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Compulsory courses

## **Master International and European Tax Law**

### **Master International and European Tax Law compulsory courses**

Faculty of Law

#### **Fiscaal Concernrecht**

##### **Full course description**

Het blok Fiscaal concernrecht bouwt voort op het bachelorblok Vennootschapsbelasting. In het blok Fiscaal concernrecht staat de problematiek rondom de belastingheffing over de winst van internationaal opererende ondernemingen centraal. Deze problematiek wordt benaderd vanuit de Nederlandse vennootschapsbelasting. Behandeld worden de gevolgen voor de heffing van vennootschapsbelasting van grensoverschrijdende activiteiten van Nederlandse ondernemingen. In dit verband komen aan de orde de gevolgen voor de Nederlandse vennootschapsbelasting van het Europese recht, waaronder de voor de vennootschapsbelasting geldende richtlijnen, en van de initiatieven in het kader van de OESO met betrekking tot de belastingheffing over de winst van internationaal opererende ondernemingen (BEPS 1.0 en BEPS 2.0). Het blok geeft op het gebied van de vennootschapsbelasting een verdieping van de onderwerpen deelnemingsvrijstelling en fiscale eenheid, die al in het blok Vennootschapsbelasting zijn behandeld. In het blok komt als nieuw onderwerp de fiscale regelingen bij fusies en splitsingen aan de orde, niet alleen voor de vennootschapsbelasting maar ook voor de overdrachtsbelasting en de inkomstenbelasting die aandeelhouders verschuldigd kunnen worden. Meer nationale onderwerpen die in het blok behandeld worden en waaraan nog niet eerder aandacht is besteed, zijn de belastingheffing over de winst van overheidsbedrijven en de fiscale faciliteit voor onderzoek en ontwikkeling, de innovatiebox. Ten slotte wordt in dit blok dieper ingegaan op de dividendbelasting, die al basaal in het blok Vennootschapsbelasting is behandeld.

Het blok Fiscaal concernrecht is ook bedoeld voor Nederlandstalige studenten die de Engelstalige master International and European Tax Law volgen. Het is de bedoeling dat deze studenten dit blok volgen in plaats van het parallelle blok in de master International and European Tax Law, Fundamentals of International Taxation. Het blok Fundamentals of International Taxation is bedoeld voor studenten die geen voorkennis hebben van het internationale belastingrecht. Voor Nederlandstalige studenten worden de basisbeginselen van het internationale belastingrecht onderwezen in het bachelorblok Nederlands internationaal belastingrecht.

##### **Lesmethoden**

Hoe de onderwijsonderwijsgroepen en de colleges in het academische jaar 2021-2022 zullen worden gegeven - uitsluitend digitaal, op locatie dan wel in een hybride vorm -, hangt af van de ontwikkelingen met betrekking tot Covid-19 en de maatregelen die de universiteit dan wel de

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Faculteit der Rechtsgeleerdheid naar aanleiding daarvan neemt.

## **Toetsvormen**

Hoe de toets van het blok in het academische jaar 2021-2022 zal worden afgenomen - digitaal thuis dan wel centraal in een toetshal -, hangt af van de ontwikkelingen met betrekking tot Covid-19 en de maatregelen die de universiteit dan wel de Faculteit der Rechtsgeleerdheid naar aanleiding daarvan neemt.

## **Course objectives**

Doel van het blok is om de basiskennis op het gebied van de vennootschapsbelasting en de dividendbelasting die de student in het bachelorblok Vennootschapsbelasting heeft verworven, te verdiepen. Na afloop van het blok moet de student in staat zijn om zelfstandig problemen op het gebied van de vennootschapsbelasting en de dividendbelasting, welke dan ook, te onderkennen en te analyseren en er mogelijke oplossingen voor aan te dragen.

## **Prerequisites**

De stof van het bachelorblok Vennootschapsbelasting wordt bekend verondersteld.

## **Recommended reading**

### **Vennootschapsbelasting**

- J.L. van de Streek, S.A.W.J. Strik e.a., *Cursus belastingrecht (Vennootschapsbelasting)*, studenteneditie, laatste editie, Kluwer, óf
- J.N. Bouwman, *Wegwijs in de Vennootschapsbelasting*, laatste druk, SDU

### **Dividendbelasting**

- O.C.R. Marres, *Dividendbelasting*, FED fiscale studiereserie nr. 26, laatste druk, Kluwer

TAX4001

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Vennootschapsbelasting, Dividendbelasting, Concern, Fusies, Splitsingen

## **Global Tax Policy and Governance**

### **Full course description**

How should tax systems deal with the grand global challenges of our time? In a globalized and mobile economy traditional legal frameworks for taxation may not always be sustainable.

Students of this course will research and discuss questions like:

- How can taxes contribute to equality, in light of the accumulation of wealth with particular (groups of) persons?
- What is the role of taxes in combatting climate change? How will environmental tax policy affect doing business?
- How should the tax system adapt to an ageing society? What role may it play in regard to health, wealth and pension issues
- What could be the role of taxation in a time of crisis? What role may taxation play in dealing with the consequences of COVID-19 for the economy?
- Given the globalization of commercial activity and digital trade, how should we tax multinational corporations in future?
- Should governments compete over taxes or should they cooperate?
- Do taxes have a part to play in encouraging or discouraging investment in developing countries?
- What role should the social dimension of paying taxes have at corporate management level? Do corporations have a social responsibility here?

The answers to these questions not only depend on legal or economic principles, but also on political and ethical choices. Therefore, this course is interdisciplinary and, while set in a legal context, it therefore draws from law, economics and political literature to find answers.

### **Programmes**

LLM International and European Tax Law (compulsory)

LLM Fiscaal Recht (elective)

LLM Globalisation and Law (elective)

LLM European Law School (elective)

LLM International Laws (elective)

LLM Rechtsgeleerdheid (elective)

Exchange Students

Students from other Faculties and Schools

### **Course objectives**

- Students should be able to identify the main pros and cons in relation to a selection of societal grand challenges relating to taxation at a meta level.
- Students should be able to criticize the way taxes are (not) being used to deal with a selection

Master International and European Tax Law (Specialisation International and European Tax Law)  
of societal issues and express their views in these matters.

## Prerequisites

Basic knowledge of tax law recommended, but not required.

## Recommended reading

- Selection of newspaper and magazine articles (free registration or paid student subscription to the (International) New York Times and the Economist recommended)
- Various reports and journal articles available on-line (exact literature to be decided)

TAX4014

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Presentation, Participation

Faculty of Law

## Transfer Pricing and Attribution of Income

### Full course description

Students should become familiar with applying transfer pricing rules in the area of international taxation. When analyzing transfers within legal entities, the transfer pricing rules – often modelled after the OECD Transfer Pricing Guidelines – contribute to attributing the correct revenues and costs to legal entities and permanent establishments in order to assess taxable profit. This course will address the concepts behind these fiscal transfer pricing rules and guide students in their application, for instance in the context of financial activities and the use of intellectual property. The course will also focus on some selected differences between the OECD Guidelines and actual country practices.

The topics in this course will be prepared by students in small groups and will be presented to the group during the tutorials. In this way students can further develop the skills which will be relevant for them in their professional life.

### Course objectives

- The student should understand the legal and economic concepts provided in the OECD Transfer Pricing Guidelines and understand their general application.

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- The student is capable to apply transfer pricing guidelines in selected situations of limited complexity.
- The student should be able to understand the factors relevant to the attribution of income to legal entities and permanent establishments in cross-border situations.

## Prerequisites

Students are expected to have intermediate knowledge of international tax law.  
For instance: the course TAX3008 or TAX4010, as well as TAX4002.

## Recommended reading

Jerome Monsenego - Introduction to Transfer Pricing, Kluwer Law International

TAX4020

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [L.T.M. Hautvast](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

# International and European Tax Law

## Full course description

The master course 'International & European Tax Law' invites its students to study the principles and foundations of international and EU law as it relates to direct taxation. Each state has its own tax system that has evolved throughout history differently from other tax systems due to the exogenous and endogenous natural, cultural, sociological and economical forces that have shaped its design. However, there are rules of law connecting these systems, providing ideas and concepts common to many states. The course 'International & European Tax Law' is about the international interaction of legal systems.

The topics that will be covered in this course include - inter alia - the law of double tax conventions (DTCs), avoidance of double taxation, the Vienna convention on the law of treaties, the impact of EU law on national tax systems and the interaction between the international and European legal order. The area of international and European tax law is a notoriously complex branch in legal studies. Accordingly, it is rather difficult to get an overview of all the rules and principles that may be applicable when it comes to deal with practical cases. We will try to make the interactions visible and understandable.

## Course objectives

As said before, the area of international and European tax law is a notoriously complex branch in legal studies. For this reason, this course does not aim to be comprehensive. In contrast, we will focus on some very relevant issues. This course aims to provide you with the necessary theoretical background and legal skills to study other topics by yourself or in advanced courses. This course is more about legal thinking and problem solving, than about practical or technical application of the law.

After having finished the course students will:

- be able to demonstrate a systematic understanding of international and European tax law
- be capable of critical analysis, evaluation and synthesis of existing problems and new complex ideas
- be able to communicate with future clients and colleagues about the issues involved
- have the learning skills to allow them to study and work in a manner that may be largely self-directed or autonomous.

## Prerequisites

The course International and European Tax Law is a compulsory course in all LL.M Tax tracks and the M.Sc tracks Fiscal Economics and International Tax Management. Students are assumed to be familiar with the structure of their national tax systems, especially limited liability to tax. Students who have earned an LL.B in Tax Law or a B.Sc in Fiscal Economics at Maastricht University have followed the compulsory course 'Nederlands Internationaal Belastingrecht' which covers this prerequisite. Maastricht LL.B graduates in European Law School and B.Sc graduates as well as all students coming from abroad will be prepared for this course by following the preceding course on Fundamentals of International Tax Law.

## Recommended reading

The texts and documents needed will be electronically available. Recommendations for reading will be found in the course book.

TAX4002

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [R.G. Prokisch](#)

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Written exam, Participation

Keywords:

International Public Law, European law, tax law, Double Taxation Conventions, European Tax Law, Tax Policy, Scope of Tax Treaties, Resident and Non, resident Taxpayers, Non, discrimination, Income from entrepreneurial activities, Real Estate Taxation, Permanent Establishments, Dividends, Interest Income, Royalties, Capital Gains, Avoidance of Double Taxation

Faculty of Law

## European Value Added Tax

### Full course description

This course focuses on EU VAT Law. Therefore, during this course emphasis is put on European VAT legislation (the VAT Directives and the VAT Regulation). A distinctive feature of the course is the special attention that is paid to the CJEU case law in the field of VAT. The course is set-up in a very structured way, using the so-called 'VAT Determination Scheme' that is derived from the VAT Directive as guidance.

