

Master International Laws

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Compulsory courses

Master International Laws compulsory courses

Faculty of Law

Language Course French

RTAALFR

Period 3

3 Jan 2022

28 Jan 2022

[Print course description](#)

ECTS credits:

6.0

Faculty of Law

Public International Law

Full course description

“The course is common to all tracks of the Master in Globalisation and Law. It thus aims to provide students with the knowledge of international law necessary to understand the content of the three tracks of the Master’s Programme (Human Rights; Corporate and Commercial Law; and International Trade and Investment Law). The course focuses on the foundations and key conceptual principles of international law (e.g. the sources of law, the law-making process, participants in the international legal system and the nature of international legal obligations). Students thus learn what international law can and cannot regulate; who has the capacity to breach international law; where an international legal obligation is derived from and when is it breached. This course is conceptual in nature and is not primarily concerned with substantive subfields of international law, such as international trade law, international criminal law, international humanitarian law and international human rights law. Such subfields of international law are covered elsewhere in the curriculum. In order to understand them properly, a thorough grounding in public international law is needed and this is what this course seeks to achieve.”

Course objectives

- Understanding the foundations of international law
- Recognizing the international legal dimension in international events
- Applying rules and principles of international law to real or hypothetical situations
- Evaluating the lawfulness or otherwise of international conduct in the context of international law

Prerequisites

An introductory course in public international law.

Recommended reading

- Gleider Hernandez, *International Law*, Oxford: Oxford University Press (2019).
- Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law*, Oxford: Oxford University Press, 2016 (6th edition).
- Blackstone's *International Law Documents*, Oxford: Oxford University Press, 2019 (14th edition).

IER4021

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Faculty of Law

Advanced European Law

Full course description

This course is devoted to the advanced study of European Union law. It is primarily addressed to those students who have followed one or more introductory courses of EU law. However, students with little prior knowledge of EU law are also welcome to participate. Indications of recommended literature will help them to make up for possible knowledge deficits.

The course proposes an integrated study of EU law, in the sense that it emphasizes the interaction between the two traditional subdivisions of 'Institutional EU law' (which deals with decision-making processes and the role of the judiciary) and 'Substantive EU law' (which deals with the content of EU law in the various policy areas). The course will thus explore both how substantive EU law is influenced by the structure of the EU Treaties and institutions, and how the EU's institutional framework has evolved in response to new social, political and economic challenges.

This integrated study will take the form of a weekly general lecture for all participants, combined with interactive tutorial meetings at which, each time, one specific and current legal problem area will be examined from both institutional and substantive perspectives. The course also seeks to integrate legal analysis with the social and political context in which the law emerges and operates, which involves the use of non-legal literature.

Course objectives

- Students understand the ways in which the institutional law of the EU informs and affects the content of EU substantive law, and also vice-versa, how the policy aims of the European Union

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determine its institutional evolution.

- Students are able to analyse judgments of the European Court of Justice and to assess the contribution of these judgments to the evolution of a (specific part of) EU law
- Students are able to situate new EU law developments (a new judgment, a new regulation, a new external agreement, etc.) in the overall context of the European Union's legal order.
- Students are able to discuss the normative implications of alternative interpretations of EU law.

IER4006

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B.E.F.M. de Witte](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Elective courses

Master International Laws electives

Faculty of Law

International Dispute Settlement

Full course description

This course focuses on institutional and procedural aspects of international dispute settlement, including questions of jurisdiction and access; preliminary objections, provisional measures, representation of parties, third party intervention and amicus curiae briefs; the various phases in the proceedings, including the possibility of appellate review; and the implementation and enforcement of judgments or awards. What are the comparative advantages of diplomatic and legal methods of dispute settlement? What is the role of NGOs in the various dispute settlement procedures? These are the kinds of questions that will be considered. The purpose always is to compare the mechanisms with each other and thereby to identify possibilities for improvement and reform. Each week there is a lecture on a particular category of international dispute settlement procedures, followed by a small-group tutorial session devoted to an assignment.

Recommended reading

- J. Merrills, *International Dispute Settlement* (6th edn, CUP, 2017).
- G. Hernandez, *International Law* (OUP, 2019).

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IER4008

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J. Vidmar](#)

Teaching methods:

Lecture(s), PBL, Assignment(s)

Assessment methods:

Assignment, Written exam

Faculty of Law

Law and Economics

Full course description

This course introduces students to the economic analysis of law, commonly known as law & economics (L&E). In applying economic concepts to legal rules and rulings, L&E attempts to determine efficient law or to point out the trade-off between efficiency and social values such as distribution, fairness and non-discrimination. L&E is on the curriculum of every major law school in the United States and Europe and has also gained much importance in the rest of the world. The field of L&E counts many prestigious scholarly journals and received general recognition when Ronald Coase, one of the founding fathers of L&E, won the Nobel Prize for Economics in 1991. In a growing number of court decisions as well as in professional journals and in policy making, the results of L&E research are put to their use. This course teaches you to assess which legal instrument is best designed to deal efficiently with a social problem and how different allocations of legal rights affect social welfare, economic efficiency and distribution. All domains of the law are suitable for economic analysis. For example, with respect to tort law an important question is how this law can contribute to reach a minimisation of the total sum of accident costs. Criteria for government regulation will be advanced and differences between tort liability and regulation will be discussed. Other topics discussed in this course include the economics of contract law, crime, intellectual property rights, competition law, insurance, corporate law, corporate governance and federalism (harmonisation of laws). The relevance of economic analysis for trade law will be discussed as well. Regular classes are organised by Prof. N. Philipsen and Dr. K. de Smedt. In addition there are guest lectures by Prof. M. Faure.

Course objectives

Students will learn to study the law from a different (i.e. economic) perspective. They will be able to apply economic concepts and methods such as transaction costs, efficiency, and game theory in the analysis of laws, regulations and court decisions.

Students will be able to recognize policy tradeoffs between efficiency and other values, such as

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fairness, non-discrimination, environmental protection and protection of weaker parties.

Students will be able to understand law and economics contributions to specialized (academic) journals, policy reports and court cases.

Prerequisites

None

Recommended reading

Law and Economics, by R. Cooter and T. Ulen. Reader, containing chapters written by Prof. M.G. Faure, journal articles (also available in library), one chapter from the book Economic Analysis of Law, by R. Posner (also in library) and parts of the book The Anatomy of Corporate Law, by Kraakman et al (also available in library).

LAW4006

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [N.J. Philipsen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Law and Economics, Property, Contracts, Torts, Regulation, Federalism, Crime, Competition, Corporate Governance.

Faculty of Law

International Human Rights Law

Full course description

This course offers an overview and in-depth discussion of some of the key concepts and notions of international human rights law and an introduction into some selected topics. The course will focus on the protection of human rights at the international level, that is developments occurring within the framework of the United Nations and regional organisations in particular. A number of introductory texts, questions and comments listed in the course-book will guide students through this course.

The course will cover both the substance of human rights and procedural issues. This means that

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attention will be given to the human rights normative framework, such as the different categories of rights, but also to international supervisory and monitoring procedures as developed within the United Nations and regional organisations. In addition, the notion of the universality of human rights and challenges to this concept will be discussed.

Furthermore, a number of current issues, which from the perspective of globalisation directly or indirectly impact upon the protection of human rights, will be discussed. These include victims' rights and reparation, human rights and counter-terrorism and globalisation and its impact on human rights.

The Bantekas/Oette textbook (see below) which will be used is not only about the theoretical framework underlying the protection of human rights, but also about practice. It will discuss how different actors use human rights instruments and procedures as practical tools to foster the protection of human rights, but also the limitations and dilemmas arising from this. Each chapter of the textbook contains questions, points for further consideration, case examples and interviews with practitioners. In their book the authors take a dynamic and progressive position towards the protection of human rights.

These materials are supplemented by a number of primary sources (treaties, judgments, Views, General Comments, resolutions, press reports etc.), other selected readings and on-line sources.

During the course a mock examination of a human rights state report by a United Nations treaty monitoring body will be organized. Participation is mandatory. Students are expected to play a role in this practical skills exercise. Participation in the mock examination will be incorporated in the final grade for this course (see below under 'Assessment'). Details will be explained during the first tutorial meeting and lecture.

This course is a specialisation core course within the Human Rights Track of GAL. It prepares students for other courses, such as Human Rights of Women and Human Development and Human Rights.

Teaching methods

tutorials, Q&A sessions, lectures and a skills part.

Assessment methods

The assessment consists of two parts.

Written exam that counts for 85% of your final grade; and

Participation in a mock examination of a human rights state report that counts for 15% of your final grade. Participation in the mock examination is assessed on adequacy and graded with a pass or fail.

The resit exam may consist of a written or an oral exam; your assessment for the mock examination is carried over.

Course objectives

- Students understand how the human rights track (specialization) they have chosen relates to and interacts with the other tracks of the Globalisation & Law Master program.
- Students understand the underlying theoretical notions of international human rights law,

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such as universality, non-discrimination and enforcement.

- Students understand the typical features of international human rights law compared to other branches of public international law.
- Students have knowledge of and understand at an advanced level international human rights standards and monitoring mechanisms (especially those developed within the framework of international organizations) and are able to apply these to specific present-day cases and situations in a global society.
- Students have knowledge of the possibilities, limitations and challenges of applying human rights in practice by different actors (governments, courts, NGOs, individuals, international organisations).
- Students learn and apply skills relating to the UN human rights state reporting procedure to a real country situation.

Prerequisites

Basic knowledge of the international legal system and international human rights norms and procedures.

Recommended reading

- I. Bantekas and L. Oette, International Human Rights Law and Practice, Cambridge University Press, third edition, 2020.
- U. Khaliq, International Human Rights Law Documents, Cambridge University Press, 2018.
- Selected additional reading materials.

IER4012

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.P.M. Coomans](#)

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam, Assignment

Faculty of Law

European Labour and Social Security Law

Full course description

This course involves the social aspects of the European Union: free movement of workers, coordination of social security schemes, prohibitions of discrimination on grounds such as gender,

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race and sexual orientation, health & safety at the workplace, employees rights in the event of transfer of undertakings or insolvency of employers, the role of social partners and European collective agreements, and the social policy chapters in the Treaties of Rome, Maastricht, Amsterdam and Nice.

Course objectives

- Students will acquire knowledge of the key instruments, rules and principles of EU labour law and EU social security law
- Students will be able to comprehend the core tensions between the law of economic integration and the law of social protection as well as the tension between EU law and national law. Students are able to properly analyse judgments in these fields and assess their concrete and general implications
- Students can apply their knowledge to new cases and solve these
- Students will be able to write brief annotations on difficult cases

Prerequisites

None

Recommended reading

T. Jaspers, F. Pennings and S. Peters (eds), *European Labour Law*, Intersentia, 2019, ISBN 978-1-78068-704-9

PUB4007

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.P. van der Mei](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Intellectual Property Law

Full course description

This course covers the substantial legal aspects of industrial and intellectual property law with specific relevance for the Information Society as well as the management of Intellectual Property Rights (IPRs). As such the economic rationale of IPRs is covered in respect of the creation and the regulation of markets in information. In order to get a full grasp of legal entitlements for creators in the information age, copyrights, database, patents and trade mark law will be juxtaposed with technological developments, such as multimedia, (open source) software, file sharing, domain name grabbing, and placed in the economic context of competition, management of IPRs and electronic commerce. Knowledge of the legal and economic rationale for the protection of intellectual and industrial creativity through acquisition of the fundamentals of intellectual and industrial property rights, (unfair) competition law, and management of intellectual property rights (IPRs) on an international, European, and national level. Among IPRs covered in the course are:

- IP in the context of international trade and EU innovation (Section I);
- trade marks (sections II and III);
- patents (section IV);
- copy- and neighbouring rights (section V);
- designs (section VI); and
- a mock trial on IP and public health (section VII).

Study of procedural matters concerning the subsistence, acquisition, application, registration, opposition, duration, surrender, revocation, invalidity, judicial review, and jurisdiction of all IPRs is required. In addition, an understanding of international and EC competition policy in cases of passing off and unfair practices, free movement of goods, and abuse of rights in light of the information society has to be acquired. Students are expected to acquire this knowledge through study of the structure of international organizations, treaties, EC Regulations & Directives, and literature. The course is offered over a period of seven weeks (sections I-VII), and is concluded by a written exam. The final grade is calculated based on the acquisition of EUIPO Online Certificates (Sections II&III, and Section VI), a collective brief and individual oral contribution to the mock trial and the individually written exam.

