

First year courses

## **Bachelor European Law School 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.

PRI1002

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [A.M. Waltermann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Bachelor European Law School

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 the first part of the ELS Skills Track. The primary aim of Legal Research and Reasoning is to teach new 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 a first-year undergraduate law student at Maastricht University: study skills; problem-based learning (PBL); and the fundamentals of legal research and reasoning. Students will learn how to work with legal provisions and cases, analysing and applying them to practical case studies on the basis of the IRAC method. Training in the use of library resources and PBL will also be provided during the course.

### **Course objectives**

At the end of this course, students will have learned to find, evaluate and use legal resources. Students will also have learned and practiced the basics of legal reasoning, and be able to understand and apply legal provisions and precedent to case studies using the IRAC method. In addition, students will have become familiar with the philosophy of PBL and foundational skills to succeed in their undergraduate studies.

### **Recommended reading**

- Resources referred to in course book
- S Hardt and N Kornet (eds), The Maastricht Collection (6th edn, Europa Law Publishing 2019) vols 1-4

LAW1003

Period 1

2 Sep 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

4.0

Instruction language:

English

Coordinator:

- [W.A. Bull](#)

Teaching methods:

Skills

Assessment methods:

Take home exam, Final paper

Keywords:

## 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 and the multi-level landscape of human rights protection. The aim of the course is for students to become acquainted with the basic concepts of constitutional law, the main 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 strongly on the impact the EU has had on the constitutional systems and balances of power within its member states: the multi-layered constitutional orders.

### 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, of the system of fundamental-rights protection within the European states and under the European Convention on Human Rights and the EU-Charter of Fundamental Rights, and of the interplay between national constitutional law and the EU and the EU's impact on domestic constitutional law. He is able to compare different constitutional systems and draw critical conclusions from the analysis. He has learned to analyze legal documents and to work with constitutional documents and statutory provisions. 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

28 Oct 2019

20 Dec 2019

Bachelor European Law School

[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; role and place of the EU-Charter (the European multi-level human rights landscape); admissibility criteria, before the European Court for Human Rights; remedies; EU; supremacy and impact of EU law and EU membership upon national constitutional law; relationship between constitutional law and politics.

Faculty of Law

## Comparative Contract Law

### Full course description

This course offers an 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, looking into German, English, French and Dutch law to illustrate the main rules and principles of the law of contract. Topics addressed include formation of contract, defects of consent, illegality, interpretation, unfair terms, general conditions and remedies for breach.

### Course objectives

The main objective of this course is to gain insight into the fundamentals of contract law as such. The problems that contract law addresses are not peculiar to one specific jurisdiction, they are universal. A primary objective of the course is to become familiar with these core problems. In addition, the course allows students to obtain basic knowledge of how different jurisdictions solve these problems and to become aware of fundamental similarities and differences among the contract laws of Germany, England, 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, in a paper and at the final exam.

### Prerequisites

None, other than that students were admitted to the European Law School English Language Track.

## Recommended reading

### Mandatory reading:

- Jan Smits, Contract Law: A Comparative Introduction, Edward Elgar Publishing, Second edition 2017

LAW3011

Period 2

28 Oct 2019

20 Dec 2019

[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

6 Jan 2020

31 Jan 2020

[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 metajuridical knowledge that is relevant for explaining and understanding the process of European Integration. To this purpose, students will be introduced to the history of European (dis)integration, theories that aim to explain or justify the process of integration, relevant aspects of the philosophy of science and of economics, social ontology and basic legal concepts, and relevant aspects of evolutionary and social psychology.

## Course objectives

The goal of this course is twofold. On the one hand the course aims at providing students with insight in the process of European integration from a non-purely legal perspective. On the other hand it aims to create an insight in the spectrum of the sciences, within which legal science is only one of the many members.

After completing this course, students should have a basic understanding of the factors involved in European integration and be able to give explanations for progress and delays in the integration project. They should also understand the (dis)advantages of free international trade and the role of exchange rates as impediments to European

## Recommended reading

- Reader,

or- when it is ready -

- the book 'European Integration. A Theme'.

MET3007

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.C. Hage](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Presentation

Keywords:

European integration; integration theories; explanation and understanding; economics; social ontology; basic concepts of law; social and evolutionary psychology

Faculty of Law

## Skills: Introduction to Comparative Law

### Full course description

This course is not an introduction to comparative law - despite its official name. Instead, the course is an introduction to legal argumentation. It provides students with the tools to identify, structure, and evaluate the plausibility of legal arguments. These tools are not connected to a specific legal tradition or branch of law; they are general tools that can be used in the assessment of any legal argument presented by anyone in any jurisdiction. The course also works as a natural precursor to Academic Writing (Law 2001): here students will learn how to evaluate and develop their own legal arguments; in Academic Writing students will learn how to organise their arguments in the shape of an academic essay.

There are two main parts to this course. The first, which takes place in period 4, focuses on argumentation in general. Here students will be introduced to basic concepts and techniques from argumentation theory. They will be taught the main components of an argument, learn how to identify and extract different kinds of arguments from a text, learn a technique known as 'argument reconstruction', and some basic tools to evaluate the plausibility of arguments in general. Despite its focus on general argumentation, students will at this stage already be practicing their skills on real legal arguments.

The second part of the course, which takes place in period 5, deals with some specific features of legal argumentation. Legal argumentation characteristically relies on legal rules. But legal rules are often vague, indeterminate, and full of exceptions. As a result, it is not always clear how to formulate, reconstruct, and assess the plausibility of arguments that appeal to legal rules. The first few weeks of this part will be devoted to the specific challenges that the analysis and presentation of rule-based legal arguments gives rise to. This will involve a brief discussion on some common misconceptions about the so-called 'legal syllogism' and legal interpretation. Sometimes, however, the existing legal rules are silent on a given case. But even in those cases legal practitioners must still – and typically do – present arguments for a given legal conclusion. The arguments often appeal to principles, policy considerations, precedent, or make use of analogy. In the last few weeks of the course we will analyse some specific features of these arguments and learn how to reconstruct and evaluate their plausibility.

**Students will be assessed in the following way:**

- Period 4 (Week 7): Group assignment consisting of the written analysis of arguments taken from actual legal decisions or academic legal papers. (30%)
- Period 5 (Week 5): Group assignment consisting of the written analysis of arguments taken from actual legal decisions or academic legal papers. (30%)
- Period 5 (Week 7): Individual assignment consisting of the written analysis of arguments taken from actual legal decisions or academic legal papers. (40%)
- The final grade will be the sum of the points obtained in the assignments.

**Course objectives**

At the end of the course, students will be familiar with a range of concepts and tools from legal argumentation. Additionally, the course aims to enable students to:

- Identify and extract arguments from a legal text or case;
- Reconstruct legal arguments;
- Evaluate the plausibility of different kinds of legal arguments;
- Detect fallacious reasoning;
- Structure and present their own arguments in a rigorous way.

**Prerequisites**

None.

**Recommended reading**

Reader.



Bachelor European Law School

LAW1004

Period 4

3 Feb 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

4.0

Instruction language:

English

Coordinator:

- [L. Miotto Lopes](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Assignment

Keywords:

Skills, Legal Argumentation, Critical Thinking, Argumentation Theory, Informal Logics.

Faculty of Law

## **Introduction to International and European Law**

### **Full course description**

This course consists of two parts: International law and European law. 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, the law of treaties, state responsibility, jurisdiction and immunities, peaceful settlement of disputes and the use of force. During the second part of the course, European law matters such as the institutional structure and the nature of European law, competences and decision-making at the EU level, legal protection, and the internal market will be addressed. Every week students will have the opportunity to hand in an assignment on an international or a European law subject.

### **Course objectives**

- To acquire basic knowledge of international and European law.
- To get familiarized with seminal cases of international and European law, and learn how to find, read and apply them.
- To deepen their capacity to solve a legal problem.

### **Prerequisites**

None.

### **Recommended reading**

- Will be communicated in due course

IER1001

Bachelor European Law School

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

International law; European Union law

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.

### 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);

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- 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, 2017) 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

3 Feb 2020

3 Apr 2020

[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

Second year courses

## Bachelor European Law School 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

2 Sep 2019

25 Oct 2019

[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

## **Skills: Academic Writing**

### **Full course description**

The course Academic Writing has been structured around the principal elements and criteria required for the Bachelor's Essay, which are reflected in the 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 falling within the general theme of the group for which they registered.

### **Teaching methods:**

- PBL
- Lectures
- Learning by doing
- Peer-to-peer learning

### **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, and 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 this course is the ability to 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:

- To enable the student to identify and complete the stages of the writing process (i.e. finding sources, elaborating a research question, developing a structural outline, explaining methodology, etc.)
- To enable the student to examine a legal question/ problem/ issue from various angles and develop and defend a line of argumentation in a substantial academic essay
- To enable the student to recognise audience and disciplinary expectations
- To enable the student to identify characteristics of effective sentence and paragraph-level construction
- To enable the student to student apply proper citation practices
- To enable the student to analyse, question, and evaluate written texts of others

## Prerequisites

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

## Recommended reading

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

LAW2001

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

4.0

Instruction language:

English

Coordinator:

- [A. Parise](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Assignment

Keywords:

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

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

## Bachelor European Law School

- 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

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [N. Athanasiadou](#)

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 for situations 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.

Each country has its own Private International Law rules, but a significant portion of sources of PIL

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are international treaties and, in this region, EU regulations. Private International Law has become even more significant as a result of increasing integration within the European Union and because of globalization and increased mobility of people.

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, such as the Regulation 593/2008 on the law applicable to contractual obligations, Regulation 864/2007 on the law applicable to non-contractual obligations, as well as some key international treaties on Private International Law. 3. an overview of the historical development of Private International Law.

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.

### **Teaching method:**

- PBL/PGO and lectures.
- The participants of this course come together twice a week during a period of three weeks.
- In addition, six lectures are provided as well.

### **Course objectives**

The general aim of the course is to provide students with an understanding of the problems inherent in legal situations involving (a) cross-border element(s) pertaining to private law (b) in Europe.

#### **Gaining knowledge:**

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.

#### **Applying knowledge and understanding:**

The students will learn to apply the knowledge they acquire to identify and solve concrete problems that arise in international (civil and commercial) transactions.

#### **Making Judgments:**

- The students will develop their ability to translate knowledge (from textbooks, primary legal sources) into sound legal arguments or own legal points of view.
- They will learn how to identify the pertinent questions in international civil and commercial transactions.

#### **Communicating:**

The students will train their abilities to express legal arguments clearly, both orally and on paper.

#### **Learning Skills:**

- The students will develop the techniques legal experts need as regards the gathering, selecting, analyzing, interpreting and synthesizing information from primary sources of EU,



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international and national law (treaties, legislation, case law) as well as second sources (textbooks, law journals, etc.)

- They will develop their ability to approach the law with a holistic perspective and grasp the consequences of increasingly interconnected civil and commercial transactions.

## Prerequisites

Basic knowledge of law in general.

## Recommended reading

- The mandatory textbook for this course is the 2019 edition of M. Bogdan & M. Pertegás Sender, 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 2017-2019, Nijmegen: Ars Aequi Libri.

(See also announcement on Student Portal before the start of the course, all books can be ordered e.g. via Studystore or the publisher).

PRI3018

Period 3

6 Jan 2020

31 Jan 2020

[Print course description](#)

ECTS credits:

4.0

Instruction language:

English

Coordinator:

- [M. Pertegás Sender](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Private International Law (of the European Union), Conflict of laws, International civil procedure

Faculty of Law

## Inleiding Nederlands Staats- en Bestuursrecht

## Full course description

### Thema's:

Het gaat in dit blok met name om de vraag welke bevoegdheden de overheid heeft en hoe zij daaraan komt. Dat wordt vanuit een staatsrechtelijk perspectief benaderd (democratische legitimatie van organen van de staat, bevoegdheden van regering en parlement, waaronder wetgeving, decentralisatie) en vervolgens vanuit het bestuursrechtelijke perspectief (bevoegdheden voor en vormen van bestuurshandelingen en de normering van bestuurshandelingen en een inleiding in de rechtsbeschermingsmogelijkheden).