During this course all aspects relevant for the effectuation of the tax are addressed, such as (but not limited to): What are the characteristics of EU VAT? Who do we tax? What do we tax? Which country is entitled to tax? How much VAT applies to the supply? Can the VAT be deducted? The course outlines the basic concepts of EU VAT, but certain optional VAT regimes will also be discussed (e.g. the VAT grouping regime). The course focuses on cross-border transactions. Special attention is paid to the guiding principles underlying the EU VAT system and to the VAT rules for international supplies of goods and services. Also, VAT planning and the associated ethical dilemmas are discussed extensively during this course. Topics that predominantly depend on national VAT rules based on optional regimes and derogations (such as the special regimes for travel agents, second hand goods and the VAT regime applicable to immovable property) are only touched upon briefly during this course.

### Course objectives

The course aims to familiarize its participants with the European VAT system. The basis of the course consists of the VAT legislation - most importantly, the VAT Directive (2006/112/EC) and the VAT regulation (282/2011/EC, as amended by 1042/2013). As important as the VAT legislation is the VAT case law of the European Court of Justice (CJEU), which by now consists of more than 700 rulings. Understanding the value added tax from a European point of view is necessary for understanding the national legislation of the Member States. After completing the course, the participants should:

- understand the legal nature, characteristics, backgrounds, and systematics of the EU VAT system;
- be able to solve real-life cases from a theoretical and practical point of view;
- be able to give - in English - an informed opinion on the case law relevant to the various topics discussed;
- be able to creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or CJEU case law) and to offer solutions to resolve these issues;
- be able to interpret the national VAT legislation in the context of the EU VAT Directive;
- be able to identify and explain the similarities and differences between European VAT rules and national VAT rules as well as differences in the VAT rules of the various Member States;

and

- know the commonly used English terminology used in the field of VAT.

## Prerequisites

- Basic English speaking and writing skills;
- Basic knowledge of European law;
- Basic knowledge of EU VAT Law.
- Students are required to study the book: 'VAT in a Day' prior to the start of the course.

## Recommended reading

- Ad van Doesum, Herman van Kesteren and Gert-Jan van Norden (eds.), 'Fundamentals of EU VAT Law', Kluwer Law International, 2016
- Ad van Doesum and Frank Nellen, VAT in a Day, Kluwer, Deventer, 2017 (2nd edition; also available as e-book)

TAX4005

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [F.J.G. Nellen](#)
- [A.J. van Doesum](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

European value added taxation, indirect tax, indirecte belastingen, BTW, VAT, GST, tax law, European Law.

Faculty of Law

## Fundamentals of International Taxation



## Full course description

This course focuses on providing students with the knowledge to understand and assess the consequences of developing a business in a cross-border environment, dealing with issues of who should be taxed, on which amount and by whom, as well as with methods applied in practice to avoid the double taxation of income. Furthermore, students will analyze, taking the OECD and UN Model Tax Conventions as references, when a double tax convention can be applied.

## Course objectives

- The student has the capacity to identify current issues on the field of international taxation and provide solutions for the existing challenges, such as the avoidance of double taxation.
- The student is able to compare the different positions taken by States as regards the taxation of business activities and develop his/her own opinion on their alignment with the international standards.
- The student can assess the importance of double tax conventions as tools to avoid double taxation and their relation with the domestic legislation of states.
- The student is able to present his arguments in a structured manner and to engage in high level discussions with professionals of the field.
- The student has the knowledge and learning skills essential for the continuation of his Master Studies in International and European Tax law

## Prerequisites

Introductory knowledge on principles of income taxation and taxation in a domestic setting.

## Recommended reading

The course literature consists of articles which are freely available to students via the library's database.

TAX4010

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [F. Souza de Man](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Assignment

Keywords:

Domestic Taxation, International Taxation, Income Taxation, Double Tax Conventions, Avoidance of

## **Cross-border Taxation of Human Capital**

### **Full course description**

The course focuses on wage/income tax and social security contributions of employees and employers operating internationally:

- The employee living abroad and working in the Netherlands and
- The employee living in the Netherlands and working abroad. In case of employers: obligation to withhold tax and liability.

Special cases:

1. Hiring out of labour, posting, performing activities in two or more (Member) States;
2. Artists and sportsmen;
3. Cross border workers (Belgium and Germany);
4. Fiscal facilities (30%-arrangement);
5. Directors;
6. Pension;
7. Students.

### **Course objectives**

- Students can recognize, analyze, interpret and classify the facts in a proper way; they can apply their knowledge and understanding in the given cases;
- Students can define and describe in depth the issues regarding to taxation and social security contributions in cross border labour situations; they have competence to apply the applicable rules;
- Students can apply the OECD Model (taxation) and Regulation 883/2004 and Regulation 987/2009 (social security contributions);
- Students can research, discuss and combine the fields of taxation and social security;
- Students can debate and criticize the (outcome of) current rules;
- Students can formulate and resolve the problems arising from cross border employment.

### **Prerequisites**

International and EU tax law

### **Recommended reading**

Most important literature:

1. K. van Raad, Materials on international & EC Tax Law, Volume I and III, latest edition, International Tax Center Leiden
2. Reader with several loose-leaf texts

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam, Assignment

Keywords:

INTERNATIONAL TAX LAW ON HUMAN CAPITAL, EU SOCIAL SECURITY LAW, CASE LAW

Faculty of Law

## **International Tax Planning and Fiscal Ethics**

### **Full course description**

This course deals with various aspects that play a prominent role in today's field of International Tax Planning. On the basis of case studies the student will be guided through the 'Fiscal Strategy' of both multinational enterprises and tax authorities, a discipline that has constantly been in motion over the last couple of years and it will continue to be in motion for the years to come. Reference is made, among others, to the Base Erosion & Profit Shifting ("BEPS") reports drafted by the Organization for Economic Cooperation and Development (OECD) and the Anti-Tax Avoidance Directives (ATAD) of the European Union. Both BEPS and ATAD take an important position in this course. Furthermore, the topic of 'Fiscal Ethics', a topic that draws a lot of attention in the media all over the world, will be addressed in this course.

The topics in this course will be prepared individually. The students have to write an essay they have to hand in on a fix date set before the tutorials. During the tutorials the students have to present and discuss their own vision of the topic.. This way students can further develop the skills which will be relevant for them in their professional life.

During the course a Socratic teaching method within the framework of a Problem Based Learning (PBL) approach will be used. During each meeting (tutorial) one of the students may be appointed to have the role of discussion leader. The study and discussion questions and the cases shall be analyzed by the students before the respective tutorial meeting. This approach guarantees a smooth discussion during the meetings and gives us the opportunity to use the limited time we have together to be used in the most effective way. The group sessions provide for a perfect opportunity and atmosphere for students to exchange and present their ideas in relation to specific tax topics and to discuss them with their fellow students. Also, it will be a 'safe environment' to practice and/or finetune your presentation skills.

The assessment method will based on the combination of:

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- The grade the students obtain on the written exam or final assignment. The fact that it will be a written exam or a final assignment will depend on the state of the Covid pandemic. The maximum grade they can achieve is a 9.
- The bonus points from the evaluation of the weekly essays, that will be graded with a “pass” or “not pass”, and that are required to achieve the bonus point that is added to the final grade.

## Course objectives

- The student has the capacity to analyze basic international tax planning structures.
- The student is able to apply tax concepts in an international tax setting.
- The student can reflect on the ethical aspects of international tax planning and limiting tax avoidance.

## Prerequisites

Students are expected to have intermediate knowledge of the OECD Model Tax Convention (including commentaries), the OECD BEPS initiative and of European Tax Law.

For instance: the courses TAX3008 and TAX4001, or TAX4010, as well as TAX4002.

## Recommended reading

- OECD BEPS reports.
- OECD Model Tax Convention.
- OECD, Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting
- EU Anti Tax Avoidance Directive (ATAD) 1 and 2.

TAX4019

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M. Serrat Romani](#)

Teaching methods:

PBL, Presentations

Assessment methods:

Assignment, Written exam

Keywords:

Tax Planning; Fiscal Ethics; BEPS; ATAD; MLI; Tax Avoidance; Digital Economy; Hybrid mismatches;

## Master International and European Tax Law electives

Faculty of Law

### Onrechtmatige Daad en Schadevergoeding

#### Full course description

In dit blok komt in de eerste plaats een aantal kernthema's op het terrein van het Aansprakelijkheids- en schadevergoedingsrecht aan de orde:

- inhoud, grond en functies van het aansprakelijkheidsrecht;
- de verhouding tot andere vergoedingsystemen als particuliere verzekeringen en sociale zekerheid.

Verder wordt aandacht besteed aan:

- de ontwikkelingen op enkele belangrijke terreinen van het aansprakelijkheidsrecht (denk aan gevaarstelling, werkgeversaansprakelijkheid ex art. 7:658 en ex art. 7:611 BW). Nadat is vastgesteld dat iemand tegenover een ander aansprakelijk is (uit overeenkomst of uit onrechtmatige daad) en op hem de verplichting rust schadevergoeding te betalen, zal de omvang daarvan moeten worden vastgesteld. In dat verband komen aan de orde:
- (uitzonderingen op) het beginsel van volledige schadevergoeding;
- toerekening ex art. 6:98 BW;
- concrete versus abstracte schadebegroting;
- de (beperkte) kring van gerechtigden.

Ten slotte komt een enkel aangrenzend voor schadeclaims relevant deelgebied aan bod zoals de verjaringsproblematiek en de invloed van verzekeringen (waarbij ook aan de positie van regresnemers aandacht wordt besteed). In de hoorcolleges wordt niet alleen aan deze thema's aandacht besteed, maar ook aan ten tijde van het onderwijs actuele ontwikkelingen. Zo zijn de afgelopen jaren onder meer (de vrees voor) het ontstaan van een claimcultuur, het leerstuk van de proportionele aansprakelijkheid (incl. kansschade) en de lotgevallen van het wetsvoorstel affectieschade behandeld.

