken. Bijeenkomst 5 wordt besteed aan islamitisch erfrecht (erfgenamen, erfporties, testeer-vrijheid, verdeling), de schenking en de waqf, bijeenkomst 6 aan het islamitisch strafrecht en het openbaar bestuur, en bijeenkomst 7 aan het islamitisch procesrecht, het islamitisch volkenrecht, het vreemdelingenrecht en het internationaal privaatrecht.

## Course objectives

Het blok beoogt u een introductie in het recht van de klassieke islam en van de contemporaine islam georiënteerde wereld te geven, in het bijzonder betreffende het islamitisch personen- en familierecht, bestuursrecht, strafrecht, procesrecht en het internationale recht.

## Prerequisites

Algemene kennis van het recht

## Recommended reading

1) Reader, te bestellen via POD 2) Mudawwana. Marokkaanse familiewet. Vertaald uit het Arabisch door M.S. Berger. Ars Aequi Wetseditie 2004

### **PRI1006**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.W.E. Rutten](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Oral exam, Written exam

#### **Keywords:**

Islamitisch recht

Faculty of Law

## Comparative Income and Business Taxation

## Full course description

This course provides an introduction to the legal structure and design of tax systems. We will first focus on the basic principles of tax systems and elements of the tax base (deductions, attribution of income). There will be a particular focus on taxing personal income (from labour and capital) and corporate income (like interest, royalties and dividends). We will then address selected issues of doing business abroad like double taxation as well as taxation of cross-border workers. Basic anti-tax-avoidance legislation will also be addressed as will elements of European (tax) law. This course will not focus on any country in particular, allowing this to be a real principle-based and comparative course.

## Course objectives

- Students should be able to understand and explain basic principles of personal and corporate income taxation from both a government as well as a taxpayer perspective.
- Students should gain a basic understanding of principles of international tax law, the role of tax treaties and their interaction with certain elements of EU law.

## Prerequisites

None

## Recommended reading

- Book (to be determined)
- Articles
- Sources from newspapers and magazines

### **TAX3009**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[R.H.C. Luja](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam, Final paper, Presentation

#### **Keywords:**

Income tax, corporation tax, international business, cross-border employment



# Forensische Geneeskunde

## LAW3016

### Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

### ECTS credits:

6.0

### Coordinator:

[W.L.J.M. Duijst](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

## Faculty of Law

# European Private Law

## Full course description

This course aims to make its participants familiar with the area of European Private Law. Only two decades ago, this aim would have been perceived as far too difficult to attain: until 1990 or so, there was no such thing as ‘the European Law of Contract’. Over the last decade however, scholarly efforts to build such a uniform contract law on the basis of comparative legal research coincided inter alia with the issuing of important European Directives in this field and the drafting of principles of contract law based on comparative research. These principles include the Principles of European Contract Law (PECL) and the Principles of European Law (PEL), dealing with topics such as sales and services contracts. These initiatives have not in themselves led to a great deal of uniform contract law for the European Union, but what has emerged is the idea (shared by many scholars and practitioners) that it is possible to come up with such a uniform law in the future. In any event, this has led to the assumption that European Contract Law can be taught at universities by uncovering the similarities and differences between the various European legal systems and by pointing at the unifying instruments that already exist. Recently (January 2008) a massive effort of scholarly work led to the publication of a Draft Common Frame of Reference of European Private Law (DCFR), based on the PECL and further comparative research. In 2009 a renewed and updated version of the DCFR was released and presented to the European Commission in the form of 6 volumes of over 6000 pages. An expert group worked to turn the (academic) DCFR into a (political) CFR, which could serve as a so-called optional instrument in the field of contract law. The result was a feasibility study that formed the basis for the European Commission’s proposal on a Common European Sales Law (CESL), which was proposed in October 2011.

The CESL has been the subject of a heavy debate among academics, but also among politicians and Member States. The European Parliament was relatively happy with the Commission’s proposal, but it soon became clear that the Commission’s proposal would not make it in Council. Hence, when the

Juncker Commission started late 2014 it revoked the CESL proposal. Instead, using a new thematic approach, the European Commission launched a proposal relating to digital sales only. For the moment, these proposals have been under consideration, as the European Union is dealing with other pressing matters.

One of the most pressing matters is – of course – the invoking of Article 50 TEU by the United Kingdom. While the negotiations for a #Brexit are ongoing, the European Union continues, perhaps – following the celebrations of the 60th anniversary of the Treaty of Rome (i.e. the original EEC Treaty) – at different speeds. The role of private law is very important and talk of a European Business Code has surfaced.

The European Union has not been sitting still in the past years in the field of private law. In October 2008, the European Commission proposed a draft Directive, which aimed to replace some of the existing contract law Directives, seeking more coherence. The interesting thing about this draft directive is that the European Commission is changing its approach from minimum harmonisation to full (or maximum) harmonisation and is under fierce attack for it. A new and less ambitious draft was published in 2011, which was also adopted in October 2011.

By far the largest body of European Contract Law deals with consumers. This is mostly due to the nature of European legislation. After all, the European legislature must show aim and reason before it can issue harmonising measures. It is sometimes held that because of this there is legislation at different levels, dealing differently with similar subject matter. The European Commission is organised in several Directorates-General (DG's) (perhaps best compared to the ministries of the Member States) that operate on a semi-autonomous basis. Of course there is coordination between the DG's, and there is some steering from the College of Commissioners (the full meeting of all Members of the European Commission), but – and this has been a major criticism in the past – this coordination has not always been successful. At least, part of the fragmentary character of European Contract Law at present can be attributed to bad coordination.

Because of this competence-oriented approach, consumer law takes a central place in the field of European contract law. In European Union speak, this part of the law deals with contracts between businesses and consumers, so-called 'B2C' transactions. In addition to this, there are also European initiatives taken that deal more with commercial relationships, so-called 'B2B' (business to business) transactions.

CESL and the digital sales proposal have provided us a glance at what the European Private Law of the future can look like, certainly combined with other legislative initiatives taken by the Commission, such as the Consumer Rights Directive. However, at the same time these proposals also show the limit of what the EU is politically able to achieve in this area. It is that future that is the central focus point of this course.

In this course you will, after 2 weeks of introduction be part of a EU Council of Ministers Working Party on civil justice dealing with a fictive proposal on a European Private law prepared by a group of students representing the European Commission. You can have influence on the delegation you are part of for this course, which can be presiding over meetings (teaching leadership), the European Commission (focusing on legislative drafting), a number of Member States (focusing on the Europeanisation process in private law) and a special institute of Law and Economics with special advisory powers. The course is finalised by a simulation of a COREPER II negotiation session during a whole day in the exam week.

## **Course objectives**

At the end of this course you will have:

- Knowledge of existing EU private law as well as knowledge about future initiatives
- Knowledge and understanding of the European private law debate
- Shown your ability to apply your knowledge of EU private law to a concrete subject area dealing with contract, tort or property.
- Understanding of the relationship between EU law and national law in the area of private law
- Shown your ability to work with the vertical dimensions between the EU level and the Member States.
- Acquired and demonstrated basic negotiation skills and the ability to apply these in an EU private law setting.

## **Prerequisites**

### ***Prerequisites:***

None, but a course in national or comparative contract law, property law and/or tort law is preferred.

### ***Preknowledge:***

Pre-requisite knowledge of private law is helpful, but not necessary. Also a basic course in EU law, both institutional and substantive, is helpful but not required.

## **Recommended reading**

None

### **PRI3012**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[B. Akkermans](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Final paper, Presentation

#### **Keywords:**

European Private Law; European Contract Law; European Property Law; European Tort Law; Europeanisation

# Structuur Loon- en Inkomstenbelasting

## Full course description

In dit blok staat de natuurlijke persoon die niet ondernemer is centraal. In dit blok wordt grondig aandacht geschonken aan de systematiek van de loon- en inkomstenbelasting. Er wordt aandacht besteed aan de plaats van diverse inkomstenbronnen binnen de inkomstenbelasting, zoals arbeid en resultaat uit overige werkzaamheden. Uitgebreid aandacht krijgt de inkomstenbron arbeid en inherent daaraan de loonbelasting. Daarnaast komt de premieheffing sociale zekerheid aan de orde. In het tweede deel van het blok komt het vermogen aan bod: de inkomsten uit eigen woning (box 1), de inkomsten in de vorm van periodieke uitkeringen en verstrekkingen (box 1), en het inkomen uit aanmerkelijk belang (box 2). Bijzondere aandacht wordt besteed aan de inkomstenbelastinggevolgen van echtscheiding. Tot slot wordt de vermogensrendementheffing (box 3) behandeld.

Let op: is 13 ECTS waard

## Recommended reading

- Weerepas, M.J.G.A.M., Het systeem van de loon- en inkomstenbelasting, syllabus
- Essers/van Kempen, Cursus Belastingrecht, deel inkomstenbelasting, studenteneditie, Kluwer, laatste druk
- Van der Wiel-Rammeloo c.s., Loonheffingen, Kluwer, laatste druk of Van Westen, cursus Belastingrecht, deel loonbelasting, studenteneditie, Kluwer, laatste druk
- M.J.A. van Mourik en A.J.M. Nuytinck, Personen- en familierecht, huwelijksvermogensrecht en erfrecht, Studiereeks Burgerlijk recht, vijfde druk, Kluwer Deventer
- Wettenbundel Kluwer of Vermande of Sdu

## EBC2129

### Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

### ECTS credits:

13.0

### Instruction language:

Dutch

### Coordinator:

[M.J.G.A.M. Weerepas](#)

### Teaching methods:

PBL, Lecture(s)

### Assessment methods:

Written exam, Participation

## Faculty of Law

# Personen- en Familierecht

## Full course description

Het doel van dit blok is studenten kennis en inzicht te verschaffen in het Nederlandse personen- en familierecht. In dit blok wordt ingegaan op de juridische aspecten van de partner-relatie en van de ouder-kind relatie. Het blok biedt een goede en noodzakelijke basis voor het masterblok "Family Law in Europe". Meer specifiek zullen de volgende onderwerpen aan de orde komen: Relatievormen (huwelijk, samenwonen, geregistreerd partnerschap), de totstandkoming en inhoud ervan, alsmede de gevolgen, het huwelijksvermogensrecht, echtscheiding en ouderschapsplan, echtscheidingsmediation, pensioenrechten, recht op levensonderhoud (partneralimentatie en kinderalimentatie), ouderlijk gezag, omgangsrecht, en afstamming. Het blok bestaat uit zeven onderwijsbijeekkomsten (ieder twee uur lang) en flankerende onderwijs. In het flankerend onderwijs worden theoretisch ondersteunende colleges aangeboden alsmede colleges die inzicht geven in de praktijk van het familierecht. Een deel van de colleges zal daarom worden verzorgd door mensen uit de praktijk (rechters, advocaten, mediators, en orthopedagoog).

## Recommended reading

(voorlopig!!! Gebaseerd op info voorjaar 2015; houdt de laatste berichten in de gaten!!!)  
Basishandboek: Vlaardingerbroek e.a., Het hedendaagse Personen- en familierecht, Kluwer 2014, 7e druk, ISBN: 9789013121964 Daarnaast zult u voor het huwelijksvermogensrecht een tweede boek moeten raadplegen. U kunt hiervoor een keuze maken uit: - F. Schonewille en J.L. Driessen Kleijn, Relatievermogensrecht, Ars Aequi Libri Nijmegen 3e druk 2011, ISBN: 9789069169064 - M.J.A. van Mourik en L.C.A. Verstappen, Handboek Nederlands vermogensrecht bij scheiding, Algemeen Deel A, Kluwer Deventer, vijfde druk, 2014, ISBN: 978 90 13 12323 4 N.B. Indien er nieuwere drukken zijn verschenen, dient de laatste druk te worden aangeschaft.

### **PRI3005**

#### **Period 5**

16 Apr 2017

15 Jun 2017

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.H.S.C. Daenen](#)

#### **Teaching methods:**

PBL

#### **Assessment methods:**

Written exam

## Faculty of Law

# Recht in een Multiculturele Samenleving

## Full course description

De multiculturele samenleving, die heden ten dage in belangrijke mate het gevolg is van immigratie, stelt ons voor de vraag of de huidige rechtsordes met haar eigen historisch gegroeide normen en waarden moeten openstaan voor nieuwe normen en waarden, alsmede op welke wijze op deze ontwikkelingen dient te worden gereageerd. De vragen die rijzen, laten zich gelden op alle terreinen van het recht: van islamitische verstotingen in het familierecht, eerwaakkwesties in het strafrecht, tot de vraag naar een bestuursrechtelijk verbod op het dragen van burqa's in het openbare leven. De ontwikkeling op dit gebied vindt niet alleen in Den Haag plaats maar in belangrijke mate ook via de rechtspraak. Verder worden ook aan het Europese Hof voor de Rechten van de Mens in Straatsburg steeds vaker zaken voorgelegd waarin het Hof zich moet uitlaten over de reikwijdte en de grenzen van de godsdienstvrijheid, de vrijheid van meningsuiting, en andere vrijheden in een multiculturele samenleving. Ook de Raad van Europa laat zich niet onbetuigd en voorziet de juridische markt met enige regelmaat van handreikingen en handleidingen. Centraal staat een bestudering van het recht (en beleid) van Nederland, vanuit een casuïstische benadering: bestudering van casuïstiek, rechtspraak, uitspraken van CGB, College voor de rechten van de mens, en regelgeving. Daarnaast verdiepen studenten zich in theoretische grondslagen van een multiculturele samenleving en bestuderen zij rechtspraak van het Europese Hof voor de Rechten van de Mens (EHRM), in het bijzonder op de volgende gebieden: - vrijheid van godsdienst en godsdienstuitoefening (artikel 9 EVRM) - bescherming van het gezinsleven (family life) (artikel 8 EVRM) - vrijheid van meningsuiting (artikel 10 EVRM) - verbod van discriminatie naar godsdienst. Geruime aandacht bestaat ook voor de bestudering van achtergronden van culturen en religies, zoals de beginselen van islamitisch familierecht, traditioneel bepaalde beginselen van eerwraak en dergelijke. Bestudeerd wordt met welke kwesties Nederlandse autoriteiten in aanraking komen, hoe zij tot oplossingen komen, welke argumenten in de overwegingen worden betrokken, en op welk niveau oplossingen worden gezocht. De te bestuderen onderwerpen liggen op verschillende rechtsgebieden: mensenrechten, grondslagen van het recht, strafrecht, strafprocesrecht, internationaal privaatrecht, staats- en bestuursrecht, arbeidsrecht, familierecht, Europees recht en metajuridica. Het blok is opgezet rond zeven onderwijsbijeenvakkingen. Inhoudelijk gaat het hierbij achtereenvolgens om: 1) denken over pluriformiteit in het recht; 2) strafrecht (eerwraak en andere kwesties); 3) strafprocesrecht (bejegening van culturele diversiteit in opsporingsonderzoeksfase, ter terechtzitting, en bij de uitvoering van straffen); 4) gezin en inburgering; 5) familierecht (verstoting en andere kwesties); 6) godsdienstvrijheid, alsmede vrijheid van meningsuiting; 7) juridische vragen omtrent het dragen van hoofddoek in arbeid, school en openbaar leven, in het bijzonder vanuit het discriminatieverbod.