Onderwijsmiddelen: het blok kent twee onderwijsbijeenkomsten per week (2x2 uur) en wekelijks een college. De taken, opdrachten, aanwijzingen en uiteenzettingen in deze onderwijsvormen behoren tot de verplichte leerstof van het blok.

### Course objectives

Dit eerstejaarsblok behandelt enkele elementaire staats- en bestuursrechtelijke leerstukken. Wat het staatsrecht betreft, wordt er allereerst kennis gemaakt met het institutionele staatsrecht. Hierbij komen de verschillende regeringsvormen zoals die in de wereld bestaan, met specifieke aandacht voor het Nederlandse parlementaire stelsel. Ook de verhouding tussen de verschillende Nederlandse overheidsorganen komt aan bod. Daarnaast zal er ook aandacht besteed worden aan het feit dat Nederland lid is van de Europese Unie en de invloeden hiervan op het parlementaire stelsel. Ook wordt er aandacht besteed aan het legaliteitsbeginsel, de toedeling van wetgevende bevoegdheden en het wetgevingsproces. Tot slot komt een onderwerp aan de orde dat zich op het grensvlak van het staats- en bestuursrecht bevindt: decentralisatie.

Wat het bestuursrecht betreft, wordt allereerst kennis gemaakt met de ontwikkeling van het bestuursrecht en de wijze waarop bestuursorganen bevoegdheden kunnen verkrijgen alsmede de relatie met het legaliteitsbeginsel. Vervolgens wordt inzicht verworven in de kernbegrippen en de structuur van de Algemene wet bestuursrecht (Awb). Daarna worden de verschillende vormen van bestuurshandelen (besluiten, beschikkingen, beleidsregels etc.) behandeld en komen de normen die daarvoor gelden aan bod. Daarbij gaat het met name om de algemene beginselen van behoorlijk bestuur, zoals het gelijkheidsbeginsel en het vertrouwensbeginsel. Tenslotte komt het bestuursprocesrecht kort aan de orde.

In het tweedejaarsvak Staats- en bestuursrecht wordt op de kennis van Inleiding staats- en bestuursrecht voortgebouwd, maar komen grotendeels andere thema's en leerstukken aan bod. In dat tweedejaarsvak zal voornamelijk ingegaan worden op de grondrechten, de verhouding rechter/wetgever, de bestuursrechtelijke rechtsbescherming, het gebruik van privaatrecht door de overheid, handhaving en het schadevergoedingsrecht. De onderwerpen van Inleiding staats- en bestuursrecht komen in het vak Staats- en bestuursrecht dus als zodanig niet expliciet meer aan de orde. Tezamen verschaffen beide vakken de noodzakelijke kennis van en inzicht in het staats- en bestuursrecht.

### Recommended reading

#### Leermiddelen (onder voorbehoud):

- A.W. Heringa, J. van der Velde, L.F.M. Verhey, W. van der Woude, Staatsrecht, Kluwer 2018,

- Schlössels/Stroink, Kern van het bestuursrecht, BJu 2017, (vijfde druk)
- Literatuurklapper

PUB1014

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Polleunis](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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

3 Feb 2020

3 Apr 2020

[Print course description](#)

Bachelor European Law School

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment

Faculty of Law

## Comparative Administrative Law

### Full course description

The primary purposes of administrative law are:

- to empower the government to put its policies into effect and
- 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: the forms of administrative action;
2. the general principles regulating administrative decision-making and the concept of discretion;
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.

PUB2014

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

Bachelor European Law School

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

## 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

15 Jun 2020

10 Jul 2020

Bachelor European Law School

[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

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 tort law. 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.

Successful completion of the course will allow students to describe the main elements of fault and strict liability, identify the relevant facts of a tort law case and apply tort law rules and standards, discuss current issues of European Tort Law orally and in writing, and apply appropriate methodologies for the purpose of comparing the tort laws of England, Germany and France. 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

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- C.C. van Dam

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Take home exam

Keywords:

Comparative tort law, European Union law, Human rights law

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.

## Course objectives

Inzicht verschaffen in de structuur, beginselen en regels van het Nederlandse strafrechtelijke systeem aan de hand van de belangrijkste hoofdthema's en basisbeginselen van het formele en materiële strafrecht.

## 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

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

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 Nederlands Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. De structuur van het burgerlijk recht wordt op deze wijze geschetst.

Daarna volgt een inleiding in het huwelijksvermogensrecht en het erfrecht. Vervolgens komt uitgebreid de kern van het vermogensrecht, het goederenrecht en het verbintenissenrecht, aan bod.

Een belangrijk 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 zaken, roerende zaken en vorderingen op naam. Wat onroerende zaken betreft komt ook de rol van de openbare registers naar voren en verkrijging van een onroerende zaak door verjaring. Ook wordt veel aandacht besteed aan beperkte gebruiksrechten (onder andere opstal, erfpacht en erfdienstbaarheid) en kwalitatieve verplichtingen en kettingbedingen. Ten slotte geeft het blok een korte introductie in het pand- en hypotheekrecht.

Hierna komt het verbintenissenrecht aan bod, zowel het overeenkomstenrecht als de verbintenissen uit de wet. Eerst volgt een overzicht van het overeenkomstenrecht: de belangrijkste problemen aangaande de totstandkoming, de uitleg en de nakoming van overeenkomsten worden behandeld. De interactie tussen het overeenkomstenrecht en het goederenrecht komt hierbij aan de orde. Hierna is aandacht voor de buitencontractuele aansprakelijkheid, met name de onrechtmatige daad. Studenten maken kort kennis met de voorwaarden voor aansprakelijkheid. Aan het slot van het vak komen de grensvlakken tussen goederenrecht en verbintenissenrecht in beeld. Hierbij wordt onder meer ingegaan op kwalitatieve rechten en plichten en bescherming van bepaalde contractspartijen, zoals huurders. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges. Het blok bereidt voor op het blok Verbintenissenrecht in het tweede jaar van de bachelor en de blokken Goederenrecht en Inleiding Ondernemingsrecht en Faillissementsrecht in het derde jaar. Wat betreft beperkte rechten op onroerend goed en kwalitatieve rechten en plichten wordt de stof direct op eindniveau bachelor gedoceerd omdat deze onderwerpen verderop in de bachelor niet meer aan bod komen.

## Course objectives

Het doel van het vak is om een breed overzicht te bieden van het Nederlandse privaatrecht. De student heeft goed inzicht in de kernbegrippen van het privaatrecht en diep inzicht in de kernbegrippen van het goederenrecht en het verbintenissenrecht. Ook heeft de student enige kennis van huwelijksvermogensrecht. Hij of zij is in staat om de opgegeven rechtspraak zelfstandig op te zoeken en te bestuderen en analyseren, en zelfstandig privaatrechtelijke casus te analyseren, zijn kennis hierop toe te passen en diepgaande vragen hierover te beantwoorden, en zijn gedachten hierover helder te formuleren in de vorm van een kort essay (essayvragen beantwoorden tijdens examens). De student wordt uitgedaagd om tijdens de onderwijsgroepen actief te discussiëren over de oplossing van de casus in het blokboek. Daarbij komt in sommige discussies ook de maatschappelijke context en wenselijkheid nadrukkelijk aan bod. Beide vormen van tentoonspreiden van zijn of haar kennis (schriftelijk en mondeling) worden getraind en zijn van belang voor het op academisch niveau zelfstandig functioneren en overbrengen van de opgedane kennis.

## Recommended reading

- W.H.M. Reehuis, Zwaartepunten van het vermogensrecht (laatste druk)
- Inleidende literatuur huwelijksvermogensrecht en erfrecht (ntb)
- en bijkomende literatuur die per taak wordt opgegeven

PRI1005

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [T. Jonkers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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.

## **Recommended reading**

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

CRI3005

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [E.C. Loibl](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

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

Elective courses

## **Bachelor European Law School English Language Track electives**

Faculty of Law

## **Hoofdzaken Bedrijfseconomie voor Juristen**

### **Full course description**

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX3001

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

9.0

Instruction language:

Bachelor European Law School

Dutch

Coordinator:

- [J.B.P.E.C. Janssen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## European Human Rights

### Full course description

The aim of this course is to study the protection of human rights in Europe under the Council of Europe system, in particular the European Convention on Human Rights (ECHR), as well as its relationship with the European Union. In this context, special attention will be paid to the jurisprudence of the European Court of Human Rights (ECtHR). The content of various rights will be studied such as the right to life, the prohibition of torture, freedom of religion, freedom of expression, as well as some general concepts and doctrines like positive obligations and margin of appreciation.

### Course objectives

At the end of the course students are able to:

- Understand the main aspects of the ECHR legal system
- Analyse the case law of the European Court of Human Rights
- Apply ECHR law to hypothetical cases
- Compare the case law of the ECtHR with the case law of the CJEU

### 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

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [S. Imamovic](#)
- [J. van der Velde](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

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

Faculty of Law

## 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

2 Sep 2019

25 Oct 2019

[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

## **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.

### **Assesment methods**

- Written exam 75% (retake may be an oral exam)
- Assignment 25%

### **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. 2016
- Materials on European Criminal Law, Intersentia Antwerpen, 3rd ed. 2017
- Reader

LAW3012

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J. Keiler](#)

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 analyzing 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 emphasized: 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. However, you can easily widen the legal fields having a relation to the art market, such as for example Intellectual Property Law or Tax Law, which will not be addressed during the lectures and tutorials.

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 and the protection of cultural property in times of peace against illegal export and the illicit trade. Furthermore, the European dimension of cultural policies will be discussed including the free movement of cultural property in the European Union, 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 during the lectures and the tutorials.

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

### **Assessment:**

Participants will in principal be assessed on the basis of a paper in the area of art law /cultural heritage law. The paper should be written according to academic standards. The paper should include a literature list. References should be in footnote format.

### **Course objectives**

Aim of the course is to creating awareness of legal problems concerning the licit and illicit art market, the protection of cultural heritage and other closely related issues concerning the legal position of the art object and the artist.

Hereby, the international dimension of the art market is of great importance for the solution of legal disputes. 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, Criminal Law and various regulations concerning the art market etc. The students will be given an insight in the legislative developments on the international and European level as well as a comparative perspective. They will become familiar with various cases decided in different jurisdictions but also alternative dispute resolutions.

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

## Prerequisites

Basic 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 basic 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 ELEUM.

IER3004

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Participation, 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

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX3003

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [A.J. van Doesum](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## Winst uit Onderneming

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX3004

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

- [B. Jansen](#)
- [A.M.M. Thomassen](#)

Teaching methods:

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

Assessment methods:

Written exam, Assignment

Keywords:

## 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 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; the problem of neuroreductionism (reducing mental states and behaviour to brain states); diagnosing and assessing mental capacities and disabilities; the use of neurological evidence in court; neuroscience and human rights and finally, we will focus on some neuro-criminological aspects and the predictive and rehabilitative use of neuroscientific techniques.

### Course objectives

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

- understand the basic conditions of criminal and private law liability
- 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 the relevance of neuroscientific techniques as a diagnostic tool in order to determine mental capacities and disabilities, with a particular focus on the insanity defence;
- critically reflect on the use of science and the legal image of man;
- critically reflect on some neuro-myths;
- understand how neurosciences can contribute to our knowledge of pain assessment in tort liability;
- assess the value and limitations of neuroscientific evidence in court cases, including lie-detection;
- 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, especially for students without any knowledge of law.