#### Course objectives

Aan het eind van het blok is de student in staat zelfstandig:

- de bronnen van het aansprakelijkheids- en schadevergoedingsrecht, namelijk wetgeving, jurisprudentie, en literatuur, te bestuderen en daarbij verworven kennis en inzicht toe te passen;
- diverse grondslagen voor aansprakelijkheid te herkennen in een feitencomplex en op basis van deze grondslagen gestructureerd te onderbouwen of er aansprakelijkheid is;
- indien er aansprakelijkheid is: aan te geven hoe ver deze reikt;
- de haalbaarheid van een aansprakelijkstelling en schadevergoeding te toetsen;
- het systeem van particuliere en sociale verzekering in verhouding tot aansprakelijkheid en

schadevergoeding uit te leggen en toe te passen;

- discussie te voeren over actuele thema's in het aansprakelijkheidsrecht (o.a. shock- en affectieschade, immateriële schadevergoeding, werkgeversaansprakelijkheid) onder verwijzing naar jurisprudentie en politieke ontwikkelingen;
- een oordeel te vormen over een aansprakelijkheidsrechtelijk probleem en dit oordeel duidelijk, juridisch correct en in goed Nederlands op te schrijven.

## Recommended reading

Literatuur:

- Het blokboek bevat een uitgebreid overzicht van relevante literatuur en jurisprudentie.

Tot de basisliteratuur worden gerekend:

- Asser/Sieburgh 6-II, Verbintenissenrecht. De verbintenis in het algemeen, tweede gedeelte, 15e druk, Wolters Kluwer, Deventer 2017;
- Asser/Sieburgh 6-IV, Verbintenissenrecht. De verbintenis uit de wet, 15e druk, Wolters Kluwer, Deventer 2019;
- T. Hartlief c.s., Verbintenissen uit de wet en Schadevergoeding, 9e druk, Wolters Kluwer, Deventer 2021.

PRI4008

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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

## 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).

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 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

## **Strafrechtelijke Sancties**

### **Full course description**

Strafrechtelijke sancties plegen bij de betrokken verdachten en veroordeelden (en hun sociale omgeving) hard aan te komen. Het eindonderzoek kan leiden tot de oplegging van straffen en/of maatregelen, waarvan de vrijheidsbenemende sancties (gevangenisstraf en TBS) het meest ingrijpend zijn. Er staan de rechter intussen zoveel sanctiesoorten en -modaliteiten ter beschikking, dat een behoorlijke straftoemeting een hele kunst is geworden. Weinigen hebben nog het overzicht over de beschikbare (combinatie)mogelijkheden. Nog minder mensen weten precies wat de (rechts)positie van de veroordeelde is tijdens de tenuitvoerlegging van de opgelegde sancties. Vaak is - ook voor de veroordeelde - onhelder welk doel/welke doelen met de opgelegde sanctie(s) wordt/worden nagestreefd. Dit blok wil duidelijk maken wat op het terrein van straffen en maatregelen mogelijk is en welke wetswijzigingen op sanctiegebied recentelijk hebben plaatsgevonden en welke in de nabije toekomst zullen plaatsvinden. Het (toekomstige) positieve sanctierecht wordt bovendien in een rechtstheoretisch, -historisch en -filosofisch kader geplaatst; dat kader vormt als het ware 'de kapstok' binnen dit blok. Het biedt tevens de mogelijkheid om fundamentele vragen aan de orde te stellen, bijvoorbeeld waarom er gesanctioneerd wordt (vergelding en preventie), of er alternatieven te bedenken zijn voor het strafrecht (herstelrecht) en in welk mens- en wereldbeeld ons strafrecht ligt ingebed. Met betrekking tot verscheidene sancties - waaronder de gevangenisstraf, de taakstraf en elektronische detentie - wordt eveneens aandacht besteed aan empirisch onderzoek naar de effectiviteit ervan in termen van recidivereductie, zodat uiteindelijk zowel vanuit moreel-ethisch als vanuit pragmatisch-doelmatig oogpunt iets over verscheidene strafrechtelijke sancties kan worden gezegd.

Het blok combineert een positiefrechtelijk perspectief met een metajuridische invalshoek (o.a. geschiedenis, filosofie en criminologie).

Het blok is als volgt opgebouwd. Tijdens de eerste bijeenkomst wordt aandacht besteed aan de geschiedenis van het strafrecht: wanneer en binnen welke context is het strafrecht ontstaan?, wat is straf eigenlijk? en welke theorieën zijn ter legitimering ervan ontwikkeld? Bijeenkomst twee is gewijd aan het Nederlandse sanctiestelsel, waarbij speciale aandacht wordt ingeruimd voor de levenslange gevangenisstraf. In de derde bijeenkomst wordt stilgestaan bij recent voltrokken en toekomstige wetswijzigingen ter zake van het Nederlandse sanctiearsenaal. Bijeenkomst vier staat in het teken van herstelrecht als mogelijk alternatief voor/mogelijke aanvulling op het strafrecht. Straftoemeting en -motivering en de kloof tussen burger en rechter wat betreft strafmaat ('de punitiviteitskloof') komen aan bod in bijeenkomst vijf. De zesde en zevende bijeenkomst gaan dieper in op de gevangenisstraf: zowel op de ontstaansgeschiedenis van deze sanctie ter vervanging van lijf- en doodstraffen (bijeenkomst zes) als op de gevangenisstraf in de huidige tijd, waarbij aandacht wordt besteed aan de effectiviteit van de gevangenisstraf, aan de ontwikkeling van het gevangeniswezen/detentieklimaat, aan de interne rechtspositie van gedetineerden, aan inspectie en toezicht en aan de rol van het EHRM in het kader van detentie (bijeenkomst zeven).

Naast de onderwijsgroepen vinden er drie of vier gastcolleges plaats over de volgende onderwerpen: jeugdsanctierecht, TBS, herstelrecht, detentie en/of internationale straftribunalen/ICC. Sommige colleges vormen een aanvulling op onderwerpen die ook in de onderwijsgroepen centraal staan (TBS, herstelrecht en detentie), andere colleges zijn gewijd aan 'nieuwe' onderwerpen (jeugdsanctierecht en internationale straftribunalen/ICC). Een of meer van deze colleges worden verzorgd door mensen uit de rechtspraktijk (bijvoorbeeld TBS en detentie) - mede om de stof voor studenten te 'verlevendigen'.

Strafrechtelijke sancties is een keuzeblok binnen de master forensica criminologie en rechtspleging en een gebonden keuzeblok in de specialisatie strafrechtspleging binnen deze master. Daarnaast is dit blok verplicht gesteld binnen de specialisatie strafrecht van de master Nederlands recht (overgangperiode).

## Course objectives

- Het verbreden en verdiepen van de kennis van strafrechtelijke sancties in de (inter)nationale context in zowel positiefrechtelijk als metajuridisch opzicht.
- Aan de hand van OM-richtlijnen en rechterlijke oriëntatiepunten (LOVS) een straf kunnen toemeten in een specifieke strafrechtelijke casus.
- De ontwikkelingen binnen het sanctiearsenaal in een bredere (crimineel-politieke) context kunnen plaatsen en vanuit verschillende perspectieven kunnen analyseren.
- Aan de hand van wetenschappelijke literatuur beargumenteerd een eigen standpunt kunnen innemen over strafrechtelijke sancties en de ontwikkelingen binnen het sanctiearsenaal.
- Het actief kunnen deelnemen aan juridische discussies over strafrechtelijke sancties.

## Prerequisites

Voorkennis van het Nederlands materiële en formele strafrecht is wenselijk.

## Recommended reading

De verplichte en aanbevolen literatuur wordt aangekondigd in het blokboek; tevens wordt gebruik

Master International and European Tax Law (Specialisation International and European Tax Law)  
gemaakt van een reader. Jurisprudentie en beleidsstukken dienen zelf te worden opgezocht.

CRI4001

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Straftheorieën/strafrechtsgeschiedenis Strafrechtelijke sancties Straffen en maatregelen  
(Levenslange) gevangenisstraf (Inter)nationaal detentierecht

Faculty of Law

## Verdieping Strafprocesrecht

### Full course description

Het blok stelt zich tot doel de verschillende aspecten van het Nederlandse strafprocesrecht nader te analyseren. Het blok volgt in opzet min of meer de chronologie van het Nederlandse strafproces. Op een aantal thema's zal fundamenteel dieper worden ingegaan dan in de bachelorfase, zoals de opsporing, vervolging en de toepassing van dwangmiddelen. De bijzondere opsporingsbevoegdheden en de relatie met mensenrechtelijke waarborgen vormen een thema waarbij het EVRM een belangrijke rol speelt. Dat is ook het geval terzake van de meer algemene notie van het eerlijk proces. Wat behelst dat in het moderne strafproces? Aparte aandacht is er voor de rechtsmiddelen en de beraadslaging. Tevens zal er dieper worden ingegaan op de recente ontwikkelingen ten aanzien van slachtofferrechten. Sommige thema's worden rechtsvergelijkend behandeld en andere worden geplaatst in de juiste internationale of Europese context. Daarnaast richten we ons op de toekomst en zullen de plannen voor de Modernisering van het Wetboek van Strafvordering worden besproken.

### Course objectives

Na afronding van dit blok:

- Heeft de student verdiepende en actuele kennis van de kernthema's van het Nederlandse strafprocesrecht; De student kan deze kennis toepassen op casusniveau.
- Heeft de student inzicht in het strafprocesrecht op het niveau van de praktijk;
- Is de student in staat de Nederlandse strafprocesrechtelijke rechtspraak (in verhouding tot EU en EVRM-recht) te analyseren

- Heeft de student inzicht in de gebieden waar het EVRM weinig of geen invloed heeft/kan hebben;
- Is de student in staat een kritisch en gefundeerd (normatief) oordeel te geven over de bestudeerde problematiek.

## Prerequisites

Strafprocesrecht uit de bachelor recht (1.2 en 2.5)

## Recommended reading

- G.J.M. Corstens(bewerkt door M.J. Borgers & T. Kooijmans), Het Nederlands Strafprocesrecht(9edruk), Deventer: Wolters Kluwer 2018.
- Overige literatuur beschikbaar via CANVAS

CRI4002

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. van der Aa](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

Faculty of Law

## Insolventierecht

### Full course description

In het blok Insolventierecht wordt uitgebreid kennis gemaakt met de juridische aspecten van de meest voorkomende insolventieprocedure: het faillissement. Daarnaast wordt ook ingegaan op de voor natuurlijke personen belangrijke procedure: de schuldsanering. De surseance van betaling komt slechts zijdelings aan bod, mede omdat deze procedure in de praktijk niet goed functioneert.