## Course objectives

Doel van het blok is dat de student: - heeft kennis van en inzicht in de grondslagen van het recht in een multiculturele samenleving - heeft kennis van en inzicht in metajuridische aspecten van rechtspluralisme; - heeft een open oog ontwikkeld voor culturele achtergronden van rechtskwesties; - Heeft inzicht in de dilemma's die de culturele diversiteit in het recht met zich meebrengt; - heeft inzicht in het juridisch instrumentarium waarmee de culturele diversiteit in het recht kan worden ondervangen. - Is in staat om concrete vragen over culturele diversiteit en recht beargumenteerd en beredeneerd en op een juridisch wetenschappelijk verantwoorde manier te beantwoorden, waarbij redenering, argumentatie en belangenafweging voorop staan. Het kan hierbij gaan om vragen op de volgende rechtsgebieden: strafrecht, strafprocesrecht, familierecht, internationaal familierecht, godsdienst- en expressievrijheid, discriminatieverbod, mensenrechten, het uiting geven aan godsdienst in de arbeid, het uiting geven aan godsdienst in het onderwijs, en het uiting geven aan godsdienst in openbare ruimten. - Is met betrekking tot de bij het vorige punt genoemde vragen, in staat deze te beantwoorden vanuit Nederlands, en waar relevant, Europees perspectief; - beschikt over de voor een bachelor noodzakelijke vaardigheden in: het omgaan met verschillende bronnen

(ook digitaal) van het juridische vakgebied, casus oplossen mede vanuit een rechtsvergelijkende benadering, het analyseren van jurisprudentie en andere juridische teksten, het juridisch argumenteren, het zelfstandig op heldere wijze mondeling of schriftelijk juridische vragen beantwoorden; - kan zich een kritische attitude eigen maken.

## Prerequisites

Algemene kennis van en inzicht in de hoofdgebieden van het recht.

## Recommended reading

Reader

### **PRI3006**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.W.E. Rutten](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam, Oral exam

#### **Keywords:**

Culturele diversiteit en recht, rechtspluralisme, eerwraak, verstoting, besnijdenis, shari'ah-rechtbanken, godsdienstvrijheid, hoofddoekjes, vrijheid van meningsuiting, non-discriminatie,

## Faculty of Law

# Medische Aansprakelijkheid

## Full course description

In het blok Medische aansprakelijkheid wordt het civiele aansprakelijkheidsrecht, toegespitst op de gezondheidszorg, aan de orde gesteld. Centraal staat de vraag of/wanneer een patiënt, die schade heeft geleden door een medische fout, met succes vergoeding daarvan kan vorderen, en hoe de afwikkeling van een dergelijke claim plaatsvindt. Het betreft, medisch-juridisch en maatschappelijk gezien, een belangrijk onderdeel van het civiele aansprakelijkheidsrecht, met de nodige belangwekkende ontwikkelingen. Het blok is onderverdeeld in zeven delen. Per week wordt een bepaald onderwerp behandeld. De thema's die aangeboden worden, zijn: - introductie/context: soorten medische fouten, hun oorzaken (gebrekkige communicatie, gebrekkige medische apparatuur etc.) en hun gevolgen; - de grondslag(en) waarop de patiënt zijn vordering tot schadevergoeding kan baseren; - de maatstaf waaraan het handelen van de hulpverlener door de rechter wordt getoetst - de juridische betekenis van zelfregulering in de gezondheidszorg in de vorm van standaarden, richtlijnen,



protocollen e.d.; - de aansprakelijk te stellen persoon/personen, mede in geval van samenwerking tussen hulpverleners; denk bijvoorbeeld aan medische behandeling op een huisartsenpost of door een team van artsen in een ziekenhuis (hoofdbehandelaar en medebehandelaars); - de aansprakelijkheid bij het gebruik van gebrekkige medische hulpmiddelen (recent voorbeeld: de casus van de lekkende PIP-borstimplantaten) en bij het voorschrijven of toedienen van geneesmiddelen; - causaliteitsproblemen: complicaties, en juridische oplossingen, bij het aantonen van het vereiste causaal verband tussen de medische fout en de geleden schade; - vormen van schadevergoeding: materieel en/of immaterieel; - procedurele aspecten, zoals: de wijze van omgaan met medische fouten in de relatie hulpverlener - patiënt, het melden van fouten (intern en extern, aan de Inspectie voor de Gezondheidszorg), bewijs en bewijslastverdeling, de rol van de (getuige-) deskundige. In de colleges die tijdens het blok worden gegeven, wordt mede aandacht besteed aan de wettelijke regeling van de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Kennis van de rechten en verplichtingen in de relatie hulpverlener - patiënt is nodig voor een goed begrip van het medisch aansprakelijkheidsrecht.

## Course objectives

Het verwerven van kennis van, en inzicht in, het fenomeen medische fouten, het medisch aansprakelijkheidsrecht en de (wijze van) afwikkeling van medische schadevergoedingsclaims. Hierbij: verbreding en verdieping van de aanwezige voorkennis met betrekking tot het verbintenissenrecht (overeenkomst, onrechtmatige daad) en het slaan van een brug naar de medische en de juridische praktijk.

## Prerequisites

Het blok staat, behalve voor studenten ingeschreven bij de FdR, open voor studenten van andere faculteiten, zoals studenten Geneeskunde. Het leent zich bij uitstek voor een multidisciplinaire benadering van de stof die het aan de orde stelt. Waar nodig wordt ondersteuning geboden bij het opdoen van de vereiste basiskennis.

## Recommended reading

- Wijne, R.P., Medische aansprakelijkheid, eerste druk, Nijmegen: Ars Aequi Juridische uitgeverij 2013.
- Hiernaast wordt gebruik gemaakt van een literatuurklapper, een jurisprudentieklapper en de bundel Sdu Wettenverzameling Gezondheidsrecht 2015-2016. Nadere informatie over de te gebruiken literatuur en wetgeving wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

## LAW3002

### Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

Dutch

### Coordinator:

[M.M. ten Hoopen](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:



Written exam

**Keywords:**

Medische fouten, medische aansprakelijkheid, voorwaarden voor medische aansprakelijkheid, schadevergoeding, processuele aspecten van medische aansprakelijkheid.

**Faculty of Law**

## European Company Law

### Full course description

Central aim of the Bachelor Course European Company Law (European Law School) is to introduce participants into the basics of company law in the European Union. The first challenge (chapter 1) is to get acquainted with basic features of what ‘business conduct’ precisely is about. It all starts with perceiving which business ‘formats’ (i.e. the sole trader, partnerships and company types) may serve entrepreneurs’ interests best.

The second challenge is to understand some specific topics of company law from a comparative angle. Correspondingly, some attention will be devoted to the law of France, Germany, England, and the Netherlands. In chapter 2 the students will deal with company formation and incorporation, including the pre-incorporation stage of limited liability companies and company nullity. Chapter 3 is all about capital protection in a narrow sense: the substantive requirement of a reasonable amount of money owned by the company. In chapter 4 internal matters of the company are dealt with: the powers of the management board, the supervisory board and the general meeting of shareholders. The question arises what happens when things go wrong within the company. This question will be dealt with in chapter 5: duties and liabilities of the board of directors and the general meeting of shareholders.

The third challenge is to understand cross-border business conduct and the freedom of establishment throughout the European Union (i.e. mutual recognition of companies and the possibility of cross-border company seat transfers and mergers).

The final chapter sheds light on current developments and trends at EU-level, in particular business formats that are not creatures of national Member State laws (Societas Europaea, Societas unius Personae).

### Course objectives

- The first goal is to get acquainted with the principles and basic features of the substance of company law, from a legal point of view.
- The second goal for students lies in the need to understand the close relation
- between national company law on one hand and European company law on the other. Starting point is national company law of the Netherlands, Germany and France (Civil Law oriented concepts) and the United Kingdom (Common Law oriented concept).
- The third goal is to get a grip on the specific features of Company Law from a European perspective. The course requires from participants that they do not only concentrate on the framework of, inasmuch it does exist, European law but also of the use of tools and methods taken from other legal disciplines such as private international law concerning the status of foreign companies (i.e. the real seat theory and the incorporation theory).

### Prerequisites

Basic knowledge of EU institutional law.

## Recommended reading

- A. Dorresteyn a.o., European Corporate law, Kluwer law international 2009 will be used as handbook. Please note that not all chapters of this book will be used and whether or not you buy this book is up to you. Five copies of this book are available for copying in the Learning and Resource Centre of the University Library. In the course book can find for each week of this course the parts of the book that will be used.
- The Maastricht Collection Selected National, European and International Provisions from Public and Private Law (ed. N. Kornet/ S. Hardt), Europa Law Publishing fourth edition, 2015.

### **PRI3007**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[S. Renssen](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

#### **Keywords:**

Company ; Partnership ; European Union ; Business; Directors ; Capital ; Liability; Shareholders; Freedom of establishment ; Migration ; SE; SPE; SuP

## Faculty of Law

# Consumentenrecht

## Full course description

Het consumentenrecht is ontstaan in het kader van de consumentenbeweging. In de jaren vijftig/zestig van de vorige eeuw groeide het besef dat de consument zich in verhouding tot de professionele verkoper of dienstverlener in een zwakke positie bevindt: de professionele partij bepaalt wat wordt aangeboden en tegen welke voorwaarden. De vrijheid van de consument is vaak beperkt tot het al dan niet afnemen van goederen of diensten. Bovendien beschikt de consument over minder juridische en productkennis dan de professionele partij. Het consumentenrecht is erop gericht het evenwicht tussen de professionele partij en de consument te herstellen. Vandaag de dag vindt het Nederlandse consumentenrecht zijn oorsprong hoofdzakelijk in Europese richtlijnen die in het Nederlandse recht zijn geïmplementeerd. Het consumentenrecht vervult in die zin een voortrekkersrol in de creatie van een Europees privaatrecht. Het blok beoogt een algemene inleiding te geven in de ontwikkeling van het consumentenrecht, de verhouding tussen de Europese en de nationale regels inzake consumentenrecht, en de positie van het consumentenrecht in de ontwikkeling van het

Europese privaatrecht. Vervolgens worden een aantal belangrijke thema's van consumentenrecht aan de orde gesteld: de consumentenkoop, de productaansprakelijkheid, de overeenkomsten of afstand en buiten de onderneming, de algemene voorwaarden, het consumentenkrediet en de oneerlijke handelspraktijken.

## Course objectives

Na afloop van het blok dient de student inzicht te hebben in de ontwikkeling van het Nederlandse en Europese consumentenrecht. Hij dient inzicht te hebben in de voornaamste technieken van consumentenbescherming. Hij dient op de hoogte te zijn van de rechtspraak van het Hof van Justitie met betrekking tot de interpretatie van de bestudeerde richtlijnen. Hij dient in staat te zijn het Nederlandse consumentenrecht te toetsen op zijn conformiteit met het Europese consumentenrecht en casussen met betrekking tot de bestudeerde onderwerpen op te lossen naar Nederlands recht dat op een richtlijnconforme wijze is geïnterpreteerd. Hij dient in staat te zijn zijn mening over de bestudeerde onderwerpen van consumentenrecht bondig te formuleren en hierover in groep en schriftelijk te communiceren.

## Prerequisites

Het blok Consumentenrecht sluit voor wat betreft voorkennis goed aan op de blokken 1.5 Inleiding privaatrecht en 2.4 Verbintenissenrecht.

## Recommended reading

Verplicht materiaal: Blokboek Aanbevolen literatuur: - Reader Europese rechtspraak - E.H. Hondius en G.J. Rijken (red.), Handboek Consumentenrecht, Uitgeverij Paris, laatste druk. - N. Reich, H.-W. Micklitz, P. Rott, K. Tonner, European Consumer Law, Antwerpen, Intersentia, 2014, xlviii + 422 pp

### **PRI3011**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[C.N.M.Y. Cauffman](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

#### **Keywords:**

Consumentenbescherming – Europees privaatrecht – Consumentenkoop – Overeenkomsten op afstand en buiten de onderneming – Algemene voorwaarden – Consumentenkrediet – Oneerlijke handelspraktijken

# Legal Philosophy

## Full course description

Law is an effective means for ordering society and influencing the behavior of individuals. But what is law and when is something a law? This conceptual question is becoming increasingly more important with the rise of soft law and transnational law. Is law simply whatever we call law, or is there more to it?

In addition, law often has a coercive effect and impacts the (daily) lives of citizens. What justifies this? Given the coercive effect of (some) law, a critical reflection and evaluation of law and legal systems is important. Legal theory offers an opportunity for this.

Consequently, this course aims to introduce students to questions of legal philosophy and theory, such as “What is (the nature of) law?”, “Is an unjust law still law?”, or “What is justice?” and to familiarize them with possible answers and arguments. It also aims to make students aware of the underlying assumptions lawyers tend to make, from judges to academics.

The focus of the course is on philosophical debates on the basis of reasoned conclusions rather than unreflective presuppositions.

## Course objectives

- Students can describe, classify and compare legal philosophical schools and arguments, such as legal positivism and natural law
- Students can discuss questions of legal philosophy and theory
- Students can justify solutions to legal theoretical problems with reference to moral and analytical arguments
- Students can correctly apply basic philosophical concepts in reasoning.
- Students can analyse and criticize legal phenomena using different perspectives and theories such as sociology of law or morality.
- Students can debate problems surrounding the nature of law and its moral value.

## Recommended reading

- J.W.