Course objectives

At the end of this course, students will be able to:

- Understand and critically reflect upon EU intellectual property as an instrument for fostering industrial innovation and human creativity (Section I);
- Appreciate and apply the basic treaties and principles relating to intellectual property, with a focus on the areas of copyright, trademarks, patents, and (unfair) competition, and explain their different rationales (Sections I-VII);
- Become conversant with the substantive provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, and the legal and policy implications of an intellectual property agreement within an international trade law system (Sections I and VII);
- Explore current legal and policy issues concerning TRIPS under consideration in the WTO and other international forums, especially from the perspective of regional integration and developing economies (Sections I-VI);
- Identify and articulate the current developments and issues that are at the centre of current discussions and negotiations for the further development or modification of the international intellectual property system, such as technology transfer and public health (Section I) and access to essential medicine; (Section VII) and Contemplate and articulate how the emergence

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of big data and Artificial Intelligence (AI) calls for a re-think on the existing IP and regulatory framework, and what can be the best possible legal framework – both within the domestic and international multi-stakeholder environment – that can successfully digitally transition the global economy, and foster innovation and enhance public trust in AI (Section V and VI);

- Have knowledge and insight of the EU regimes for trademarks, patents, copyright, and design, in particular of the aspects of acquisition of rights, scope of protection and infringement (Sections II-VI);
- Have a firm grasp of the international institutions and actors in the field of intellectual property, and the multilevel engagement that they have from multilateral, regional, national and domestic perspectives (Sections I-VII);
- Solve cases regarding all of the intellectual property rights listed above (Sections I-VII);
- Orally argue a case concerning any of the intellectual property rights listed above (Section VII).

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property (latest edition, Oxford University Press)

WIPO

- WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO, Geneva) available at <https://www.wipo.int/about-ip/en/iprm/>

Pila/Torremans

- European Intellectual Property Law (latest edition, Oxford University Press)

IER4033

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.W.J. Kamperman Sanders](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Faculty of Law

International Trade Law

Full course description

This course, a compulsory course in the International Trade and Investment Law track of the Globalisation and Law Masters, deals with the rules regulating economic globalisation and international trade. It covers core aspects of the institutional and substantive law of the World Trade Organization (WTO). The WTO, established in 1995, is at the forefront of the multilateral effort to manage economic globalisation and governs the trade relations between its 164 Members. WTO law not only plays an important role in state-to-state relations, it also affects each of us directly, as it significantly influences, for example, the price of the cars we drive and the quality of food we eat. The course addresses the following themes: • International trade and the WTO as an institution (on the phenomenon of economic globalisation, the arguments for and against free trade, the law of the WTO and the history, objectives, structure, functions, decision-making and membership of the WTO, and the current reform discussion); • Dispute settlement in the WTO; • Principles of non-discrimination (on the obligations of most-favoured-nation treatment and national treatment); • Rules on market access (on tariff barriers and non-tariff barriers to trade in goods and services); and • Trade liberalisation versus other societal values (on general public policy exceptions and security exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial assignments.

Course objectives

- The student acquires up-to-date knowledge of the institutional and core substantive law of the World Trade Organization;
- The student is aware of, and can form a reasoned opinion on, the current challenges faced by the WTO;
- The student understands and is able to engage in discussion on legal issues relating to the World Trade Organization;
- The student can assess the relationship between WTO rules and the protection of non-trade values;
- The student can identify international trade law issues arising from fictional case studies;
- The student is able to analyse and form a reasoned opinion with regard to true-to-life international trade problems;
- The student is able to write well-motivated legal opinions on international trade problems and to present these orally in class.

Prerequisites

Students are expected to have followed a previous course in international law or European law and therefore such basic knowledge will be presumed.

Recommended reading

The textbook used in this course is VAN DEN BOSSCHE, P. and ZDOUC, W., *The Law and Policy of the World Trade Organization*, 5th Edition (Cambridge University Press, 2021). This book will be available at the Studystore, Maastricht or can be ordered on Amazon.

Furthermore, it is convenient for students to have a copy of *The WTO Agreements: The Marrakesh Agreement establishing the World Trade Organization and its Annexes* (Cambridge University Press, 2017).

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However, students can also find the relevant WTO legal texts on the WTO website (www.wto.org) and can use the digital version of these texts. Students are advised to consult the WTO website and the website of DG Trade of the European Commission (www.europa.eu.int), regularly, for information on the latest developments.

The websites of major international newspapers, such as The Financial Times (www.ft.com) are also excellent sources of information.

IER4002

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law; WTO

Faculty of Law

International Commercial Law

Full course description

This course is built around the international sale of goods transaction, which is then used to explore a number of other related topics, such as the carriage of goods, third party relationships and payment. In the first part of the course, we pay attention to the rights and obligations of buyers and sellers in international sales contracts, with a particular focus on the 1980 United Nations Convention on Contracts for the International Sale of Goods. The course then shifts its focus to contracts for the carriage of goods. This part of the course covers the legal regimes applicable to the carriage of goods by road (the CMR convention) and by sea (the Hague (Visby) Rules), as well as the rules applicable to multimodal or combined transport. In international business transactions, a variety of parties will be involved in carrying out all aspects of the contract of sale and the contract of carriage. During the course we will consider different types of actors in international trade and their rights and liabilities. We also touch upon payment mechanisms used to finance international trade.

The primary focus is on international treaties and European measures that impact on international commercial transactions, but some consideration of national systems cannot be avoided. After all, national courts must apply the international conventions, which can give rise to questions concerning uniformity in the application of international provisions. Furthermore, not all issues relating to international business transactions are dealt with by international or European measures,

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and therefore recourse must be had to the applicable national law. At the same time, it is important to also consider the private regulatory regimes set up in particular sectors. Trade associations often create model contracts that deal with the specific issues in that trade. Throughout the course we will therefore look at the interaction between these various levels of regulation of international commercial transactions.

In addition to studying the law, we will also consider a number of related topics or themes, for example the effectiveness of measures intended to unify commercial law, the limitation of party autonomy in certain commercial contracts, the different levels of unification and the variety of actors involved in creating unifying commercial law, as well as how new technologies, such as blockchain, could affect the way in which business is conducted and regulated.

This course is useful and essential for those who want to be involved in the legal aspects of international trade.

Course objectives

Knowledge and understanding

1. You will acquire knowledge and understanding of international commercial law, including:
 - Applicable law in international sales and carriage contracts: (including UN Convention on Contracts for the International Sale of Goods; Rome I Regulation; Hague Visby Rules, CMR)
 - Regulation of International Sale of Goods: in particular, UN Convention on Contracts for the International Sale of Goods, INCOTERMS 2020, model contracts
 - Regulation of International Carriage of Goods: in particular, Hague Visby Rules, CMR, Multimodal transport
 - Payment mechanisms in international trade: including documentary credits/UCP 600.
 - Applying knowledge and understanding
2. You will learn to apply the knowledge you obtain to identify and solve concrete/complex problems that arise in the shaping, application or enforcement of international and national norms governing cross-border commercial activity.
3. You will develop your analytical skills that enable you to identify and solve concrete/complex problems that arise in the shaping, application or enforcement of international and national norms governing cross-border commercial activity.

Making Judgments

- You will develop your ability to translate knowledge (from textbooks, primary legal sources) into sound legal arguments or own legal points of view.
- You will develop your ability to construct your own views or position in legal debates or disputes.

Communication

- You will develop your ability to express your legal arguments clearly, both orally and on paper.
- You will develop your ability to express your legal arguments clearly, in proper legal English.

Learning Skills

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- You 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.)
- You will deliver a legally sound, well-researched paper on complex legal issues in the context of International Commercial Law
- You will develop your ability to work both independently and in group settings.
- You will develop your ability to approach the law with an open-minded but critical and scientific attitude.

Recommended reading

Reading materials and resources via Student Portal

PRI4002

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final take home exam, Assignment

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 20210, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms.

Faculty of Law

Corporate Social Responsibility

Full course description

This course will offer a comprehensive analysis of Corporate Social Responsibility (CSR) as the main normative concept expressing the relation between business and society in a globalisation context.

The following subjects will be studied and discussed:

- The conceptual and historical foundations of CSR, its substance and analytical focus
- CSR as a heuristic for understanding transformations of law under globalization
- The current global regulatory landscape for corporations and the changing corporate

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structure; CSR as a normative claim for regulating corporations globally

The relation between CSR and the law with a particular focus on

- public international and human rights law (UN Guiding Principles on Business and Human Rights and the debate surrounding an internationally binding instrument, corporate human rights litigation in national courts)
- international economic law (OECD Guidelines and National Contact Points, CSR in investment treaties and arbitration)
- company law and the developments towards CSR-oriented disclosure rules, due diligence, and sustainable corporate governance
- civil law (tort and contract law) including its private international law dimension and its enforcement in courts and arbitration

The relevance of CSR in private regulation with a particular focus on

- corporate and industry self-regulation
- corporate group policies and supply chain management
- private multi-party CSR agreements (such as the Bangladesh Accord)
- multi-stakeholder initiatives

A critical evaluation on CSR as a normative concept and its conceptual foundations and the alternatives in which the relation between business and society is expressed

The course is compulsory for all students enrolled in the Master Globalization and Law, as it touches upon a subject that is at the intersection between the legal regulation of corporate and commercial activity, international human rights law and international economic law. The course thus asks students of each of the tracks to think about international business activity and their regulation in the interest of society in a different way than what their respective focus of study suggests. For students enrolled in the corporate and commercial law track the course aims to contextualize the social dimension of business activity; for students focusing primarily on human rights law the aim is to better understand the prospects and limits of integrating companies as actors into international (human rights) law; for students of international economic law this course should lead to identifying the societal implications of global trade activities and their related regulation.

Course objectives

Students will obtain a general understanding of the concept of CSR, its role for globally operating companies and its relation to the law. By the end of the course, you should be able to:

- understand the concept of CSR, its origin, its substantive content, its legal dimensions and the relevance of the concept for the debate on globalization and law.
- understand and critically analyse national laws applicable to companies, specifically company, tort, and contract law, in relation to the social responsibility.
- understand and critically analyse the impact of private international law on the legal regulation of companies.
- understand the shift in corporate organization towards globally operating corporate groups, supply-chains and value chains and the related changes for corporate liability in human rights, tort and contract law.
- understand the different regulatory techniques currently employed in law to foster corporate adoption of CSR, such as reporting and due diligence laws, and further access to remedy for

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those affected by corporate human rights violations.

- understand and critically analyse the international legal dimension of CSR, in particular the role and place of companies in international law, the regulation of business responsibility for human rights (business and human rights) and sustainability in international soft and hard law.
- understand the relation between national and international law-making regarding the social responsibility of corporations and the interaction between law-making and enforcement on an international and national level.
- understand and critically analyse the merits and weaknesses of private regulation for CSR and understand the legal effects that private regulation of CSR has.

The course is taught in lectures and tutorials. In the lecture, you will be given the general background of a particular topic while in the tutorials you will work with case studies and specific problems to obtain a deeper understanding of the topic.

Prerequisites

A basic understanding of international law, human rights law, and private law (corporate law, tort law, contract law and private international law) are required.

Recommended reading

The literature will mainly be based on a compilation of articles. As the literature, legislation and case law in this field is rapidly evolving, there are no up-to-date comprehensive textbooks on the issue. The following books can be consulted on the topic but do not constitute the required reading for this course.

Lisbeth Enneking, Ivo Giesen, Anne-Jetske Schaap, Cedric Ryngaert, Francois Kristen & Lucas Roorda (eds), *Accountability, International Business Operations, and the Law*, Routledge 2019.

Horatia Muir Watt, Lucia Bíziková, Agatha Brandao de Oliveira, Diego P. Fernández Arroyo (eds), *Global Private International Law: Adjudication without Frontiers*, Edward Elgar 2019.

Katharina Pistor, *The Code of Capital*, Princeton University Press 2019.

Vibe Ulfbeck, Alexandra Andhov & Katerina Mitkidis (eds), *Law and Responsible Supply Chain Management*, Routledge 2019.

Birgit Spießhofer, *Responsible Enterprise: The Emergence of a Global Economic Order*, C.H.Beck/Nomos 2018.

Juan José Álvarez Rubio & Katerina Yiannibas (eds), *Human Rights in Business: Removal of Access to Justice in the European Union*, Routledge 2017.

Andreas Rühmkorf, *Corporate Social Responsibility, Private Law and Global Supply Chains*, Edward Elgar 2015.

Jeremy Moon, *Corporate Social Responsibility: A Very Short Introduction*, Oxford University Press 2015.