One is also required to study additionally

- chapters 2,4, and 6 from J. Hage & B. Akkermans (eds), Introduction to law, Springer, 2014

Bachelor European Law School

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 12-15 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, *Minds, Brains , and Law. The Conceptual Foundations of Law and Neuroscience*, Oxford University Press, 2015, p.1-42; p. 79-140.
- 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

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [D. Roef](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Faculty of Law

## **Vennootschapsbelasting**

### **Full course description**

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

Bachelor European Law School

TAX3005

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## Successiewet en Erfrecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX3006

Period 4

3 Feb 2020

3 Apr 2020

[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

Faculty of Law

## Omgevingsrecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in

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Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PUB3002

Period 4

3 Feb 2020

3 Apr 2020

[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

Faculty of Law

## Comparative Income and Business Taxation

### Full course description

This course introduces 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

- IBFD country reports (we will use the IBFD's digital Tax Research Platform)
- Articles
- Sources from newspapers and magazines



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TAX3009

Period 4

3 Feb 2020

3 Apr 2020

[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

## Personen- en Familierecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI3005

Period 5

13 Apr 2020

12 Jun 2020

[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

## 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

13 Apr 2020

12 Jun 2020

Bachelor European Law School

[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 to 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 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J. Keiler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

Crime - Criminalization - Crime control - Criminal Law

School of Business and Economics

## Structuur Loon- en Inkomstenbelasting

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

EBC2129

Period 5

6 Apr 2020

5 Jun 2020

Bachelor European Law School

[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

## Recht in een Multiculturele Samenleving

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI3006

Period 5

13 Apr 2020

12 Jun 2020

[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

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. In chapter 6 extra-ordinary company transactions will be dealt with, such as mergers, divisions and liquidation procedures.

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).

The final chapter furthermore 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

1. 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.
2. 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).
3. 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 2017 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.

## Legislation:

## Bachelor European Law School

- Probably the Maastricht Collection Selected National, European and International Provisions from Public and Private Law (ed. N. Kornet/ S. Hardt), Europa Law Publishing fourth edition, 2019 will be used.
- However, it might happen that a legislative reader will be developed.

PRI3007

Period 5

13 Apr 2020

12 Jun 2020

[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, Merger, Division, Liquidation, Freedom of establishment, Migration, SE, SuP

Faculty of Law

## Consumentenrecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI3011

Period 5

6 Apr 2020

5 Jun 2020

[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

# 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



Bachelor European Law School

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

2 Sep 2019

25 Oct 2019

[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

## Comparative Administrative Law

### Full course description

The primary purposes of administrative law are:

- to empower the government to put its policies into effect and
- 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: the forms of administrative

action;

2. the general principles regulating administrative decision-making and the concept of discretion;
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.

PUB2014

Period 4

3 Feb 2020

3 Apr 2020

[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

## 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

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Brkan](#)

Faculty of Law

## Rechtspsychologie

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

### 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

MET3004

Period 4

3 Feb 2020

3 Apr 2020

[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

## Materieel Strafrecht en Criminele Politiek

### Full course description

De titel Materieel strafrecht en Criminele Politiek refereert aan de tweevoudige opzet van het blok. Het onderdeel Materieel strafrecht gaat over de vraag wat strafbaar is gesteld. In het blok wordt allereerst aandacht besteed aan enkele kernleerstukken van de strafrechtsdogmatiek, zoals daderschap (van de rechtspersoon), opzet en schuld, poging, voorbereidingshandelingen en deelname aan een criminele (terroristische) organisatie. Daarnaast komen enkele bijzondere delictsvormen aan bod, zoals uitingsdelicten (aanzetten tot haat), terrorismemisdrijven en drugsdelicten. Het onderdeel Criminele Politiek heeft tot doel inzicht te verkrijgen in het hoe en waarom van het door de overheid gevoerde strafbaarstellingsbeleid. Het materiële strafrecht ontstaat immers niet in een vacuüm. Strafbaarstellingen zijn steeds het uitvloeisel van maatschappelijke opvattingen en derhalve voortdurend aan verandering onderhevig. Ook de wijze waarop de overheid het strafrecht als sturingsinstrument gebruikt is geen onveranderlijk gegeven. Zo zien we dat het strafrecht de laatste jaren steeds meer in de ban raakt van risicomangement. Het is veiligheid wat de klok slaat wanneer het over strafrecht gaat. Of het nu gaat om terrorismebestrijding, zinloos geweld of het voorkomen van rampen (denk aan de vuurwerkcramp in Enschede), van de overheid worden meer strafrechtelijke maatregelen verlangd teneinde een veiligere samenleving te garanderen. Deze ontwikkeling doet talrijke vragen rijzen over de grondslagen, maar ook de mogelijke beperkingen van het moderne strafrecht. Daarom wordt ook aandacht besteed aan meer strafrechtstheoretische beschouwingen over doel en functie van het strafrecht. Het blok heeft daardoor naast een sterke positiefrechtelijke, ook een metajuridische dimensie. Een centrale doelstelling van het blok is op een kritische wijze te onderzoeken hoe strafrechtstheorie, criminele politiek en materieel strafrecht zich tot elkaar verhouden.

### Course objectives

Doel van dit blok is (1) het kritisch analyseren van enkele klassieke leerstukken van het materiële

strafrecht, en (2) inzicht verkrijgen in het hoe en waarom van het door de overheid gevoerde strafbaarstellingsbeleid, met name in het licht van de moderne risicomaatschappij.

## Prerequisites

Elementaire basiskennis van het materiële strafrecht is vereist.

## Recommended reading

Er wordt gebruikt gemaakt van een literatuurklapper. Hieronder worden ter illustratie enkele teksten vermeld. - B.J.V. Keupink, 'Strafbaarstelling, schade en (im)moraliteit', in J.R. Blad (red.), Strafrechtelijke rechtshandhaving. Aspecten en actoren voor het onderwijs belicht, Den Haag, Boom juridische uitgevers, 2007, p. 43-61. - H. Boutellier, 'Veiligheidsutopie', in E.R. Muller (red.), Veiligheid. Studies over inhoud, organisatie en maatregelen, Alphen aan den Rijn, Kluwer, 2004, p. 125-151; - D. Roef, 'Strafrechtelijke verantwoordelijkheid in de risicomaatschappij', in P.L. Bal, G.E. Smaers, E. Prakken (red.), Veiligheid of vergelding? Een bezinning over aard en functie van het strafrecht in de postmoderne risicomaatschappij, Deventer, Kluwer, 2003, p. 33-56;

CRI3004

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [D. Roef](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafrechtelijke aansprakelijkheid - strafbaarstellingsbeleid - veiligheid - risicomaatschappij

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

3 Feb 2020

3 Apr 2020

[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 Legal History of the Meuse-Rhine 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.

### Assessment Methods:

- Paper (70%)
- Presentation (30%)

## 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

Recommended literature is referred to in the course book.

MET3006

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. van Hofstraeten](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Presentation

Keywords:

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



## 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:*

Bachelor European Law School

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

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- W.A. Bull

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Presentation

Keywords:

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

Faculty of Law

## Legal Philosophy

### Full course description

This course introduces students to a few problems, theories, and arguments in legal philosophy. It does not presuppose a background in philosophy - or even law.

The starting point is a discussion about the grounds of law. We will focus on the following question: "What are the ultimate grounds of legal facts?". We will examine different formulations of this question and two rival families of theories that have emerged as a response to it: Legal Positivism and Non-Positivism. We will then analyse some arguments for and against these theories.

The course then addresses a different question: "Do we have a duty to obey the law?". First we will consider and evaluate the plausibility of a number of arguments that favour a positive answer. We will then examine the challenges posed by a view known as "Philosophical Anarchism" and discuss its merits and weaknesses.

Even if we have a duty to obey the law, sometimes disobedience seems justified. Under what conditions (if any) are we permitted to disobey our laws? And if disobedience is sometimes permitted, how far can we act in disobedience? Are we, for example, sometimes permitted to kill government agents? These are the questions we will evaluate next.

Discussion about disobedience is generally focused on citizens. But how about judges? Judges are often confronted with two choices: strictly applying the law or disregarding the law in favour of a morally better outcome. Under what circumstances (if any) are judges permitted to disregard the law in favour of a morally better outcome? A few responses to this question will be examined. We will also analyse a few different conceptions of the role of the judge and their implications to the debate about the permissibility of disregarding the law.

Lastly, we will turn our attention to forms of government. Most actual western governments are – or at least claim to be – democratic. Democracy has a strong correlation with economic growth and the preservation of liberties and human rights. But why democracy? Is democracy the best form of government we can have? We will discuss both arguments for and against democracy. While doing so we will engage with related questions about the value of voting and the duties of electors.

## Course objectives

At the end of the course, students will be familiar with a range of problems, theories, and arguments in contemporary legal philosophy. Additionally, the course aims to enable students to:

- Use basic philosophical concepts and tools;
- Understand and formulate philosophical problems with rigour;
- Identify flaws in philosophical theories and arguments;
- Argue for and against philosophical positions about the law.

## Recommended reading

- Reader

MET3003

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [L. Miotto Lopes](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Legal Philosophy, Political Philosophy, Nature of Law, Legal Positivism, Non-positivism, Duty and Obligation, Anarchism, Civil Disobedience, Uncivil Disobedience, Fidelity to Law, Formalism, Particularism, democracy, Lottocracy, Epistocracy.

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

28 Oct 2019

20 Dec 2019

[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

## **Inleiding Islamitisch Familierecht**

### **Full course description**

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI1006

Period 4

3 Feb 2020

3 Apr 2020

[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

Faculty of Law

## **Introduction to International Human Rights**

### **Full course description**

Human rights are a universal language intended to end discrimination and violence, reduce human suffering and promote human development. In this course, we analyse human rights from the perspective of international law, specifically examining the following issues: the obligations of states to uphold universal standards and the mechanisms in place to transform national injustices into international concerns, giving rise to recommendations to governments (but not necessarily imposing sanctions per se). 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).

### **Teaching methods:**

- The group sessions in this course are devoted to problem-based tasks. In addition, there will be a lecture every week.

### **Assessment methods:**

1. Final exam with open questions, accounting for 85% of the grade of the course.
2. A mid-term assignment, in the form of an oral contribution, such as (but not necessarily) a presentation or participation in a debate or moot court. This assignment will not be graded, but will be assessed on a pass/fail basis. The assignment will count for 15% of the final grade for the course. Therefore, a pass means that the student receives one full point; a fail means that the student receives no points. The final grade is calculated as follows: [Exam grade x 0.85] + [Assignment grade: pass (1) or fail (0)]. In the event that a student has to take a re-sit exam, the assessment for the assignment remains valid.

## Course objectives

### Generally:

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

### Specifically:

1. Understanding the nature of international (UN) human rights norms and state obligations, as well as the position and role of non-state actors.
2. 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.
3. Being able to apply international (UN) human rights norms with critical reasoning and legal argumentation to concrete problems.
4. 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 (Third Edition, 2017): ISBN 9780198767237.

IER3009

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Coordinators:

Bachelor European Law School

- [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

## **Willem C. Vis Moot Court Competition Bachelor**

LAW3212

Period 2

28 Oct 2019

20 Dec 2019

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [N. Kornet](#)

Faculty of Law

## **WTO Mootcourt**

LAW5601

Year

1 Sep 2019

31 Aug 2020

[Print course description](#)

ECTS credits:

12.0

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.

## **Course objectives**

Inzicht verschaffen in de structuur, beginselen en regels van het Nederlandse strafrechtelijke systeem aan de hand van de belangrijkste hoofdthema's en basisbeginselen van het formele en materiële strafrecht.

## **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

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Teaching methods:

Lecture(s), PBL

# Inleiding Nederlands Privaatrecht

## Full course description

Het blok Inleiding Nederlands Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. De structuur van het burgerlijk recht wordt op deze wijze geschetst.

Daarna volgt een inleiding in het huwelijksvermogensrecht en het erfrecht. Vervolgens komt uitgebreid de kern van het vermogensrecht, het goederenrecht en het verbintenissenrecht, aan bod.