In insolventieprocedures komen problemen uit verschillende rechtsgebieden tegelijkertijd aan de orde. Zo spelen onder andere het goederenrecht, het ondernemingsrecht, het contractenrecht en het arbeidsrecht veelal een grote rol. De afwikkeling van het faillissement is een juridisch complexe

Master International and European Tax Law (Specialisation International and European Tax Law) aangelegenheid, vanwege deze verschillende rechtsgebieden, maar ook vanwege de conflicterende belangen. Het is dan ook noodzakelijk om de juridische positie van alle rechtssubjecten die bij een insolventieprocedure betrokken zijn, grondig te kunnen analyseren.

Vanwege de vele rechtsgebieden die bij insolventieprocedures zijn betrokken en de maatschappelijke gevolgen van een faillissement, is het insolventierecht voortdurend in ontwikkeling. Dit heeft in 2012 geleid tot het wetgevingsprogramma herijking faillissementsrecht. In dit kader zijn verschillende wetsvoorstellen gedaan, die gedurende het blok aan de orde bod zullen komen. Ook op Europees gebied is het insolventierecht in ontwikkeling. Deze ontwikkelingen zullen in dit blok worden besproken.

## **Course objectives**

1. Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van hierboven beschreven materie binnen het Nederlands insolventierecht. De behandeling van de verschillende aandachtsgebieden vindt in groepsbijeenkomsten plaats op basis van uitdagende casusposities. Naast deze groepsbijeenkomsten zal een aantal colleges worden gegeven door met name praktijkjuristen, waarbij het accent ligt op de actuele ontwikkelingen.
2. Bovendien zal het blok de deelnemers inzicht bieden in de regelgeving van het Europese insolventierecht. Daarbij staat ook een rechtsvergelijking tussen het Nederlandse en het Engelse rechtssysteem centraal.
3. Daarnaast zal het blok de deelnemers een overzicht verschaffen van de recente ontwikkelingen op het gebied van het Nederlandse insolventierecht. Hierdoor worden de deelnemers in staat gesteld zich een beeld te vormen over de huidige knelpunten en de mogelijke oplossingen daarvoor
4. De deelnemers zullen door de werkwijze gedurende het blok in staat worden gesteld om de diverse problemen in een insolventieprocedure te onderkennen en zelfstandig en adequaat een praktische oplossing te formuleren.
5. Doordat tijdens het blok verschillende discussiepunten centraal staan die in de insolventiepraktijk een grote rol spelen, leren de deelnemers kritisch te analyseren en een eigen visie te formuleren.

## **Prerequisites**

Studenten dienen over basiskennis op het terrein van het goederenrecht te beschikken om de onderwerpen in dit blok op nuttige wijze te kunnen bestuderen. Deze basiskennis wordt aangeboden in het bachelorblok Goederenrecht. Indien de student niet over deze basiskennis beschikt wordt de student aangeraden om op voorhand zich al voor te bereiden zodat de student bij aanvang van het blok wel over deze basiskennis beschikt. In het verloop van het blok is voor een sterke praktische benadering gekozen.

## **Recommended reading**

N.J. Polak (bewerkt door M. Pannevis), Insolventierecht, Deventer: Kluwer 2017.

PRI4010  
Period 2  
25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Renssen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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 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

Master International and European Tax Law (Specialisation International and European Tax Law) 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, 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

## Verdieping Sociale Zekerheid

### Full course description

Het blok Verdieping sociale zekerheid beoogt socialezekerheidsrechtelijke onderwerpen die summier, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Sociale Zekerheid aan de orde te stellen en andere te verdiepen. Zo worden vraagstukken in Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor de socialezekerheidspositie van grensoverschrijdende werkenden (grensregio en EU) en voor ontwikkelingen in de sociale zekerheid. Actuele onderwerpen uit blokperiode 1 worden waar gewenst weer opgepakt. Opdrachten worden individueel uitgevoerd en in groep besproken. Daarnaast is ook individuele inbreng vereist in de onderwijsgroepen. Door de coronamaatregelen wordt het onderwijs deels online en deels in hybride vorm gegeven. In het onderwijs worden studenten voorbereid op de toets. De studenten en docent hebben wekelijks contact.

### Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok sociale zekerheid. De student heeft aantoonbare en diepgaande kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen. Hij kan aan de hand van (praktijk)opdrachten juridische problemen definiëren, analyseren en oplossen. Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij kan op wetenschappelijke wijze een eigen oordeel vormen en expliciteren waarbij hij rekening houdt met zijn sociaal-maatschappelijke en ethische verantwoordelijkheid. Hij bezit de vaardigheid om zijn kennis op heldere wijze op academisch niveau zowel schriftelijk als mondeling over te dragen aan een publiek van specialisten. Hij is in staat om op basis van een korte presentatie van een medestudent adequate feedback te geven en tot een beredeneerd oordeel te komen over de kwaliteit ervan. Hij kan in teamverband werken door kennis en inzicht te delen en in discussie met zijn studiegroep tot een gezamenlijk beredeneerde uitkomst te komen. Hij is in staat een reflectie te geven op eigen gedrag en dat van anderen.

## Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

## Recommended reading

Literatuur: H15 Boek Klosse/Vonk

PUB4001

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S.H.M. Montebovi](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Ontwikkelingen en systemen van sociale zekerheid, werkloosheid, bijstand en WMO, ziekte en arbeidsongeschiktheid, Europees recht, bestuursprocesrecht

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, 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

## 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

Master International and European Tax Law (Specialisation International and European Tax Law) 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:

Master International and European Tax Law (Specialisation International and European Tax Law)

<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

## Intellectual Property Law

### Full course description

This course covers the substantial legal aspects of industrial and intellectual property law with

Master International and European Tax Law (Specialisation International and European Tax Law) 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 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

## Master International and European Tax Law (Specialisation International and European Tax Law)

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).

However, students can also find the relevant WTO legal texts on the WTO website ([www.wto.org](http://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](http://www.europa.eu.int)), regularly, for



Master International and European Tax Law (Specialisation International and European Tax Law)  
information on the latest developments.

The websites of major international newspapers, such as The Financial Times ([www.ft.com](http://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

## Verdediging in Strafzaken

### Full course description

In dit blok wordt de positie van de verdediging in het strafproces onder de loep genomen. Daarbij staat de verhouding tussen de verdachte en zijn raadsman – of, andersom, de verhouding tussen de advocaat en zijn cliënt – centraal. De onderwerpen zijn: (i) de taakopvatting van de strafrechtadvocaat; (ii) De organisatorische kaders van de strafrecht advocatuur; (iii) Het recht op rechtsbijstand; (iv) Geld; (v) De rechten en privileges van de raadsman: het vrije verkeer; (vi) De rechten en privileges van de raadsman: het verschoningsrecht; en (vii) Het optreden van de raadsman ter zitting.

### Course objectives

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - de taak en de rol van de verdediging in het strafproces; - de organisaties van de (strafrecht)advocatuur in Nederland; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken); - het stelsel van gefinancierde rechtsbijstand; - de bevoegdheden en privileges van de raadsman in strafzaken, waaronder het recht op inzage van stukken, het recht op vrij verkeer tussen de verdachte en zijn advocaat en diens beroepsgeheim en verschoningsrecht.

## Prerequisites

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - de taak en de rol van de verdediging in het strafproces; - de organisaties van de (strafrecht)advocatuur in Nederland; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken); - het stelsel van gefinancierde rechtsbijstand; - de bevoegdheden en privileges van de raadsman in strafzaken, waaronder het recht op inzage van stukken, het recht op vrij verkeer tussen de verdachte en zijn advocaat en diens beroepsgeheim en verschoningsrecht.

## Recommended reading

Handboek Verdediging (2e druk) (zie verder blokboek).

CRI4009

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [D.V.A. Brouwer](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging

Faculty of Law

## Verdieping Gezondheidsrecht

### Full course description

Het blok Verdieping gezondheidsrecht is gewijd aan onderwerpen die het functioneren van zorginstellingen en de rechtspositie van daarbij betrokken personen betreffen.

Aandacht wordt allereerst besteed aan de organen die betrokken zijn bij de 'governance' aangelegenheden van de zorginstellingen, zoals beleidsvorming en -uitvoering op het gebied van kwaliteit en veiligheid van zorg, samenwerking met andere zorginstellingen, onderhandelingen met zorgverzekeraars over zorginkoop, huisvesting en allerlei personele en financiële zaken. Het betreft de volgende organen: de Raad van Bestuur, de Raad van Toezicht en de cliëntenraad. Ook de rechtspositie en het functioneren van medisch specialisten komt aan de orde. Welke rechtsrelatie hebben zij, en het Medisch Specialistisch Bedrijf (MSB) waarin zij (indien niet werkzaam in

Master International and European Tax Law (Specialisation International and European Tax Law) dienstverband) verenigd zijn, met het ziekenhuis? En hoe moet worden gehandeld bij mogelijk disfunctioneren?

Daarbij worden actuele thema's en ontwikkelingen in de gezondheidszorg belicht. Vooral wordt stilgestaan bij veranderingen in de wet- en regelgeving op het terrein van de governance. Die zijn er op dit moment genoeg, en zij geven aanleiding om - vooral ook - een brug te slaan naar de praktijk: in hoeverre komen zij aan goed bestuur, toezicht en medezeggenschap in de zorg ten goede? En wat is daarnaast de betekenis van de Governancecode Zorg (2017), tot stand gebracht in de zorgsector zelf en dus een vorm van zelfregulering?

Naast bestuurders en andere betrokkenen komen ook degenen om wie het uiteindelijk steeds gaat, de patiënten, aan bod. In aansluiting op hetgeen in het blok Gezondheidsrecht is besproken met betrekking tot hun rechtspositie wordt een blik over de grens geworpen: hoe zijn de geneeskundige behandelingsovereenkomst en de daaruit voortvloeiende patiëntenrechten in onze buurlanden geregeld?

Het laatste deel van het blok is gewijd aan het zorgverzekeringsrecht, waarbij naast het nationale recht ook Europeesrechtelijke aspecten aandacht krijgen. Centraal staat de vraag hoe de grensoverschrijdende zorg in de Europese Unie geregeld is en of die steeds (volledig) voor vergoeding in aanmerking komt.

## **Course objectives**

Het verdiepend, en met aandacht voor het verwerven van vaardigheden (schriftelijk uitwerken van opdrachten), opdoen van kennis van, en inzicht, in gezondheidsrechtelijke aspecten van het functioneren van zorginstellingen. In het bijzonder: het functioneren van Raden van Bestuur, Raden van Toezicht en cliëntenraden en de (rechts)relaties met externe partijen zoals zorgverzekeraars.

Daarnaast ook: de rechtspositie van medisch specialisten en de rechtsgevolgen bij mogelijk disfunctioneren aan hun zijde.