Harris, Legal Philosophies (2nd edition)

- Reader

### **MET3003**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

**Coordinator:**

[A.M. Waltermann](#)

**Teaching methods:**

PBL

**Assessment methods:**

Written exam, Final paper

**Keywords:**

Law, Justice, Moral and Political Philosophy, Nature of Law, Legal Theory, Natural Law, Legal Positivism, Hart, Kelsen, Rawls, Dworkin

**Faculty of Law**

## Comparative Civil Procedure

### Full course description

Whether or not procedural law in the European Union should be harmonised is a matter of debate. A discussion of this question is not possible without a thorough knowledge of (1) the existing procedures in the Member States of the Union, (2) the origins of these procedures and (3) the differences between these procedures and their similarities. Within the European Union at least three procedural families may be distinguished: those which have developed around the French Code de procédure civile, the ones of the German-speaking countries and finally the systems which belong to the Common Law family. The characteristics of each procedural family will be discussed. In discussing these characteristics, the civil procedure of France, Germany and England will be studied in some detail. Special attention is given to the question how these systems deal with the requirements of Article 6 (and 13) of the European Convention of Human Rights and with fundamental principles of procedure in general. Subsequently the differences between the three procedural families and their similarities will be evaluated. It will appear that most similarities can be explained on the basis of the origin of particular procedural rules. The final part of the course addresses the question whether or not approximation of procedural law is desirable and, if it is desirable, in what particular manner approximation can be achieved. In this context, the Principles of Transnational Civil Procedure of ALI/UNIDROIT will be discussed.

### Course objectives

To provide students with an insight in the character and goals of civil procedure; To provide students with knowledge of the basic principles of civil procedure in Europe; To provide students with knowledge of Articles 6 and 13 ECHR and the case law of the ECtHR; To provide students with knowledge of harmonised European rules on civil procedure; To provide students with knowledge of the ALI/Unidroit Transnational Principles of Civil Procedure; To provide students with knowledge of civil procedure in England & Wales, Germany and France from a comparative perspective; To make students aware of the fundamental similarities and differences in civil procedure in Europe; To provide students with an insight into the historical development of civil procedure in Europe; To provide students with an insight into the current debate on harmonisation of civil procedure; To provide students with knowledge of the advantages and disadvantages of the tools available for harmonising the law of procedure; To enable students to formulate well-founded opinions on civil procedural issues in a comparative perspective.

## Prerequisites

None

## Recommended reading

Reader

### LAW2005

#### Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### ECTS credits:

6.0

#### Instruction language:

English

#### Coordinator:

[C.H. van Rhee](#)

#### Teaching methods:

Lecture(s), PBL

#### Assessment methods:

Written exam, Assignment

#### Keywords:

Civil Procedure, Civil Litigation, Comparative Law

## Faculty of Law

# Crime and Criminal Policy

## Full course description

This course addresses the problem of crime and the societal reaction to it from both a criminological and a criminal law point of view. In the course attention is paid to four interrelated themes:

1. the concept of crime (what is crime?),
2. the genesis of crime policy,
3. crime control in the modern risk society, and the
4. impact of this paradigm on the development of substantive criminal law.

These four themes will be discussed on the basis of different phenomena: moral panic and sex offenders, hate speech, the use of preventive (terrorist) offences, the influence of neuroscience on criminal law, regulating prostitution, and environmental crime. This allows us to illustrate, via different forms of crime, some specific developments and recent challenges within criminal policy and criminal law, instead of just focusing on one specific category of crimes. It is important to realize that in most sessions an explicit comparative methodology will be used. This helps us to understand that there may be different societal reactions to similar (legal) problems. Also, specific attention will be given on

some criminal policy issues from the perspective of recent EU legislation, e.g. within the field of environmental crime and the fight against terrorism.

This course is an elective course for ELS-ET, year 2 and for Rechtsgeleerdheid, year 3

## Course objectives

The course Crime and Criminal Policy invites students to reflect on various aspects with regard to the definition of crime and the development of criminal policy and criminal law. The students are challenged to scrutinize the basic elements of the concept of crime, the origins of crime policy, the rationale behind the contemporary response to crime and its implications on the development of criminal law.

Upon completion of this course, the student must be able to:

- to understand the basic elements of the social construction of crime
- to reflect on the relation between the process of criminalization and the protection of human rights and civil liberties
- to comprehend the rationale behind the current fight against and prevention of crime
- to understand the consequences of the contemporary crime control paradigm for the development of substantive criminal law
- to compare on an introductory level different criminalization policies in the field of prostitution, terrorism and environmental crime

## Prerequisites

Basic knowledge of the concepts and principles of substantive criminal law is required

## Recommended reading

Reader

### **CRI3006**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

English

#### **Coordinator:**

[D. Roef](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam, Assignment

#### **Keywords:**

Crime - Criminalization - Crime control - Criminal Law

## Faculty of Law

# Privacy

### Full course description

This elective course addresses the increasingly topical issues of privacy and data protection, their scope, limitations and protection. Issues surrounding privacy and data protection are manifold. The advancement of technology leads to the collection, storage and analysis of an abundance of (private) data: ranging from the applications we use, the calls we make, our search behaviour on the Internet and covert surveillance, to name but a few examples. Content and meta-data are retained for surveillance purposes or analysed and sold for commercial purposes. For example, public authorities may take fingerprints or store DNA samples; intelligence services can store data obtained through CCTV surveillance in public areas; cameras for monitoring traffic might be used for traffic purposes and for criminal investigations. Another pressing issue is the balancing of privacy and data protection with other fundamental rights and interests, such as free speech, the right to property and transparency. What limitations does the law impose on data collection and, even more importantly, who supervises compliance with the privacy and data protection rules?

This course covers a panoply of issues. First, it aims to identify what is meant by these notions of privacy and data protection and to explain how these concepts should be understood. Subsequently, it focuses on the privacy and data protection issues under the European Convention of Human Rights, as interpreted by the case law of the ECtHR. Moreover, the course sheds light on the pertinent EU rules on privacy and data protection and identifies the relevant case law of the CJEU. As the notion of privacy is rapidly gaining importance in EU law, a large proportion of time will be devoted to the analysis of various EU legal sources and case law. Finally, although privacy and data protection are regulated by EU law, the compliance therewith is to be organised at the national level through supervisory authorities. Consequently, the course will also cover this aspect of legal regulation of privacy and data protection.

This course brings together many traditional fields of law: not only EU law, constitutional law and human rights law, but also issues related to health law, criminal law, private law and administrative law. Therefore, the highly relevant topics of privacy and data protection are placed within a broader context. In that respect, this course prepares students for future employment in fields which require not only the knowledge of the rapidly developing ambit of privacy and data protection, but also an understanding of how this field relates to other legal fields.

## LAW3067

### Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English



**Coordinator:**

[M. Brkan](#)

**Faculty of Law**

# Inleiding Nederlands Straf- en Strafprocesrecht

## Full course description

Dit blok is bedoeld als een inleiding tot het Nederlandse strafrecht en strafprocesrecht. Het beoogt elementair inzicht te geven in de structuur, beginselen en regels van het strafrechtelijk systeem, waarbij eerst aandacht wordt besteed aan het formele strafrecht en daarna aan het materiële strafrecht. Tijdens de eerste vier bijeenkomsten komen de belangrijkste leerstukken van het formele strafrecht aan bod. Het formele strafrecht, grotendeels geregeld in het Wetboek van Strafvordering, kan worden begrepen als het geheel van rechtsregels betreffende de opsporing, vervolging en berechting van personen die ervan worden verdacht een strafbaar feit te hebben gepleegd. In het formeel strafrechtelijke deel komen achtereenvolgens de volgende onderwerpen aan de orde: de diverse fasen en actoren van het strafproces, het verdenkingsbegrip, opsporingsbevoegdheden, vrijheidsbenemende dwangmiddelen, fouillering en doorzoeking, vervolging, de systematiek van artikelen 348-350 Sv, regeling met betrekking tot getuigen en beginselen van bewijsrecht. Tijdens de drie volgende bijeenkomsten komen de belangrijkste leerstukken van het materiële strafrecht aan bod. Als er wordt gesproken over materieel strafrecht dan heeft men het over de vraag wat een strafbaar feit is. Dit deel van het strafrecht wordt voor een belangrijk deel gevonden in het Wetboek van Strafrecht, maar ook in bijzondere wetten, zoals de Opiumwet. In dit materieelrechtelijk deel wordt aandacht besteed aan de volgende onderwerpen. Na een bijeenkomst over het legaliteitsbeginsel en het leerstuk van causaliteit wordt aandacht besteed aan de verschillende schuldvormen en de strafuitsluitingsgronden. Daarna komen leerstukken in beeld die leiden tot een nadere definitie van de personen die bij een strafbaar feit betrokken kunnen zijn. Het gaat dan om onderwerpen als poging, voorbereiding en deelnemingsvormen, zoals uitlokking en medeplichtigheid. De belangrijkste onderwijsvormen in dit blok betreffen de onderwijsbijeenkomsten (1 x 2 uur per week) en een drietal hoorcolleges. De taken, opdrachten en aanwijzingen in alle genoemde onderwijsvormen behoren tot de verplichte leerstof van het blok.

## Recommended reading

Het voorgeschreven basisboek in dit blok is: M.J. Kronenberg en B. de Wilde, Grondtrekken van het Nederlandse strafrecht, Kluwer, laatste druk Daarnaast zijn de in het literatuurboek opgenomen teksten en de colleges deel van de verplichte leerstof.

### **CRI1004**

**Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

Dutch

**Coordinator:**

[M. Ziesemer](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Materieel strafrecht Strafprocesrecht

**Faculty of Law**

## Inleiding Nederlands Privaatrecht

### Full course description

Het blok Inleiding Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. Daarna volgt een korte inleiding in het overeenkomstenrecht. Het grootste deel van het blok is gewijd aan het goederenrecht waarbij onder andere het leerstuk van de overdracht uitvoerig wordt behandeld, zowel voor onroerende als roerende zaken en vorderingen. De derdenbescherming van de verkrijger te goeder trouw wordt behandeld aan de hand van onroerende en roerende zaken. Wat onroerende zaken betreft komt ook de rol van de openbare registers en het kadaster naar voren en verkrijging van een onroerende zaak door verjaring. Tenslotte wordt ook veel aandacht besteed aan beperkte rechten (onder andere opstal, erfpacht en erfdiensbaarheid) en kwalitatieve verplichtingen en kettingbedingen. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges.

### Recommended reading

- W.H.M. Reehuis/A.H.T. Heisterkamp, Pitlo, Het Nederlands burgerlijk recht, Deel 3, Goederenrecht, 2006

## PRI1005

**Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

6.0

**Coordinator:**

[L.P.W. van Vliet](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Faculty of Law**

## WTO Mootcourt

### LAW5601

**Year**

1 Sep 2017

31 Aug 2018

[Print course description](#)

**ECTS credits:**

12.0

**Faculty of Law**

## ELSA European Human Rights Moot Court

### LAW3213

**Year**

1 Sep 2017

31 Aug 2018

[Print course description](#)

**ECTS credits:**

12.0

**Instruction language:**

English

**Coordinator:**

[J.A. Sellin](#)

## Bachelor internship European Law School

**Faculty of Law**

## Bachelor's internship ELS (6)

### Full course description

De stage De Maastrichtse Faculteit der Rechtsgeleerdheid beschouwt de stage als een volwaardig programmaonderdeel van de rechtenopleiding. Studenten krijgen in de praktijk immers de gelegenheid hun kennis en inzicht te vergroten en juridische en sociale vaardigheden verder te ontwikkelen. De stage is niet verplicht maar veel studenten benutten de mogelijkheid van een stage om praktijkervaring op te doen.

## LAW3306

**Year**

1 Sep 2017

31 Aug 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

Dutch

**Coordinators:**

[I. Rezelman](#)

[K.G.M. Mertens](#)

**Teaching methods:**

PBL

**Assessment methods:**

Written exam

### Faculty of Law

## Bachelor's internship ELS (12)

### Full course description

De stage De Maastrichtse Faculteit der Rechtsgeleerdheid beschouwt de stage als een volwaardig programmaonderdeel van de rechtenopleiding. Studenten krijgen in de praktijk immers de gelegenheid hun kennis en inzicht te vergroten en juridische en sociale vaardigheden verder te ontwikkelen. De stage is niet verplicht maar veel studenten benutten de mogelijkheid van een stage om praktijkervaring op te doen.

## LAW3312

**Year**

1 Sep 2017

31 Aug 2018

[Print course description](#)

**ECTS credits:**

12.0

**Instruction language:**

Dutch

**Coordinators:**

[I. Rezelman](#)

[K.G.M. Mertens](#)

**Teaching methods:**

PBL

**Assessment methods:**

Minor

## Minor Dutch law

Faculty of Law

## Inleiding Nederlands Bestuursrecht

### Full course description

Dit blok beoogt een inleiding te geven in het bestuursrecht. In het bestuursrecht gaat het om verhouding tussen de overheid (in de hoedanigheid van bestuursorganen) enerzijds en burgers en rechtspersonen anderzijds. Deze verhouding is bijzonder, omdat bestuursorganen de bevoegdheid hebben om door middel van besluiten burgers en rechtspersonen eenzijdig te binden. Het gaat daarbij bijvoorbeeld om het verlenen van een omgevingsvergunning bouwen, het terugvorderen van onterecht ontvangen studiefinanciering, het verlenen van een subsidie, het sluiten van een woning of het opleggen van een bestuurlijke boete. Belangrijke vragen zijn: hoe komen bestuursorganen aan dergelijke bevoegdheden en wat kunnen burgers en rechtspersonen doen wanneer zij het met de genomen besluiten niet eens zijn (bestuursrechtelijke rechtsbescherming)?

Dit vak geeft studenten een inleiding in het bestuursrecht, met name door hen in staat te stellen om: a. de wijze waarop bestuursbevoegdheden in het leven worden geroepen te herkennen en te benoemen, b. de kernbegrippen van het bestuursrecht te definiëren en toe te passen, c. de geschreven en ongeschreven normen van het bestuurshandelen te benoemen en d. de begrippen van het bestuursprocesrecht (incl. voorprocedures) te definiëren en toe te passen.

**Onderwijsmiddelen:** het blok kent één onderwijsbijeenkomst per week (2 uur) en een viertal colleges. De taken, opdrachten, aanwijzingen en uiteenzettingen in deze onderwijsvormen behoren tot de verplichte leerstof van het blok.