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John Ruggie, Just Business, Multinational Corporations and Human Rights, W.W. Norton & Company 2013.

Peter Muchlinski, Multinationals and the Law, 2nd edition, Oxford University Press 2007.

In addition, there are several useful internet resources on CSR. The most prominent and comprehensive website on business and human rights is the Business and Human Rights Resource Centre. This website contains an overview of legal cases and related informative links to additional resources, in-depth debates on recent topics and legislative action on an international and national level. Moreover, the website Business & Human Rights in Law provides a good overview on the developments in case law and legislation on a national level, but please note that the website is only partly updated and therefore contains not always up-to-date information. The Doing Business Right Blog from the Asser Institute is a platform in which academics and practitioners provide opinions and background on the topic of CSR. This blog also contains monthly reports with the most important updates in the field. We encourage you to consult these websites if you are in need of background information rather than googling concepts or relying on Wikipedia. Finally, a leading academic journal in the field is the Business and Human Rights Journal that publishes academic articles, case notes, notes on recent legislation and book reviews in the area of business and human rights.

LAW4037

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Take home exam

Keywords:

Corporate Social Responsibility, business and human rights, Corporate Governance.

Faculty of Law

European and National Constitutional Law

Full course description

This master course is a compulsory course in the public law track of the European Law School (ELS) Master Programme and an elective for students in the other tracks of ELS as well as those participating in the Master Programs Globalization and Law, International Laws, and Nederland Recht (Dutch Law). The course focuses on the relationship between EU law and domestic constitutional law in a comparative setting.

Master International Laws

We will seek to discuss and analyze questions such as: how does multi-layered decision-making take place? How has national constitutional law evolved under the influence of EU law? How may we perceive 'European' democracy in the light of national states and how should the concept of dual legitimacy be assessed? How have national courts been included in European integration and has this impacted upon national constitutional courts? How does the European Human Rights landscape look like? And how does the EU intervene in Member States political-institutional scenario for deficiencies in the rule of law?

The course has therefore a vertical approach (EU - Member States) as well as a horizontal perspective, looking into the impacts and practices of a few (selected) national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis-à-vis EU law making, for instance) but also allows plenty of room to relate to recent developments and state of discussions about the optimal or desired balance between the EU and its Member States. Furthermore, we will try to include recent events and steps in the integration process or national developments, such as the elections of the European Parliament in 2019, the European Commission current composition, the Brexit, and the rule of law challenges posed by Hungary and Poland, the EU economic support after Covid-19 Pandemic and the German Constitutional Court judgment Weiss of May, 5 2020.

The aim of this course is to study national constitutional law in its relations to EU law, with their various interactions and multi-layered features. This perspective is necessary for instance to understand where and when to lobby, or to be aware how consultations and deliberations on rule- and policy-making take place. When studying substantive areas of the law one has to be increasingly aware that multi-layered rules and rule makers exist and cooperate. Thus, decision-making does not take place on one level only (be it the EU level or the Member State level) but also in collaboration between the different levels. The goal of this course is to show and analyze the present functioning of constitutional law in member states as impacted by EU law. It is therefore relevant to know who is involved in the decision-making process, the execution of the decisions.

European lawyers cannot operate without insight in the interaction of EU competences and national authorities' powers in many domains. This goes for lawyers, judges, civil servants, lobbyists and consultants and others. All lawyers have to a lesser or larger extent to be able to navigate between different sources, actors, decision makers, lawmakers and executives and agencies.

In this seven weeks course we can go only so far in providing tools and insight in different domains of multi-layered government; it is not the purpose to investigate in detail areas such as the banking union, or competition law, or other domains of the law, but we will trace the phenomenon of multi-level government and the various ways of interaction between the EU and states and their effects on national constitutional law and the exercise of powers by national branches of government. This year we will focus on seven areas whereas it is evident the potential for cooperation (or conflict) between the EU and the Member States. We will particularly investigate the magnitude of these convergences (or clashes) and their constituent elements in the area of (1) the development of a supranational normative power and legal order; (2) the multi-level institutional structure of representative democracy in the EU; (3) the monetary union as example of integration of States through the law; (4) the establishment of an overall EU economic governance; (5) the relationship between the EU and Members States jurisdictions; (6) the human rights status of health in Europe and the trilateral relation States-EU-CoE; (7) the rule of law challenges and the threat to EU values and the EU accession/exit. These issues will also lead us into a discussion of the future of the EU; its competences, its legitimacy, its democratic foundations and developments pertinent to further integration, or towards a political union and more transparency.

It is important to note that although this course is a legal course, there is an evident relationship

with politics and with societal and political discussions as to legitimacy, accountability, competences, sovereignty, division of powers and related concepts. These are legal concepts certainly, but with a prominent political substance and they relate to politics as well. Power struggles and division of powers are legally relevant but also politically, and we need therefore to have an open eye for the political context, within the EU and within the various member states. That is the political reality, as mirrored by Eurosceptic parties or declining trust in the EU project. It is necessary for lawyers to understand the EU as a legal constitutional project as well as a project which impacts on national sovereignty, national parliaments' powers, national political parties and relations.

Course objectives

Students will have a thorough understanding of the interaction between EU and national constitutional law; Students will be able to measure the Europeanization of national public law and to distinguish major or minor degrees of integration in different areas; Students will acquire the capacity of arguing for a need of a greater intervention of the EU in key-areas of public law and to predict the feasibility of this intervention; Students will be able to report on the status of the EU integration and to highlight the current problems in structured and persuading formats; Students will be able to pick up the most promising arguments

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as Advanced European Law and Fundamental Rights, and it aims to offer different perspectives in the interaction between the different levels of the multi-level system. Furthermore, we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system and the basis functioning of the EU law. In case you have started the ELS program in the beginning of 2020 (and this course is actually one of your first courses in the master ELS program, we do recommend acquainting yourself of the necessary knowledge of (institutional) EU law. We also recommend you strongly to follow the relevant news about EU developments and relevant discussions and papers and documents. The sites of the Commission, Council, and Parliament contain extensive information on all relevant issues and topics. And possibly the same applies for the sites of parliaments and governments in your home country.

Recommended reading

The book on all subjects of this course is still in construction and we hope to have handbook ready for February 2021. Otherwise, all the chapters will be made available on the Student Portal. For a comparative understanding of constitutional systems as to ministerial accountability, application of EU law, etc., we recommend Aalt Willem Heringa, *Constitutions Compared* (5th Eds., 2019).

Many of the issues are that recent and fresh that we will have to cope with policy documents and academic articles. We are aware however that new developments sometimes may go quicker than we have foreseen, so we do reserve the right to add new links and documents where necessary. We will do so through the Student Portal.

We have indicated the relevant materials on a weekly basis, mostly by inserting the link to the relevant document, article or source. When the links do not work directly, copy and paste them on your browsers. These are easily downloadable or may be found in the university library. We assume

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that all students prepare themselves properly by reading the prescribed materials and preparing themselves for the tutorials and for discussion.

PUB4023

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F. Peirone](#)

Teaching methods:

Lecture(s), PBL, Presentations, Paper(s)

Assessment methods:

Written exam, Presentation

Keywords:

Legitimacy, Multi Layered Legal Orders, sovereignty, democracy, rule of law, Human Rights, National Identities, Internationalization/Globalization/Europeanization, Integration, economic union, banking union, Supremacy, Direct Effect, Parliamentarization, Subsidiarity, Conferral.

Faculty of Law

Public International Law

Full course description

“The course is common to all tracks of the Master in Globalisation and Law. It thus aims to provide students with the knowledge of international law necessary to understand the content of the three tracks of the Master’s Programme (Human Rights; Corporate and Commercial Law; and International Trade and Investment Law). The course focuses on the foundations and key conceptual principles of international law (e.g. the sources of law, the law-making process, participants in the international legal system and the nature of international legal obligations). Students thus learn what international law can and cannot regulate; who has the capacity to breach international law; where an international legal obligation is derived from and when is it breached. This course is conceptual in nature and is not primarily concerned with substantive subfields of international law, such as international trade law, international criminal law, international humanitarian law and international human rights law. Such subfields of international law are covered elsewhere in the curriculum. In order to understand them properly, a thorough grounding in public international law is needed and this is what this course seeks to achieve.”

Course objectives

- Understanding the foundations of international law
- Recognizing the international legal dimension in international events
- Applying rules and principles of international law to real or hypothetical situations
- Evaluating the lawfulness or otherwise of international conduct in the context of international law

Prerequisites

An introductory course in public international law.

Recommended reading

- Gleider Hernandez, *International Law*, Oxford: Oxford University Press (2019).
- Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law*, Oxford: Oxford University Press, 2016 (6th edition).
- Blackstone's *International Law Documents*, Oxford: Oxford University Press, 2019 (14th edition).

IER4021

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Faculty of Law

Advanced International Trade Law

Full course description

This in-depth course deals with advanced topics of international trade law of particular relevance for students who wish to pursue a career in this field. Building upon the basic knowledge of the law of the World Trade Organization (WTO) acquired in the course 'International Trade Law', this advanced course explores the challenging topics that are at the core of current trade policy, in a world of complex interdependence in global value chains, increasing economic nationalism and unilateralism and proliferating preferential trade agreements.

This course addresses the following themes:

- Advanced issues of WTO dispute settlement (on the crisis of the WTO dispute settlement system and the way forward)
- Economic policy exceptions (on the WTO rules that govern safeguard measures and regional trade agreements);
- Rules on anti-dumping measures (on the WTO rules governing the permissible response to dumping as a form of unfair trade);
- Rules on subsidies and countervailing duties (on the WTO rules governing subsidisation, and the permissible response to subsidisation as a form of unfair trade);
- Rules on technical barriers to trade (on WTO rules governing technical regulations, standards,

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and conformity assessment procedures);

- Rules on sanitary and phytosanitary measures (on WTO rules governing national food-safety measures and measures to protect against health risks from pests or diseases); and

The future of the rules-based multilateral trading system (on the current challenges faced by the rules-based multilateral system for trade, and the way forward).

The course is built around a number of true-to-life international trade problems that form the basis for tutorial exercises.

Course objectives

- The student acquires up-to-date knowledge of the current challenges facing the World Trade Organization;
- The student understands and is able to engage in debate on advanced legal issues relating to the World Trade Organization;
- The student can critically assess the relationship between WTO obligations and the protection of other economic and non-economic values and interests;
- The student can identify international trade law issues arising from fictional case studies dealing with the topics covered in this course and apply the legal framework to these problems;
- The student is able to form a reasoned legal opinion evaluating true-to-life international trade problems;
- The student is able to write well-motivated legal opinions analysing international trade problems and to present these orally in class.

Prerequisites

To be admitted to this course, students must have passed the course International Trade Law (IER4002).

- [International Trade Law](#)

Recommended reading

- The textbook used in this course is Van den Bossche, P. & Zdouc W., *The Law and Policy of the World Trade Organization*, 5th Edition (Cambridge University Press, 2021).
- Furthermore, it is convenient for students to have a copy of *The WTO Agreements. The Marrakesh Agreement establishing the World Trade Organization and its Annexes* (Cambridge University Press, 2017).

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- However, students can also find the relevant WTO legal texts on the WTO website (www.wto.org) and can use a printout of these texts.
- Finally, additional mandatory reading will be made known on Canvas, where appropriate.

IER4025

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law, WTO

Faculty of Law

European Property Law

Full course description

This is a course on the property law emanating from both positive and negative European integration. After a brief comparative introduction the focus will be on substantive European property law (including private international law) and its various forms. We will focus, more particularly, on the impact of new technologies on European and global property law (block chain, smart contracts and Internet of Things).

Course objectives

Upon completion of the course, students are able to:

- outline the basic historical development of property law in Europe;
- explain the leading values and principles, underlying policies and policy choices, fundamental concepts and basic rules used in the field of comparative property law;
- assess the various harmonization attempts (with a focus on the European Union, but also worldwide) in the area of property law;
- evaluate the impact of new technological developments on European and global property law;
- examine the effects of the functioning of the internal market (particularly: the digital internal market) in the European Union and the effects thereof on private law in general and the law of property more specifically.

Prerequisites

This is an advanced course for students who already have a basic knowledge of (national and/or comparative) property law. If this basic knowledge is lacking, additional self-study - for which assistance will be given - is needed to acquire such knowledge.

Recommended reading

Obligatory literature

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) More information about the casebook project can be obtained at <http://www.casebooks.eu>.