Een belangrijk 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 zaken, roerende zaken en vorderingen op naam. Wat onroerende zaken betreft komt ook de rol van de openbare registers naar voren en verkrijging van een onroerende zaak door verjaring. Ook wordt veel aandacht besteed aan beperkte gebruiksrechten (onder andere opstal, erfpacht en erfdiensbaardheid) en kwalitatieve verplichtingen en kettingsbedingen. Ten slotte geeft het blok een korte introductie in het pand- en hypotheekrecht.

Hierna komt het verbintenissenrecht aan bod, zowel het overeenkomstenrecht als de verbintenissen uit de wet. Eerst volgt een overzicht van het overeenkomstenrecht: de belangrijkste problemen aangaande de totstandkoming, de uitleg en de nakoming van overeenkomsten worden behandeld. De interactie tussen het overeenkomstenrecht en het goederenrecht komt hierbij aan de orde. Hierna is aandacht voor de buitencontractuele aansprakelijkheid, met name de onrechtmatige daad. Studenten maken kort kennis met de voorwaarden voor aansprakelijkheid. Aan het slot van het vak komen de grensvlakken tussen goederenrecht en verbintenissenrecht in beeld. Hierbij wordt onder meer ingegaan op kwalitatieve rechten en plichten en bescherming van bepaalde contractspartijen, zoals huurders. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges. Het blok bereidt voor op het blok Verbintenissenrecht in het tweede jaar van de bachelor en de blokken Goederenrecht en Inleiding Ondernemingsrecht en Faillissementsrecht in het derde jaar. Wat betreft beperkte rechten op onroerend goed en kwalitatieve rechten en plichten wordt de stof direct op eindniveau bachelor gedoceerd omdat deze onderwerpen verderop in de bachelor niet meer aan bod komen.

## Course objectives

Het doel van het vak is om een breed overzicht te bieden van het Nederlandse privaatrecht. De student heeft goed inzicht in de kernbegrippen van het privaatrecht en diep inzicht in de kernbegrippen van het goederenrecht en het verbintenissenrecht. Ook heeft de student enige kennis van huwelijksvermogensrecht. Hij of zij is in staat om de opgegeven rechtspraak zelfstandig op te zoeken en te bestuderen en analyseren, en zelfstandig privaatrechtelijke casus te analyseren, zijn kennis hierop toe te passen en diepgaande vragen hierover te beantwoorden, en zijn gedachten hierover helder te formuleren in de vorm van een kort essay (essayvragen beantwoorden tijdens

examen). De student wordt uitgedaagd om tijdens de onderwijsgroepen actief te discussiëren over de oplossing van de casus in het blokboek. Daarbij komt in sommige discussies ook de maatschappelijke context en wenselijkheid nadrukkelijk aan bod. Beide vormen van tentoonspreiden van zijn of haar kennis (schriftelijk en mondeling) worden getraind en zijn van belang voor het op academisch niveau zelfstandig functioneren en overbrengen van de opgedane kennis.

## Recommended reading

- W.H.M. Reehuis, Zwaartepunten van het vermogensrecht (laatste druk)
- Inleidende literatuur huwelijksvermogensrecht en erfrecht (ntb)
- en bijkomende literatuur die per taak wordt opgegeven

PRI1005

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [T. Jonkers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## Hoofdzaken Loon- en Inkomstenbelasting

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX2014

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

12.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Bachelor European Law School

Assessment methods:

Written exam

Faculty of Law

## **ELSA European Human Rights Moot Court Competition (EHRMCC)**

### **Full course description**

The ELSA Human Rights Moot Court Competition (EHRMCC) is an annual competition, inviting teams of 2-4 law students to participate in a simulation of complaint proceedings before the European Court of Human Rights (ECtHR) in Strasbourg. As such, it provides an opportunity for students to experience the practical application and implementation of the European Convention on Human Rights (ECHR).

Each academic year in late September, a fictitious case is distributed amongst the participating teams on a topical human rights issue, which the students must argue. The competition involves written submissions by all teams, and a Final Oral Round at the ECtHR in Strasbourg where only the best 20 teams from all over Europe compete against each other.

Unlike many other moot court competitions, the EHRMCC does not limit its awards to prize money, but additionally grants traineeships at the ECtHR to the students of the winning team. This competition therefore presents a unique opportunity for students to plead before the ECtHR, to engage in networking with other participants and Judges from all over Europe, and to win a traineeship at the ECtHR.

For more information, please see: <https://ehrmcc.elsa.org/>.

### **Successes:**

Maastricht University participated for the first time in the EHRMCC back in 2015 (3rd edition). After having been chosen as one of the (back then) best 16 teams on the basis of their written submissions, the Team participated in the Final Oral Round from the 23rd - 25th of February, taking place at the ECtHR in Strasbourg. Being the youngest Team participating, with no prior human rights experience, they did exceptionally well by taking fifth place, missing the Semi-Finals by only one point. The Team consisted of Sara Hadžić, Clara Decamps, Theano Karanikioti and Shahar Sverdlov, (all 2nd year ELS Bachelor Students), and was coached by Dr. Jennifer Sellin.

From October 2018 - April 2019, Alexandra Nadasan (3rd year ELS Exchange Student, studying at University of Kent), Emilia Klebanowski (2nd year ELS Student), Florentina Pircher (3rd year ELS Student), and Ruben Tans (Master Student Globalisation and Law, General Programme) participated in the 7th edition of the EHRMCC. The competition received written submissions from over 100 participating university teams by its December 2018 deadline for the written round. Out of this total, the Judges ranked Maastricht University's pair of written memoranda second best and, additionally, awarded our Team with the first prize for Best Written Submission for the Responded. The Maastricht University Team was the only one out of all teams representing Dutch Universities that qualified for the Final Oral Round of the 7th EHRMCC. They made it all the way to the Semi-Finals, missing the Finals by less than one point. Ruben furthermore received the award for Best Orator of the Quarter-Finals. The Team also attended the optional Pre-Round in Odessa, Ukraine (22 - 24 February 2019). With a vote of six to one, the Grand Jury in Odessa awarded our University's Team

Bachelor European Law School  
the First Prize.

**Extra information:**

This competition is held entirely in English.

Only the best 20 participating teams are selected for the Final Oral Round in Strasbourg on the basis of their written submissions. However, National and Local Groups of ELSA organise so-called EHRMCC Pre-Rounds. The participation in these Pre-Rounds is optional and does not influence the selection for the Final Oral Round. Pre-Rounds are a stand-alone competition, which are open to all teams participating in the official EHRMCC and nearly identical in format to the EHRMCC's Final Oral Round. Accordingly, many teams participating in the EHRMCC consider Pre-Rounds a valuable practice session for the oral part of the EHRMCC, as well as an additional opportunity to demonstrate their hard work regarding the EHRMCC case before a panel of (inter)national experts in the field of human rights law.

LAW3213

Year

1 Sep 2019

31 Aug 2020

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinators:

- [J. Trifunović](#)
- [S. Imamovic](#)

Faculty of Law

## Forensische Geneeskunde

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

LAW3016

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Bachelor European Law School

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## **Intellectual Property in the Digital Single Market (Jean Monnet Module)**

### **Full course description**

### **With the support of the Erasmus+ Programme of the European Union.**

#### **This course runs over the periods 1 and 2 (2 Sep 2019 - 20 Dec 2019).**

This course frames the understanding of intellectual property in the context of the Digital Single Market as a central EU policy. It follows closely the EU's policy on intellectual property in the Digital Single Market, and gives students tools to understand and work with that policy in their future professional lives.

The course will first familiarize students with intellectual property areas and principles, through general lectures and interactive tutorials. The main aim of this first set of lectures is to provide students with an understanding of the EU's legal regime concerning the various intellectual property rights (such as patents, trademarks, copyright and designs), which will encompass an overview of the legislation, case law, and legislative background of each IP right.

The second set of lectures follows in the form of specialised guest lectures which will deal with specific intellectual property issues in the Digital Single Market, such as the liability regime of information society providers. Part of these lectures will be given by invited lecturers and researchers from other universities who are experts in the particular topics covered.

In the last part of this course, students will apply their knowledge and understanding of intellectual property in the context of the Digital Single Market, through participation in a mock trial and in a roundtable discussion.

Assessment methods are Written Exam and Mock Trial.

The contents of this module reflect only the coordinator's view. The Education, Audiovisual and Culture Executive Agency and the Commission are not responsible for any use that may be made of the information it contains.

This course has a limited capacity of 38 students. The spots will be given on a first-come, first-served basis.

LAW3018

Period 1

2 Sep 2019

20 Dec 2019

Bachelor European Law School

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [A.B. Quintela Ribeiro Neves Ramalho](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## Introduction to Sport and Law

### Full course description

Sport is a global business industry with ever-increasing legal complexities and numerous challenges for all the stakeholders involved. Many areas and levels of law are of importance when dealing with sport issues and the business activities involved. Although sport and law increasingly develops to a specific own discipline of law, in which also law firms start to specialize in, it has nevertheless its foundations in the traditional areas of law and closely related fields such as contract law, private international law, tort law, criminology, employment law, nationality law and European Union law. As a result, this course will explore a broad spectrum of subjects.

When it comes to the field of private law, there exist a range of rules and legal institutions of particular relevance to sporting activities, concerning issues such as player contracts at home and abroad, athlete-agent association and agency law and tortious liability for sporting injuries (in light of negligence torts versus the notion of assumption of risk). These matters will be discussed during the course, in addition to the role of sport tribunals and arbitration courts and their special position next to the ordinary courts in national jurisdictions.

Concerning criminology the following areas and subjects will be addressed. The sports world has been shocked by several doping scandals over the last decade. Major cases include Lance Armstrong's doping use in the field of cycling and the doping program run by Russia in the field of athletics and which came to light during the Olympic Games. The course will take a criminological perspective and investigate why and how professional athletes break these rules. Another topic that will be addressed from a criminological perspective is money laundering in professional football. Firstly, the reasons why the professional football sector—or rather football industry—is so appealing to persons and organizations for laundering their criminally acquired assets, will be explained. Then we will examine how these risks have materialized in practice.

As sport competitions and the whole sport industry, have in the past decades increasingly become international, the legal developments have been strongly influenced by European law including internal market rules, competition law as well as equality requirements and in some cases immigration law. Nationality requirements concerning international sport events including World Championships and the Olympic Games are as well of enormous importance. In so far the specific acquisition rules of a nationality for sport people as well as the advantages and disadvantages of the introduction of a specific "sport nationality" will be discussed during this course.

The international and European dimension will cover the case law of the European Court of Justice concerning the free movement of workers, the equal treatment provisions applied in relation to sport not only to EU citizens but also to nationals with which the EU has concluded a partnership agreement. Furthermore, relevant case law of the European Court of Justice concerning competition law and state aid will be addressed.

## Course objectives

This course aims to integrate knowledge and insights from various areas of law and criminology. The approach is thus multi-disciplinary. By looking at the phenomenon of sport from different legal and criminological viewpoints, we want to stimulate knowledge, understanding and critical reflection. The overall learning objective is that at the end of this course students have acquired a critical awareness regarding the relevance of different areas of law and criminology for the field of sport. The form of examination will be accordingly and will consist of a set of three essay assignments related to the main areas covered by the course.

## Prerequisites

Preferably an affinity with and enthusiasm for sport!

## Recommended reading

E-reader

LAW3019

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Portfolio

Keywords:

International sports law, sports criminology, sports arbitration, nationality and sport, EU law and sport, contact law and sport, tort law and sport, competition law and sport.