Voorts: het verdiepend opdoen van kennis en inzicht door het verrichten van rechtsvergelijkend onderzoek naar de rechtspositie van patiënten in de buurlanden (België, Duitsland) en door bestudering van Europeesrechtelijke aspecten van grensoverschrijdende zorg, met inbegrip van de vergoeding van deze zorg.

## **Prerequisites**

Het blok kan separaat worden gevolgd, maar gezien de basis die het blok Gezondheidsrecht (blokperiode 4) legt met betrekking tot de algemene gezondheidsrechtelijke leerstukken verdient het de voorkeur om het blok te volgen na eerst te hebben deelgenomen aan het blok Gezondheidsrecht.

## **Recommended reading**

- Engberts, D.P. en Kalkman-Bogerd, L.E. (red.), Leerboek gezondheidsrecht, vierde druk, Houten: Bohn Stafleu van Loghum 2017.
- Hendriks, A.C. e.a., Bestuurlijk gezondheidsrecht, derde druk: Deventer: Wolters Kluwer 2018.
- Leenen, H.J.J. e.a. (red. Legemaate, J., Handboek Gezondheidsrecht, achtste druk, Den Haag:

Master International and European Tax Law (Specialisation International and European Tax Law)  
Boom Juridische uitgevers 2020.

- Legemaate, J. en Kastelein, W.R. (red.), Sdu Wettenverzameling Gezondheidsrecht 2020-2021,  
Den Haag: Sdu Uitgevers 2020.

LAW4002

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

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

Assessment methods:

Assignment, Presentation

Keywords:

Gezondheidsrecht, bestuur en toezicht zorginstellingen, medezeggenschap zorginstellingen (positie en bevoegdheden cliëntenraad), samenwerking en fusies zorginstellingen, functioneren en disfunctioneren medisch specialisten of hun maatschap dan wel andere samenwerkingsvorm, rechten en plichten patiënten/cliënten, medische aansprakelijkheid (mede rechtsvergelijkend), Europese Unie en gezondheidszorg.

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

Master International and European Tax Law (Specialisation International and European Tax Law) relating to international business transactions are dealt with by international or European measures, 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**

## Master International and European Tax Law (Specialisation International and European Tax Law)

- 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

## 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

Master International and European Tax Law (Specialisation International and European Tax Law) 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

## Verdieping Materieel Strafrecht

### Full course description

Het blok Verdieping Materieel strafrecht bouwt voort op het strafrechtelijke curriculum zoals dat in de eerste drie jaren van de studie Nederlands recht werd aangeboden. Uit de naam van het blok blijkt al dat veel van de thema's die thans aan de orde komen in enige mate eerder de revue zijn gepasseerd. De in Inleiding strafprocesrecht (1.2) en Strafprocesrecht (2.5) verworven kennis wordt dan ook bekend verondersteld. De inhoud van het blok is afgestemd op die van andere blokken in het curriculum, in het bijzonder Crime and Criminal Policy en materieel Strafrecht en Crim. Politiek (3.5).

Het blok stelt zich tot doel de verschillende aspecten van het Nederlandse materiële strafrecht nader te analyseren. De focus ligt daarbij op het algemeen deel van het Nederlandse strafrecht met betrekking tot de strafrechtelijke aansprakelijkheid van natuurlijke personen. Hierbij zal een selectie worden gemaakt van enkele belangrijke materieelrechtelijke leerstukken. Sommige thema's worden rechtsvergelijkend behandeld en andere worden geplaatst in de juiste internationale of Europese context.

### Course objectives

Van studenten wordt verwacht dat zij, na een succesvolle afronding van het blok een grondige kennis van en een goed inzicht hebben in het materiële strafrecht. Dat veronderstelt in het bijzonder een goede kennis van opzet en schuld, daderschap en deelneming, poging en voorbereiding en de strafuitsluitingsgronden, alsmede de specifieke problemen die zich daarbij kunnen voordoen. Naast het verwerven van kennis en een inzicht in het Nederlandse strafrecht wordt van studenten verder verwacht dat ze concrete, juridische problemen uit de praktijk kunnen analyseren en oplossen. Studenten worden ook geacht om bij de toepassing van de verworven kennis in staat te zijn om zowel mondeling als ook schriftelijk juridisch te kunnen argumenteren en kritisch te reflecteren om zodoende tot juridisch relevante en academisch verantwoorde conclusies te komen.

### Prerequisites

Studenten die niet beschikken over een bachelor (Nederlands) recht wordt dringend afgeraden dit blok te volgen. De ervaring leert dat het niveau dan te hoog is.

### Recommended reading

J. de Hullu, Materieel strafrecht, 7e druk 2018 Reader met aanvullende literatuur en rechtspraak

CRI4005

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0



Instruction language:

Dutch

Coordinator:

- [J. Keiler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

Materieel strafrecht/ strafrechtelijke aansprakelijkheid/ daderschap/ deelneming/ opzet/ schuld

Faculty of Law

## Verdieping Formeel Belastingrecht

### Full course description

#### Bestuurs- en bestuursprocesrecht

In dit deel wordt het algemene bestuurs(proces)recht nader uitgediept ten opzichte van het bachelorblok Hoofdzaken formeel belastingrecht. Inclusief het bijzondere fiscale bestuurs(proces)recht. Denk hierbij aan bezwaar, beroep, hoger beroep en beroep in cassatie, de algemene beginselen van behoorlijk bestuur, de belastingrente, de navordering- en naheffingsproblematiek, de inlichtingenverplichtingen, de informatie-uitwisseling op nationaal en internationaal niveau, de schadevergoeding, het leerstuk van fraud legis etc.

Daarnaast komt ook het fiscaal compromis aan bod.

#### Fiscaal boete- en strafrecht

Hierin wordt in het bijzonder aandacht besteed aan het leerstuk van una via, de relatie tussen de fiscale boete en het EVRM, de rechtspraak van het EHRM rondom het begrip criminal charge, het Protocol AAFD (aanmelding en afhandeling fiscale delicten), de strafbeschikking, het fiscale strafrecht en de positie van de adviseur.

#### Invordering

Hierbij wordt aandacht besteed aan een aantal gevorderde, formele, invorderingsvraagstukken, zoals aansprakelijkstelling van bestuurders en inleners.

### Course objectives

- De student kan een beredeneerd oordeel vormen over de formeelrechtelijke fiscale positie van een belastingplichtige, analyseert en interpreteert formeelrechtelijke casussen en past daarbij jurisprudentie toe.
- De student krijgt aantoonbare kennis van en inzicht in het fiscale bestuurs(proces)recht.
- De student past elementaire vormen van rechtsvergelijking toe.
- De student bezit de vaardigheid om een fiscaal beroepschrift of pleitnota op te stellen.
- De student verkrijgt diepgaande kennis van het fiscale en bestuursrechtelijke boeterecht en de samenloop van het fiscale strafrecht met het commune strafrecht en het EVRM.
- De student verkrijgt grondige kennis van een aantal diepgaande formele invorderingsvraagstukken.
- Door middel van o.a. de (gast)colleges/kennisclips komt de rechtspraktijk en het actueel wetenschappelijk onderzoek aan de orde.

## Prerequisites

Hoofdzaken Formeel Belastingrecht

## Recommended reading

- Douma e.a., *Algemene wet inzake rijksbelastingen*, FED, Deventer, laatste druk (verplicht)
- E. Poelmann (red.) *Jurisprudentie formeel belastingrecht*, Boom fiscale uitgevers, Den Haag, 2020;
- Langereis e.a.; *Hoofdlijnen fiscaal procesrecht*, Kluwer, Deventer, laatste druk
- *Pocket Belastingwetten 2020*
- *Nederlandse wettenbundel (recente uitgave)*
- *Reader "Teksten verdieping formeel belastingrecht 2020-2021"* (UM-reader)

TAX4003

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [N.H.A. Gorissen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

Formeel belastingrecht

Faculty of Law

## Estate Planning: Bedrijfsopvolging

### Full course description

In dit blok wordt het onderwerp Bedrijfsopvolging behandeld vanuit het perspectief van de ondernemer in een kleine of middelgrote onderneming (MKB). Centraal staat daarbij de samenloop tussen de vennootschapsbelasting, de loon- en inkomstenbelasting en de schenk- en erfbelasting en daarmee samenhangende aspecten van estate planning in nationale verhoudingen. Gekeken wordt naar samenwerkingsverbanden tussen (toekomstige) ondernemers met het oog op bedrijfsopvolging, waaronder de fiscale behandeling van personenvennootschappen. Ook wordt ingegaan op de positie van de directeur-groootaandeelhouder (DGA) en de bijzondere regelingen die voor hem gelden (fictief loon, terbeschikkingstelling van vermogen aan de BV, de terugkeer van de VPB naar de IB). In het kader van de bedrijfsoverdracht wordt o.a. gekeken naar bedrijfsopvolging en vererving bij overlijden, overdracht bij leven en schenking van (bedrijfs)vermogen (o.a. vastgoed). Daarbij komen ook relevante onderdelen van het huwelijksvermogensrecht aan bod en de betekenis van huwelijkse voorwaarden en testamenten voor de fiscale planning. Deze onderwerpen zullen mede in de vorm

Master International and European Tax Law (Specialisation International and European Tax Law)  
van presentaties en adviezen door studenten verzorgd worden.

## Course objectives

- De student bezit kennis van geselecteerde fiscale faciliteiten gericht op de bedrijfsopvolging in het midden- en kleinbedrijf.
- De student kan een beredeneerd oordeel vormen over de fiscale aspecten van een voorgenomen bedrijfsopvolging.
- De student is zich bewust van de samenloop van fiscale heffingswetten (loon- en inkomstenbelasting, vennootschapsbelasting, schenk- en erfbelasting, overdrachtsbelasting, dividendbelasting) en van het fiscale recht met het civiele recht (erfrecht, huwelijksvermogensrecht, ondernemingsrecht).
- De student is in staat fiscale aandachtspunten te formuleren bij het adviseren van MKB-ondernemers over bedrijfsopvolging in nationale verhoudingen.
- De student kan in teamverband een presentatie voorbereiden en presenteren.

## Prerequisites

De student dient bij aanvang een grondige kennis te hebben van de Nederlandse loonbelasting, inkomstenbelasting en vennootschapsbelasting en kennis op hoofdlijnen van de schenk- en erfbelasting, de dividendbelasting en de overdrachtsbelasting. Verder is kennis op hoofdlijnen van het Nederlandse ondernemingsrecht, huwelijksvermogensrecht en erfrecht wenselijk.

## Recommended reading

Voor dit blok wordt de student de keuze gelaten uit een aantal handboeken. Daarnaast dienen artikelen te worden bestudeerd evenals recente parlementaire stukken.