Recommended literature

- A. Hartkamp (and others) (eds.), *Towards a European Civil Code*, (Ars Aequi Libri/Kluwer Law International, Nijmegen/The Hague) - latest edition;
- L.P.W. van Vliet, *Transfer of movables in German, French, English and Dutch law* (Ars Aequi Libri, 2000);
- F.H. Lawson/B. Rudden, *The Law of Property* (Oxford University Press, Oxford) - latest edition;
- U. Mattei, *Basic principles of property law, A comparative legal and economic introduction* (Contributions in Legal Studies, No. 93; Greenwood Press, 2000);
- References to articles and further materials are provided for each subject separately. Students will be offered the necessary assistance in finding these materials.

PRI4005

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [K. Zimmermann](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

Comparative and European property law, Private international law, Globalisation, Digitalisation, Osmosis of European and national property law.

Faculty of Law

European Migration Law and Citizenship

Full course description

International migration has become a major phenomenon worldwide in recent decades and Europe has received a significant share of people moving for various reasons. Intensifying international migration movements present many societies with major political challenges and dilemmas. The political climate is often not very migrant friendly as many migrants have a different cultural, ethnic and religious background. This can lead to discrimination based on racial, ethnic and religious grounds.

In many EU Member States, immigration is one of the topics most discussed during election campaigns. Not only the Member States have, however, competences to act in this area. Since 1999, with the entering into force of the Amsterdam Treaty the European Union has more competences to act as legislator in the field of migration and asylum. In the last twenty years, several EU instruments have been passed in this field. More recently, the EU Commission has published a new Pact on Migration and Asylum in September 2020. Furthermore, a revised EU Blue Card will be formally adopted soon by the Council and the EU Parliament after an agreement has been reached in May 2021.

It is expected that the EU Commission will propose new legislation in the near future. Whether this will lead to the creation of more efficient and fair migration processes as it has been the declared aim, has to be seen and will be discussed during the course.

In addition, the current developments concerning acquisition and loss of European Citizenship will be discussed as having the nationality of a Member State and with this the status also European Citizenship is enormously relevant for a secure residence status in the European Union. In some cases, migrants have to wait for decades, before acquiring such a status. On the other hand, the loss of the EU Citizenship can happen according case law in some Member States, when persons with a double nationality have been involved in terrorist activities. Furthermore, the issue concerning "citizenship for sale" is high on the EU Parliament's and the Commission's agenda.

This course will address different issues of citizenship and nationality, migration and asylum law and policies. The concept of European citizenship and the relevant case law will be elaborated. The legal requirements for acquisition and loss of a nationality will be discussed from a comparative perspective. The Council of Europe Convention on Nationality as well as the UN Convention on Statelessness will be addressed.

Another part of the course will concentrate on the developments of a European migration and asylum policy since the entering into force of the Amsterdam Treaty and the Tampere Conclusions in 1999 until the entering into force of the Lisbon Treaty in December 2009. The legislative developments and the relevant case law will be discussed. In this context, the position of third country nationals, highly skilled migrants, refugees and asylum seekers will be researched and discussed. Hereby the issues will be addressed from a comparative perspective. The focus will be on judicial protection and fundamental rights of migrants, family-reunion and integration requirements. Special attention will be given to the special position of Turkish workers due to the Association Agreement (Ankara Agreement) and secondary legislation and case law.

Additionally, the position of TCN family members of EU citizens who have used their free movement rights will be compared to the family unification rights of TCNs in general. Furthermore, migration as a phenomenon in an international and global setting and the developments on UN level will be

dealt with.

Course objectives

Students will get an insight in the current legal and political developments concerning international migration and asylum issues, Title V of the TFEU as well as the concept of European Citizenship and general principles of nationality law.

Prerequisites

It is not a prerequisite but an advantage if student have followed a course concerning EU substantive law and are familiar with the concept of EU citizenship.

Recommended reading

- Anja Wiesbrock, *Legal Migration to the European Union*, 2009
- Papagianni (2014) EU migration policy, available at: <http://cadmus.eui.eu/bitstream/handle/1814/30557/Chapter30.pdf>
- Minus Mouzourakis, *More laws, less law: The European Union's New Pact on Migration and Asylum and the fragmentation of "asylum seeker" status*, *European Law Journal* 2021,
- Sergio Carrera and Andre Geddes, *The EU Pact on Migration and Asylum in light of the United Nations Global Compact on refugees*, *EUI* 2021
- EuroMedRights, *The new Pact on Migration and Asylum, The Global Impact*, May 2021
- Steve Peers, *The revised Blue Card Directive: The EU's search for more highly skilled non-EU migrants*, *EUmigrationlawblog.eu*, June 2021
- K. Lenaerts, *EU citizenship and the European Court of Justice's 'stone-by-stone' approach*, *International Comparative Jurisprudence*, November 2015, 1-10.
- Gerard-René de Groot/Maarten Vink, *Loss of Citizenship. Trends and Regulations in Europe*, *EUDO Citizenship Observatory Country Reports 2010*, pp 1-53 (see also the current information on GLOBALCIT)
- S. Peers, V. Moreno-Lax, M. Garlick and E. Guild (Eds.), *EU Immigration and Asylum Law (Text and Commentary): Second Revised Edition, Volume 3: EU Asylum Law (2015)*
- K. Eisele, *'Why come here if I can go there? Assessing the 'Attractiveness' of the EU's Blue Card Directive for 'Highly Qualified' Immigrants'*, *CEPS Paper*, October 2013.
- N. Reslow, *The Role of Third Countries in EU Migration Policy: The Mobility Partnerships*, *European Journal of Migration and Law*, 2012, pp. 393-415.
- Katharina Eisele, *The External Dimension of EU's Migration Policy*, 2013
- Dersim Yabasun, *The Common European Asylum System - Vulnerable Asylum Applicants*, 2019

Further literature and material will be provided on ELEUM

IER4001

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- G.R. de Groot
- [P.V.M. Melin](#)

Teaching methods:

PBL, Lecture(s), Work in subgroups

Assessment methods:

Assignment

Keywords:

European Citizenship, Comparative Nationality Law, Legal Migration and EU, Asylum Law

Faculty of Law

Human Rights and Human Development

Full course description

Human rights and human development analyzes the different efforts that have been made to re-conceptualize economic relations between developed and developing countries in terms of rights and obligation under the normative paradigm of human rights. Topics covered include: (1) the NIEO program sponsored by the Non Aligned Movement in the UN General Assembly; (2) the Millennium Development Goals and the Sustainable Development Goals; (3) the human rights-based approach to development programming; (4) World Bank safeguard policies and Inspection Panel process; (5) the capabilities approach of Amartya Sen and Martha Nussbaum as an overarching framework for thinking about development; (6) exploitative economic practices such as “land grabbing” and modern forms of slavery; (7) basic inequality measures, human rights indicators and the SERF index. This course is interdisciplinary in nature and explores the limited hard law and soft law that exists in the field of human development with the aid of extra-legal perspectives. It also provides students with some opportunities to engage with the mechanics and difficulties of measuring human rights achievement.

Course objectives

By the end of the course students should be able:

- To understand modern schools of thought linking human rights to human development
- To compare the strengths and weaknesses of different approaches to the regulation of development
- To be able to evaluate complex fact patterns and policy programs from the perspective of human development.
- To demonstrate their knowledge by presenting complex information to an audience
- To integrate legal knowledge and skills in a wider interdisciplinary conceptual framework
- To recognize the basic tasks involved in measuring human rights, to understand the normative choices that need to be made in this enterprise and to be able to compare the pros and cons of different measures.

Prerequisites

A basic knowledge of human rights law and/or international economic law.

Recommended reading

The course works with articles and books readily available from the online library.

IER4004

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [A.P.M. Coomans](#)
- [G.M. Arosemena Solorzano](#)

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Presentation, Written exam

Keywords:

International law, development, rule of law, Economic order, Human Rights

Faculty of Law

The Law of the Economic and Monetary Union

Full course description

The course examines the primary and secondary law on the Economic and Monetary Union, the institutions responsible for economic and monetary policy and their roles, the responses to the financial crisis and the covid-19 pandemic, the components of the banking union and the related case law. An innovative feature of the course is the explanation of the economic principles that have informed Treaty provisions, secondary legislation and landmark judgments. The course also assesses accountability arrangements within the Economic and Monetary Union, especially with respect to the European Central Bank, the Single Resolution Board, the European Stability Mechanism and the Eurogroup.

Course objectives

Goals

- Students demonstrate a thorough understanding of Treaty provisions and secondary legislation on the EMU.
- Students can explain the weaknesses in the institutional structure and procedures of the EMU at the outbreak of the financial crisis in 2008 and the extraordinary measures that were adopted in response to the financial crisis and the covid-19 pandemic in 2020.
- Students can evaluate the effectiveness of the reform of the rules of the EMU during the past decade.

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- Students can analyse the various arguments raised in landmark cases and can assess them from different perspectives.

Course objectives

- In-depth review of the evolution and main stages of the EMU
- Detailed understanding of the legal and institutional framework of EMU, including the roles and responsibilities of the various institutions and agencies.
- Critical evaluation of the recently established rules and structures of the EMU and the banking union.
- Cohesive synthesis of past problems, recent solutions and remaining challenges facing the EMU.

Prerequisites

Students should have a solid knowledge of the institutions and decision-making process and the principles of EU law concerning free movement in the internal market and some knowledge of EU competition rules.

Recommended reading

Reading material will be assigned per lecture and tutorial. As a general introduction, the following are recommend:

- On the law of EMU: C. Herrmann & C. Dornacher, *International and European Monetary Law: An Introduction*, (SpringerBriefs in Law, 2017).
- On the economics of EMU: Parts IV & V of R. Baldwin & C. Wyploz, *The Economics of European Integration*, (McGraw-Hill, 2020), 6th edition.

IER4020

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- P. Nicolaidis

Teaching methods:

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

Assessment methods:

Written exam, Presentation

Keywords:

Euro, economic and monetary union, movement of capital, banking union, European Central Bank, European Stability Mechanism, Single Resolution Board, accountability, legitimacy.

Faculty of Law

Law of the Sea

Full course description

Oceans and seas cover 70 % of the Earth, and their governance is crucial to the world's population. The Law of the Sea is a truly global legal system, and this course fits perfectly in the Globalisation and Law programme.

Humankind depends on the oceans for survival in many different ways. Oceans provide food, and provide a framework for navigation as well as tourism. Oceans play an important role in trade and economic development, and at times are key locations for international conflict (such as the South China Sea). The course on law of the sea will focus on environmental aspects, but equally on sovereignty and jurisdiction as key concepts of international law. Also issues such as law enforcement at sea, strategic and military questions and indeed human rights concerns related to migration will be addressed.

Much about the oceans and its ecosystems and dynamics remains unknown, but the legal paradigm of the 'freedom of the high seas' (Grotius, *Mare Liberum*, 1609) raises serious concerns about the future of the oceans. The law of the sea is at a crossroads: the *laissez faire* approach, which has brought important benefits in commercial terms, is no longer sufficient from the point of view of sustainability and protection of the environment. Much of this will be explored in the law of the sea course.

tems and dynamics remains unknown, but the legal paradigm of the 'freedom of the high seas' (Grotius, *Mare Liberum*, 1609) raises serious concerns about the future of the oceans. The law of the sea is at a crossroads: the *laissez faire* approach, which has brought important benefits in commercial terms, is no longer sufficient from the point of view of sustainability. Much of this will be explored in the law of the sea course.

Assessment

- Writing an annotation of a judgment in a contemporary Law of the Sea case in week 5 of the course (= 1/3 of the final mark)
- Written examination at the end of the course (= 2/3 of the final mark)

Course objectives

Students will gain an in depth understanding of the Law of the Sea as the legal system for the Oceans. Taking the UN Convention on the Law of the Sea as a starting point, substantive norms as well as dispute settlement will be covered. Towards the end the course will focus on applying the law of the sea to contemporary problems ('plastic soup', migration crisis, military use of the oceans etc.).

Prerequisites

At the time of registering: be registered for the course of Public International Law.

Master International Laws

At the time of starting the course: having successfully concluded the course of Public International Law (IER4021), and preferably also International Dispute Settlement (IER4008)

If you think you may qualify for the Law of the Sea course without taking the Public International Law course, please contact the coordinator at Liesbeth.lijnzaad@maastrichtuniversity.nl

Recommended reading

- The international law of the sea, Donald R. Rothwell and Tim Stephens (2nd ed., 2016 Hart publishers)

IER4024

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [E. Lijnzaad](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

Law of the sea, Environment, Oceans, Law enforcement at sea, fisheries.