### Course objectives

Na succesvolle afronding van dit vak hebben de studenten de volgende kwalificaties verworven:

- de student heeft basiskennis van belangrijke bestuursrechtelijke leerstukken;
- de student kan de kernbegrippen van het bestuursrecht (bestuursorgaan, besluit, belanghebbende) definiëren/beschrijven en op een bestuursrechtelijke casus uit de praktijk toepassen;
- de student weet hoe bestuursbevoegdheden in het leven worden geroepen en worden toebedeeld en kan in dat kader een onderscheid maken tussen attributie, delegatie en mandaat;
- de student weet aan welke normen bestuurlijk handelen is gebonden en kan beargumenteren hoe controle op de uitoefening van die bevoegdheden plaatsvindt; deze kennis kan de student toepassen op een bestuursrechtelijke casus uit de praktijk;
- de student kan beschrijven hoe een belangrijke karakteristiek van het bestuursrecht (de betrokkenheid van de overheid als een van de partijen in een geding) tot uitdrukking komt in de bestuursrechtelijke rechtsbescherming;
- de student beheerst enkele basale professionele vaardigheden, te weten het snel vinden van relevante wetten/wetsartikelen in een wettenbundel of via de geëigende overheidsportals op internet, het zoeken van relevante informatie via juridische databanken en het ordenen en analyseren van jurisprudentie.

## Recommended reading

Leermiddelen (onder voorbehoud):

- T. Barkhuysen, C. de Kruif, W. den Ouden en Y.E. Schuurmans, Bestuursrecht in het Awb-tijdperk, Deventer: Kluwer 2014 (zevende druk)
- Reader met aanvullende literatuur
- Voorgescreven jurisprudentie (zelf op te zoeken via Legal Intelligence)

### **PUB1004**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[J.E. van den Brink](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

#### **Keywords:**

Bestuursrecht

## Faculty of Law

# Inleiding Nederlands Privaatrecht

## Full course description

Het blok Inleiding Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. Daarna volgt een korte inleiding in het overeenkomstenrecht. Het grootste deel van het blok is gewijd aan het goederenrecht waarbij onder andere het leerstuk van de overdracht uitvoerig wordt behandeld, zowel voor onroerende als roerende zaken en vorderingen. De derdenbescherming van de verkrijger te goeder trouw wordt behandeld aan de hand van onroerende en roerende zaken. Wat onroerende zaken betreft komt ook de rol van de openbare registers en het kadaster naar voren en verkrijging van een onroerende zaak door verjaring. Tenslotte wordt ook veel aandacht besteed aan beperkte rechten (onder andere opstal, erfpacht en erfdienstbaarheid) en kwalitatieve verplichtingen en kettingbedingen. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges.

## Recommended reading

- W.H.M. Reehuis/A.H.T. Heisterkamp, Pitlo, Het Nederlands burgerlijk recht, Deel 3, Goederenrecht,

## PRI1005

### Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

### ECTS credits:

6.0

### Coordinator:

[L.P.W. van Vliet](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam

## Faculty of Law

# Inleiding Nederlands Straf- en Strafprocesrecht

## Full course description

Dit blok is bedoeld als een inleiding tot het Nederlandse strafrecht en strafprocesrecht. Het beoogt elementair inzicht te geven in de structuur, beginselen en regels van het strafrechtelijk systeem, waarbij eerst aandacht wordt besteed aan het formele strafrecht en daarna aan het materiële strafrecht. Tijdens de eerste vier bijeenkomsten komen de belangrijkste leerstukken van het formele strafrecht aan bod. Het formele strafrecht, grotendeels geregeld in het Wetboek van Strafvordering, kan worden begrepen als het geheel van rechtsregels betreffende de opsporing, vervolging en berechting van personen die ervan worden verdacht een strafbaar feit te hebben gepleegd. In het formeel strafrechtelijke deel komen achtereenvolgens de volgende onderwerpen aan de orde: de diverse fasen en actoren van het strafproces, het verdenkingsbegrip, opsporingsbevoegdheden, vrijheidsbenemende dwangmiddelen, fouillering en doorzoeking, vervolging, de systematiek van artikelen 348-350 Sv, regeling met betrekking tot getuigen en beginselen van bewijsrecht. Tijdens de drie volgende bijeenkomsten komen de belangrijkste leerstukken van het materiële strafrecht aan bod. Als er wordt gesproken over materieel strafrecht dan heeft men het over de vraag wat een strafbaar feit is. Dit deel van het strafrecht wordt voor een belangrijk deel gevonden in het Wetboek van Strafrecht, maar ook in bijzondere wetten, zoals de Opiumwet. In dit materieelrechtelijk deel wordt aandacht besteed aan de volgende onderwerpen. Na een bijeenkomst over het legaliteitsbeginsel en het leerstuk van causaliteit wordt aandacht besteed aan de verschillende schuldvormen en de strafuitsluitingsgronden. Daarna komen leerstukken in beeld die leiden tot een nadere definitie van de personen die bij een strafbaar feit betrokken kunnen zijn. Het gaat dan om onderwerpen als poging, voorbereiding en deelnemingsvormen, zoals uitlokking en medeplichtigheid. De belangrijkste onderwijsvormen in dit blok betreffen de onderwijsbijeenkomsten (1 x 2 uur per week) en een drietal hoorcolleges. De taken, opdrachten en aanwijzingen in alle genoemde onderwijsvormen behoren tot de verplichte leerstof van het blok.

## Recommended reading

Het voorgeschreven basisboek in dit blok is: M.J. Kronenberg en B. de Wilde, Grondtrekken van het

Nederlandse strafrecht, Kluwer, laatste druk Daarnaast zijn de in het literatuurboek opgenomen teksten en de colleges deel van de verplichte leerstof.

## **CRI1004**

### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

Dutch

### **Coordinator:**

[M. Ziesemer](#)

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Written exam

### **Keywords:**

Materieel strafrecht Strafprocesrecht

## **Faculty of Law**

# **Goederenrecht (Bachelor)**

## **Full course description**

Dit blok bouwt voort op het eerstejaars blok Inleiding privaatrecht. Het behandelt onder andere de goederenrechtelijke zekerheidsrechten pand en hypotheek en aanverwante zekerheidsconstructies (zowel goederenrechtelijke als persoonlijke zekerheden). Verder komt de middellijke en onmiddellijke vertegenwoordiging bij levering aan bod en de levering constituto possessorio door een bezitter en door een houder.

## **Recommended reading**

W.H.M. Reehuis/A.H.T. Heisterkamp, Pitlo, Het Nederlands burgerlijk recht, Deel 3, Goederenrecht, 2012

## **PRI3001**

### **Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**



Dutch

**Coordinator:**

[L.P.W. van Vliet](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Goederenrecht, zekerheidsrechten,

**Faculty of Law**

# Inleiding Ondernemings- en Faillissementsrecht

## Full course description

In het ondernemingsrechtelijke deel van dit blok wordt een overzicht gegeven van de belangrijkste basisbegrippen van het ondernemingsrecht. Onderwerpen die daarbij aan de orde komen zijn: de juridische organisatie van een onderneming (rechtsvormen, organen en bevoegdheden), de vertegenwoordigingsbevoegdheid, verantwoordelijkheid en aansprakelijkheid, en het kapitaal en vermogen van de vennootschap. De focus is met name gericht op de kapitaalvennootschappen – de naamloze vennootschap en besloten vennootschap – maar ook de personenvennootschappen, de vereniging en stichting komen aan bod. De te behandelen stof is verdeeld over onderwijsgroepen en enkele colleges. In het tweede deel van dit blok staat het faillissementsrecht centraal. Aandacht wordt besteed aan het doel van het faillissement en de gevolgen ervan voor de gefailleerde, zijn vermogen en zijn schuldeisers. Besproken wordt wat er wel en niet in de boedel valt en hoe en door wie die wordt beheerd en vereffend. Er zal kort gekeken worden waarom de surseance van betaling niet functioneert zoals de wetgever dat voor ogen had, terwijl de schuldsaneringsregeling voor natuurlijke personen iets uitgebreider aan de orde komt. Het blok wordt afgesloten met de bestudering van de manier waarop het vermogen van de failliete (rechts) persoon wordt verdeeld en de rangorde die hierbij geldt.

## Course objectives

Aan het eind van dit blok hebben de deelnemers grondige basiskennis en inzicht verworven van het Nederlandse ondernemingsrecht en faillissementsrecht

## Recommended reading

Literatuur: M.J. Kroeze, L. Timmerman, J.B. Wezeman, De kern van het ondernemingsrecht, derde druk, Deventer: Kluwer 2013 J.J.A. Hamers, L.P.W. van Vliet, Inleiding Personenvennootschappen, vierde druk, Den Haag: Boom juridische uitgevers 2012 A.M.J. van Buchem-Spapens, Th. A. Pouw, Faillissement, surseance van betaling en schuldsanering, negende druk, Deventer: Kluwer 2013

## PRI3002

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

Dutch

**Coordinator:**

[J.J.A. Hamers](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Inleiding, Ondernemingsrecht, Faillissementsrecht

Faculty of Law

## Staats- en Bestuursrecht

### PUB2021

**Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

10.0

**Coordinator:**

[A.M.L. Jansen](#)

**Teaching methods:**

Lecture(s), PBL

Faculty of Law

## Bestuursprocesrecht

### PUB2022

**Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

3.0

**Coordinators:**

[E.M.J. Hardy](#)

[A.M.L. Jansen](#)

**Teaching methods:**

Skills

**Faculty of Law**

# Burgerlijk Procesrecht

## Full course description

Het blok biedt een eerste kennismaking met het Nederlandse burgerlijk procesrecht. De beginselen van het burgerlijk procesrecht, de functie daarvan en de meest voorkomende elementen van de procedure zullen centraal staan. Aan de orde komen de hoofdlijnen van de procedure in eerste aanleg en in appèl (dagvaarding en verzoekschrift, kort geding), de stelplicht en bewijslast, de bewijslevering, het verschil tussen kantonzaken en "advocaatzaken", de rechtsmiddelen, het beslag en de executie. De invloed van EU-regelgeving en art. 6 EVRM op het burgerlijk procesrecht wordt bij ieder onderdeel op inleidend niveau in kaart gebracht. Voorts wordt stil gestaan bij aanhangige wetgeving. Parallel aan het blok is er een practicum (Rode Draad), waarin de verworven kennis in de praktijk wordt gebracht en tegelijkertijd legal skills kunnen worden getraind (opstellen processtukken, pleiten, leiden van zittingen). Het practicum begint met drie casus (de rode draad), van waaruit iedere practicumgroep eigen procesdossiers zal opbouwen.

## Course objectives

Door het met succes volgen van het blok moet de student: - globale kennis hebben verworven van het burgerlijk procesrecht; - bekend zijn geraakt met de internationale dimensie van het burgerlijk procesrecht; - research kunnen verrichten voor het opstellen van processtukken die voldoen aan de formele eisen; - gevoel hebben gekregen voor de complicaties die zich in een civiele procedure kunnen voordoen; - eenvoudige procesrechtelijke problemen zelfstandig kunnen oplossen. Het volgen van dit vak is nodig voor het civiel effect.

## Prerequisites

Er is geen specifieke voorkennis nodig. Omdat het een blok is in het tweede jaar wordt wel basale kennis van het Nederlandse recht verondersteld.

## Recommended reading

F.J. Fernhout, Burgerlijk procesrecht voor beginners (verschijnt eind 2015) Blokboek Aanvullende teksten

### LAW3010

**Period 3**

8 Jan 2018

2 Feb 2018

[Print course description](#)

**ECTS credits:**

4.0

**Instruction language:**

Dutch

**Coordinator:**

[F.J. Fernhout](#)

**Teaching methods:**

Lecture(s)

**Assessment methods:**

Written exam

**Keywords:**

Inleiding burgerlijk procesrecht

**Faculty of Law**

## Verbintenissenrecht

### PRI2014

**Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

**ECTS credits:**

10.0

**Coordinator:**

[G. van Dijck](#)

**Teaching methods:**

Lecture(s), PBL

**Faculty of Law**

## Inleiding Arbeids- en Sociaal Zekerheidsrecht

### Full course description

Gedurende vier bijeenkomsten worden studenten ingewijd in de beginselen van het arbeidsrecht en het socialezekerheidsrecht. Aan de orde komen de kenmerken van het arbeidsrecht, de arbeidsovereenkomst, flexibele arbeidsrelaties, werken en loon (waaronder ziekte), medezeggenschapsrecht, cao-recht, ontslagrecht en werkloosheid.

### Course objectives

Het vak Inleiding in het Arbeidsrecht en het Recht van de Sociale Zekerheid beoogt studenten kennis te laten maken met een aantal grondbeginselen en kernthema's van zowel het arbeidsrecht als het recht met betrekking tot de sociale zekerheid. Een eerste belangrijke vraag is wat het arbeids(overeenkomsten)recht onderscheidt van het gewone verbintenissenrecht. Twee grondbeginselen van het arbeidsrecht, de beschermingsgedachte en de ongelijkheidscompensatie komen in dit kader aan bod. Bezien wordt onder meer waar het arbeidsrecht afwijkt van het gewone verbintenissenrecht, wat de redenen zijn voor deze afwijkingen en hoe de afwijkingen technisch vorm

zijn gegeven. Ook wordt ingegaan op de zogenaamde atypische arbeidsrelaties, zoals de uitzendrelatie, de afroep- of oproepovereenkomst en het nul-uren-contract. Uiteraard wordt aandacht besteed aan een in de praktijk zeer relevant aspect, namelijk het ontslagrecht en de consequenties van het einde van de arbeidsovereenkomst voor de werknemer. Een ander belangrijk thema is de vraag wanneer een werknemer recht heeft op loon hoewel hij niet werkt. Te denken valt in dit kader bijvoorbeeld aan werktijdverkorting of de schorsing van de werknemer wegens wangedrag of disfunctioneren. En hoe zit het met het inkomen c.q. het voorzien in levensonderhoud op het moment dat een van de klassieke risico's zich manifesteert waartegen de sociale zekerheid bescherming beoogt te bieden? Ook een zieke of werkloze werknemer moet immers in zijn levensonderhoud kunnen voorzien, toch? Een gebied met geheel eigen regels en actoren is het collectieve arbeidsrecht. Hier gaat het om de vraag wat de effecten zijn van het bestaan van een cao of een afspraak met de ondernemingsraad en wat zij voor de individuele werknemer kunnen betekenen.