Faculty of Law

## Werken in de Toekomst: Recht en Tech

PUB3008

Period 5



Bachelor European Law School

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

## Right to Adequate Housing Clinic

### Full course description

The Right to Adequate Housing Clinic (RAHC) aims at giving Bachelor and Master students an opportunity to engage with the work of the UN Special Rapporteur on Adequate Housing, Ms Leilani Farha. The Special Rapporteur has a worldwide mandate and is part of the 'Special Procedures' of the UN Human Rights Council. The Special Rapporteur reports to the UN General Assembly and the Human Rights Council on a yearly basis and she conducts fact-finding missions into Member States of the UN three times a year. In addition, she receives communications from individuals whose right to adequate housing is threatened or violated by the State under whose jurisdiction they are. The RAHC will give participants an overview of the contents and meaning of the right to adequate housing as it is contained in international and regional instruments and it will discuss the role of the Special Rapporteur on Adequate Housing in the United Nations human rights system. The Clinic will start with a lecture and subsequently, one session per two months is foreseen including skype meetings with Ms Leilani Farha and her assistant Julieta Perruca. Attending the lecture is mandatory. Each student will be expected to assist the Special Rapporteur in writing general communications on the influence of climate change on the right to adequate housing to Member States of the UN. Possibly, some of the students may be requested to help with urgent appeals. Students will be recruited in September and in February. They need to be available for at least three months. Students who wish to apply must have taken courses in international law as well as in human rights law. Excellent command of the English language is a must; command of French and/or Spanish or another language is an advantage.

### Prerequisites

Prior knowledge of international law and human rights law is needed.

### Recommended reading

By way of preparation students are expected to read Committee on Economic, Social and Cultural Rights General Comments No 4 (adequate housing) and No 7 (forced evictions). Further readings will be distributed during the clinic.

IER4040

Year

Bachelor European Law School

1 Sep 2019

31 Aug 2020

[Print course description](#)

ECTS credits:

0.0

Instruction language:

English

Coordinator:

- [I. Westendorp](#)

Teaching methods:

Lecture(s), Work in subgroups

Assessment methods:

Final paper, Participation

Keywords:

human rights, Housing, Homelessness, climate change

## **Bachelor internship European Law School**

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 2019

31 Aug 2020

[Print course description](#)

ECTS credits:

12.0

Instruction language:

Dutch

Coordinators:

- [I. Rezelman](#)
- [K.G.M. Mertens](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

## Bachelor's internship ELS (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 2019

31 Aug 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

- [I. Rezelman](#)
- [K.G.M. Mertens](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Minor

## Minor Dutch law

Faculty of Law

## Inleiding Nederlands Staats- en Bestuursrecht

### Full course description

#### Thema's:

Het gaat in dit blok met name om de vraag welke bevoegdheden de overheid heeft en hoe zij daaraan komt. Dat wordt vanuit een staatsrechtelijk perspectief benaderd (democratische legitimatie van organen van de staat, bevoegdheden van regering en parlement, waaronder wetgeving, decentralisatie) en vervolgens vanuit het bestuursrechtelijke perspectief (bevoegdheden voor en vormen van bestuurshandelingen en de normering van bestuurshandelingen en een inleiding in de rechtsbeschermingsmogelijkheden).

Onderwijsmiddelen: het blok kent twee onderwijsbijeenkomsten per week (2x2 uur) en wekelijks een college. De taken, opdrachten, aanwijzingen en uiteenzettingen in deze onderwijsvormen behoren tot de verplichte leerstof van het blok.

## Course objectives

Dit eerstejaarsblok behandelt enkele elementaire staats- en bestuursrechtelijke leerstukken. Wat het staatsrecht betreft, wordt er allereerst kennis gemaakt met het institutionele staatsrecht. Hierbij komen de verschillende regeringsvormen zoals die in de wereld bestaan, met specifieke aandacht voor het Nederlandse parlementaire stelsel. Ook de verhouding tussen de verschillende Nederlandse overheidsorganen komt aan bod. Daarnaast zal er ook aandacht besteed worden aan het feit dat Nederland lid is van de Europese Unie en de invloeden hiervan op het parlementaire stelsel. Ook wordt er aandacht besteed aan het legaliteitsbeginsel, de toedeling van wetgevende bevoegdheden en het wetgevingsproces. Tot slot komt een onderwerp aan de orde dat zich op het grensvlak van het staats- en bestuursrecht bevindt: decentralisatie.

Wat het bestuursrecht betreft, wordt allereerst kennis gemaakt met de ontwikkeling van het bestuursrecht en de wijze waarop bestuursorganen bevoegdheden kunnen verkrijgen alsmede de relatie met het legaliteitsbeginsel. Vervolgens wordt inzicht verworven in de kernbegrippen en de structuur van de Algemene wet bestuursrecht (Awb). Daarna worden de verschillende vormen van bestuurshandelen (besluiten, beschikkingen, beleidsregels etc.) behandeld en komen de normen die daarvoor gelden aan bod. Daarbij gaat het met name om de algemene beginselen van behoorlijk bestuur, zoals het gelijkheidsbeginsel en het vertrouwensbeginsel. Tenslotte komt het bestuursprocesrecht kort aan de orde.

In het tweedejaarsvak Staats- en bestuursrecht wordt op de kennis van Inleiding staats- en bestuursrecht voortgebouwd, maar komen grotendeels andere thema's en leerstukken aan bod. In dat tweedejaarsvak zal voornamelijk ingegaan worden op de grondrechten, de verhouding rechter/wetgever, de bestuursrechtelijke rechtsbescherming, het gebruik van privaatrecht door de overheid, handhaving en het schadevergoedingsrecht. De onderwerpen van Inleiding staats- en bestuursrecht komen in het vak Staats- en bestuursrecht dus als zodanig niet expliciet meer aan de orde. Tezamen verschaffen beide vakken de noodzakelijke kennis van en inzicht in het staats- en bestuursrecht.

## Recommended reading

### Leermiddelen (onder voorbehoud):

- A.W. Heringa, J. van der Velde, L.F.M. Verhey, W. van der Woude, Staatrecht, Kluwer 2018, 13de druk
- Schlössels/Stroink, Kern van het bestuursrecht, BJu 2017, (vijfde druk)
- Literatuurklapper

PUB1014

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Polleunis](#)

## **Inleiding Nederlands Privaatrecht**

### **Full course description**

Het blok Inleiding Nederlands Privaatrecht begint met een kort overzicht van het gehele privaatrecht en een inleiding tot kernbegrippen van het vermogensrecht. De structuur van het burgerlijk recht wordt op deze wijze geschetst.

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Hierna komt het verbintenissenrecht aan bod, zowel het overeenkomstenrecht als de verbintenissen uit de wet. Eerst volgt een overzicht van het overeenkomstenrecht: de belangrijkste problemen aangaande de totstandkoming, de uitleg en de nakoming van overeenkomsten worden behandeld. De interactie tussen het overeenkomstenrecht en het goederenrecht komt hierbij aan de orde. Hierna is aandacht voor de buitencontractuele aansprakelijkheid, met name de onrechtmatige daad. Studenten maken kort kennis met de voorwaarden voor aansprakelijkheid. Aan het slot van het vak komen de grensvlakken tussen goederenrecht en verbintenissenrecht in beeld. Hierbij wordt onder meer ingegaan op kwalitatieve rechten en plichten en bescherming van bepaalde contractspartijen, zoals huurders. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges. Het blok bereidt voor op het blok Verbintenissenrecht in het tweede jaar van de bachelor en de blokken Goederenrecht en Inleiding Ondernemingsrecht en Faillissementsrecht in het derde jaar. Wat betreft beperkte rechten op onroerend goed en kwalitatieve rechten en plichten wordt de stof direct op eindniveau bachelor gedoceerd omdat deze onderwerpen verderop in de bachelor niet meer aan bod komen.

### **Course objectives**

Het doel van het vak is om een breed overzicht te bieden van het Nederlandse privaatrecht. De student heeft goed inzicht in de kernbegrippen van het privaatrecht en diep inzicht in de kernbegrippen van het goederenrecht en het verbintenissenrecht. Ook heeft de student enige kennis van huwelijksvermogensrecht. Hij of zij is in staat om de opgegeven rechtspraak zelfstandig op te zoeken en te bestuderen en analyseren, en zelfstandig privaatrechtelijke casus te analyseren, zijn kennis hierop toe te passen en diepgaande vragen hierover te beantwoorden, en zijn gedachten hierover helder te formuleren in de vorm van een kort essay (essayvragen beantwoorden tijdens

examen). De student wordt uitgedaagd om tijdens de onderwijsgroepen actief te discussiëren over de oplossing van de casus in het blokboek. Daarbij komt in sommige discussies ook de maatschappelijke context en wenselijkheid nadrukkelijk aan bod. Beide vormen van tentoonspreiden van zijn of haar kennis (schriftelijk en mondeling) worden getraind en zijn van belang voor het op academisch niveau zelfstandig functioneren en overbrengen van de opgedane kennis.

## Recommended reading

- W.H.M. Reehuis, Zwaartepunten van het vermogensrecht (laatste druk)
- Inleidende literatuur huwelijksvermogensrecht en erfrecht (ntb)
- en bijkomende literatuur die per taak wordt opgegeven

PRI1005

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [T. Jonkers](#)

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, foullering 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.

## Course objectives

Inzicht verschaffen in de structuur, beginselen en regels van het Nederlandse strafrechtelijke systeem aan de hand van de belangrijkste hoofdthema's en basisbeginselen van het formele en materiële strafrecht.

## 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

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

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, eigendomsvoorbehoud, sale and lease back, retentierecht, reclamerecht en aanverwante zekerheidsconstructies en de persoonlijke zekerheden borgtocht en garantie (dus 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. Verder wordt in meer detail dan in het eerste jaar gekeken naar de invloed van origineire verkrijging op het voortbestaan van zekerheden.

## Course objectives

De student verdiept in dit blok zijn/haar kennis van en inzicht in het goederenrecht en leert dit inzicht zelfstandig toe te passen door casus op te lossen, zowel in het onderwijs als bij het examen. De student is in staat zijn/haar kennis en inzicht in de onderwijsgroep met andere studenten te delen en wordt tijdens het examen geacht op beknopte wijze zijn/haar inzicht en kennis schriftelijk over te brengen door verschillende casus op te lossen. Het niveau dat de student tijdens het blok behaalt is ruim voldoende om met succes het mastervak goederenrecht te volgen.

## Recommended reading

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

PRI3001

Period 1

2 Sep 2019

25 Oct 2019

[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



Bachelor European Law School  
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. 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**

Het doel van dit blok is allereerst om inleidende kennis te vergaren van het ondernemingsrecht en het faillissementsrecht

Deze inleidende kennis omvat onder meer:

- de kennis die en het inzicht dat een jurist die niet gespecialiseerd is in ondernemings- en faillissementsrecht minimaal zou moeten hebben;
- de kennis die en het inzicht dat een student moet hebben om zich te verdiepen in dan wel het ondernemingsrecht dan wel het faillissementsrecht;
- de vaardigheid om met primaire bronnen in het ondernemings- en het faillissementsrecht te werken.

Om dit te bewerkstelligen zijn de voor dit blok de volgende intended learning outcomes (ILO's) gedefinieerd (en getoetst):

### **Kennis en inzicht:**

- Ondernemingsrecht en faillissementsrecht zoals hierboven omschreven.

### **Toepassen van kennis en inzicht, oordeelsvorming en communicatievaardigheid:**

- Probleem oplossen: in staat zijn om een juridisch probleem te destilleren uit een casus; om de bijbehorende regels te selecteren; om deze regels te analyseren en toe te passen op de feiten van de casus om op die manier een logische conclusie te trekken en zo het voorgeschotelde probleem op te lossen.
- Analyse: in staat zijn om de onderwerpen en systemen die in het blok aan de orde komen te analyseren en daar kritisch op te reflecteren.
- Communicatie: In staat zijn om de analyse en de noodzakelijk stappen voor het oplossen van de problemen zowel mondeling als schriftelijk correct te kunnen communiceren.

Daarenboven komen de volgende zaken in het blok aan bod:

### **Kennis en inzicht:**

- De plaats en de rol van het ondernemingsrecht en het faillissementsrecht in het Nederlandse recht.