Faculty of Law

European Data Protection and Privacy Law

Full course description

Privacy and data protection are the fundamental rights that have gained salience not only as the fundamental rights protected within the European multi-level human rights protection system, but also as rights that provide framework for activities of entities using data as a basis for their economic activity (as if it was the new oil). This means that data protection as a discipline is complementary to data management and lies at the intersection with other major disciplines of law, both applying to private and public actors. What is more, it seems that the regulatory paradigm underlying GDPR has become a blueprint not only for data protection laws worldwide, but also for the legislative attempts to ensure ethical and fundamental rights compliant development of new technologies. The Digital Services Act or the proposal for the future AI Regulation only herald European Union's 'Digital Decade' (<https://digital-strategy.ec.europa.eu/en/policies/digital-compass>) importance of which has been underlined by the radical change of our work- and lifestyles during the past months marked by the Covid-19 pandemics.

Against this background and with this in mind, during European Privacy and Data Protection Law course we will explore the European privacy and data protection system presenting it against the

inter-disciplinary background and, subsequently, in the context of international and comparative law.

The course will begin with exploration of the GDPR-based architecture of data protection from three perspectives: that of data subjects, who derive rights and protection from the European Union data protection framework; that of data controllers, which are tasked with principle-compliant data processing, with assessing and mitigating risks emerging from data processing operations and with ensuring the rights of data subjects; and, finally, that of supervisory authorities who oversee the compliance with data protection principles. Subsequently, the optics will be expanded taking a comparative (ECHR, other jurisdictions) and intra-disciplinary (data retention, law enforcement, etc.) perspectives.

As a preparation to the course students will be offered an optional brief preparatory module for the course outlining the basic technological and economical constructs lying at the foundations of the data-based economy.

The course will be complemented by guest lectures delivered by experts and scholars associated with the European Centre for Privacy and Cybersecurity (ECPC) with the use of practice-oriented challenges and the focus on the case law of courts (both European and beyond).

At the end of the course students will be asked to sit a take home exam. In addition, students will be given an assignment with elements of group and individual evaluation.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of European privacy and data protection law and the way it positions itself vis-à-vis other legal systems and disciplines;
- Fundamental knowledge of the architecture of the European Union data protection laws, in particular, the General Data Protection Regulation (Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data) and the Directive on Data Protection for Prevention of Criminal Offences (Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data);
- The awareness of the interplay of the European Union data protection rules with other fundamental rights and legal instruments;
- Knowledge and understanding of the basic construction of the ECHR based protection of the right to private and family life;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimisation, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals' experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.
- Awareness of the functioning of GDPR regulatory paradigm and methodologies of compliance stemming from it.
- Awareness of the impact of GDPR on other areas of technology regulation.

Prerequisites

It is not a prerequisite for attending the course but an advantage if students have the knowledge of the basics of the European multi-level system of human rights protection. If this basic knowledge is lacking, assistance will be provided for additional self-study aimed at complementing the basic knowledge.

Recommended reading

Mandatory Reading:

- B. Rainery, E. Wicks and C. Ovey, Jacobs, White and Ovey - The European Convention on Human Rights (OUP 2017), Chapter 16: Protecting private life, the home and correspondence
- Fundamental Rights Agency, Handbook on European data protection law (FRA, 2018) available at < <https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law>> (Available for free, can be ordered in a print version via the European Commission bookstore)

Complementary literature:

- C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, 2020).

Mandatory legal sources:

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1
- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC Text with EEA relevance, Official Journal L 295, 21.11.2018, p. 39
- Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), Official Journal L 201, 31/07/2002 P. 0037
- Treaty on the Functioning of the European Union, Official Journal C 326, 26.10.2012, p. 47
- Treaty on European Union, Official Journal C 326, 26.10.2012, p. 13
- Charter of Fundamental Rights of the European Union, Official Journal C 326, 26.10.2012, p. 392
- European Convention on Human Rights (ECHR)

Master International Laws

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [K.I. Podstawa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final take home exam

Faculty of Law

The Good Lawyer

Full course description

A lawyer fulfils an important task representing the interests of the client and upholding the rule of law, inside as well as outside of the courtroom. But whereas in the past the 'ethical behaviour of the attorney' was considered a given, it is now a topic of debate and often, for concern. In this course legal ethics will be approached from a critical point of view. Students will not only get acquainted with the role of the lawyer within the legal system but also with the theoretical foundation necessary for interpreting this role. In addition, we will look at the rules and regulations of the lawyer's professional ethics and we will consider solutions for 'real life' ethical dilemmas.

Course objectives

Apart from gaining knowledge of professional ethics, the goal of the course is to sharpen the students' ability to render ethical judgements and to solve ethical problems. To this end the following learning outcomes are defined (and assessed): Knowledge and insight - rules and regulations of the lawyer's professional ethics - the task and role of the attorney within the legal system Applying knowledge and insight, judgement and communication - being able to critically reflect on the role of the lawyer - being able to identify, analyse and assess ethical dilemmas - being able to distil ethical problems from a set of facts and apply the relevant rules of professional ethics to the case - being able to communicate (orally and in writing) the analysis of a case and present an appropriate solution

Prerequisites

None

MET4063

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Master International Laws

Instruction language:

English

Coordinator:

- [B. Böhler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final paper

Keywords:

rule of law, legal ethics, lawyer, professional ethics,

Faculty of Law

Family Law in Europe

Full course description

Family law is a distinctive area of law, because it is multi-layered (national, regional and international) and interdisciplinary (transcending private and public law, both domestically and internationally, and religion and/or culture)! Given the increasing mobility of children and families, it is also a topic of increasing relevance. Family Law in Europe will be considered from the following two perspectives:

First, we will discuss and analyse the influence of human rights law, notably the articles 8 and 12 of the European Convention on Human Rights (ECHR) on national family law. We will discuss influential cases of the European Court on Human Rights on articles 8, 12 and 14 ECHR and explore relevant European and international instruments including the UN Convention on the Rights of the Child (1989). It will be argued that human rights law sets a minimum standard for family law in Europe. Students will evaluate these minimum standards with reference to a comparative assessment of the differences between domestic legal systems of family law of the Member States of the European Union.

Private international law is the area of law that may bridge the national differences in substantive family law. The second perspective of this course is thus the rules on private international law in family matters. Particular attention will be given to the processes of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law. The current (and pending) EU private international law instruments and the instruments and work of the Hague Convention on Private International Law are analysed and evaluated.

The following topics will be considered:

- gender identity registration
- (same sex-) marriage, civil partnerships and cohabitation
- parent-child relationships
- international adoption;
- international surrogacy arrangements
- divorce
- child and spousal maintenance;
- international child abduction;

Master International Laws

- the right of contact between parents and children;
- names
- (obstacles to) free movement within the EU;
- (EU) citizenship;
- religious (notably Islamic) family laws in a European context.

Students are encouraged to study their domestic legal system. The course in principle consists of seven tutorials and seven lectures.

Course objectives

- With reference to contemporary issues in the field of family and child law, the student identifies the context and application of the right to private and family life and the right to marry as defined by the European Court of Human Rights.
- The student identifies and evaluates the EU's competence in the field of family law and private international law, and is able to apply existing (and pending) EU instruments relevant to family law in practice.
- The student is able to analyse the domestic situation of a State as regards the implementation of the ECHR standards and EU law and can express her/his legal assessment in a legal opinion and in an oral presentation. The student is able to apply and distinguish the most recent developments on concrete cases.
- The student evaluates the interaction between the work of the EU, the Council of Europe and the Hague Conference on Private International law in the field of family and child law, including the ways in which these systems co-exist, overlap and may influence each other.
- The student recommends the direction that the EU's, the Council of Europe's and the Hague Conference on Private International law's future work in the field of family law might or should take.

Prerequisites

A basic knowledge of domestic rules on family law as well as knowledge of the concepts of private international law is required in order to be able to discuss the topics in depth.

PRI4009

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- P.M. Kruiniger - van Maanen
- B. Jennekens

Teaching methods:

PBL

Assessment methods:

Written exam

European Competition Law

Full course description

This course offers an overview of the main areas of EU competition law *sensu lato*, that is including State aid and liberalization measures. The importance of this area of EU law cannot be overstated. It sets out to create a level playing field between economic operators in one of the biggest economies of the world. In addition, the application of its principles has important consequences for the interplay, and respective roles, of the market and the state in providing certain services and products meant to promote welfare. Finally, EU competition law may be considered a 'laboratory' of EU law at large, especially as regards judicial protection. Developments in public as well as private enforcement often originate in competition law and are then extended to other areas of EU law.

The course covers the substantive and procedural domains of all five branches of EU competition law: cartels, abuse of dominant position, concentration control, state aid, and public undertakings and services of general economic interest. Theory and practice are held to be equally important. From a theoretical perspective, the course aims to structure what might otherwise appear a chaotic multitude of regulations and cases. From a practical viewpoint, it is built upon the study of real-life or hypothetical cases.

Course objectives

The aim of this course is to invite students to study the legal sources of EU competition law in order to:

1. gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
2. reflect on the purpose(s) of EU competition law, its place in the legal framework for the internal market of the European Union and its interface with the legal systems of the Member States
3. examine and appraise the role of each of the actors in EU competition law both at EU level and national level;
4. identify, discuss and evaluate new developments in the case law of the EU courts or national courts applying EU law, and the administrative practice of the European Commission and national competition authorities applying EU law.
5. for all of the foregoing: suggest and defend, orally and in writing, options for change after critical assesment

Prerequisites

Knowledge of EU substantive and institutional law is a prerequisite to follow the course.

Recommended reading

Literature: Readers with selected legal sources, case-law and materials.

Master International Laws

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W. Devroe](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

EU Competition Law, Cartels, Abuse of dominant position, concentration control, State aid, services of general economic interest

Faculty of Law

Comparative Company Law

Full course description

The master course Comparative Company Law builds further on earlier acquired knowledge and competencies concerning company law. The topic is approached from a European and comparative perspective. Through this course students will acquire and further develop their knowledge of the basic principles of company law. The differences and similarities between various company law systems of the countries within the European Union will be discussed. Next to that, a comparison will be made, to a certain extent, with company law views and principles at the other side of the Atlantic. A comparison will be made between the Continental and the Common Law approach to company law. The main focus will be on the law of Germany, England, European legislation on the topic and, for some parts, the law of Delaware. Occasionally, depending on the topic, other jurisdictions will be discussed. The main topic of this Master Course concerns questions and problems of Company Law in general and its harmonization within Europe more in particular. The focus will be on the freedom of establishment, cross border company migration, the position of shareholders and workers within limited liability companies, the position and functioning of company groups and the functioning of capital markets, in particular with a view to company takeovers. This course can serve as a foundation for a deepening of knowledge of the internal functioning of limited liability companies which can be acquired in the course Corporate Governance. It allows students to understand the environment in which companies have to operate in a globalizing world and complements courses such as corporate social responsibility allowing students to look at issues regarding stakeholder protection from a company law perspective.

Course objectives

- One of the goals is to identify and understand the interaction between federal regulation and (member) state law in the area of company law within the EU as well as in the US and to learn

Master International Laws

students how to apply various principles underlying company law in various parts of the world to specific cases and compare the various solutions.

- The goal of this course is furthermore to further develop knowledge of company law from a European and comparative perspective. Students will study the way in which companies can cross borders and the various differences and similarities between the company law approaches in the legal systems under discussion.
- Students will gain insights into the positions of the various relevant corporate stakeholders. These positions and the regulatory approaches to safeguarding these positions are discussed in an interactive manner.
- Students will be able to analyse and evaluate various company law solutions provided in different systems, apply them to cases suggesting solutions.
- Students will learn how to defend certain positions related to the role of the board, the position of employees, shareholders and other stakeholders in a corporate context.

Students will acquire knowledge with regard to company law systems and the skills to identify company law solutions allowing them to further study national company laws in an autonomous way.

Prerequisites

Students are expected to have followed a previous course on company law (either on national or European company law) therefore basic knowledge will be presumed.

Recommended reading

Reference list with literature combined with handbooks on European and Comparative company law:
A. Cahn and D.C. Donald, Comparative Company Law, Cambridge University Press 2018.