## Recommended reading

G.J.J. Heerma van Voss, Inleiding Nederlands sociaal recht, laatste druk

### **PUB3006**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

3.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[M.J.A.C. Driessen](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam

## Faculty of Law

# Straf- en Strafprocesrecht

### **CRI2011**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

10.0

**Coordinator:**

[J.A.A.C. Claessen](#)

**Teaching methods:**

Lecture(s), PBL

## Minor European studies

Faculty of Arts and Social Sciences

### The Idea of Europe

#### Full course description

This first course of the Minor European Studies curriculum has an introductory character. It touches on a number of issues which will be dealt with more extensively later on in the programme, but it also calls attention to a fundamental question concerning Europe: Does Europe exist? Does the name "Europe" refer to a political and/or cultural identity of its own? And if so, what are the distinguishing characteristics of this identity, what have been the decisive common experiences that have fostered a sense of European community, and how has it evolved in time?

#### Course objectives

At the end of this course, students will:

- Have a basic overview of the development of the idea and identity of Europe, which can serve as a broad historical framework for understanding the process of European integration as it has occurred after 1945;
- Be more familiar with specific characteristics of European history, notably in comparison with that of other (non-European) societies;
- Have an understanding of some of the basic theoretical and methodological problems in dealing with this subject matter. Students are introduced to problems concerning the study of identity, especially the social and symbolic construction of community and identity, as well as corresponding notions of representation, invention of tradition, and 'lieux de mémoire'. They are also made familiar - at a rudimentary level - with some of the most influential (and contested) theories in the historical study of society like Max Weber's concept of rationality, Norbert Elias' theory of civilisation, different views on modernisation (Sigmund Freud, Ernest Gellner, Zygmunt Bauman).

#### Recommended reading

Delanty, G. (1995). *Inventing Europe: Idea, identity and reality*. London: Macmillan Press

### MES3000

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

9.0

**Instruction language:**

English

**Coordinator:**

[M.J. Geary](#)

**Teaching methods:**

PBL

**Assessment methods:**

Written exam

**Keywords:**

The idea of Europe, identity, history

## Faculty of Arts and Social Sciences

# Back to the Sources

## Full course description

This research training offers a first introduction to the ways historians deal with the problems of tracing, selecting and assessing primary sources, especially those related to the (early) history of European integration. During the course, the specific characteristics of the following types of primary sources are discussed: political speeches, archival records and public opinion sources. Also the specific problems of using internet sources are dealt with. Each of the three assignments is devoted to a specific problem and a specific category of historical sources: the assignment on political speeches is mainly devoted to the critical analysis of sources. The assignment on archival sources focuses on the problems of selecting and combining a variety of sources. Finally, the assignment on public opinion sources addresses the problems of representativity and influence.

## Course objectives

This training stimulates a critical and methodical attitude towards sources. At the end of this training, students will be able to: • Differentiate between primary and secondary sources; • Appreciate the importance of primary sources for the study of historical phenomena; • Recognise the different characteristics and pitfalls of several types of primary sources.

## Recommended reading

To be announced. Please see course manual.

## MES3500

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

3.0

**Instruction language:**

English

**Coordinator:**

[E.P.M. Stoffers](#)

**Teaching methods:**

Assignment(s), Presentation(s), Paper(s)

**Assessment methods:**

Assignment

**Keywords:**

Research training, source criticism, historical methods, EU integration history

**Faculty of Arts and Social Sciences**

# Great Expectations

## Full course description

The main aim of this course is to provide students with a basic understanding of the European Union: its development, its institutional framework and current problems. First, this course introduces the European integration process since the early 1950s. Using the current debate on the future of the Union as our point of departure, this course goes back to the early years of the European Communities and subsequently traces all the major developments in the EU up to the present. Secondly, we investigate the institutions of the European Union, their tasks and the main decision-making mechanisms. Finally, current political challenges of European integration are put up for debate. Throughout the whole course, students, additionally, get familiarized with the main European integration theories.

## Course objectives

To provide insight into the historical development, the EU institutions, decision-making processes and current issues of the EU, and to get familiar with integration theories.

## Recommended reading

Nugent, N. (2010). The government and politics of the European Union. (7th ed.). Hampshire: Palgrave Macmillan.

### MES3001

**Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

9.0

**Instruction language:**

English

**Coordinator:**

[A. Herranz Surralles](#)

**Teaching methods:**

PBL

**Assessment methods:**

Assignment, Written exam



**Keywords:**

European Union, European integration history, institutional framework, European integration theories

**Faculty of Arts and Social Sciences**

# Negotiation Skills

## Full course description

This six-week training is organised around three simulation games, which allow students to improve their negotiation skills and to better understand the practicalities of decision-making processes in Brussels. The purpose of this skills training course is threefold : 1) to provide a basic introduction to the main concepts of negotiation and negotiation theories; 2) to improve students' negotiation skills; 3) to arrive at a better understanding of EU decision-making (public vs. foreign policy-making, the composition and competencies of various institutions, interaction between institutions, interactions within the Council etc.).

## Course objectives

By the end of the course, students will: • Gain a better understanding of the decision-making in Brussels; • Gain new knowledge on the theory of negotiations; • Improve their negotiation skills in practice

## Corequisites

- [Europe: a critical reflection](#)

## Recommended reading

To be announced. Please see course manual.

### MES3501

**Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

**ECTS credits:**

3.0

**Instruction language:**

English

**Coordinator:**

[E.V. Sapir](#)

**Teaching methods:**

PBL, Assignment(s)

**Assessment methods:**

Assignment, Participation

**Keywords:**

Negotiations, simulation games, diplomacy

## Faculty of Arts and Social Sciences

# Europe: a critical reflection

### Full course description

The concluding course brings the whole minor together. Equipped with the knowledge gained in the previous courses, students work in pairs on a comparative research paper. The course book provides students with broadly defined topic areas from the field of European Studies, allowing them to pick a topic of their own choosing. The tutorials accompany the writing process, providing common ground for discussion on key controversies in European Studies and on the methodology of comparative analysis. Lectures provide further food for thought on what it means to conduct critical research in European Studies. At a concluding conference, students present their findings to their peers.

### Course objectives

At the end of this course students are trained in key academic processes: selecting a topic for research, developing a research design, writing a co-authored research paper and presenting in a conference setting.

### Corequisites

- [Negotiation Skills](#)

## MES3002

### Period 3

8 Jan 2018

2 Feb 2018

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinator:

[C.M. Sommerey](#)

### Teaching methods:

Work in subgroups, PBL, Presentation(s)

### Assessment methods:

Assignment, Final paper

## Interfaculty Minor Art, Law and Policy Making

University College Maastricht

# Introduction to Art: Representations, Performances and Interactions

## Full course description

The traditional term for the many ways in which artworks represent reality is mimesis. The mimetic talent for imitation and representation has been the subject of admiration, study and debate throughout the history of Western art. The notion of mimesis is employed to describe painting, literature, music, theater, dance, and more; it is still used to characterize the domain of the arts in general.

In engaging with the concept of mimesis, this course focuses on three central themes and approaches. The first part of the course is concerned with representations of reality in nineteenth and early twentieth century literature, painting, and music. The second part deals with modern and contemporary performance art. The academic field of Performance Studies is introduced in an attempt at dealing with the blurring of genres, cultures and conventions that are typical for contemporary art shaped by mass media and processes of globalization. The third and last part of the course discusses sociological perspectives on art as a social practice and a collective activity.

This course, through its emphasis on representations, performances and interactions, constitutes a basis for courses on the arts in all their diversity, as well as courses on culture in general. The course includes a practical exercise in stylistic representation at the Charles Nypels lab, the print workshop of the Jan van Eyck Academy (<http://www.janvaneyck.nl/en/labs/charles-nypels-lab>).

## Course objectives

- To provide students with an advanced introduction to the visual and performing arts.
- To broaden the students' theoretical understanding of art.

## Prerequisites

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## Recommended reading

- Auerbach, Erich. *Mimesis: The Representation of Reality in Western Literature*. Princeton University Press, Princeton, 2003.
- Gombrich, Ernst. *Art and Illusion. A Study in the Psychology of Pictorial Representation*. Princeton University Press, Princeton, 2000.
- Schechner, Richard. *Performance Studies: An Introduction*. Routledge, London, 2002.
- Becker, Howard S. *Art Worlds*. University of California Press, Berkeley, 1984.

## MIN0001

### Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

6.0

**Coordinator:**

[C. Rausch](#)

**Faculty of Arts and Social Sciences**

## Arts and Culture: Policy and Politics

### Full course description

What is art? What is good art? What is the value of art and culture? Why and how should the government support or not support the arts: which art, whose culture? How about cultural participation? These are the main questions of this interdisciplinary course which will provide the students with knowledge and analytical tools necessary for understanding the many different answers to the questions. The course combines an introduction in relevant literature and theories (art history, cultural history, cultural economics, sociology of culture) with real life case studies. Students will do some collective field work by preparing and conducting an interview with a professional in the arts and culture sector. Instruction language. The approach is international and comparative.

### Prerequisites

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## ACU3005

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

12.0

**Instruction language:**

English

**Coordinator:**

[P.E.M.R. Fleskens](#)

**Teaching methods:**

PBL

**Assessment methods:**

Final paper, Participation

**Keywords:**

Art, Culture, cultural policy

**Faculty of Law**

## Law and Art: The Free Movement of Cultural

# Property

## Full course description

Law and Art - The Free Movement of Cultural Property is a course analysing the trade in artworks and cultural objects and their protection against various forms of threats from a legal perspective. Artworks speak to our imagination and either fascinate or irritate (or bore) us and in the public discourse in the media it is the uniqueness of artworks that is emphasised: their uniqueness, their representation of the artistic genius, expressions of the human condition... Nevertheless artworks can be endangered during conflicts, can be stolen or looted, can be forged and the authenticity can be questioned.

Beside their artistic and historic value, art works are also goods: material objects that can be valued in money. This dual character of artworks combining their economic value with a higher or aesthetic value is what makes artworks particularly interesting to study from a legal perspective. It is more challenging and interesting to discuss the possible claims and limitation periods concerning a fabulous painting stolen or looted more than 50 years ago than the restitution of a bike which has been stolen perhaps only 10 years ago.

Another challenge for the law is the fact that the art trade (legal and illicit) is a truly international market. Since artworks are relatively easy to take across borders, stolen or looted art objects can show up all over the globe. To add to the difficulties, laws affecting the art trade differ from country to country. This is especially true for export regulations, the rules on the bona fide purchase and limitation periods. The position of the bona fide purchaser is a delicate issue. Who should be protected and for how long? Must a bona fide purchaser return a stolen painting to the original owner? Which law applies if more than one jurisdiction is involved? Which international obligations exist? What happens to former colonial cultural goods? Do they have to be returned to the country of origin or can they still be admired in the museums of the former colonial powers? Are there just and fair solutions for these types of disputes?

These examples show that this course deals with many different areas of law: International and European law, Human Rights, Private and Private International Law, Public as well as Criminal Law. But you can easily widen the legal fields having a relation to the art market, such as for example Intellectual Property Law or Tax Law. The course will examine a broad spectrum of issues including the protection of cultural property during times of war against destruction and removal as well as their restitution; the protection of cultural property in times of peace against illegal export and the illicit trade; The European dimension of cultural policies will be addressed including the free movement of cultural property in the European Union, media policies, resale royalty legislation, state aid and the cultural sector. Additionally, the question of cultural diversity and the issue of authenticity and fakes as well as the international and European legislative developments concerning stolen, illicitly excavated, exported and looted works of art will be discussed.

In the first week, during the first lecture there is a general introduction given, in which the organisation of the course is explained and the work on issues concerning the International Art Trade and the Law is commenced.

## Course objectives

Aim of the course is to creating awareness of legal problems concerning the licit and illicit art market. Students will become familiar with various areas of law all related to art, cultural property and heritage (International and European law, Human Rights and Private International Law, Property Law, Contract and Tort Law, Tax Law and various regulations concerning the art market etc.

## This course is also part of an interfaculty MINOR

### Prerequisites

Basis knowledge of law is important even if this course is open for students of the faculties of LAW, Arts and Culture and UCM and Erasmus students but students who have not a law background should in any case read before the course starts the recommended literature.

### Recommended reading

As reading material we shall use

- Lyndel Prott (ed) Witnesses to History, published by UNESCO Publishers in 2009. This book is available free as ebook

Furthermore,

- Kurt Siehr, International Art Trade and the Law, Recueil des Cours 1993, Vol. 243 (to be found in the library),

The book of

- Katja Lubina, Looted Art (electronically available on ELEUM and provided as PDF by e-mail) and different articles on

Different articles will be recommended on ELEUM as well as many cases and court decisions from various jurisdictions.

## **IER3004**

### **Period 2**

30 Oct 2017

22 Dec 2017

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinators:**

[H.E.G.S. Schneider](#)

V.M. Tünsmeier

### **Teaching methods:**

Lecture(s)

### **Assessment methods:**

Final paper

### **Keywords:**

Art law, cultural heritage protection, looted art, restitution and return, fakes, misrepresentation, warranty of title, provenance

## Museum Meanings

### Full course description

Museums are sites for expositions of art and traces of our cultural heritage. In the way collections are gathered, displayed and appreciated by the public we can analyze and explore our society's basic values and practices. In the course Museum Meanings we study the ever changing relationship between society and its culture.

### Prerequisites

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## ACU3004

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

12.0

### Instruction language:

English

### Coordinator:

[J.J. de Jong](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Presentation and paper

## University College Maastricht

# The Presence of Art: Reinterpreting Modern and Contemporary Art

### Full course description

Since the late 19<sup>th</sup> century and certainly up until the mid-20<sup>th</sup> century artists have issued avant-garde manifestoes of change, claiming their art to be ahead of the times. Critical of conventions and traditions, they regarded art as a revolutionary means to social, political, cultural, and intellectual emancipation and progress. Through what has been called the “shock of the new,” by making tabula rasa with the existing, art was to create a better world. Were it not for the fact that art effectively served the ideologies of both the socialist and fascist totalitarianisms of the last century, such radical ambitions might even sound a bit naïve, nowadays. Indeed, as yesterday’s future has become today’s past, the utopias of a bygone era seem to have been disappointed, at last - or have they not? Do we

need to rescue avant-garde virtues and ideals for the sake of the relevance of contemporary art? What precisely is the legacy of the modern avant-garde besides its success on the global art market? In the early 21<sup>st</sup> century and under the spell of a “new spirit of capitalism”, is there any hope left for effective artistic critique? Or does the current “economy of enrichment” simply reduce the value of art to a financial speculation tool?