### **Toepassen van kennis en inzicht, oordeelsvorming en communicatievaardigheid:**

- Het vinden, analyseren en kritisch beschouwen van bronnen.
- Problemen vanuit verschillende invalshoeken bekijken.
- Meewegen van ethische en/of maatschappelijke aspecten in problemen.

### **Leervaardigheden:**

- Plannen, uitvoeren en evalueren van eigen leerstrategie.
- Teamwork.

### **Recommended reading**

#### **Literatuur:**

- M.J. Kroeze, L. Timmerman, J.B. Wezeman, De kern van het ondernemingsrecht, vijfde druk, Deventer: Kluwer 2019
- J.J.A. Hamers, L.P.W. van Vliet, Inleiding Personenvennootschappen, vijfde druk, Den Haag: Boom juridische uitgevers 2019
- A.M.J. van Buchem-Spapens, Th. A. Pouw, Faillissement, surseance van betaling en schuldsanering, tiende druk, Deventer: Kluwer 2018.

PRI3002

Period 1

2 Sep 2019

25 Oct 2019

[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:

Personenvennootschappen, Rechtspersonen algemeen en oprichting, Bevoegdheden en verhoudingen tussen organen, Kapitaal en vermogen, Besluitvorming en vertegenwoordiging, Aansprakelijkheden bij de enkelvoudige vennootschap, Faillissement en gevolgen van faillietverklaring, Verloop en einde van de faillissementsprocedure, en .

Faculty of Law

## **Staats- en Bestuursrecht**

### **Full course description**

Het blok Staats- en bestuursrecht gaat over de organisatie en het doen en laten van 'de overheid', met de nadruk op verhouding tussen overheid en burger. Het bouwt voort - maar analyseert juist ook andere thema's - op het blok Inleiding Staats- en bestuursrecht uit het eerste jaar. Het blok bestaat ten eerste uit een deel dat ingaat op staatsrechtelijke leerstukken, zoals de verhouding tussen de internationale en de nationale rechtsorde en tussen de Europese Unie en de Nederlandse rechtsorde, toezicht, toetsing door de rechter (inclusief internationale dimensie en de verhouding tot de wetgever) en grondrechten (algemeen, beperkingsmogelijkheden en in het bijzonder

godsdienstvrijheid, vrijheid van meningsuiting en van vereniging, alsmede het EVRM). In het eerste deel wordt ook enige aandacht aan vergelijkend staatsrecht geschonken. Het tweede deel van het blok betreft het materiële bestuursrecht; aan bod komen de grondslagen en bevoegdheden inzake bestuurshandelingen, bestuursrecht en privaatrecht, de rol van de burgerlijke rechter, schadevergoeding, handhaving en Europese invloeden.

## Course objectives

De student moet kennis van en inzicht verwerven in, en daardoor in staat debatten te volgen, te communiceren over en in staat zijn tot het vormen van een beredeneerd oordeel inzake:

- verhoudingen tussen rechter, wetgever en bestuur
- de rol van de EU in het staatsrecht - hedendaagse staatsrechtelijke entiteiten
- rechterlijk toetsingsrecht
- betekenis en werking van het internationale recht in de nationale rechtsorde
- grondrechten (algemene leerstukken en enkele afzonderlijke grondrechten)
- bestuursbevoegdheden en bevoegdheidsverkrijging - bestuurshandelingen
- bestuursrecht en privaatrecht
- bestuursrechtelijk schadevergoedingsrecht
- invloed Europees recht op bestuursrecht
- bestuurlijke handhaving.

Studenten dienen in staat te zijn gedegen analyses te maken van voormelde onderwerpen en deze dus ook te herkennen en vragen ter zake beredeneerd te beantwoorden.

## Prerequisites

### Voorkennis:

- het blok Inleiding Staats- en bestuursrecht met een voldoende afgerond (is dringend gewenst/verhoogt de kans dit blok te halen aanzienlijk).

## Recommended reading

De verplichte literatuur bestaat uit drie handboeken en een Reader.

De verplichte jurisprudentie wordt via een Jurisprudentiemap ter beschikking gesteld.

Verplichte handboeken (voor onderwijs en practicum):

- A.W. Heringa e.a., Staatsrecht, dertiende druk, Kluwer Deventer: 2018.
- Broring en De Graaf (red.), Bestuursrecht deel 1, vijfde druk (herzien), Boom Den Haag: 2016.
- Marseille en Tolsma (red.), Bestuursrecht deel 2, zesde druk, Boom Den Haag: 2016.

Van dit laatste boek wordt maar een beperkt deel voorgeschreven in het kader van dit bok; het boek is wel voor een groter deel voorgeschreven literatuur voor het parallel lopende blok Bestuursprocesrecht.

PUB2021

Period 2

28 Oct 2019

- [A.M.L. Jansen](#)
- [E.M.J. Hardy](#)

## Bestuursprocesrecht

### Full course description

In dit blok gaat de aandacht uit naar het formeel bestuursrecht en het procesrecht. Binnen het bestuursrecht zijn veel van de belangrijke en actuele thema's, die de discussie in het discours en zeker ook de praktijk van het bestuursrecht in sterke mate bepalen, van formeel- en/of procesrechtelijke aard. Het blok is gericht op verwerven van en oefenen met vaardigheden en dus ook praktijkgericht. Tevens wordt met deze insteek het inzicht in het abstracte bestuursprocesrecht versterkt, aan de hand van opdrachten en casus die in de onderwijsgroepen centraal staan.

De onderdelen die worden geanalyseerd betreffen het formele deel van besluitvorming en vervolgens de rechtsbescherming, bij bestuur en rechter. De vragen en opdrachten in het blokboek zijn voor een deel aan uitgebreide casus opgehangen vragen. Studenten dienen tweemaal een zgn schrijfplicht te maken en in te leveren. Het gaat dan in beide gevallen om het opstellen van een processtuk (bijv. het opstellen van een bezwaarschrift, het opstellen van een beroepschrift en/of het opstellen van een verweerschrift namens een bestuursorgaan). Dit onderdeel is verplicht, ofschoon er geen cijfer voor wordt gegeven. De twee in te leveren schrijfplichten worden door de tutor nagekeken, van commentaar voorzien en geretourneerd aan elke individuele student. Daarnaast wordt plenair besproken wat de standaardoplossing was (welke processtuk) en aan welke eisen dat stuk moet voldoen.

Aan bod komen de volgende onderwerpen:

- De structuur en systematiek van de Awb. Hierbij ligt de focus op het systeem en de structuur wat betreft het procesrecht. Dwz een analyse van hoofdstukken 6, 7 en 8 Awb, en de relatie tot overige regelgeving ten aanzien van procesrecht / rechtsbescherming in bestuursrechtelijke verhoudingen.
- De non-contentieuze fase en de aanvraag en de aanvang van de contentieuze fase. In het kader hiervan zal worden ingezoomd op de betekenis van het zorgvuldigheidsbeginsel in de bestuurlijke besluitvormingsfasen, de aanvraagfase, het elektronisch verkeer tussen burger en bestuur, middelen tegen stilzittend bestuur (Wet dwangsom etc.) inclusief de keerzijden daarvan.

- De contentieuze (bestuurlijke) fase: bezwaar en administratief beroep
- De contentieuze (rechterlijke) fase: beroep en hoger beroep; voorlopige voorziening
- De omvang van het bestuursrechtelijke geding
- Het einde van het geschil en de uitspraakbevoegdheden van de bestuursrechter

## Course objectives

Dit blok beoogt dat de student kennis en inzicht verwerft in het formele bestuursrecht (wijze van totstandkoming van besluiten) en het bestuursprocesrecht, zowel de non-contentieuze als de contentieuze fase. Meer concreet: de student begrijpt de relatie tussen de Awb en overige regelgeving op dit punt; weet welke eisen gelden voor een aanvraag van een besluit en aan welke eisen zorgvuldige besluitvorming voldoet; welke rechtsmiddelen openstaan en onder welke condities tegen een beweerdelijk onrechtmatig besluit; wat de rol is van het bestuur bij heroverweging en rechtsbescherming en wanneer de bestuursrechter kan worden geadieerd; hoe een reguliere bestuursrechtelijke procedure in elkaar steekt; waarover een geding bij de bestuursrechter (niet) gaat en kan gaan; welke bevoegdheden de bestuursrechter heeft, wat deze vermag en waarom (niet); wanneer hoger beroep kan worden ingesteld en waar en hoe een bestuursrechtelijk eindigt.

## Recommended reading

- Marseille en Tolsma, Bestuursrecht deel 2, Rechtsbescherming tegen de overheid. Boom Den Haag:2016.
- Reader (onder zwaar voorbehoud; getracht wordt het blok zoveel mogelijk te eten op de voorgeschreven literatuur).
- Jurisprudentiemap (onder zwaar voorbehoud; getracht wordt het blok zoveel mogelijk te eten op de voorgeschreven literatuur).

PUB2022

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

3.0

Coordinator:

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

Teaching methods:

Skills

Keywords:

bestuursprocesrecht, rechtsbescherming, bestuursrechter, Awb, aanvraag, bezwaar, beroep, hoger beroep, voorlopige voorziening, geding, uitspraakbevoegdheden.

Faculty of Law

## Burgerlijk Procesrecht

## Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please click the link below.

<https://www.maastrichtuniversity.nl/nl/meta/354865/burgerlijk-procesrecht>

LAW3010

Period 3

6 Jan 2020

31 Jan 2020

[Print course description](#)

ECTS credits:

4.0

Instruction language:

Dutch

Coordinator:

- [E.J. Fernhout](#)

Teaching methods:

Lecture(s)

Assessment methods:

Written exam

Faculty of Law

## Verbintenissenrecht

### Full course description

In dit blok staat het verbintenissenrecht centraal. Het verbintenissenrecht maakt samen met het goederenrecht onderdeel uit van het vermogensrecht. Onder vermogensrecht kan - kort gezegd - worden verstaan: het (objectieve) recht dat een regeling geeft van de (subjectieve) rechten en plichten die onderdeel van een vermogen kunnen vormen. Met het verbintenissenrecht hebben de studenten al kennis gemaakt in het blok 1.5 Inleiding Privaatrecht. Op deze kennis wordt voortgebouwd. In dit blok wordt de student echter voor het eerst in de studie op meer uitgebreide schaal geconfronteerd met het verbintenissenrecht waarin, anders dan in het goederenrecht, niet de relatie tussen een persoon en een goed (een zaak of een vermogensrecht), maar tussen personen centraal staat. Anders dan in het goederenrecht richt het verbintenissenrecht zich niet op absolute rechten op goederen, zoals eigendom en beperkte rechten, maar juist op relatieve rechten, ook wel persoonlijke rechten genoemd. Deze rechten kan de gerechtigde niet tegenover een ieder handhaven maar alleen jegens één of meer bepaalde personen zoals bijvoorbeeld de contractuele wederpartij of degene die betrokkene schade heeft berokkend door jegens hem een toerekenbare onrechtmatige daad te plegen. In dit blok wordt in een eerste deel kort ingegaan op de kenmerkende verschillen met het goederenrecht en worden enkele basisbegrippen uit het verbintenissenrecht aan de orde gesteld. Kenmerkend begrip is verbintenis: een vermogensrechtelijke rechtsverhouding tussen twee personen op grond waarvan de een recht heeft op een prestatie te verrichten door een ander. Dat sprake is van een verbintenis is juridisch relevant; er zijn diverse rechtsgevolgen aan verbonden. Ook die worden in kaart gebracht. Niet voor niets is voor elke verbintenis een wettelijke grondslag nodig (art. 6:1 BW). In dit verband komen de zogenoemde bronnen van verbintenissen aan bod. Daarbij gaat de aandacht in het bijzonder uit naar de overeenkomst en de onrechtmatige daad

die in de rest van het blok de toon aangeven. Het blokboek kent zeven delen: - de verbintenis en zijn bronnen; - totstandkoming van rechtshandelingen en overeenkomsten; - inhoud en uitleg van overeenkomsten; - niet-nakoming van verbintenissen; - onrechtmatige daad - schadevergoeding en bevrijdende verjaring. Elk deel wordt kort ingeleid en kent vervolgens een aantal taken waarvan sommige opgezet zijn als probleemtaak, terwijl andere meer een opdracht karakter kennen.