PRI4004

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Olaerts](#)

Teaching methods:

Master International Laws

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Company law

Faculty of Law

European Criminal Law

Full course description

During this course we will focus on the influence of European Union law on national criminal law and criminal procedure. The goal of this course is to understand the indirect and direct influence of European norms on national substantive and procedural criminal norms; also the emerging of European criminal norms will be analysed. This course does not deal with issues of cooperation between the Member States, such as the European Arrest Warrant and Europol; those topics are the subjects of the bachelor course European Criminal Justice Area (LAW3012). In the first session, the students are familiarised with the field of European Criminal law by understanding the competence of the Union in this field, the obligation of the Member States and the interaction between European and criminal law in the context of European law enforcement. The second session deals with the influence of European law by criminal law and vice versa in the field of the four freedoms. In the following sessions we examine the emerging of European criminal norms of substantive and procedural criminal law. Further issues on the relation between criminal law, general principles of Union law and human rights are addressed. Special attention is paid to the enforcement of European law by national authorities and on the method of preliminary rulings in criminal law. During the tutorials, students are required to apply advance research and analytical skills such as writing ECJ preliminary reference questions (or answers) and conducting research on the implementing national legislation of European Criminal law instruments. Because of the content of the course, a good knowledge of European law and criminal law is required.

Course objectives

The goal of the course is to examine the influence of European Union law on criminal law and analyse the emergence of European Criminal law norms. The course also aims at a deeper understanding of the practical areas of European Criminal law such as the implementation of EU rules and the preliminary reference procedure before the ECJ.

Prerequisites

Basic knowledge of European law and of a national criminal justice system.

Recommended reading

- Literature: -André Klip, *European Criminal Law: An Integrative Approach*, Intersentia, fourth edition, Cambridge-Antwerpen 2021;
- André Klip, *Materials on European Criminal Law*, third edition Cambridge-Antwerpen 2017
- Reader with additional literature and case law, as announced in the course book

CRI4007

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

European Criminal law, national criminal substantive and procedural law

Faculty of Law

External Relations of the European Union

Full course description

The course focuses on the legal and constitutional foundations of the EU's external relations. For this purpose the course divides into two parts. The first part is devoted to the Treaty foundations for external relations and its external policies, highlighting relevant case law and Treaty provisions. The case law of the European Court of Justice (CJEU) had and has a strong influence on the interpretation of competences, effect (and direct effect) of international law and international treaty law in the past. Important aspects of this case law have been codified and updated with the Lisbon Treaty. The second part of the course will focus on a few selected and important external policies. More specifically we will concentrate on the (i) EU Trade Policy, (ii) EU Development Policy, (iii) EU Common Foreign and Security Policy and (iv) EU Enlargement and European Neighbourhood Policy. While the lectures will introduce into the different topics, the tutorials aim to further the knowledge on the EU external relations principles but also discuss matters such as the external dimension of the Area of Freedom, Security and Justice, the participation of the Union in international organizations and the role of the European Parliament after Lisbon.

The course builds on knowledge acquired in previous EU law courses, especially EU institutional law. For students who have no prior knowledge on this subject, they are advised to consult general EU law books which cover EU competences, legal remedies, hierarchy of norms and direct effect in general and especially in regard to international agreements.

Course objectives

Successful participants:

- will have acquired in-depth knowledge about the political and legal dimension of EU external

Master International Laws

relations law. They will be able to reflect on the characteristics and difficulties linked to this topic and connect to their knowledge gained in other courses, especially EU institutional law and substantive law;

- will have gained new insights into how to apply their knowledge and understanding of EU external relations law to identify specific problems, form coherent arguments, and develop problem-focused interpretations (both orally and in text). They will be able to apply their abstract knowledge acquired by lecture and reading on different cases and come to a balanced and argued conclusion;
- will gain experience and understanding in case law, legislation and literature in EU external relations law and develop a deeper understanding of EU law and political and legal problems arising from European Union polity. They will improve their writing and argumentation skills from an external relational law perspective during the course through weekly written and oral assignments;
- will have become more skillful in communicating legal theory, case law findings and own ideas to their peers;
- will thereby have further developed learning skills that will prepare them for their final Master Paper as well as for future academic education and/or work in practice.

Prerequisites

EU Institutional law

Recommended reading

To be announced

IER4003

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [R.A. Ott](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Faculty of Law

Comparative Corporate Governance

Full course description

This course familiarizes students with the current debates on corporate governance, blending legal and economic theories as well as insights from psychology, sociology and other social and behavioral sciences to assess the place of the firm in a complex society. The course deals with debates on corporate scandals and corporate governance mechanisms, such as board quotas, the financial crisis and the division of powers between shareholders and the board, but also familiarizes students with various analytical tools to look at the firm in a societal context. Next to this, we look at the difference between self-regulating, soft law and hard law regulation, and involve students in the policy debates surrounding this - on a national and international level. The key questions are: who should be the benefactor of the firm's activities and how should the firm be governed? In order to answer this question, we will carefully investigate recent changes in corporate governance instruments and critically assess them against the societal changes that brought them about.

Course objectives

Students are able to:

- * analyse the firm using different analytical tools from economics, psychology, sociology and other social and behavioral sciences;
- * integrate and debate various theories on the role and nature of the firm, and who should be the benefactors of the firm's activities;
- * have a meaningful discussion on the division of powers within the firm;
- * take note of the recent discussions in corporate governance, and take their own position;
- * answer a research question clearly and concisely within a given timeframe.

Prerequisites

Students are expected to have followed a previous course on company law (either on national or European company law). Basic knowledge will therefore be presumed.

Recommended reading

Prescribed readings will be made available in the coursebook and will be either easily accessible electronically or to be found in the university library.

PRI4012

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

Master International Laws

- [B. Kemp](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

Corporate governance, corporate law, stake- and shareholders model, corporate governance from a European and international perspective, enforcing CSR through international law, corporate scandals, agency theory, law & economics.

Faculty of Law

Study abroad MA2

RMU0002

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

0.0

Faculty of Law

International Investment Law

Full course description

This course addresses what has become one of the most controversial fields of international law, the law of foreign investment, also referred to as international investment law. With more than 3.000 bilateral, regional and plurilateral international agreements containing provisions on the protection of foreign investments, but no multilateral agreement, the international investment regime has reached an unprecedented level of fragmentation and complexity. In addition, a profound shift from a pro-investor oriented conventional approach to foreign investment protection has taken place in recent years, both in traditionally capital-importing as well as capital-exporting countries. In both, civil society has begun to demand a more balanced approach towards the protection of foreign investments, more respectful of the state's right to regulate in the pursuance of important public policy objectives, such as the protection of the environment, public health or state security, without a fear of massive legal claims being brought against it by foreign investors in front of an international arbitration tribunal, itself a target of popular criticism for its perceived lack of legitimacy. As a result, international investment law and arbitration is undergoing a profound reform at present, both substantially and procedurally, making this field of contemporary international law a truly fascinating subject-matter for any student interested in international (economic) law and policy.

This course addresses all main issues covered by international investment law: • origins and nature (on international investment as an economic and social phenomenon, on the development of international investment law against the relevant political and economic background, and on its relationship with public international law); • sources (focusing on international investment agreements); • scope (focusing on the concept of 'investment' and 'investor'); • settlement of investment disputes (on the state-to-state dispute resolution and on the extremely controversial

investor-state dispute settlement system), and • main standards of investment protection (on expropriation, fair and equitable treatment, full protection and security, non-discrimination and some other common substantive standards of protection of foreign investments).

Course objectives

- The student acquires up-to-date knowledge of the substantive and procedural law of foreign investment protection contained in international investment agreements, as interpreted and applied in relevant jurisprudence;
- The student understands and is able to engage in debate on legal issues relating to international investment law and can assess the relationship between rules contained in international investment treaties and the right of state to pursue other societal interests;
- The student can identify international investment law issues arising from fictional case studies;
- The student is able to form a reasoned opinion with regard to true-to-life international investment law problems;
- The student is able to write well-motivated legal opinions on international investment problems and to present these orally.

Prerequisites

Basic knowledge of public international law is recommended.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 3rd edition (Edward Elgar Publishing, 2020). Next to this textbook, students are free to consult other textbooks on International Investment Law (as well), in particular Rudolf Dolzer & Christoph Schreuer, *Principles of International Investment Law*, 2nd edition (Oxford University Press, 2012).
- Additional mandatory or recommended reading materials might be provided for specific lectures and tutorials.
- Students are also advised to consult leading journals in the field, including *The Journal of World Investment and Trade*; *ICSID Review*; *Journal of International Economic Law*; *Journal of World Trade*; *Journal of International Dispute Settlement*; *The Law and Practice of International Courts and Tribunals* and *Transnational Dispute Management*.
- Various online resources are also excellent sources of information, incl. for example the UNCTAD's Investment Policy Hub, the Investment Treaty Arbitration, the Investment Arbitration Reporter and the Investor-State Law Guide.

IER4015

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

Master International Laws

- [I. Alexovicova](#)

Teaching methods:

Lecture(s), PBL, Work in subgroups

Assessment methods:

Final paper, Take home exam

Keywords:

International investment law; international law of foreign investment; foreign investment; investor-state dispute settlement; investment arbitration

Faculty of Law

International Commercial Dispute Resolution

Full course description

This course on International Commercial Dispute Resolution addresses several distinct, yet not unrelated, systems of resolution of commercial disputes that may arise between parties involved in international commerce. This course covers the system of resolution of private commercial disputes through arbitration (either institutional or ad hoc) and litigation in court proceedings.

Course objectives

Acquiring knowledge (level: Master) in respect of resolving commercial disputes with a cross-border dimension via mediation, arbitration or court litigation. After having taken this course, students are familiar with positive law on competence (jurisdiction), applicable law and recognition and enforcement of foreign arbitral awards as well as foreign court judgments, relevant aspects of positive law in Europe (Civil Law and Common Law approaches of various legal orders) and, to some extent, US law. Furthermore, students will be aware of the interrelationship between the various dispute resolution discussed in the course, mechanisms and the practical implications of these interrelationships.

Prerequisites

Recommended reading

Cf. descriptions in course book.

IER5016

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

- [S.F.G. Rammeloo](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

Applicable law, arbitration, competence (jurisdiction) conflict of laws, EU law, hybrid clauses, influence competition law on arbitration and litigation, litigation in court proceedings, mediation, overriding (super) mandatory laws, Private international law, recognition and enforcement of arbitral awards and foreign court judgments, US law

Faculty of Law

International Criminal Law

Full course description

This master course builds upon earlier acquired basic knowledge of substantive criminal law and criminal procedure and international law, and consists of seven tutorials, as well as several mandatory lectures. In the first week, we will focus on the question of what international criminal law is, how it came into being and why. We will also address the question of whether criminal prosecutions are always the best way to go. Quite a number of states have established Truth and Reconciliation Commissions in some form or found other ways of dealing with the dark pages in their past. What reasons exist for doing so? Next, we will examine who or what can trigger a prosecution and under what conditions international criminal courts and tribunals exercise jurisdiction. Sources of international criminal law, jurisdiction as well as admissibility will hence be the topics discussed in week 2. In week 3 and 4, we will take a closer look at substantive criminal law, namely the four core crimes: genocide, war crimes, crimes against humanity and the crime of aggression. This has various elements. Over which crimes do the ICTY, ICTR, ICC and several other courts have jurisdiction? When can we speak of genocide? What are the elements of a crime against humanity? What conduct amounts to a war crime? How is aggression defined? In a next step, these crimes need to be connected to a perpetrator: how can individuals become responsible for international crimes? Is the perpetrator individually criminally responsible? What forms of participation are recognized in international criminal law? How is criminal liability imposed in situations of command responsibility? Modes of liability will be looked at in week 5. In week 6, we will identify possible justifications and excuses (defenses) for committing international crimes. Was the person forced to commit the crime? Was s/he acting in self-defense? What role do defenses play in international criminal law more generally? Once a perpetrator has been found guilty, the question arises how s/he should be punished. Which penalties are provided for in the statutes of the international courts and tribunals? What purpose does sentencing serve and how are respective sentences established? And where and under what conditions are sentences enforced? Obligations to cooperate with the international criminal courts and tribunals are related to these questions. These topics will be discussed in week 6. In week 7, we will focus on several contemporary issues and challenges within international criminal law. There are many. Some of these include the challenge of reconciling fair trial rights of the accused with including victims in international criminal proceedings or conducting them in the absence of the accused. Immunities, applicable under public international law but inapplicable under international criminal law are another challenge to the courts and tribunals. How are these challenges handled and how do states react to this? That will be analyzed in session 7. We will also see how international crimes can be prosecuted at national level.