This course considers histories and theories of modern and contemporary art. It provides an overview of the heterogeneous and experimental development of modern and contemporary art. Artistic responses to society, politics, science, and technology are discussed. A further emphasis is on the practices governing institutions of the contemporary art world, such as art markets and museums. The course features a visit to the Bonnefanten museum in Maastricht, as well as a studio visit and debate with an artist in residence at the Jan van Eyck Academy in Maastricht.

## Course objectives

- To study historical and theoretical approaches to modern and contemporary art.
- To enable critical reflection and debate on the meaning and relevance of artistic practices.
- To learn how to write an art review.

## Prerequisites

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## Recommended reading

- Hal Foster, Rosalind Krauss, Yve-Alain Bois, Benjamin H.D. Buchloh, David Joselit, *Art Since 1900: Modernism, Antimodernism, Postmodernism*. Thames and Hudson, London, 2011.
- Sarah Thornton, *Seven Days in the Art World*. Granta, London, 2008.
- Georgina Adam, *Big Bucks: The Explosion of the Art Market in the 21<sup>st</sup> Century*. Lund Humphries, Farnham, 2014.
- Gilda Williams, *How to Write about Contemporary Art*. Thames and Hudson, London, 2014.

## MIN0002

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Coordinator:

[C. Rausch](#)

Faculty of Law

**Private International Law**



## Full course description

Private International Law (PIL) provides a set of legal rules where one or more of the parties, facts or circumstances related to a legal dispute are connected with more than one legal system. Private International Law in particular provides: 1. legal rules which establish when a national court has international jurisdiction in any case involving an international element; 2. legal rules which determine the applicable law in cases involving international elements heard before a national court; and 3. legal rules on recognition and enforcement of foreign court judgments in another country. Since each country has its own Private International Law rules, Private International Law originally is domestic law. Other influential sources of PIL are international treaties and, more increasingly, EU-regulations. Private International Law has become even more significant as a result of increasing integration within the European Union and because of globalization (of trade and free movement). This course in particular focuses on the European perspective of Private International Law. Hence it includes: 1. an examination of the general structure, main doctrines, principles and topics (family law, goods, contractual/non-contractual obligations) of PIL from the EU-perspective; 2. an introduction to the most important EU-regulations and international treaties on Private International Law such as the Regulation 593/2008 on the law applicable to contractual obligations, Regulation 864/2007 on the law applicable to non-contractual obligations, Regulation 2201/2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and Regulation 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations. 3. an overview of the historical development of Private International Law. Attention will also be paid to current Private International Law codifications in several EU-member states as illustration of PIL's originally domestic character. For the purposes of this course Private International Law is understood in a broad sense, thus including the conflict of laws and the law of international civil procedure.

## Course objectives

The general aim of the course is to provide students with an understanding of the problems inherent in legal situations involving (a) crossborder element(s) in Europe. The students will gain knowledge of the basic principles and legal rules of Private International Law from the European perspective as well as of its historical developments.

## Prerequisites

Basic knowledge of law in general.

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

## Recommended reading

- The coursebook can be ordered through POD. - The mandatory textbook for this course is the latest edition of M. Bogdan, *Concise introduction to EU Private International Law*, Groningen: Europa Law Publishing. - The use of the latest edition of 'Selected National, European and International Provisions from Public and Private Law, the Maastricht Collection' by Nicole Kornet & S. Hardt (eds.), Groningen: Europa Law Publishing, is recommended for those students who are already in possession of the book and/or participate in other ELS-courses. For other students such as non-ELS-students another option is: Prof. dr. K. Boele - Woelki (ed.), *Ars Aequi wetseditie European Private International Law 2015-2017*, Nijmegen: Ars Aequi Libri (latest edition; ISBN: 9789069165998). (See also announcement before the start of the course, all books can be ordered e.g. via studystore or the publisher;).

## **PRI3018**

### **Period 3**

8 Jan 2018

2 Feb 2018

[Print course description](#)

### **ECTS credits:**

4.0

### **Instruction language:**

English

### **Coordinator:**

M.N. Wells-Greco

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Written exam

### **Keywords:**

(European) Private International Law

**Faculty of Arts and Social Sciences**

## **Paper Minor Arts and Heritage**

### **Full course description**

For further information please contact the course coordinator.

### **Prerequisites**

The courses IER3004 and ACU3004 or ACU3005 are compulsory courses within this Interfaculty minor.

### **Recommended reading**

none

## **ACU3904**

### **Period 3**

8 Jan 2018

2 Feb 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

**Coordinator:**

[J.J. de Jong](#)

**Teaching methods:**

Lecture(s)

**Assessment methods:**

Final paper

**Keywords:**

Arts, Culture, heritage

## Minor Human and Legal Decision-Making

Faculty of Law

### Methodological, Theoretical and Practical Aspects of Research on Human and Legal Decision-Making and Neurosciences

#### Full course description

In the legal arena, everything revolves around evidence and credibility. This course addresses the relevance and validity of various types of empirical evidence that regularly surface in courts of law. Particular attention is devoted to physiological measures (skin conductance and heart rate for example), brain imaging techniques (such as functional magnetic resonance imaging and positron emission tomography), neuropsychological assessments (cognitive tests and psychological questionnaires), and behavioral genetic evidence (twin and adoption studies but also research on specific genes such as monoamine oxidase A; “the warrior gene”). The significance of collecting such evidence can hardly be overestimated; not only can it serve as evidence in individual cases, it also informs and challenges the models and theories about human behavior and error—delinquency and decision-making included—that legal scholars and policymakers work with. The decision-making processes that are essential to evaluate the credibility of such evidence will also take center stage. Students will be introduced to decision-making at an academic level and discover that the science behind it is real; it involves cognitive models of decision-making, psychometric testing, theoretical approaches to human error, logical analyses of arguments, and mathematical techniques to quantify the accuracy of decisions and the strength of evidence. The majority of topics will feature in lectures given by distinguished experts of the Research and Documentation Center (WODC) of the Dutch Ministry of Security and Justice.

This course is part of the interfaculty minor Human and Legal Decision-Making, which consists of three other, complementary courses; Neurosciences & Law, Neuropsychology & Law, and Economic Psychology. If you are interested in the subject matter of this course, you are encouraged to look into the other courses of the minor Human and Legal Decision-Making.

#### Course objectives

Upon completion of this course, students must:

- Be familiar with physiological measures, brain imaging techniques, neuropsychological tests,

and behavioral genetic studies as empirical evidence that can be brought into court.

- Be able to critically analyze the validity and relevance of such evidence within legal systems.
- Be able to recognize and evaluate different models of human behavior and error.
- Be able to identify and criticize the various ways in which humans make decisions (applied to law, medicine, and psychiatry).
- Know about the various roles that human decision-making play in the legal domain.
- Be able to recognize, remedy, and prevent diverse threats (e.g., cognitive biases, logical fallacies) that may undermine the quality of decision-making.
- Be able to employ simple mathematical methods to quantify the weight of evidence (e.g., likelihood ratios) and the accuracy of decision rules (e.g., receiver operating characteristics).

## Prerequisites

Although there are no prerequisites for this course, we expect good English language and writing skills. Furthermore, some basic knowledge of psychology, scientific methodology, and neuroscience is useful to understand the subject matter of this course. Students who are not acquainted with these subjects are therefore advised to study some introductory literature that will be made available during this course.

## Recommended reading

The literature for this course consists of state-of-the-art articles on decision-making and neurobiological criminology.

Examples of the literature are:

- Buckholtz, J. W., & Faigman, D. L. (2014). Promises, promises for neuroscience and law. *Current Biology*, 24, R861-R867.
- Cornet, L. J. M. (2015). Using basic neurobiological measures in criminological research. *Crime Science*, 4, 1-16.
- Dror, I. E. (2015). Cognitive neuroscience in forensic science: Understanding and utilizing the human element. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 370: 20140255.
- Swets, J. A., Dawes, R. M., & Monahan, J. (2000). Better decisions through science. *Scientific American*, 283, 82-87.

## LAW3024

### Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinators:

[F.L. Leeuw](#)

A.M.P.N. van Impelen

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Final paper, Written exam

**Keywords:**

Human and legal decision making, Neurolaw, Methodology, Empirical evidence on neuroscientific factors

**Faculty of Psychology and Neuroscience**  
**Neuropsychology and Law**

**Full course description**

Most of this course pertains to neurocognitive processes of criminal offenders. Contextual factors, such as the history and current state of neuropsychology and psychiatry will be discussed to give students the desired background knowledge of this topic. A considerable part of the course is devoted to neuropsychological abnormalities in offenders who are affected by a psychiatric disorder. Another substantial part of the course pertains to offenders with acquired brain injury. The connection between neural abnormalities and criminal offences will be critically evaluated for each psychiatric or neurological disorder. A completely different side of neuropsychology and law, the effect of neurocognitive disorders in victims/witnesses of crimes on their eyewitness testimony, will also be dealt with.

**Course objectives**

Knowledge of: Brain structure and function, psychiatric and neurological disorders that predispose to criminal offences, witnesses with brain disorders.

**PSY3375**

**Period 1**

4 Sep 2017

27 Oct 2017

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

[M. Jelicic](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Assignment, Written exam, Attendance

**Keywords:**

forensic neuropsychology, Psychiatry, brain disorders, criminal offences

# Law and Neurosciences

## Full course description

This course introduces students to the new interdisciplinary field of law, neuroscience and philosophy. It uses an integrative approach by addressing the relevancy of potential applications of neuroscience in the fields of both criminal law and civil law. The course aims, inter alia, to assist students in understanding and critically reflecting on the present and future possibilities pertaining to the intersection between law and neuroscience. It also explores how neuroscientific research may challenge the foundations and conditions of criminal and civil (tort) liability. The main themes of the course include the following: the neuroscientific challenge to free will and responsibility; the scientific and legal view on human agency and personhood; diagnosing and assessing mental capacities and disabilities; legal decision-making and the use of neurological evidence in court; neuroscience and human rights and finally, the predictive and rehabilitative use of neuroscientific techniques.

This elective is also part of the minor Human and Legal Decision-Making which consists of four complementary courses; neuropsychology & law, methodological, theoretical and practical aspects of studying human and legal decision-making and neurosciences, law & neurosciences, economic psychology. Please take note that in comparison with the previous year this course has moved to the second period, to allow its content to be more in alignment with the two courses of the minor in the first period.

## Course objectives

Upon completion of this course, the student must be able to:

- describe and understand the basic conditions of criminal and private law liability and relate these conditions to neuroscientific insights and challenges
- describe and understand the different philosophical positions on the free will and determinism debate
- reflect on the neuroscientific challenges to free will, human agency and legal responsibility;
- understand and evaluate the relevance of neuroscientific techniques as a diagnostic tool in order to determine mental capacities and disabilities;
- understand how neurosciences can contribute to our knowledge of judicial decision making
- assess the value and limitations of neuroscientific evidence in court cases
- reflect on the value of neuroscientific techniques as a predictive tool for risk assessment
- reflect on the use of neuroscientific techniques (especially direct brain interventions) to modify the brain in order to enhance people's responsibility

## Prerequisites

Although there are no prerequisites for this course, we expect good English language and writing skills. Also, some basic legal knowledge is necessary to understand the main topics of this course. Therefore, in the first two weeks some introductory lectures will be given on the basic concepts of criminal and private law.

In addition, students without any knowledge of law are required to study additionally:

- chapters 2,4, and 6 from J. Hage & B. Akkermans (eds), Introduction to law, Springer, 2014 and
- chapters 1, 3 and 6 from J. Keiler & D. Roef (eds.), Comparative Concepts of Criminal Law, Cambridge, Intersentia, 2016.

This additional literature will be made available in a reader.

Students report spending an average of 12-14 hours for each session.

## Recommended reading

The literature for this course consists of state-of-the-art articles on neurolaw. It is indicated for each session which reading materials should be studied beforehand.

Examples of relevant literature:

- N. Vincent, 'On the relevancy of neuroscience to criminal responsibility', *Criminal Law and Philosophy*, 2009, 77-98;
- M.S. Pardo & D. Patterson, D., 'Philosophical foundations of law and neuroscience', *University of Illinois Law Review*, 2010, 1212-1235 + 1242-50.
- S. Morse, 'Determinism and the Death of Folk Psychology: Two Challenges to Responsibility From Neuroscience', *J.L.Sci & Techn.*, 2008, 1-20;
- F.X. Shen & O.D. Jones, 'Brain Scans as Evidence: Truths, Proofs, Lies and Lessons', *Mercer Law Review*, 2011, 861-883;

## LAW3021

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.0

### Instruction language:

English

### Coordinator:

[D. Roef](#)

### Teaching methods:

Lecture(s), PBL

### Assessment methods:

Written exam, Final paper

### Keywords:

Neurolaw - Criminal law and neurosciences - Private law and neurosciences

## School of Business and Economics

# Economic Psychology

## Full course description

Increasingly, economists are discovering psychology as a means to enrich their models of economic behaviour and well-being and to give them a better foundation. The importance of this is illustrated by the fact that the Nobel prize winner in economics in 2002 was the distinguished psychologist Daniel Kahneman. He characterizes his research as a quest for the 'logic of the irrational'. Adam Smith already recognized that economic, just like other, behaviour is motivated by an intriguing blend of 'rational' considerations and 'irrational' sentiments. The great challenge is to investigate the

implications of the latter motives for economics.

This course aims to give an intensive introduction into this field. In the first nine sessions of the course the psychology and behavioural economics of judgment and decision-making are dealt with. Basic principles of rationality are compared with actual behaviour in making decisions. Next, students are introduced into the psychological and economic research on subjective well-being (happiness) and its socio-economic determinants (especially income). The importance of this research for economics and its policy implications will be highlighted. Students should realize that the course is not easy and that its material also includes some mathematical derivations.

## Course objectives

- Acquiring a structured insight into the important roles of psychological factors and processes in the judgments, decision-making and well-being of economic agents
- Learning about the difference in approach between psychology and economics
- Learning about the relations between psychology and economics

## Prerequisites

- Basic understanding of microeconomics (level comparable to: course Economics and Business), probability theory and mathematics (level comparable to course QM2)
- An advanced level of English

## Recommended reading

- Hastie, Reid and Robyn M. Dawes. Rational choice in an uncertain world: The psychology of judgment and decision making. Sage, 2010.
- Articles and chapters from books.