Tot de verplichte literatuur behoort Essers / Van Kempen, *Cursus belastingrecht (Inkomstenbelasting)*, studenteneditie 2018/2019, Wolters Kluwer, en Van Vijfeijken / Gubbels, *Cursus belastingrecht (Schenk- en Erfbelasting)*, 2019/2020, Wolters Kluwer, en Nuytink, *Personen- en familierecht, huwelijksvermogensrecht en erfrecht*, 7e druk, 2018, Wolters Kluwer, dan wel Van Mourik / Schols, *Erfrecht (Monografieën Privaatrecht 1)*, 7e druk, 2018, Wolters Kluwer, in combinatie met Van Mourik / Schols, *Huwelijksvermogensrecht (Monografieën Privaatrecht 12)*, 13e druk, 2017, Wolters Kluwer, of recentere edities van genoemde boeken.

Tot de optionele fiscale literatuur behoort Bollen-Vandenboorn (red.), *Pensioen en de belangrijkste toekomstvoorzieningen*, 12e druk, 2021, Sdu; Bouwman / Boer, *Wegwijs in de Vennootschapsbelasting*, 16e druk, 2019, Sdu, óf Van de Streek / Strik (red.), *Cursus belastingrecht (Vennootschapsbelasting)*, studenteneditie 2018/2019, Wolters Kluwer; Marres, *Dividendbelasting*, 5e druk, 2018, Wolters Kluwer; Verploegh c.s., *Loonheffingen*, 12e druk, 2018, Wolters Kluwer, óf Weerepas (red.), *Cursus belastingrecht (Loonbelasting)*, studenteneditie 2018/2019, Wolters Kluwer; Gassler c.s., *Cursus belastingrecht (Overdrachtsbelasting)*, studenteneditie 2018/2019, Wolters Kluwer óf Van Straaten c.s., *Wegwijs in de Overdrachtsbelasting*, 23e druk, 2018, Sdu, en Sonneveldt, *Wegwijs in de Successiewet*, 24e druk, 2019, Sdu, of latere edities van genoemde boeken.

Tot de optionele civielrechtelijke literatuur behoort Hamers / Van Vliet, *Inleiding personenvennootschappen*, 5e druk, 2018, Boom, en Autar / Burgerhart / Sonneveldt (red.), *Compendium Estate Planning*, 7e druk 2019, Sdu, of recentere edities van genoemde boeken.

TAX4008

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Written exam, Presentation, Final paper

Keywords:

Bedrijfsopvolging, belastingheffing, personenvennootschap, directeur-groootaandeelhouder, MKB  
Faculty of Law

## Rechtspsychologie en Forensisch Bewijs

### Full course description

In dit blok krijgt u materiaal uit een echt straf dossier voorgelegd. Het blok gaat over de vraag hoe je kunt bewijzen dat de verdachte het hem ten laste gelegde feit ook daadwerkelijk heeft gepleegd. De meer juridische aspecten van deze vraag worden behandeld in het blok 'Bewijs in strafzaken'. In Rechtspsychologie en Bewijs gaat het om de vraag naar de waarde van het feitelijke bewijs vanuit een rechtspsychologisch perspectief.

### Course objectives

1. De student begrijpt de rechtspsychologische concepten en inzichten en kan deze in eigen woorden toelichten;
2. De student kan de rechtspsychologische concepten en inzichten correct bespreken en illustreren;
3. De student kan de belangrijkste risico's identificeren in een concrete casus;
4. De student kan een concrete casus analyseren vanuit rechtspsychologische inzichten met het oog op het ontwikkelen van een eigen oordeel en het formuleren van aanbevelingen.

### Recommended reading

- P.J. van Koppen, J.W. de Keijser, R. Horselenberg & M. Jelicic (2017). Routes van het Recht. Den Haag: Boom Juridische Uitgevers.
- P.J. van Koppen (2013). Gereede twijfel: Over bewijs in strafzaken. Amsterdam: De Kring.
- P.J. van Koppen (2011). Overtuigend bewijs: Indammen van rechterlijke dwalingen. Amsterdam: Nieuw Amsterdam.

MET4008

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [M.R. Vanderhallen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

Opsporingsonderzoek, verhoor, bewijs, herkenningsprocedures, strafrecht

Faculty of Law

## Forensische Accountancy

### Full course description

De laatste jaren is er steeds meer aandacht voor nieuwe soorten criminaliteit, die andere opsporingstechnieken vereisen. Om deze criminaliteit te bestrijden is financiële expertise noodzakelijk. Deze financiële expertise kan worden ingebracht door een forensisch accountant. De forensisch accountant is een gespecialiseerde (register) accountant die zich bezighoudt met (potentiële) rechtszaken waarbij in het kader van de bewijsvoering financieel-economische deskundigheid is vereist. Een forensisch accountant houdt zich veelal, maar niet uitsluitend, bezig met de preventie en opsporing van fraude en heeft veel inzicht en kennis op deze vakgebieden, die hij toepast in praktijksituaties op basis van zijn wetenschappelijke kennis. Daarnaast kan hij ook een rol spelen bij de bewijsvoering en de bepaling van het te ontnemen bedrag. Onderwerpen, die in dit blok aan de orde komen zijn onder meer de controletechnieken die bij (digitale) fraudebestrijding worden gebruikt, het bespreken van de werkzaamheden van een forensisch accountant en hoe frauduleuze rapportages kunnen worden opgespoord. Ook wordt stilgestaan bij de recente boekhoudschandalen en de gevolgen hiervan voor wet- en regelgeving.

De volgende onderwerpen komen aan bod: 1. Forensische Accountancy: elementaire begrippen en terreinafbakening. 2. Financial Accounting: noodzakelijke basisbegrippen, zoals de gevolgen van scheiding tussen eigendom en management, de belangrijkste financiële verslagen (balans, resultatenrekening en kasstroomoverzicht) en de verslaggevingsprincipes accrual accounting en cash flow accounting. 3. Fraudepreventie: Wat is Internal Control en hoe wordt dit toegepast bij organisaties. 4. Controletechnieken bij fraudebestrijding: de mogelijkheden en bevoegdheden van accountants bij fraude-opsporing. 5. De Forensisch Accountant en de wet- en regelgeving waaraan moet worden voldoen. 6. Creative Accounting en frauduleuze rapportages: De Boekhoudschandalen en de gevolgen voor wet- en regelgeving 7. Ontneming en capita selecta in het kader van accounting fraude.

## Course objectives

Doelstelling van dit blok is om de studenten op een gedegen manier kennis te laten maken met het forensisch specialisme dat accountancy vormt en een beeld te schetsen van de mogelijkheden die deze tak van sport weet te bieden. Nader gespecificeerd:

- Kennis en inzicht krijgen in de werkzaamheden van accountants in het algemeen en forensische accountants meer in het bijzonder
- Kennis krijgen van de relevant strafrechtelijk nationaal en internationaal strafrecht dat relevant is voor forensische accountants en van jurisprudentie en wetenschappelijk onderzoek op dit gebied.
- Het toepassen en beoordelen van deze kennis in een drietal cases aan de hand van praktische voorbeelden (diverse fraudes in grote beursgenoteerde ondernemingen) en analyseren van dergelijke fraudes in subgroepen
- Het presenteren van één van deze drie cases

## Recommended reading

Literatuur (verplicht):

- Fraude, door Martin Scharenborg, 1e druk 2015, ISBN nummer: 9789012394673.
- Reader met artikelen
- Relevante jurisprudentie

CRI4013

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [R.H.G. Meuwissen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Presentation, Assignment, Written exam

Keywords:

Accountants Forensische Accountants Fraude Interne Controle Opsporingstechnieken van fraude

Financial Accounting Wet- en regelgeving voor (forensische) accountants Boekhoudschandalen

Jurisprudentie voor (forensische) accountants

Faculty of Law

## Goederenrecht (Master)

## Full course description

Het blok Goederenrecht bouwt voort op de goederenrechtelijke kennis die studenten eerder in de Bachelorfase hebben opgedaan. In het blok komen onderwerpen aan de orde die een meer specialistisch karakter hebben of nog niet eerder in de Bachelorfase zijn besproken. O.a. wordt aandacht besteed aan het recht m.b.t. onroerende zaken, de rol van het notariaat, nieuwe zekerheidsvormen, alsmede i.p.r., rechtsvergelijking en Europees goederenrecht. De te behandelen stof is verdeeld over de onderwijsgroepen en colleges.

## Course objectives

Dit blok richt zich op de volgende doelen:

- In staat zijn om hedendaagse goederenrechtelijke problemen, die niet direct vanuit de bestaande regelgeving en rechtspraak zijn op te lossen, kritisch te analyseren en te zoeken naar theoretisch verantwoorde en praktisch hanteerbare oplossingen
- Het verschaffen van inzicht in het recht betreffende onroerende zaken
- Begrip inzake de rol van functioneren en de maatschappelijke betekenis van kwaliteitsrekeningen en afgescheiden vermogen
- Diepgaand inzicht in zekerheidsrechten
- Grondige kennis van het pand- en hypotheekrecht
- Begrip inzake het gebruik van eigendom als zekerheid (eigendomsvoorbehoud, eigendomsoverdracht tot zekerheid)
- Het bezitten van kennis betreffende de invloed van beslag op goederenrechtelijke vraagstukken
- Het verwerven van inzicht met betrekking tot het internationaal goederenrecht

## Recommended reading

Ter herhaling van de Bachelorstof wordt aanbevolen: W.H.M. Reehuis/A.H.T. Heisterkamp, Pitlo, Het Nederlands burgerlijk recht, laatste druk, of - H.J. Snijders/E.B. Rank-Berenschot, Goederenrecht, Studiereeks burgerlijk recht, laatste druk.

PRI4011

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

## Geschillen in de Onderneming

### Full course description

In het blok Geschillen in de onderneming krijgen studenten inzicht in een aantal situaties die aanleiding kunnen geven tot geschillen op arbeidsrechtelijk en ondernemingsrechtelijk vlak. Het blok bouwt voort op de mastervakken arbeidsrecht en ondernemingsrecht. Er komt een scala aan onderwerpen aan de orde, zoals geschillen op aandeelhoudersniveau, met bijzondere aandacht voor de structuurvennootschap en de familiebedrijven, spanning tussen arbeid en ondernemer, zowel binnen de overlegstructuur (OR) als daarbuiten (staking), collectief ontslag en de bestuurscrisis. Het vak wordt afgesloten met een moot-court waarin de verschillende elementen met elkaar in verband worden gebracht. De grote lijnen van de onderwerpen en de onderlinge verbanden tussen de verschillende thema's zullen in hoorcolleges worden geschetst. Waar mogelijk zal een verband worden gelegd met actuele situaties. In de onderwijsgroepen worden de problemen aan de hand van abstracte vragen en casusposities geconcretiseerd.