## Course objectives

Het doel van het blok is kennis vergaren en inzicht verkrijgen in de grondbeginselen van het verbintenissenrecht, zowel contractueel als buitencontractueel met inbegrip van (de uitgangspunten van) het schadevergoedingsrecht. Wat het contractenrecht betreft bouwt het blok voort op het blok Inleiding Privaatrecht (1.5).

De kennis omvat onder meer:

- De kennis die en het inzicht dat een student moet hebben om zich te specialiseren in het Privaatrecht;
- De kennis die en het inzicht dat een jurist die niet gespecialiseerd is in het Privaatrecht minimaal zou moeten hebben;
- De vaardigheid om met (primaire) bronnen in het verbintenissenrecht te werken.

Onderstaande intended learning outcomes worden getoetst:

1. Kennis en inzicht in het verbintenissenrecht;
2. Toepassen van kennis en inzicht;
  - Probleem oplossen: uit een casus het juridische probleem destilleren en met behulp van de relevante wetgeving, rechtspraak en literatuur het probleem oplossen. Problemen vanuit verschillende invalshoeken benaderen en maatschappelijke aspecten meewegen in de problematiek.
  - Analyse: de onderwerpen die in het blok aan bod komen kritisch analyseren.
  - Communicatie: in staat zijn om op correcte wijze te communiceren (zowel mondeling als schriftelijk) over de onderwerpen en de juridische problemen die centraal staan.
3. Studievaardigheden: individueel en in groep opdrachten uitwerken.

## Prerequisites

Het blok bouwt voort op het vak Inleiding Privaatrecht (1.5).

## Recommended reading

Een drietal boeken uit de Studiereeks burgerlijk recht (uitgegeven door Kluwer, Deventer):

1. C.C. van Dam, Jac. Hijma, W.A.M. van Schendel en W.L. Valk, Rechtshandeling en overeenkomst, Kluwer, Deventer (achtste druk van 2016) waarin onder meer de thema's totstandkoming van rechtshandelingen en overeenkomsten en inhoud en uitleg van overeenkomsten aan de orde komen);
2. G.T. de Jong/H.B. Krans en M.H. Wissink, Verbintenissenrecht algemeen, Kluwer, Deventer (vijfde druk van 2018) aan de hand waarvan in het bijzonder het onderwerpen niet-nakoming

van verbintenissen (inclusief opschorting, schadevergoeding en ontbinding) aan de orde wordt gesteld; en

3. T. Hartlief, A.L.M. Keirse, S.D. Lindenbergh en R.D. Vriesendorp, *Verbindenissen uit de wet en Schadevergoeding*, Kluwer, Deventer (achtste druk van 2018) voor de onderwerpen aansprakelijkheid voor eigen gedrag, aansprakelijkheid voor andermans gedrag, aansprakelijkheid voor zaken, productaansprakelijkheid, verkeersaansprakelijkheid en voor het schadevergoedingsrecht.

PRI2014

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

10.0

Coordinators:

- [G. van Dijck](#)
- [P.A.M. Croes](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Faculty of Law

## Inleiding Arbeids- en Sociaal Zekerheidsrecht

### Full course description

Gedurende zes bijeenkomsten en vier colleges word je ingewijd in de beginselen van het arbeidsrecht en het socialezekerheidsrecht. Aan de orde komen de kenmerken van het arbeidsrecht, de arbeidsovereenkomst en bijhorende bedingen, flexibele arbeidsrelaties, ontslagrecht, werken en loon (waaronder ziekte en werkloosheid) en cao-recht.

### 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 en zich daarover een mening te laten vormen.

Ten einde zich die kennis eigen te maken en toe te passen wordt een aantal verschillende onderwijsvormen ingezet. Naast de gebruikelijke onderwijsvormen, te weten casusoplossen en discussietaken, wordt geëxperimenteerd met nieuwe vormen om de stof te verwerken, zoals inzet van spelvormen, counselingsgesprekken om de stof te repeteren en het werken aan één voortschrijdende opdracht, waarin nieuwe kenniselementen worden toegevoegd.

### Recommended reading

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



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PUB3006

Period 4

3 Feb 2020

3 Apr 2020

[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

Keywords:

Kenmerken sociaal recht, (flexibele) arbeidsovereenkomst, ontslagrecht, arbeid en inkomen, collectief arbeidsrecht; samenwerking.

Faculty of Law

## **Straf- en Strafprocesrecht**

### **Full course description**

In dit blok wordt een meer integrale aanpak van het materiële en formele strafrecht gehanteerd, waarbij de kennis die in 1.2 (Inleiding straf- en strafprocesrecht) is verworven, op een meer verdiepende wijze wordt toegepast, geproblematiseerd en aangevuld. De integrale aanpak betekent dat studenten zo veel mogelijk worden geconfronteerd met een vervlechting van materieel- en formeelrechtelijke vraagstukken; niet met een strikte scheiding van materieel en formeel strafrecht zoals in 1.2. Verdieping van de leerstof schuilt bovendien in het feit dat in dit blok meer de nadruk wordt gelegd op de mensenrechtelijke dimensie van het straf(proces)recht. In dit blok neemt het EVRM een meer prominente plaats in, onder meer bij de bestudering van het nemo tenetur-beginsel, de (grenzen van) rechtsbijstand tijdens het vooronderzoek en de rechterlijke onpartijdigheid. Tot slot wordt de opgedane kennis uit blok 1.2 verdiept door het straf(proces)recht aan het eind van dit blok vanuit rechtshistorisch en metajuridisch perspectief te bezien.

### **Course objectives**

Overkoepelende doelstelling van dit blok is om de in 1.2 verworven basiskennis van het straf(proces)recht op een meer verdiepende wijze toe te passen en te problematiseren.

Gespecificeerd kent het blok als doelen:

- kennis verwerven van het Nederlandse materiële en formele strafrecht;
- inzicht krijgen in de doorwerking van de uitspraken van het EHRM in de nationale strafrechtsorde;
- het zelfstandig kunnen oplossen van strafrechtelijke casus;
- het beargumenteerd en kritisch kunnen reflecteren op actuele ontwikkelingen in het strafrecht

Bachelor European Law School

(aan de hand van verschillende rechtsvisies);

- bewustwording van de historische en maatschappelijke context waarin het strafrecht opereert.

## Recommended reading

- C. Kelk, Studietoek materieel strafrecht, laatste druk
- B.F. Keulen & G. Knigge, Strafprocesrecht, laatste druk
- Reader met aanvullende literatuur

CRI2011

[Print course description](#)

ECTS credits:

0.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Materieel en formeel strafrecht

## Minor Familie en Recht

Faculty of Law

## Successiewet en Erfrecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

TAX3006

Period 4

3 Feb 2020

3 Apr 2020

[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:

## Personen- en Familierecht

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI3005

Period 5

13 Apr 2020

12 Jun 2020

[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

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI3006

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

## 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

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

Bachelor European Law School

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

## **Inleiding Islamitisch Familierecht**

### **Full course description**

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

PRI1006

Period 4

3 Feb 2020

3 Apr 2020

[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

## **Minor Business and Law**

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. In chapter 6 extra-ordinary company transactions will be dealt with, such as mergers, divisions and liquidation procedures.

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).

The final chapter furthermore 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

1. 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.
2. 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).
3. 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 2017 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.

**Legislation:**

- Probably the Maastricht Collection Selected National, European and International Provisions from Public and Private Law (ed. N. Kornet/ S. Hardt), Europa Law Publishing fourth edition, 2019 will be used.
- However, it might happen that a legislative reader will be developed.

PRI3007

Period 5

13 Apr 2020

12 Jun 2020

[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, Merger, Division, Liquidation, Freedom of establishment, Migration, SE, SuP  
Faculty of Law

## **Comparative Income and Business Taxation**

### **Full course description**

This course introduces 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

- IBFD country reports (we will use the IBFD's digital Tax Research Platform)
- Articles
- Sources from newspapers and magazines

TAX3009

Period 4

3 Feb 2020

3 Apr 2020

[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

## 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

Bachelor European Law School

materials that the students will be strongly encouraged to follow.

PRI3008

Period 4

3 Feb 2020

3 Apr 2020

[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

## 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

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- W.A. Bull

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Presentation

Keywords:

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

## Minor Human and Legal Decision-Making

Faculty of Law

### 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

2 Sep 2019

25 Oct 2019

[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

## 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 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; the problem of neuroreductionism (reducing mental states and behaviour to brain states); diagnosing and assessing mental capacities and disabilities; the use of neurological evidence in court; neuroscience and human rights and finally, we will focus on some neuro-criminological aspects and the predictive and rehabilitative use of neuroscientific techniques.

## Course objectives

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

- understand the basic conditions of criminal and private law liability
- 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 the relevance of neuroscientific techniques as a diagnostic tool in order to determine mental capacities and disabilities, with a particular focus on the insanity defence;
- critically reflect on the use of science and the legal image of man;
- critically reflect on some neuro-myths;
- understand how neurosciences can contribute to our knowledge of pain assessment in tort liability;
- assess the value and limitations of neuroscientific evidence in court cases, including lie-detection;
- 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, especially for students without any knowledge of law.

One is also 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 12-15 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, *Minds, Brains , and Law. The Conceptual Foundations of Law and Neuroscience*, Oxford University Press, 2015, p.1-42; p. 79-140.
- 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

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [D. Roef](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

School of Business and Economics

## Economic Psychology

### Full course description

Increasingly, economists are discovering insights from psychology as a means to enrich their models of economic behaviour. 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. After a review of basic principles of rational decision-making under uncertainty, the first part of the course gives an overview of psychological research related to judgment and decision-making. Examples include insights from psychology on how decision-makers assess probabilities and how they evaluate the outcomes resulting from their decisions. Actual patterns of judgment and decision-making are compared to



basic principles of rational decision-making in order to detect systematic behavioral regularities and biases of real decision-makers. The second part of the course deals with examples of how psychological regularities influence economic decision-making in the field and the importance of these regularities for law and policy. Finally, the course gives an introduction to the field of neuroeconomics.

## Course objectives

Acquiring a structured insight into the important roles of psychological factors and processes in judgment and decision-making of economic agents

Learning about the relations between psychology and economics

Learning about practical implications of insights into behavioral regularities

## 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

28 Oct 2019

20 Dec 2019

[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, Presentation

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

After this course, students will have knowledge of psychiatric and neurological disorders that predispose to criminal offences. They will be able to appreciate the role of 'nature' and 'nurture' in violent behaviour, and will understand problems associated with witnesses who have brain disorders.

PSY3375

Period 1

2 Sep 2019

25 Oct 2019

[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

## Minor Strafrecht en Forensica

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.