## EBC2103

### Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

### ECTS credits:

6.5

### Instruction language:

English

### Coordinator:

[P. Werner](#)

### Teaching methods:

Presentation(s), Lecture(s), Work in subgroups

### Assessment methods:

Participation, Written exam

## Minor Familie en Recht

Faculty of Law



# Internationaal Privaatrecht

## Full course description

Steeds vaker vertonen rechtsverhoudingen grensoverschrijdende trekjes: mensen trouwen, krijgen kinderen en scheiden over de grenzen heen; overeenkomsten worden eenvoudig tussen partijen in verschillende landen gesloten; goederen worden internationaal verkocht en geleverd. Voor de jurist leveren deze internationale casus bijzondere vragen op. Anders dan we gewend zijn, is het niet langer vanzelfsprekend dat partijen zich kunnen of zullen melden bij de Nederlandse rechter. En als ze dat wel doen, is het nog maar de vraag of de Nederlandse rechter zijn eigen Nederlandse recht kan toepassen of dat een buitenlands recht moet worden toegepast. En hoe zit het met een huwelijk gesloten in het buitenland? Ben je dan ook in Nederland getrouwd? Het internationaal privaatrecht (IPR) is het geheel van rechtsregels dat zich met deze drie vragen bezig houdt: welke rechter(s) is(zijn) international bevoegd, welk recht moet worden toegepast, en wat is de waarde van een buitenlands vonnis in Nederland? Voor juristen die geen IPR hebben bestudeerd is dit vakgebied vaak een ondoordringbaar oerwoud van regels en lijkt bovendien de taal waarin die regels zijn gesteld vaak op geheimtaal. Het blok IPR beoogt de hoofdlijnen van het vakgebied zichtbaar te maken, een inleiding te geven in de bronnen en gehanteerde terminologie, en in de leerstukken en problemen die hier achter schuil gaan. Naast theoretische achtergronden bestrijkt het blok IPR het privaatrecht over de gehele breedte; d.w.z. personen- en familierecht, vermogensrecht (contractenrecht, goederenrecht, onrechtmatige daad), en rechtspersonenrecht. Het blok kent zeven bijeenkomsten. In ieder blok worden zowel casusbeschrijvingen en casus uit de praktijk besproken als taken gericht op theoretische leerstukken. In de flankerende onderwijsstroom worden zeven ondersteunende colleges aangeboden. Kennis van het IPR is onmisbaar voor iedere privaatrechtelijke jurist (advocaat, rechter of bedrijfsjurist) die zich ervan bewust is dat grensoverschrijdend rechtsverkeer allang geen uitzondering meer is. Door de verbetering van communicatie- en transportmiddelen en door de intensivering van het internationaal verkeer wordt immers elke privatist regelmatig met grensoverschrijdende problemen geconfronteerd. Het blok biedt de basiskennis van het IPR waarop in verscheidene masterblokken wordt voortgebouwd. Dat geldt in het bijzonder voor het masterblok Family Law in Europe. Studenten die voornemens zijn de masteropleiding Nederlands recht richting privaatrecht te volgen, is het volgen van dit blok eigenlijk onontbeerlijk.

## Recommended reading

- L. Strikwerda, Inleiding Nederlands internationaal privaatrecht, elfde druk, Deventer: Kluwer 2015 - Ars Aequi Wetseditie: Internationaal Privaatrecht; Verordeningen, Verdragen & Wetten, Ars Aequi Libri Nijmegen, laatste druk.

### **PRI3004**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.W.E. Rutten](#)

**Teaching methods:**

PBL

**Assessment methods:**

Written exam

**Faculty of Law**

# Successiewet en Erfrecht

## Full course description

In dit blok komen aan de orde de belastingen die worden geheven op het moment waarop vermogen door schenking of vererving overgaat van de ene hand in de andere. Hierbij wordt verband gelegd met het personen- en familierecht dat in blok 1.5 Inleiding Privaatrecht aan de orde is geweest. Tevens wordt gedurende twee weken van het blok ingegaan op het erfrecht. In de Successiewet 1956 wordt een onderscheid gemaakt tussen schenkbelasting en erfbelasting. Naast de bespreking van de belastingplichtige, het belastbaar feit, het tarief en de vrijstellingen, komen de talrijke zogenoemde "fictiebepalingen" aan de orde. Aan het einde van het blok passeren enige grensoverschrijdende aspecten de revue. Daarbij is de laatste jaren aandacht gegeven aan buurland België. Tevens wordt ingegaan op de Europeesrechtelijke gevolgen van grensoverschrijdende situaties en aan het internationaal privaatrecht. Het blok Successiewet en erfrecht heeft tot doel de student kennis van en inzicht te laten verwerven in het Nederlandse erfrecht en de erf- en schenkbelasting. Daarbij wordt hij ook ingevoerd in de Europeesrechtelijke dimensies.

## Prerequisites

Er is geen specifieke voorkennis vereist. Het blok vormt een samenspel tussen privaatrecht en belastingrecht.

## TAX3006

**Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

Dutch

**Coordinator:**

[K.M.L.L. van de Ven](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Erfrecht, schenk- en erfbelasting, rechtsvergelijking, Europese regelgeving

# Inleiding Islamitisch Familierecht

## Full course description

De inhoud van de bijeenkomsten inleiding islamitisch familierecht zal globaal als volgt verdeeld worden: in bijeenkomst 1 wordt een algemene inleiding tot het islamitisch recht gegeven (de opbouw van een religieus rechtssysteem; rechtsbronnen, rechtspraak, recente ontwikkelingen, vergelijking met het 'westerse' rechtssysteem, Mudawwanah als prototype van islamitisch rechtstelsel). In de tweede bijeenkomst zal worden ingegaan op het islamitisch huwelijks- en huwelijksvermogensrecht (verloving, formele/materiële vereisten huwelijk, vermogen). Vervolgens komt in bijeenkomst 3 het islamitisch huwelijksontbindingsrecht aan bod (scheidingsgronden, gevolgen van scheiding). In de vierde bijeenkomst wordt het islamitisch familierecht (afstamming; verhouding ouders-kinderen), en het islamitische personenrecht (geboorte, minderjarigheid, handelingsbekwaamheid, vermissing, overlijden) besproken. Bijeenkomst 5 wordt besteed aan islamitisch erfrecht (erfgenamen, erfporties, testeer-vrijheid, verdeling), de schenking en de waqf, bijeenkomst 6 aan het islamitisch strafrecht en het openbaar bestuur, en bijeenkomst 7 aan het islamitisch procesrecht, het islamitisch volkenrecht, het vreemdelingenrecht en het internationaal privaatrecht.

## Course objectives

Het blok beoogt u een introductie in het recht van de klassieke islam en van de contemporaine islam geïntereerde wereld te geven, in het bijzonder betreffende het islamitisch personen- en familierecht, bestuursrecht, strafrecht, procesrecht en het internationale recht.

## Prerequisites

Algemene kennis van het recht

## Recommended reading

1) Reader, te bestellen via POD 2) Mudawwana. Marokkaanse familiewet. Vertaald uit het Arabisch door M.S. Berger. Ars Aequi Wetseditie 2004

### **PRI1006**

#### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.W.E. Rutten](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Oral exam, Written exam

#### **Keywords:**

## Faculty of Law

**Personen- en Familierecht****Full course description**

Het doel van dit blok is studenten kennis en inzicht te verschaffen in het Nederlandse personen- en familierecht. In dit blok wordt ingegaan op de juridische aspecten van de partner-relatie en van de ouder-kind relatie. Het blok biedt een goede en noodzakelijke basis voor het masterblok "Family Law in Europe". Meer specifiek zullen de volgende onderwerpen aan de orde komen: Relatievormen (huwelijk, samenwonen, geregistreerd partnerschap), de totstandkoming en inhoud ervan, alsmede de gevolgen, het huwelijksvermogensrecht, echtscheiding en ouderschapsplan, echtscheidingsmediation, pensioenrechten, recht op levensonderhoud (partneralimentatie en kinderalimentatie), ouderlijk gezag, omgangsrecht, en afstamming. Het blok bestaat uit zeven onderwijsbijeenvakken (ieder twee uur lang) en flankerende onderwijs. In het flankerend onderwijs worden theoretisch ondersteunende colleges aangeboden alsmede colleges die inzicht geven in de praktijk van het familierecht. Een deel van de colleges zal daarom worden verzorgd door mensen uit de praktijk (rechters, advocaten, mediators, en orthopedagoog).

**Recommended reading**

(voorlopig!!! Gebaseerd op info voorjaar 2015; houdt de laatste berichten in de gaten!!!)  
Basishandboek: Vlaardingerbroek e.a., Het hedendaagse Personen- en familierecht, Kluwer 2014, 7e druk, ISBN: 9789013121964 Daarnaast zult u voor het huwelijksvermogensrecht een tweede boek moeten raadplegen. U kunt hiervoor een keuze maken uit: - F. Schonewille en J.L. Driessen Kleijn, Relatievermogensrecht, Ars Aequi Libri Nijmegen 3e druk 2011, ISBN: 9789069169064 - M.J.A. van Mourik en L.C.A. Verstappen, Handboek Nederlands vermogensrecht bij scheiding, Algemeen Deel A, Kluwer Deventer, vijfde druk, 2014, ISBN: 978 90 13 12323 4 N.B. Indien er nieuwere drukken zijn verschenen, dient de laatste druk te worden aangeschaft.

**PRI3005****Period 5**

16 Apr 2017

15 Jun 2017

[Print course description](#)**ECTS credits:**

6.0

**Instruction language:**

Dutch

**Coordinator:**[S.H.S.C. Daenen](#)**Teaching methods:**

PBL

**Assessment methods:**

Written exam

# Recht in een Multiculturele Samenleving

## Full course description

De multiculturele samenleving, die heden ten dage in belangrijke mate het gevolg is van immigratie, stelt ons voor de vraag of de huidige rechtsordes met haar eigen historisch gegroeide normen en waarden moeten openstaan voor nieuwe normen en waarden, alsmede op welke wijze op deze ontwikkelingen dient te worden gereageerd. De vragen die rijzen, laten zich gelden op alle terreinen van het recht: van islamitische verstotingen in het familierecht, eerwaakkwesties in het strafrecht, tot de vraag naar een bestuursrechtelijk verbod op het dragen van burqa's in het openbare leven. De ontwikkeling op dit gebied vindt niet alleen in Den Haag plaats maar in belangrijke mate ook via de rechtspraak. Verder worden ook aan het Europese Hof voor de Rechten van de Mens in Straatsburg steeds vaker zaken voorgelegd waarin het Hof zich moet uitlaten over de reikwijdte en de grenzen van de godsdienstvrijheid, de vrijheid van meningsuiting, en andere vrijheden in een multiculturele samenleving. Ook de Raad van Europa laat zich niet onbetuigd en voorziet de juridische markt met enige regelmaat van handreikingen en handleidingen. Centraal staat een bestudering van het recht (en beleid) van Nederland, vanuit een casuïstische benadering: bestudering van casuïstiek, rechtspraak, uitspraken van CGB, College voor de rechten van de mens, en regelgeving. Daarnaast verdiepen studenten zich in theoretische grondslagen van een multiculturele samenleving en bestuderen zij rechtspraak van het Europese Hof voor de Rechten van de Mens (EHRM), in het bijzonder op de volgende gebieden: - vrijheid van godsdienst en godsdienstuitoefening (artikel 9 EVRM) - bescherming van het gezinsleven (family life) (artikel 8 EVRM) - vrijheid van meningsuiting (artikel 10 EVRM) - verbod van discriminatie naar godsdienst. Geruime aandacht bestaat ook voor de bestudering van achtergronden van culturen en religies, zoals de beginselen van islamitisch familierecht, traditioneel bepaalde beginselen van eerwraak en dergelijke. Bestudeerd wordt met welke kwesties Nederlandse autoriteiten in aanraking komen, hoe zij tot oplossingen komen, welke argumenten in de overwegingen worden betrokken, en op welk niveau oplossingen worden gezocht. De te bestuderen onderwerpen liggen op verschillende rechtsgebieden: mensenrechten, grondslagen van het recht, strafrecht, strafprocesrecht, internationaal privaatrecht, staats- en bestuursrecht, arbeidsrecht, familierecht, Europees recht en metajuridica. Het blok is opgezet rond zeven onderwijsbijeenkomsten. Inhoudelijk gaat het hierbij achtereenvolgens om: 1) denken over pluriformiteit in het recht; 2) strafrecht (eerwraak en andere kwesties); 3) strafprocesrecht (bejegening van culturele diversiteit in opsporingsonderzoeksfase, ter terechtzitting, en bij de uitvoering van straffen); 4) gezin en inburgering; 5) familierecht (verstoting en andere kwesties); 6) godsdienstvrijheid, alsmede vrijheid van meningsuiting; 7) juridische vragen omtrent het dragen van hoofddoek in arbeid, school en openbaar leven, in het bijzonder vanuit het discriminatieverbod.

## Course objectives

Doel van het blok is dat de student: - heeft kennis van en inzicht in de grondslagen van het recht in een multiculturele samenleving - heeft kennis van en inzicht in metajuridische aspecten van rechtspluralisme; - heeft een open oog ontwikkeld voor culturele achtergronden van rechtskwesties; - heeft inzicht in de dilemma's die de culturele diversiteit in het recht met zich meebrengt; - heeft inzicht in het juridisch instrumentarium waarmee de culturele diversiteit in het recht kan worden ondervangen. - Is in staat om concrete vragen over culturele diversiteit en recht beargumenteerd en beredeneerd en op een juridisch wetenschappelijk verantwoorde manier te beantwoorden, waarbij redenering, argumentatie en belangenafweging voorop staan. Het kan hierbij gaan om vragen op de volgende rechtsgebieden: strafrecht, strafprocesrecht, familierecht, internationaal familierecht, godsdienst- en expressievrijheid, discriminatieverbod, mensenrechten, het uiting geven aan godsdienst in de arbeid, het uiting geven aan godsdienst in het onderwijs, en het uiting geven aan godsdienst in openbare ruimten. - Is met betrekking tot de bij het vorige punt genoemde vragen, in staat deze te beantwoorden vanuit Nederlands, en waar relevant, Europees perspectief; - beschikt

over de voor een bachelor noodzakelijke vaardigheden in: het omgaan met verschillende bronnen (ook digitaal) van het juridische vakgebied, casus oplossen mede vanuit een rechtsvergelijkende benadering, het analyseren van jurisprudentie en andere juridische teksten, het juridisch argumenteren, het zelfstandig op heldere wijze mondeling of schriftelijk juridische vragen beantwoorden; - kan zich een kritische attitude eigen maken.