### Prerequisites

Kennis van arbeidsrecht en ondernemingsrecht wordt verondersteld aanwezig te zijn. Deficiëntie moet worden aangevuld.

PUB4019

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [M.L.W. Hubers](#)

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

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:



## Master International and European Tax Law (Specialisation International and European Tax Law)

- 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 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 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.

Master International and European Tax Law (Specialisation International and European Tax Law)

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

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

## **Criminological Perspectives**

### **Full course description**

The course Criminological Perspectives will introduce students to the field of crime, crime causation and crime control. More specifically, the course will provide a better understanding of: 1) The assumptions our scientific knowledge of crime (development) is based upon; 2) Various explanations

Master International and European Tax Law (Specialisation International and European Tax Law) of crime from different disciplines and on various levels; 3) Possibilities to apply and integrate criminological theories; 4) The rationale behind the contemporary response to crime.

By reviewing current as well as former insights, the development of criminology as a science is portrayed, as well as the way it is influenced by developments in society.

The course is characterized by tutorial groups where, according to the PBL model, students apply their insights to current cases, real-life problems and policy issues. In addition, a number of weblectures will be given.

## Course objectives

Upon completion of this course, the student must:

- be able to recognise the differences and similarities between the various theoretical movements as to research questions, explanations, assumptions, levels of explication and opportunities for theoretical integration;
- know the contents of the main criminological explications and be able to apply them to concrete (knowledge) issues;
- be able to draw conclusions based on information about research results as to the empirical tenability of theories;
- be able to comprehend the rationale behind the current fight against and prevention of crime and substantiate this with practical examples.

CRI4017

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Crime causation and crime control

Faculty of Law

## Organisational Crime

### Full course description

Organisational Crime is an elective, specifically designed for students of the master Forensics, Criminology and Law (English and Dutch track), but accessible for students of other master programs as well. Organisational criminology studies violations of rules and ethics (deviant

Master International and European Tax Law (Specialisation International and European Tax Law) behavior) by legitimate organisations (e.g. corporations, governments, etc.) and their management. In the fields of criminal justice and criminology, it is a relatively new concept. It concerns the kind of offences that were never labeled outright as criminal before, at best, only in an indirect way. As with the concept, the academic field of organisational criminology is relatively new, hence its study is still in its adolescent phase making it a real challenge for practitioners. Many issues are still in dire need of elucidation. Therefore, during tutorial sessions students will deal with a number of sub-aspects about which (academic) discussions are far from reaching a consensus, offering students the opportunity to become actively involved in maturing this fascinating domain. During the first part of the course, the subject matter will be introduced and several different approaches to studying the phenomenon of organisational crime will be discussed. During the second part of the course, we study and analyze different cases of organizational crimes focusing on different levels of analysis (micro, meso, macro) while paying attention to different crucial criminological elements (means, motives, opportunities, control, etc.) The policy implications of different approaches are discussed as well. The critical multidisciplinary approach taken in this course is relevant given the structure and the notions underlying the master in Forensics, Criminology and Law, which takes a multidisciplinary approach to crime and criminal justice in order to develop a more critical understanding of various forensic disciplines in relation to the law.

## Course objectives

By the end of the course the participants should have developed the following capacities and accumulated insights in respect of the following areas of substantive knowledge:

Capacity:

- The capacity to conceptualize behaviours and events that belong to the area of interest of organisational criminology.
- The capacity to identify aspects of these behaviours in event that are relevant to categorise them within existing definitions in the discipline.
- The capacity to construct and apply definitions to these behaviours and events to support a critical analysis of why and how they occur.
- Different theoretical explanations that exist for organisational crime at the macro, meso and micro level.
- The capacity to critically reflect on existing and potential measures to limit and prevent instances of organisational crime with due regard for the insights developed regarding the definition and explanation of these events and behaviours.
- The capacity to write an analytical academic paper.
- The capacity to reproduce substantive knowledge built during the course.
- The capacity to apply the knowledge and capacities built during the course in the analysis of a case.
- The capacity to present orally the main research findings of the case study in a concise and coherent manner.

Area of Substantive Knowledge:

- Different definitions that exist in the field of organisational criminology.
- Different theoretical insights and proposals for preventing and limiting instances of organisational crime.

## Prerequisites

Prior (basic) courses in criminology are not required but strongly recommended.

## Recommended reading

E-reader

CRI4020

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s), Project-Centered Learning

Assessment methods:

Assignment, Final paper

Keywords:

Corporate crime, white collar crime, state and governmental crime, criminology

Faculty of Law

## Evidence

### Full course description

This master course deals with how we may reconstruct past events for purposes of a criminal trial. What is evidence, with which purpose is evidence collected and by whom? These are some of the questions that will be raised in this course. Evidence in criminal proceedings may be collected before the actual trial or (much later) at the main hearing. What are the consequences of this division especially in view of the probative value of evidence? Attention will be paid to how conclusions can be drawn from the evidence that is on the table. Does the evidence that is presented prove that the accused committed the offence as charged? Why is the burden of proof on the prosecution and how does this relate to the presumption of innocence? What are the consequences of evidence that was illegally obtained on the one hand, but might still be reliable and relevant on the other? Evidence may be direct evidence or indirect: for example, a witness may report what she saw herself or what she heard somebody else stating (hearsay). There are different sources of evidence and different qualities that complicate both admission and evaluation of the evidence in a criminal court. In the final part of the course, you will apply the acquired knowledge by analyzing the famous English case of *Rex v. Bywaters and Thompson*: you will make your own assessment of the evidence provided and decide whether the accused Frederick Bywaters and Edith Thompson were guilty of murder of Edith's husband Percy Thompson.

During the course a visit will be paid to a criminal court to see evidence gathering and its evaluation in practice. You will be invited to describe what you see and interpret the practice of the relevant court in line of the literature.

## Course objectives

The goal of this course is to gain a deep understanding of the complications relating to the collection, admission, interpretation, evaluation and assessment of evidence in different criminal justice systems. Students will be able to identify that whether a fact is proof of a certain probandum may depend on several factors such as the method of analysis. Students will be taught to distinguish between the different criminal justice systems and the way these deal with evidence. In addition, the course aims at a thorough understanding of the choices that these systems made in establishing rules of evidence. The ability to apply this theoretical knowledge to actual case problems will be the outcome of this course. Lastly, students will be able to understand the meaning of evidence in the larger context of criminal proceedings and its relation with the concept of the truth, both in law as well in other disciplines.

## Prerequisites

basic knowledge of criminal procedure

## Recommended reading

- Terence Anderson, David Schum and William Twining, *Analysis of Evidence*, Cambridge University Press, Second Edition, November 2009
- Coursebook
- Reader

CRI4021

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.H. Klip](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

Evidence, burden of proof, probabilities, weight, probative force, evaluation, analysis, fair trial, admission, presumption of innocence, principle of orality, witness testimony, expert evidence, self-incrimination, comparative criminal procedure, evidentiary systems, beyond reasonable doubt, exclusion, truth

## OM en Rechtshandhaving

### Full course description

Bij de strafrechtelijke handhaving van de rechtsorde speelt het Openbaar Ministerie (OM) een vooraanstaande rol. Het OM wordt wel getypeerd als de strafrechtelijke regisseur. Dit wordt mogelijk gemaakt door het opportuniteitsbeginsel, het vervolgingsmonopolie en het gezag van het OM over de opsporing. Deze uitgangspunten brengen mee dat het OM sturing kan geven aan de opsporing en toezicht houdt over de opsporing door de politie. Voorts maken de genoemde uitgangspunten het mogelijk dat het OM keuzes maakt bij de vervolging van strafbare feiten en de toegang tot de strafrechter bewaakt. Verder heeft het OM belangrijke taken bij de tenuitvoerlegging van strafrechtelijke beslissingen. In het blok "OM & rechtshandhaving" gaat de aandacht uit naar de aan het OM toebedeelde positie en de taken in het kader van de opsporing en vervolging. Ingegaan wordt op de organisatie van het OM, het strafrechtelijk beleid en de verhouding van het OM tot de Minister van J&V, de politie, de strafrechter en bestuurlijke autoriteiten. Een integrale rechtshandhaving veronderstelt samenwerking tussen de verschillende autoriteiten die een rol spelen bij de rechtshandhaving. Wat zijn de mogelijkheden en grenzen van die samenwerking? Wat is de positie van het OM in samenwerkingsverbanden? In hoeverre kan tussen de samenwerkende autoriteiten vrijelijk informatie worden uitgewisseld? Verder is de strafrechtspleging als gevolg van het programma 'Versterking prestaties strafrechtsketen', het streven naar versnelling van de strafrechtspleging en de modernisering van het Wetboek van Strafvordering sterk in beweging. Dit laat het OM niet onberoerd. In dit blok kunnen deze actuele ontwikkelingen niet onbesproken blijven. In de onderwijsgroepen wordt alle stof besproken aan de hand van literatuur en concrete aan de praktijk ontleende casus. Naast de onderwijsgroepen zijn er ook hoorcolleges. Voor een deel zullen deze hoorcolleges door verschillende gastsprekers worden verzorgd.

### Course objectives

- kennis van het ontstaan van de huidige organisatie van het OM
- kennis van ontwikkelingen in de organisatie van het OM
- kennis van en inzicht in de taken van het OM en de samenhang van het strafrechtelijke beleid van het OM met het veiligheidsbeleid van de regering
- begrip van de strafrechtsketen en inzicht in de verhoudingen tussen de verschillende deelnemers aan de strafrechtspleging (politie, Minister van J&V, OM, rechter)
- kennis van en inzicht in de verschillende modaliteiten van de vervolgingsbeslissing
- kennis van actuele ontwikkelingen die relevant zijn voor de veranderende rol van het OM in de rechtshandhaving

### Prerequisites

Kennis van het straf(proces)recht op bachelorniveau

### Recommended reading

Reader

LAW4041



Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [J.B.H.M. Simmelink](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Oral exam, Written exam

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

Faculty of Law

## Advanced Criminal Procedure

### Full course description

The course focuses on advanced topics of criminal procedure from a human rights perspective. Major topics of criminal procedure are discussed through the study of jurisprudence of the European Court of Human Rights: torture, inhuman and degrading treatment and violent police conduct; the right to liberty in relation to arrest and pre-trial detention; the application of presumption of innocence during and after criminal proceedings; the right to fair trial and cross-examination; the right to appeal; the right to privacy in relation to investigative measures. The course has also a practice-oriented element, i.e. the procedure before the European Court of Human Rights and how an application to the Court can be drafted.