### **Assesment methods**

- Written exam 75% (retake may be an oral exam)
- Assignment 25%

### **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. 2016
- Materials on European Criminal Law, Intersentia Antwerpen, 3rd ed. 2017
- Reader

LAW3012

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

ECTS credits:

Bachelor European Law School

6.0

Instruction language:

English

Coordinator:

- [J. Keiler](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Cooperation in criminal matters - mutual recognition - European arrest warrant

Faculty of Law

## Rechtspsychologie

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

### 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

3 Feb 2020

3 Apr 2020

[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

# Materieel Strafrecht en Criminele Politiek

## Full course description

De titel Materieel strafrecht en Criminele Politiek refereert aan de tweevoudige opzet van het blok. Het onderdeel Materieel strafrecht gaat over de vraag wat strafbaar is gesteld. In het blok wordt allereerst aandacht besteed aan enkele kernleerstukken van de strafrechtsdogmatiek, zoals daderschap (van de rechtspersoon), opzet en schuld, poging, voorbereidingshandelingen en deelname aan een criminele (terroristische) organisatie. Daarnaast komen enkele bijzondere delictsvormen aan bod, zoals uitingsdelicten (aanzetten tot haat), terrorismemisdrijven en drugsdelicten. Het onderdeel Criminele Politiek heeft tot doel inzicht te verkrijgen in het hoe en waarom van het door de overheid gevoerde strafbaarstellingsbeleid. Het materiële strafrecht ontstaat immers niet in een vacuüm. Strafbaarstellingen zijn steeds het uitvloeisel van maatschappelijke opvattingen en derhalve voortdurend aan verandering onderhevig. Ook de wijze waarop de overheid het strafrecht als sturingsinstrument gebruikt is geen onveranderlijk gegeven. Zo zien we dat het strafrecht de laatste jaren steeds meer in de ban raakt van risicomanagement. Het is veiligheid wat de klok slaat wanneer het over strafrecht gaat. Of het nu gaat om terrorismebestrijding, zinloos geweld of het voorkomen van rampen (denk aan de vuurwerkcramp in Enschede), van de overheid worden meer strafrechtelijke maatregelen verlangd teneinde een veiligere samenleving te garanderen. Deze ontwikkeling doet talrijke vragen rijzen over de grondslagen, maar ook de mogelijke beperkingen van het moderne strafrecht. Daarom wordt ook aandacht besteed aan meer strafrechtstheoretische beschouwingen over doel en functie van het strafrecht. Het blok heeft daardoor naast een sterke positiefrechtelijke, ook een metajuridische dimensie. Een centrale doelstelling van het blok is op een kritische wijze te onderzoeken hoe strafrechtstheorie, criminele politiek en materieel strafrecht zich tot elkaar verhouden.

## Course objectives

Doel van dit blok is (1) het kritisch analyseren van enkele klassieke leerstukken van het materiële strafrecht, en (2) inzicht verkrijgen in het hoe en waarom van het door de overheid gevoerde strafbaarstellingsbeleid, met name in het licht van de moderne risicomaatschappij.

## Prerequisites

Elementaire basiskennis van het materiële strafrecht is vereist.

## Recommended reading

Er wordt gebruikt gemaakt van een literatuurklapper. Hieronder worden ter illustratie enkele teksten vermeld. - B.J.V. Keupink, 'Strafbaarstelling, schade en (im)moraliteit', in J.R. Blad (red.), *Strafrechtelijke rechtshandhaving. Aspecten en actoren voor het onderwijs belicht*, Den Haag, Boom juridische uitgevers, 2007, p. 43-61. - H. Boutellier, 'Veiligheidsutopie', in E.R. Muller (red.), *Veiligheid. Studies over inhoud, organisatie en maatregelen*, Alphen aan den Rijn, Kluwer, 2004, p. 125-151; - D. Roef, 'Strafrechtelijke verantwoordelijkheid in de risicomaatschappij', in P.L. Bal, G.E. Smaers, E. Prakken (red.), *Veiligheid of vergelding? Een bezinning over aard en functie van het strafrecht in de postmoderne risicomaatschappij*, Deventer, Kluwer, 2003, p. 33-56;

CRI3004

Period 5

13 Apr 2020

12 Jun 2020

[Print course description](#)

Bachelor European Law School

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [D. Roef](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafrechtelijke aansprakelijkheid - strafbaarstellingsbeleid - veiligheid - risicomaatschappij

Faculty of Law

## Forensische Geneeskunde

### Full course description

This study programme is taught in Dutch. Hence, the programme information is only available in Dutch. If you would like to read the Dutch programme information, please choose 'NL' at the top of the website.

LAW3016

Period 4

3 Feb 2020

3 Apr 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

## Interfaculty Minor Art, Law and Policy Making

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.

## Course objectives

Students know and understand:

- different approaches towards art and cultural policy;
- main arguments in favour and against more or less state support for arts and heritage;
- effects of different forms of supporting arts and heritage;
- influence of political, societal and cultural contexts on these themes.

ACU3005

Period 1

2 Sep 2019

25 Oct 2019

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [J.J. de Jong](#)

Teaching methods:

PBL, Assignment(s), Lecture(s), Presentations, Work in subgroups, Working visit(s)

Assessment methods:

Final paper, Participation, Assignment, Presentation

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 analyzing 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 emphasized: 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. However, you can easily widen the legal fields having a relation to the art market, such as for example Intellectual Property Law or Tax Law, which will not be addressed during the lectures and tutorials.

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 and the protection of cultural property in times of peace against illegal export and the illicit trade. Furthermore, the European dimension of cultural policies will be discussed including the free movement of cultural property in the European Union, 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 during the lectures and the tutorials.

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

### **Assessment:**

Participants will in principal be assessed on the basis of a paper in the area of art law /cultural heritage law. The paper should be written according to academic standards. The paper should include a literature list. References should be in footnote format.

### **Course objectives**

Aim of the course is to creating awareness of legal problems concerning the licit and illicit art market, the protection of cultural heritage and other closely related issues concerning the legal position of the art object and the artist.

Hereby, the international dimension of the art market is of great importance for the solution of legal disputes. Students will become familiar with various areas of law all related to art, cultural property



Bachelor European Law School

and heritage (International and European law, Human Rights and Private International Law, Property Law, Contract and Tort Law, Criminal Law and various regulations concerning the art market etc. The students will be given an insight in the legislative developments on the international and European level as well as a comparative perspective. They will become familiar with various cases decided in different jurisdictions but also alternative dispute resolutions.

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

## Prerequisites

Basic 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 basic 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 ELEUM.

IER3004

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Participation, Final paper

Keywords:

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

Faculty of Law

# Private International Law

## Full course description

Private International Law (PIL) provides a set of legal rules for situations 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.

Each country has its own Private International Law rules, but a significant portion of sources of PIL are international treaties and, in this region, EU regulations. Private International Law has become even more significant as a result of increasing integration within the European Union and because of globalization and increased mobility of people.

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, such as the Regulation 593/2008 on the law applicable to contractual obligations, Regulation 864/2007 on the law applicable to non-contractual obligations, as well as some key international treaties on Private International Law. 3. an overview of the historical development of Private International Law.

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.

### Teaching method:

- PBL/PGO and lectures.
- The participants of this course come together twice a week during a period of three weeks.
- In addition, six lectures are provided as well.

### Course objectives

The general aim of the course is to provide students with an understanding of the problems inherent in legal situations involving (a) cross-border element(s) pertaining to private law (b) in Europe.

### Gaining knowledge:

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.

### Applying knowledge and understanding:

The students will learn to apply the knowledge they acquire to identify and solve concrete problems that arise in international (civil and commercial) transactions.

### Making Judgments:

## Bachelor European Law School

- The students will develop their ability to translate knowledge (from textbooks, primary legal sources) into sound legal arguments or own legal points of view.
- They will learn how to identify the pertinent questions in international civil and commercial transactions.

### **Communicating:**

The students will train their abilities to express legal arguments clearly, both orally and on paper.

### **Learning Skills:**

- The students will develop the techniques legal experts need as regards the gathering, selecting, analyzing, interpreting and synthesizing information from primary sources of EU, international and national law (treaties, legislation, case law) as well as second sources (textbooks, law journals, etc.)
- They will develop their ability to approach the law with a holistic perspective and grasp the consequences of increasingly interconnected civil and commercial transactions.

### **Prerequisites**

Basic knowledge of law in general.

### **Recommended reading**

- The mandatory textbook for this course is the 2019 edition of M. Bogdan & M. Pertegás Sender, 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 2017-2019, Nijmegen: Ars Aequi Libri.

(See also announcement on Student Portal before the start of the course, all books can be ordered e.g. via Studystore or the publisher).

PRI3018

Period 3

6 Jan 2020

31 Jan 2020

[Print course description](#)

ECTS credits:

4.0

Instruction language:

English

Coordinator:

- [M. Pertegás Sender](#)

Teaching methods:

Bachelor European Law School

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Private International Law (of the European Union), Conflict of laws, International civil procedure

Faculty of Arts and Social Sciences

## Museum Meanings

### Full course description

The central focus of this course is on museums, museum education and the dynamic relation between museums and society. Museums had and still have various tasks such as collecting, conservation, research and education. However there are many different types of museums and the contemporary museum differs from museums in the nineteenth century, which were mainly visited by the middle classes. Nowadays participation and reaching a broad and diverse audience are important for the legitimization of museums. In order to fulfill this new societal function museums changed their presentations from object centered to context and visitor centered, and cultural or museum education has gained importance.

In this course students will study the historic development of the museum as a institution, museum architecture, organisation, funding, exhibitions, education programmes, information and websites, through reading, lectures, discussions and working visits to museums.

### Course objectives

- Students know, are able to identify and do understand different forms of museums;
- Students know and understand main issues in museum studies and the historic development of museums;
- Students know, understand are able to apply relevant learning and teaching theories in the context of museums;
- Students are able to evaluate a museum exhibition;
- Students are able to analyse debates with respects to cultural participation, the reach of museums and their role and mission.

ACU3004

Period 2

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [J.J. de Jong](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

# 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

2 Sep 2019

Bachelor European Law School

25 Oct 2019

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [C. Rausch](#)

Faculty of Arts and Social Sciences

## **Paper Minor Arts and Heritage**

### **Full course description**

Individual and independent research and writing.

### **Course objectives**

Students are able to conduct independent research and write a paper on a topic from the minor courses.

### **Prerequisites**

Course ACU/CWE3004 and/or ACU/CWE3005

ACU3904

Period 3

6 Jan 2020

31 Jan 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.J. de Jong](#)

Teaching methods:

Coaching, Paper(s), Research

Assessment methods:

Final paper

Keywords:

Arts, Culture, heritage

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

Bachelor European Law School

28 Oct 2019

20 Dec 2019

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [C. Rausch](#)

Compulsory courses

## **Bachelor's Essay European Law School**

Faculty of Law

### **Bachelor's Essay European Law School (12)**

#### **Full course description**

The Bachelor is concluded with an essay in which the student reports on a legal research that is executed independently and individually. For writing this essay, two course periods are reserved (period 3 and period 6). A student either begins his procedure in course period 3 and completes his bachelor's essay in period 6 or he begins in course period 6 and completes it in period 3.

#### **Course objectives**

The student is able, within a theme chosen by the student himself/herself or from a list provided by the staff, to formulate a research question at Bachelor's level and to provide an answer to this question in a legally and linguistically correct and structured manner and with adequate references.

The student is able to collect and interpret relevant legal sources, and where necessary also social and scientific data, with the aim of formulating an opinion on a legal question. This opinion is based on the weighing of relevant legal and possibly societal or ethical aspects.

In answering the research question, the student is able to apply his/her knowledge and insight in such a way that this shows a professional approach to his/her work or professionfield of study. In this context, the student demonstrates in particular that (s)he has the required competences for substantiating and solving problems in the field.

The student demonstrates that (s)he is capable of effectively communicating information, ideas and solutions to a scientific audience that consists primarily of lawyers.

The student demonstrates that (s)he possesses the research and writing skills necessary to successfully complete a follow-up study that presupposes a high level of autonomy.

#### **Prerequisites**

In order to register for the bachelor essay a minimum of 60 credits must be obtained in the Bachelor's degree.



Bachelor European Law School

LAW3531

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Paper(s)

Assessment methods:

Final paper

Keywords:

research skills, Writing skills, communication skills, legal analysis

Faculty of Law

## **Bachelor's Essay European Law School (8)**

### **Full course description**

The Bachelor is concluded with an essay in which the student reports on a legal research that is executed independently and individually. For writing this essay, two course periods are reserved (period 3 and period 6). A student either begins his procedure in course period 3 and completes his bachelor's essay in period 6 or he begins in course period 6 and completes it in period 3.

### **Prerequisites**

In order to register for the bachelor essay a minimum of 60 credits must be obtained in the Bachelor's degree.

LAW3532

[Print course description](#)

ECTS credits:

8.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Paper(s)

Assessment methods:

Final paper