## Prerequisites

Algemene kennis van en inzicht in de hoofdgebieden van het recht.

## Recommended reading

Reader

### **PRI3006**

#### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

#### **ECTS credits:**

6.0

#### **Instruction language:**

Dutch

#### **Coordinator:**

[S.W.E. Rutten](#)

#### **Teaching methods:**

Lecture(s), PBL

#### **Assessment methods:**

Written exam, Oral exam

#### **Keywords:**

Culturele diversiteit en recht, rechtspluralisme, eerwraak, verstoting, besnijdenis, shari'ah-rechtbanken, godsdienstvrijheid, hoofddoekjes, vrijheid van meningsuiting, non-discriminatie,

## Minor Business and Law

Faculty of Law

## International Business Law

### Full course description

This course will cover some of the very general principles of international business law that govern various commercial transactions at the international level. The objective of this course is to enable students to answer some crucial questions regarding international business and commerce, which includes, but are not limited to the following: What is the applicable law for the transaction? What are the responsibilities and liabilities of the parties involved? Who arranges the carriage contract and who is in charge of transporting the goods from one point to another? How does the buyer pay the seller? What happens in the event that something goes wrong?

To help the students answer these questions, this course will focus on the following subject matters: 1) international sale of goods and general contract terms; 2) carriage of goods by land and sea; 3) letter of credit as a payment mechanism; and 4) international commercial arbitration as one possible way for parties to resolve their disputes. In addition to these core issues, this course will also attempt to shed light on various business concerns (e.g. business ethics) and current events that is of relevance to this course.

Given that our face-to-face instruction time will be relatively short in order to cover all of the subjects noted above, we admit at the very beginning that there will be a limit to what we will be able to teach the students (without force-feeding the information to students, which we do not intend to). With this in mind, this course will NOT cover various subjects including but not limited to: 1) extensive history of business/commercial law; 2) carriage of goods by air or rail; 3) leasing and financing contracts; or 4) insolvency and insurance claims just to provide a handful of examples. Our aim will NOT be to simply cram as much information as possible, but to select the essential concepts, to go over them in some depth, and to instill sufficient knowledge for the students to be able to apply these concepts in a practical manner. While the students may not become absolute experts of IBL at the end of this course, the students will possess enough foundational understanding of the subject matter, which will equip them with the ability to build further atop this foundation on their own.

### **Teaching methods:**

The bulk of the information that the students need to succeed in this course will be presented at the lectures every week (please note that the lectures will NOT be recorded). The knowledge that the students accumulate from the lecturers (plus the information covered in the weekly handouts and various other materials) will be applied in the tutorials each week by students solving a number of practical cases. Moreover, the tutorials will be student-centered and Socratic, which is to suggest that if the tutors notice students being silent for a prolonged period of time during the tutorials, the tutors reserve the right to invite those students to participate more actively.

### **Assessment methods:**

Legal Memorandum (60%), Mock Trial/Arbitration (30%), and Negotiation Strategy (10%). The Mock Trial/Arbitration and the Negotiation Strategy will be a group assessment that the students will NOT be able to resit.

## **Course objectives**

One of the overarching issues that this course will keep coming back to is the question of what impact these "international" laws (i.e. UN Convention on Contracts for the International Sale of Goods) are having on the harmonization of the law at the international/European level. Each week, the students will see evidence to suggest that there is no such thing as the "uniform law of contract" that governs an entire commercial contract from start to finish. Therefore, the students will consider "International Business Law" as a fragmented network of laws, with different laws governing each part of the transaction. Having this fundamental understanding will allow students to start grasping this complex subject matter with a bit more ease. At the of the course end, the goal is for the students to be able to demonstrate a basic level of competence and knowledge for matters related to international business law.

## **Recommended reading**

The students will be given a choice in terms of what type of learning materials (i.e. reader, handouts, executive summaries, podcasts, vlogs etc.) they prefer to use before the course starts. In other words, the course materials will consist of different formats and compositions depending on what the



students desire, but they will all be made freely available on BlackBoard. Substantively speaking, the materials for each week (whatever type of format and composition the students vote for) will be designed to prepare them for the lectures, the tutorials, and the assignments. In addition, the course manual will provide a weekly list of recommended readings above and beyond the mandatory materials that the students will be strongly encouraged to follow.

## **PRI3008**

### **Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinator:**

[M.T. Kawakami](#)

### **Teaching methods:**

Lecture(s), PBL

### **Assessment methods:**

Assignment, Written exam

### **Keywords:**

International business law, International sale of goods, Incoterms 2010, International carriage of goods, documentary credit, international commercial arbitration, alternative dispute resolution, and private international law.

## **Faculty of Law**

# **Comparative Income and Business Taxation**

## **Full course description**

This course provides an introduction to the legal structure and design of tax systems. We will first focus on the basic principles of tax systems and elements of the tax base (deductions, attribution of income). There will be a particular focus on taxing personal income (from labour and capital) and corporate income (like interest, royalties and dividends). We will then address selected issues of doing business abroad like double taxation as well as taxation of cross-border workers. Basic anti-tax-avoidance legislation will also be addressed as will elements of European (tax) law. This course will not focus on any country in particular, allowing this to be a real principle-based and comparative course.

## **Course objectives**

- Students should be able to understand and explain basic principles of personal and corporate income taxation from both a government as well as a taxpayer perspective.
- Students should gain a basic understanding of principles of international tax law, the role of tax treaties and their interaction with certain elements of EU law.



## Prerequisites

None

## Recommended reading

- Book (to be determined)
- Articles
- Sources from newspapers and magazines

### TAX3009

**Period 4**

5 Feb 2018

6 Apr 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

[R.H.C. Luja](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam, Final paper, Presentation

**Keywords:**

Income tax, corporation tax, international business, cross-border employment

## Faculty of Law

# European Company Law

## Full course description

Central aim of the Bachelor Course European Company Law (European Law School) is to introduce participants into the basics of company law in the European Union. The first challenge (chapter 1) is to get acquainted with basic features of what 'business conduct' precisely is about. It all starts with perceiving which business 'formats' (i.e. the sole trader, partnerships and company types) may serve entrepreneurs' interests best.

The second challenge is to understand some specific topics of company law from a comparative angle. Correspondingly, some attention will be devoted to the law of France, Germany, England, and the Netherlands. In chapter 2 the students will deal with company formation and incorporation, including the pre-incorporation stage of limited liability companies and company nullity. Chapter 3 is all about capital protection in a narrow sense: the substantive requirement of a reasonable amount of money owned by the company. In chapter 4 internal matters of the company are dealt with: the powers of the management board, the supervisory board and the general meeting of shareholders. The question arises what happens when things go wrong within the company. This question will be

dealt with in chapter 5: duties and liabilities of the board of directors and the general meeting of shareholders.

The third challenge is to understand cross-border business conduct and the freedom of establishment throughout the European Union (i.e. mutual recognition of companies and the possibility of cross-border company seat transfers and mergers).

The final chapter sheds light on current developments and trends at EU-level, in particular business formats that are not creatures of national Member State laws (*Societas Europaea*, *Societas unius Personae*).

## Course objectives

- The first goal is to get acquainted with the principles and basic features of the substance of company law, from a legal point of view.
- The second goal for students lies in the need to understand the close relation between national company law on one hand and European company law on the other. Starting point is national company law of the Netherlands, Germany and France (Civil Law oriented concepts) and the United Kingdom (Common Law oriented concept).
- The third goal is to get a grip on the specific features of Company Law from a European perspective. The course requires from participants that they do not only concentrate on the framework of, inasmuch it does exist, European law but also of the use of tools and methods taken from other legal disciplines such as private international law concerning the status of foreign companies (i.e. the real seat theory and the incorporation theory).

## Prerequisites

Basic knowledge of EU institutional law.

## Recommended reading

- A. Dorresteyn a.o., *European Corporate law*, Kluwer law international 2009 will be used as handbook. Please note that not all chapters of this book will be used and whether or not you buy this book is up to you. Five copies of this book are available for copying in the Learning and Resource Centre of the University Library. In the course book can find for each week of this course the parts of the book that will be used.
- The Maastricht Collection Selected National, European and International Provisions from Public and Private Law (ed. N. Kornet/ S. Hardt), Europa Law Publishing fourth edition, 2015.

## **PRI3007**

### **Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

### **ECTS credits:**

6.0

### **Instruction language:**

English

### **Coordinator:**

[S. Renssen](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Written exam

**Keywords:**

Company ; Partnership ; European Union ; Business; Directors ; Capital ; Liability; Shareholders; Freedom of establishment ; Migration ; SE; SPE; SuP

**Faculty of Law**

## European Private Law

### Full course description

This course aims to make its participants familiar with the area of European Private Law. Only two decades ago, this aim would have been perceived as far too difficult to attain: until 1990 or so, there was no such thing as ‘the European Law of Contract’. Over the last decade however, scholarly efforts to build such a uniform contract law on the basis of comparative legal research coincided inter alia with the issuing of important European Directives in this field and the drafting of principles of contract law based on comparative research. These principles include the Principles of European Contract Law (PECL) and the Principles of European Law (PEL), dealing with topics such as sales and services contracts. These initiatives have not in themselves led to a great deal of uniform contract law for the European Union, but what has emerged is the idea (shared by many scholars and practitioners) that it is possible to come up with such a uniform law in the future. In any event, this has led to the assumption that European Contract Law can be taught at universities by uncovering the similarities and differences between the various European legal systems and by pointing at the unifying instruments that already exist. Recently (January 2008) a massive effort of scholarly work led to the publication of a Draft Common Frame of Reference of European Private Law (DCFR), based on the PECL and further comparative research. In 2009 a renewed and updated version of the DCFR was released and presented to the European Commission in the form of 6 volumes of over 6000 pages. An expert group worked to turn the (academic) DCFR into a (political) CFR, which could serve as a so-called optional instrument in the field of contract law. The result was a feasibility study that formed the basis for the European Commission’s proposal on a Common European Sales Law (CESL), which was proposed in October 2011.

The CESL has been the subject of a heavy debate among academics, but also among politicians and Member States. The European Parliament was relatively happy with the Commission’s proposal, but it soon became clear that the Commission’s proposal would not make it in Council. Hence, when the Juncker Commission started late 2014 it revoked the CESL proposal. Instead, using a new thematic approach, the European Commission launched a proposal relating to digital sales only. For the moment, these proposals have been under consideration, as the European Union is dealing with other pressing matters.

One of the most pressing matters is – of course – the invoking of Article 50 TEU by the United Kingdom. While the negotiations for a #Brexit are ongoing, the European Union continues, perhaps – following the celebrations of the 60th anniversary of the Treaty of Rome (i.e. the original EEC Treaty) – at different speeds. The role of private law is very important and talk of a European Business Code has surfaced.

The European Union has not been sitting still in the past years in the field of private law. In October 2008, the European Commission proposed a draft Directive, which aimed to replace some of the existing contract law Directives, seeking more coherence. The interesting thing about this draft

directive is that the European Commission is changing its approach from minimum harmonisation to full (or maximum) harmonisation and is under fierce attack for it. A new and less ambitious draft was published in 2011, which was also adopted in October 2011.

By far the largest body of European Contract Law deals with consumers. This is mostly due to the nature of European legislation. After all, the European legislature must show aim and reason before it can issue harmonising measures. It is sometimes held that because of this there is legislation at different levels, dealing differently with similar subject matter. The European Commission is organised in several Directorates-General (DG's) (perhaps best compared to the ministries of the Member States) that operate on a semi-autonomous basis. Of course there is coordination between the DG's, and there is some steering from the College of Commissioners (the full meeting of all Members of the European Commission), but – and this has been a major criticism in the past – this coordination has not always been successful. At least, part of the fragmentary character of European Contract Law at present can be attributed to bad coordination.

Because of this competence-oriented approach, consumer law takes a central place in the field of European contract law. In European Union speak, this part of the law deals with contracts between businesses and consumers, so-called 'B2C' transactions. In addition to this, there are also European initiatives taken that deal more with commercial relationships, so-called 'B2B' (business to business) transactions.

CESL and the digital sales proposal have provided us a glance at what the European Private Law of the future can look like, certainly combined with other legislative initiatives taken by the Commission, such as the Consumer Rights Directive. However, at the same time these proposals also show the limit of what the EU is politically able to achieve in this area. It is that future that is the central focus point of this course.

In this course you will, after 2 weeks of introduction be part of a EU Council of Ministers Working Party on civil justice dealing with a fictive proposal on a European Private law prepared by a group of students representing the European Commission. You can have influence on the delegation you are part of for this course, which can be presiding over meetings (teaching leadership), the European Commission (focusing on legislative drafting), a number of Member States (focusing on the Europeanisation process in private law) and a special institute of Law and Economics with special advisory powers. The course is finalised by a simulation of a COREPER II negotiation session during a whole day in the exam week.

## Course objectives

At the end of this course you will have:

- Knowledge of existing EU private law as well as knowledge about future initiatives
- Knowledge and understanding of the European private law debate
- Shown your ability to apply your knowledge of EU private law to a concrete subject area dealing with contract, tort or property.
- Understanding of the relationship between EU law and national law in the area of private law
- Shown your ability to work with the vertical dimensions between the EU level and the Member States.
- Acquired and demonstrated basic negotiation skills and the ability to apply these in an EU private law setting.

## Prerequisites

### *Prerequisites:*

None, but a course in national or comparative contract law, property law and/or tort law is preferred.

**Preknowledge:**

Pre-requisite knowledge of private law is helpful, but not necessary. Also a basic course in EU law, both institutional and substantive, is helpful but not required.

**Recommended reading**

None

**PRI3012**

**Period 5**

16 Apr 2018

15 Jun 2018

[Print course description](#)

**ECTS credits:**

6.0

**Instruction language:**

English

**Coordinator:**

[B. Akkermans](#)

**Teaching methods:**

Lecture(s), PBL

**Assessment methods:**

Final paper, Presentation

**Keywords:**

European Private Law; European Contract Law; European Property Law; European Tort Law; Europeanisation