Course objectives

The goal of this course is to gain a deep understanding of both the substantial and procedural law of the vast and fragmented area of international criminal law. Students will be able to identify the elements of international crimes as well as the modalities of criminal responsibility for those crimes. They shall recognize possible defenses as well as assess different factors relevant for determining a penalty. Students will be taught to distinguish between the different jurisdictional models of international criminal courts and tribunals as well as national criminal justice systems. In addition, the course also aims at a thorough understanding of the choices to be made between national and international prosecution of international crimes. The ability to apply this theoretical knowledge to actual case problems will be the outcome of this course. Lastly, students shall interpret and evaluate the challenges connected to international criminal prosecutions, appraise different answers to these challenges and justify possible alternative international criminal proceedings.

Prerequisites

- Good knowledge of substantive criminal law and criminal procedure
- Basic knowledge of international law, especially international humanitarian law

Recommended reading

- R. Cryer, H. Friman, D. Robinson, E. Wilmschurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2019, 4th ed.
- Additional literature indicated for each week

CRI4023

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- R.M. Heemskerk

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International criminal law / international criminal courts and tribunals / international crimes / individual, responsibility and command responsibility / defenses / sentencing / national prosecutions / transitional justice

Faculty of Law

International Humanitarian Law

Full course description

This course offers a thorough introduction into the law of international and non-international armed conflict. Topics covered include the means and methods of warfare, the treatment of prisoners of war, the protection of the wounded and the treatment of civilians, and the methods of implementation and enforcement. Particular attention will be paid to current challenges to International Humanitarian Law, such as asymmetric warfare, targeted killings by drones, cyber warfare, the use of new technologies and the use of private military contractors. Are the present rules of International Humanitarian Law adequate to regulate these activities or are new rules required? In order to find answers to these questions we will study relevant international legal instruments, case law and the literature. Lectures employing the Socratic method will present the big picture. Small group sessions employing the problem based learning method will focus on concrete examples from recent armed conflicts, such as the former Yugoslavia, Afghanistan, and the Middle East, including Iraq, Syria and Yemen.

Course objectives

Students who have successfully completed this course are able to identify, analyse and interpret the facts of contemporary armed conflicts, identify the relevant rules of International Humanitarian Law applicable and apply these rules. They will also have a good understanding of the strengths and weaknesses of International Humanitarian Law.

Prerequisites

None

Recommended reading

E. Crawford and A. Pert, International Humanitarian Law (2nd ed.; Cambridge: CUP, 2020)

IER4022

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W.C. Muller](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

Public international law - armed conflict - humanitarian law

Faculty of Law

European Environmental Law

Full course description

Environmental law has emerged as an extremely dynamic field of law, particularly in view of the urgent need to develop adequate regulatory approaches to deal with various transboundary and global environmental problems. This course addresses the role of EU law in protecting human health and the natural environment against the (potentially) damaging effects of pollution. The global problem of climate change and the regulatory responses to this by the EU serve as the leading case study: the EU has tried to establish itself as a global leader to fight climate change and has adopted an impressive package of legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation in order to reach efficient outcomes. The course will identify what specific responsibilities rest on Member States in this respect. Meanwhile, Environmental nongovernmental organisations (ENGOS) have got strong legal rights, including access to information and access to justice, which will be thoroughly discussed. Furthermore, environmental litigation is on the rise, and the course will discuss leading cases, particularly in the field of climate change.

The course covers:

- EU competences for environmental decision-making and the possibilities for Member States to adopt (more stringent) regulatory action;
- the interplay between international environmental law and EU environmental law; particular attention will go to international climate treaty law and international regulation of environmental procedural rights, and how this impacts EU law;
- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for environmental organisations and potential victims;
- regulatory instruments for reducing the polluting behaviour of industries, with attention to the market-based instrument known as “emissions trading”;
- enforcement of environmental law in view of EU secondary legislation establishing liability of polluters.

Teaching methods

Tutorials (problem-based learning), knowledge clips and shortlectures / please note that further announcements about on-line teaching for this course will be made through Canvas.

Assessment methods

- The main assessment method consists of essay questions (written exam). This exam counts for 90% of the grade.

Most likely, this examination will take place through Canvas - hence in an electronic manner.

Further announcements will be made in due time.

- In addition, counting for 10% of the final grade, each student is expected to deliver an individual oral presentation on an assigned topic, to be delivered before a determined deadline during the course period. Further requirements such as duration, format and way of delivering (in class or / and online) will be published on Canvas. A full point will be awarded for presentations being satisfactory to excellent. No point will be awarded if the presentation cannot be graded as satisfactory at the minimum. The full point will count as 10% of the final grade.

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Depending on the number of students, and by exception, the re-sit might take the form of an oral exam (to be decided by the course-coordinator).

Specific information about the exam will be posted on Canvas.

Course objectives

The main objectives of this course are that the student:

- acquires knowledge of the main characteristics, developments, strengths and weaknesses of European environmental law;
- understands the relationship between international and European environmental law, in particular in the field of climate change and in the field of procedural rights;
- understands the existence and relevance of environmental procedural rights, and is capable of identifying legal strategies for improving environmental protection;
- can develop a critical analysis of specific environmental law developments, in particular governmental policies, and regulations and court decisions

Prerequisites

Bachelor-level based knowledge of European law is strongly recommended.

Recommended reading

The course uses electronic means to provide the students with a rich compilation of relevant articles, book chapters, and blogs.

LAW4042

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M.G.W.M. Peeters](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

Keywords:

EU competences & principles for environmental decision-making

Faculty of Law

State Aid and Public Procurement

Full course description

The field of public procurement (the public purchase of goods, works and services) is one of the most important sectors of the single market for several reasons:

First, it affects a substantial share of world trade, amounting to 1.3 trillion euros per year and representing almost one fifth of the Union's GDP. This means that in the European Union public procurement procedures are extremely important for the development of the Union's trade policy.

Secondly, public procurement is an area that involves both the public and the private sector which makes it relevant for all sectors of the economy. Indeed procurement procedures aim to open public markets and to increase competition between private parties.

Thirdly, while public procurement rules find their legal basis in the articles on free movement, they are highly linked to competition law as well. Public authorities may abuse their dominant position at the demand side of the market, economic operators may collude and granting a public contract to a certain economic operator may qualify as State aid if certain conditions are fulfilled. For this reason, studying the link between these areas of law is of high importance.

Fourthly, public procurement procedures are increasingly used by public authorities to reach goals that are not necessarily 'economic' in nature, such as green and social objectives. The influence of procurement on sustainability should not be underestimated.

During the course 'State aid and Public Procurement in the European Union' students will study the above mentioned aspects and will focus on the links between procurement and competition law, and more specifically State aid law. The course will first present the two fields separately from different angles and will then reflect on the important underlying relationship.

Hence, the Master Course on State Aid and Public Procurement offers EU and non-EU students a thorough understanding of EU public procurement law and State aid rules. The course is composed of three layers:

1. The course will situate State aid not only as part of EU competition law but will also deal with the economic rationale of State aid. Regional aid, the limits of State aid and procedural aspects of State aid will be discussed. Students will be provided with an understanding of EU legislation and case law on State aid and special attention will be provided to the balancing test.
2. Public procurement will be identified as an element of the construction of the internal market. The different steps and aspects of procurement procedures will be discussed in light of the 2014 legislative package. The notion of contracting authorities will be explained and emphasis will be put on the relationship of sustainability, innovation and public procurement. Enforcement issues will be covered as well.
3. Competition law, including State aid law, and public procurement law should be looked at as related fields of law. As public authorities generally pay money to economic operators that are selected by a procurement procedure, the risk exists that compensation paid will be qualified as State aid. While the EU legislative framework on public procurement aims to avoid distortions of competition, one should be wary that public procurement procedures are not used to circumvent State aid rules. The course hence focuses on the link between State aid law and public procurement.

Master International Laws

The course also zooms in on the link between public procurement and another branch of competition law, namely article 101 TFEU which forbids collusion by members of a cartel. It will be discussed whether transparency requirements in public procurement procedures may facilitate collusion and impair free competition.

Course objectives

This Master Course provides students with relevant knowledge in the fields of public procurement law and State aid law and helps them to understand their underlying relationship, specifically in the light of promoting competition. The course ensures that students have a thorough understanding of the rationale of procurement procedures, are able to determine whether the award of a procurement contract can represent (incompatible) State aid and whether financing of services of general economic interest may confer an economic advantage despite the application of the procurement Directives.

The course aims to provide students with:

- in-depth knowledge and up-to-date knowledge of State aid law and public procurement law
- excellent understanding of their interaction
- knowledge about the interaction between EU law and national law with regard to State aid and public procurement
- the tools to apply knowledge and understanding of the (political) context in which these areas are shaped, applied and enforced
- analytical skills so that they can identify and solve concrete/complex problems that arise in the application or enforcement of State aid law and public procurement law
- the ability to translate knowledge into sound legal arguments or own legal points of view relating to the fields of State aid law and public procurement law and their interaction
- the ability to develop their own views or position and to express their legal arguments clearly, both orally and on paper and in proper legal English
- the techniques legal experts need as regards the gathering, selecting, analyzing, interpreting and synthesizing information from primary sources of EU and national law
- the ability to deliver legally sound, well-researched papers
- an open-minded and critical and scientific attitude

Recommended reading

Determined on a yearly basis due to the many legislative changes in these fields and the modernisation packages.

IER4014

Period 5

11 Apr 2022

10 Jun 2022

Master International Laws

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [S.L.T. Schoenmaekers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper, Presentation

Keywords:

State aid, public procurement, services of general economic interest

Faculty of Law

European Fundamental Rights Law

Full course description

This course aims to study system of fundamental rights protection in the European Union. This system(s) of the protection of fundamental rights in the European Union involve(s) bills of rights, institutions and mechanisms located in at least three separate but interlocked scenes: the national system, the international level encompassing various international human rights systems, mainly the Council of Europe with its European Convention of Human Rights, and the European Union. The result is a highly complex legal environment, consisting of systems that are often overlapping and complementary, but also competing at times. This course seeks to offer a clear insight in how the overall system functions, how the different scenes interrelate, how the systems and mechanisms operate and how individuals can have their rights protected.

Course objectives

The course offers a clear insight in the complex European system(s) of fundamental rights protection, the interrelation of the various scenes and their main actors, the overall functioning of the interlocking systems, and channels open to individuals to have their rights protected.

At the end of the course the student has gained a deep understanding of the systems of fundamental rights protection, and is able to analyse, appraise and compare the case law of the relevant courts at national and European level. The student can predict the outcome of cases, and can formulate a litigation strategy for potential clients. The student can solve hypothetical cases and formulate decisions on them. The student can develop a solidly founded argument on complex issues of fundamental rights protection in Europe.

Prerequisites

Students wishing to take this course should have a good knowledge of EU law as well as basic knowledge of the ECHR and domestic constitutional law.

Recommended reading

The reading materials for the course are listed in the course book and are easily accessible either on the website of the institution concerned or (in the case of journal articles) among the electronic resources of the UM library.

IER4016

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.L.H.K. Claes](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Oral exam

Keywords:

Human rights - Europe - fundamental rights - EU - ECHR - courts - comparative constitutional law

Faculty of Law

Human Rights of Women

Full course description

Worldwide women experience difficulties in fulfilling their human rights. Culture, tradition and stereotypical ideas influence women's position in society. It is the aim of this course to look at the human rights of women from the perspective of the principle of equality. What does this principle entail and how does it relate to the principle of non-discrimination. After a thorough study of these concepts the impact and use of several international and regional instruments that are based on the principles of equality and non-discrimination will be compared. Special attention will be paid to the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention) and its supervisory organ, CEDAW. We will study both form and contents of the Women's Convention and look into CEDAW's monitoring possibilities. Regardless of how well rights are laid down and interpreted on the international level, they can only be enjoyed by individuals when they are implemented and protected on the national level. Customary and traditional practices, the dilemma between universality and cultural diversity and problems around ethnicity and women's rights, determine to a large extent the de facto equality of men and women. The last subject of interest in this course is violence against women. Gender based violence is one of the most important issues that have been put on the international agenda since the World Conference on Human Rights in Vienna in 1993. Violence may take many forms such as harmful traditional practices, sexual harassment, trafficking in women, sexual slavery, rape in conflict situations, and domestic violence.

Students enrolled in this course will do individual research into one of the rights contained in the Women's Convention; each student in a tutorial group will study a different right. They will examine to what extent this specific right can be enjoyed by women in a country of their choice. This research

Master International Laws

will result in a short mid-term paper that will be presented in class and that will be graded. At the end of the course students will take a take home exam consisting of a case with essay questions. Both the mid-term and the final exam will count for 50% of the final grade.

Course objectives

The student has in-depth knowledge of the principles of equality and non-discrimination contained in international and regional human rights instruments in general, and of the Convention on the Elimination of all Forms of Discrimination Against Women in particular. The student is able to identify situations of discrimination against women and can determine which steps can be taken in practice to solve concrete cases of gender based discrimination and violence against women. The student can analyze the domestic situation of a State as regards the implementation of women's human rights and can express her/his legal assessment both in a researched paper and in an oral presentation. The student can recognize and criticize situations of corruption that influence women's enjoyment of their human rights. Furthermore, the student can identify the difficulties that exist as regards access to legal remedies and the enforcement of women's human rights both at the national and at the international level.

Prerequisites

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

Recommended reading

Ingrid Westendorp (ed.), *The Women's Convention Turned 30: Achievements, Setbacks, and Prospects*, Intersentia, 2012.

IER4019

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [I. Westendorp](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Presentation, Assignment

Keywords:

Human Rights, Equality, Non-discrimination, Gender, Culture, Corruption, Violence Against Women
Faculty of Law

Internal Market Law and Governance

Full course description

Internal Market Law and Governance is an advanced course in EU law. Building upon the knowledge gained in general courses on EU law, it deals with the free movement of goods on the EU's internal market and EU law and governance structures; issues that are closely intertwined. The European integration process is ever more challenged with the dilemma of allowing free trade and furthering economic integration and protecting non-trade concerns such as human health and safety and the environment that potentially hinder trade. This kind of dilemma raises the mighty problem of how to make sure that on the one hand products can freely circulate on the EU's internal market and on the other, that these products are not dangerous to human health and safety and the environment. To address this problem, European rules often put a focus on science in their attempt to ensure that measures adopted by Member States are inspired by genuine non-trade rather than protectionist motives and intentions. Based on the case law of the European Court of Justice on free movement of goods, this course will discuss the legislative and non-legislative acts issued by the EU institutions and agencies to create and manage the internal market as well as the requirements of good governance. This course combines both institutional and substantive EU law.

Course objectives

- The course aims to provide students with in-depth knowledge and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Lectures will provide students with an overall understanding of the legal aspects of EU internal market law and governance so as to enable students to formulate a critical view on the current state of affairs and future challenges.
- Tutorials will offer students an in-depth understanding of the achievements and challenges to the creation and management of the EU's internal market.
- Tutorials will be used to offer a profound understanding of the practical aspects of EU internal market law and governance. To this end, assignments and a moot court will empower students to identify the legal issues at stake and to critically review, assess and solve specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper or case note students will study a particular problem in the field of the internal market law and governance, analyse and appraise this problem and /or case in a structured manner and offer possible solutions. The paper aims thus to advance both critical analysis, assessment and research skills of students.

Prerequisites

Course in EU law

Recommended reading

Various

IER4023

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

- [E.I.L. Vos](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

EU internal market law; free movement of goods; health and safety protection, risk regulation; governance; agencies; comitology

Faculty of Law

Medische Aansprakelijkheid

Full course description

Het blok Medische aansprakelijkheid is gewijd aan het civiele aansprakelijkheidsrecht, toegespitst op de gezondheidszorg. Centraal staat de vraag wanneer een patiënt die schade heeft geleden door een medische fout met succes vergoeding daarvan kan vorderen, en hoe de afwikkeling van een dergelijke claim plaatsvindt.

Het betreft zowel medisch-juridisch als maatschappelijk gezien een belangrijk onderdeel van het civiele aansprakelijkheidsrecht, met de nodige belangwekkende ontwikkelingen.

Het blok is onderverdeeld in zeven delen. Per week wordt een bepaald onderwerp behandeld. De thema's die aangeboden worden, zijn:

- introductie/context: soorten medische fouten, hun oorzaken (gebrekkige communicatie, gebrekkige medische apparatuur etc.) en hun gevolgen;
- de grondslag(en) waarop de patiënt zijn vordering tot schadevergoeding kan baseren;
- de maatstaf waaraan het handelen van de hulpverlener door de rechter wordt getoetst;
- de juridische betekenis van zelfregulering in de gezondheidszorg (standaarden, richtlijnen, protocollen e.d.);
- de aansprakelijk te stellen persoon/personen, mede in gevallen van samenwerking tussen hulpverleners (bijvoorbeeld teambehandeling; hoofdbehandelaar en medebehandelaars);
- causaliteitsproblemen: complicaties, en juridische oplossingen, bij het aantonen van het vereiste causaal verband tussen de medische fout en de geleden schade
- de aansprakelijkheid bij het gebruik van gebrekkige medische hulpmiddelen (bijvoorbeeld: lekkende PIP-borstimplantaten);
- vormen van schadevergoeding: materieel en/of immaterieel;
- procedurele aspecten: de wijze van omgaan met medische fouten door o.a. de hulpverlener, bewijs en bewijslastverdeling, de rol van (getuige-)deskundigen; andere rechtshandavingsmogelijkheden, bijv. via het tuchtrecht.

In de colleges/kennisclips die tijdens het blok worden aangeboden, wordt mede aandacht besteed aan de wettelijke regeling van de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Kennis van de rechten en verplichtingen in de relatie hulpverlener - patiënt is nodig voor een goed begrip van het medische aansprakelijkheidsrecht. Ook wordt ingegaan op de Wet kwaliteit, klachten en geschillen zorg (Wkkgz) en de Wet op de beroepen in de individuele gezondheidszorg (Wet BIG), omdat de inhoud daarvan mede van belang is voor (de beoordeling van) de civielrechtelijke

Course objectives

Het verwerven van kennis van, en inzicht in, (soorten) medische fouten en het medische aansprakelijkheidsrecht. In het bijzonder: de wijze van afwikkeling van claims van patiënten. Hierbij: verbreding en verdieping van de aanwezige voorkennis met betrekking tot het verbintenissenrecht (overeenkomst, onrechtmatige daad, schadevergoeding) en toepassing van die kennis in de medisch-juridische praktijk.

Prerequisites

Basiskennis (bachelorniveau) privaatrecht, in het bijzonder aansprakelijkheidsrecht.

Recommended reading

- Wijne, R.P., Medische aansprakelijkheid, tweede druk, Nijmegen: Ars Aequi Libri 2019.
- Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2020-2021, Den Haag: Sdu Uitgevers 2020.

Nadere informatie over de te gebruiken wetgeving en literatuur wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

PUB4024

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.M. ten Hoopen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Medische fouten, medische aansprakelijkheid, voorwaarden voor succesvolle aansprakelijkstelling, schadevergoeding, wijze van omgaan met medische fouten, processuele aspecten van medische aansprakelijkheidsprocedures.

Faculty of Law

Customs Law

Full course description

The importance of international customs continues to grow at an increasing rate, and there is an

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immense shortage of specialists in the field of customs, tax and trade law. The course 'Customs Law' connects with this development and aims to provide students with a solid professional and theoretical foundation in customs law. Students will familiarize themselves with concepts such as origin determination, tariff determination, and valuation methods. Further, students will obtain a solid understanding of the formalities associated with importation and customs procedures. After this course, students will be able to understand customs rules and practices in most jurisdictions. The focus of the course 'Customs Law' lies on an international approach to the basic concepts in Customs Law. Various current developments in customs are studied (e.g. the Brexit, Chinese-U.S. trade wars, the political dimension of customs law). The EU Customs law framework will be used by means of an example of a legal system which governs border taxation for international trade flows. This course has been officially certified and recognized by the EU as a "State-of-the art" customs law module (see here for more information).

Course objectives

During the first week of teaching, students learn the essential concepts and the key legislative instruments in the field of customs law. In each of the following weeks, one or two key concepts are explored more in-depth so that at the end of this course, the students will have a thorough understanding of the core features of customs law. The teaching method is dynamic and interactive, based not only on theory but also on practical knowledge. The Intended Learning Outcomes for Customs Law are as follows:

- Describe, understand and explain the relation between customs law and international trade and contract law, the role of the WTO and the EU;
- Identify, recognize, understand and distinguish the principles and foundations of customs law;
- Know the various legislative instruments and sources of case law in customs law;
- Describe, understand and explain the legal nature, characteristics, backgrounds, and systematics of the customs law, both within and outside the EU;
- Describe, understand and explain the general concepts of customs law and closely related concepts;
- Identify, recognize, understand and distinguish the elements of the customs procedures, special procedures, customs arrangements, etc.;
- Understand customs valuation methods and understand how customs valuation interacts with VAT and transfer pricing;
- Describe, understand and explain the origin / preferential origin concept;
- Describe, understand and explain customs tariff rules, the nomenclatures, harmonized system, classification rules, and other aspects of tariff rules;
- Describe, understand and explain when and how a customs debt may arise and who is in what situation to be considered the customs debtor;
- Have a deep understanding of the mechanisms of importation and exportation of goods;
- Solve real-life cases in customs law from a theoretical and practical point of view;

Prerequisites

None

Recommended reading

S. Armella, 'EU Customs Code'

Master International Laws

TAX4027

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F.J.G. Nellen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Customs, origin and tariff determination, Brexit, trade wars, customs procedures.

Faculty of Law

Advanced Customs Law

Full course description

This course is a follow-up to the course 'Customs Law'. Therefore, the course 'Customs Law' and the knowledge of the topics addressed therein constitute a prerequisite to this course. Advanced Customs Law deals with international supply chain taxation. Following that perspective, it addresses various current and complex themes such as the fiscal consequences of the Brexit, the political and practical nature of trade wars, anti-dumping/subsidizing measures, VAT deferment schemes on importation, excises, and of course the levy and collection of customs duties. After this course, students have a solid knowledge of international supply chain taxation and customs law, and should be able to solve complex real-life cases from a theoretical and practical point of view.

Course objectives

The first week of this course is used to make a connection to the (basic) course in customs law (see section 4.2). Subsequently, the course builds further on this knowledge by focusing on various key topics in the field of customs and international supply chain taxation. Examples are anti-dumping duties, excises and VAT on importation, customs entry and exit processes, and export control. Also, special attention is paid to the rapidly expanding use and role of technology in customs. The Intended Learning Outcomes for Advanced Customs Law are as follows:

- Describe, understand and explain advanced topics in international customs law, including those related to key non-fiscal customs topics;
- Give - in English - an informed opinion on the legislation and case law relevant to the various topics discussed;
- Creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or case law) and to offer solutions to resolve these issues;
- Describe, understand, explain and be able to interpret (geo)political influences on the taxation of international supply chains;
- Describe, understand, explain and be able to apply the concepts of various tax instruments

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- (e.g., VAT, excises, customs duties) in the context of international supply chain taxation;
- Describe, understand, explain control frameworks, including the concepts of the Authorized Economic Operator, processes and control and risk management;
 - Describe and understand the impact of technology in the field of customs law with respect to automation of processes, the exchange and evaluation of information and supply chain security;
 - Describe, understand, explain non-fiscal aspects of customs law, such as anti-dumping, economic sanctions and export controls;
 - Solve complex real-life cases from a theoretical and practical point of view;
 - Describe, understand and explain the interplay between various customs law systems applicable in a global context.

Prerequisites

Customs Law

Recommended reading

To be announced.

TAX4028

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F.J.G. Nellen](#)

Teaching methods:

Lecture(s), PBL

Keywords:

Customs, Brexit, trade wars, anti-dumping, excises, economic sanctioning, customs procedures, VAT on importation

Master internship International Laws

Faculty of Law

Master's internship International Laws

LAW4586

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

12.0

Master International Laws

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Master's internship International Laws

LAW4585

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Thesis

Master thesis International Laws

Faculty of Law

Master thesis International Laws

Course objectives

The student is able to autonomously formulate a legal research question at Master'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.

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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 profession.

The student demonstrates knowledge and understanding and is able to contribute to the development and/or application of original ideas, either within an academic or a professional context.

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 equally demonstrates that (s)he has the ability to integrate knowledge and handle complexity, and formulate judgements even with respect to research questions that are new, in the sense that they have not yet been addressed widely or extensively in earlier publications, or interdisciplinary.

The student demonstrates that (s)he is capable of communicating his/her conclusions, and the knowledge and rationale underpinning these clearly and unambiguously to a scientific audience that mainly consists of lawyers but may include professionals from other fields.

The student demonstrates that (s)he possesses the research and writing skills necessary to carry out legal research autonomously either within an academic or within a professional context.

LAW4080

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [A.P.M. Coomans](#)

Teaching methods:

PBL

Assessment methods:

Written exam