### Course objectives

- The student identifies the context and application of defence and fair trial rights as these are defined by the European Court of Human Rights;
- The student outlines the most recent developments in the interpretation of procedural rights;
- The student criticises the relationship between individual rights and measures of criminal procedure and assesses the balance between crime control and due process;
- The student deduces legal problems regarding procedural rights from facts and formulates them into a formal legal complain;
- The student composes an application for the European Court of Human Rights

### Prerequisites

Bachelor in Law. In case of a Bachelor in other discipline entrance exam for the master Forensics Criminology and Law is required

## Recommended reading

- Harris, O'Boyle and Warbrick, Law of the European Convention on Human Rights, 4rd. Ed., Oxford University Press, 2018
- Human Rights Handbooks nrs. 1, 3, 5, 6 available on the ECtHR website: <http://www.coe.int/web/human-rights-rule-of-law/human-rights-handbooks>

CRI4024

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [C. Peristeridou](#)

Teaching methods:

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

Assessment methods:

Written exam, Assignment

Keywords:

Human rights and criminal procedure; Torture; Deprivation of liberty; Fair trial; Presumption of innocence; Right to silence; Criminal procedure and privacy; European Court of Human Rights; European Convention of Human Rights

Faculty of Law

## Criminalistiek en Forensisch DNA

### Full course description

Criminalistiek houdt zich bezig met forensisch-technisch bewijs in strafzaken. Veel nadruk ligt in dit blok op DNA, en daarnaast op het logisch correct redeneren (Bayes theoreem) over bewijs en op problemen met vertekening (bias) in onderzoeksuitkomsten. Het blok is één van de gebonden keuzevakken in de master Forensica, Criminologie en Rechtspleging. Het perspectief van het blok wordt gevormd door de vraag hoe de forensische disciplines en het recht elkaar over en weer beïnvloeden.

### Course objectives

Na afronding van dit blok wordt de student geacht:

- De basisbegrippen van verschillende forensische technische methoden te kunnen begrijpen en toepassen.
- Hypotheses en onderzoeksvragen voor criminalistisch onderzoek "Bayesiaans" correct te kunnen formuleren.
- De juistheid van onderzoeksvragen en opgestelde hypothesen te kunnen beoordelen en bias risico's, alternatieve interpretaties en voorbarige aannames te kunnen herkennen;

- De correctheid van diverse bewijs theorieën en de bewijswaarde gebaseerd op onderzoeksresultaten te kunnen toetsen.
- Prosecutors (aanklager) en defence (verdediging) fallacies te kunnen herkennen;
- Het onderscheid te kunnen maken tussen bron- en activiteitsniveau bij het onderzoek aan forensische sporen;
- Het verschil in de bewijswaarde van macro- en micro-sporen te kunnen waarderen;
- De essenties van forensisch biologisch onderzoek en de evaluatie en interpretatie van DNA-profielen te kennen;
- De waarde van referentiedatabases voor vergelijkend onderzoek te herkennen;
- Adequate kennis te hebben van de relevante wetgeving aangaande het inzetten van deskundigen in strafzaken.

## Prerequisites

Geen angst voor technisch-biologische materie en vooral niet direct dichtklappen zodra er een beetje gerekend moet gaan worden.

## Recommended reading

A.J. Meulenbroek, De essenties van forensisch biologisch onderzoek en teksten die zijn opgenomen in de reader die hoort bij dit blok.

CRI4025

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [R. Hofmann](#)

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam, Presentation

Keywords:

Criminalistiek, forensisch DNA-onderzoek, Bayesiaanse statistiek, problemen met bias in forensisch onderzoek.

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.

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

Master International and European Tax Law (Specialisation International and European Tax Law) 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).

## Master International and European Tax Law (Specialisation International and European Tax Law)

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 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

## 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.

## Master International and European Tax Law (Specialisation International and European Tax Law)

- 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.
- 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.

## 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

## 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

Master International and European Tax Law (Specialisation International and European Tax Law)  
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.

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](mailto: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

## 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

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

## 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

Master International and European Tax Law (Specialisation International and European Tax Law) 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 an 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

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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)

IER4026

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

## **Criminalistics and Forensic DNA**

### **Full course description**

Criminalistics deals with forensic evidence in criminal cases. Students will take a legal perspective to achieve an overview of the most relevant methods of forensic sciences with a focus on DNA evidence. The course provides students with a broad understanding of criminalistics and forensic science and stimulates critical reflection on forensic methods. Its practical aim is to enable future judges, prosecutors and defence lawyers to ask the right questions to forensic experts in court. Fallacies and biases resulting in wrongful convictions or inadmissibility of evidence in court will be discussed.

### **Course objectives**

Students should be able to:

- have a basic understanding of several areas of criminalistics and their application in legal practice;
- have a basic understanding of the weaknesses and fallacies of criminalistics methods and how forensic expertise can be refuted in criminal court;
- recognize prosecutors and defence fallacies in interpreting forensic results;
- have basic understanding of police investigations and crime scene analysis including red flags of crime scene staging and various risks of biases
- understand the opportunities and risks of criminalistics being depicted in contemporary popular culture (e.g. CSI-effect);
- understand basic scientific methods and their connection to admissibility of evidence in court;
- understand logically correct reasoning (Bayesian reasoning) and how this applies to forensic science;

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- know the essentials of forensic DNA research and evaluation of DNA fingerprint comparison;
- achieve a basic understanding of wrongful convictions and related legal and societal consequences

## Recommended reading

- Richard Saferstein, *Criminalistics An Introduction to Forensic Science* (Pearson, Global Edition) Edition 11 (2015). ISBN: 978-1-292-06202-
- selected texts in the reader of the course

CRI4026

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [R. Hofmann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Assignment

Keywords:

Criminalistics, Forensic Evidence, DNA, Likelihood Ratio, Logically correct reasoning, Bayes theorem, Fallacies and Bias.

Faculty of Law

## Rechtshandeling en Overeenkomst

### Full course description

In het blok Rechtshandeling en Overeenkomst staat een aantal belangrijke thema's van het Nederlandse overeenkomstenrecht centraal.

Gelet op de omvang van het rechtsgebied is het noodzakelijk om een selectie te maken uit de mogelijk te behandelen onderwerpen. Het accent ligt op een verdieping van reeds in de bachelorfase van de studie behandelde leerstukken (waarvan kennis aanwezig wordt verondersteld), het aansnijden van nieuwe onderwerpen (onder meer uitleg van overeenkomsten, derdenwerking van exoneratiebedingen, algemene voorwaarden en de verzuimregeling) en het behandelen van fundamentele thema's en tendensen, die gezien de aandacht die zij krijgen in de rechtspraak en de literatuur bespreking verdienen.

Het blok geeft in combinatie met het blok Onrechtmatige Daad en Schadevergoeding een gedegen overzicht van het verbintenissenrecht.

## Course objectives

Het verkrijgen van kennis van en inzicht in het contractenrecht, alsook het kunnen toepassen van contractenrecht en het kritisch reflecteren op onderdelen van dit rechtsgebied.

## Recommended reading

- Asser/Sieburgh 6-I, Verbintenissenrecht. De verbintenis in het algemeen, eerste gedeelte, 16e druk, Kluwer, Deventer 2020;
- Asser/Sieburgh 6-III, Verbintenissenrecht. Algemeen overeenkomstenrecht, 15e druk, Kluwer, Deventer 2018;

PRI4001

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Jonkers](#)

Teaching methods:

PBL

Assessment methods:

Oral exam, Assignment

Keywords:

Algemene voorwaarden Exoneratiebedingen Derdenwerking van exoneraties Niet-nakoming: toerekening, verzuim en ingebrekestelling Consumentenkoop Conformiteit

Faculty of Law

## Civiele Rechtspleging

### Full course description

Het vak Civiele rechtspleging bouwt voort op het tweedejaarsvak Burgerlijk procesrecht. De daar verworven basiskennis van het burgerlijk procesrecht wordt uitgebouwd naar de concrete inhoud van de specifieke regelingen. Vanuit deze optiek is de doelstelling van het blok civiele rechtspleging: het verhogen van kennis van en inzicht in het burgerlijk procesrecht in de ruime zin van het woord en het in staat zijn concrete procesrechtelijke problemen tot een correcte oplossing te brengen. In het blok zullen aan de hand van taken onder meer de volgende onderwerpen aan de orde komen:

- beginselen van het burgerlijk procesrecht;
- procederen in eerste aanleg: dagvaardingsprocedure en verzoekschriftprocedure;
- de rechtsmiddelen: verzet, hoger beroep, cassatie en overige rechtsmiddelen;
- het kort geding en andere voorlopige voorzieningen;
- termijnen;
- bewijs in de civiele procedure;
- executie- en beslagrecht;



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- particuliere rechtspraak: arbitrage, bindend advies en mediation;
- internationale dimensie van het burgerlijk procesrecht: internationale rechtsmacht, erkenning van buitenlandse vonnissen, executie in het buitenland, grensoverschrijdende procedures, competentieregelingen.

Om de Nederlandse aanpak te relativieren wordt tevens plaats ingeruimd voor rechtsvergelijking. Daarvoor wordt het civiele procesrecht van de staat California in de Verenigde Staten en het Amerikaanse federale civiele procesrecht gebruikt (als aangrijpingspunt voor een kennismaking met civiel procesrecht in een common law setting) aan de hand van dezelfde thema's waarop de nadruk ligt voor het Nederlandse procesrecht.

In beide gevallen zal de invulling zodanig zijn dat een getrouw beeld zal worden verkregen van de gang van zaken in de procespraktijk (in Nederland en in de Verenigde Staten) en de knelpunten en problemen die daarbij kunnen ontstaan.

### Course objectives

Door het met succes volgen van het blok moet de student:

- gedegen kennis hebben verworven van het burgerlijk procesrecht;
- de internationale dimensie van het burgerlijk procesrecht kunnen overzien;
- research kunnen verrichten voor het opstellen van processtukken die voldoen aan de formele eisen;
- procedurele complicaties kunnen oplossen;
- procesrechtelijke stukken kunnen beoordelen op correctheid en volledigheid;
- een vergelijking kunnen maken tussen het Nederlandse en het Amerikaanse procesrecht in civiele zaken op de belangrijkste onderdelen van de procedure (competentie, stelplicht en bewijslast, bewijsrecht, rechtsmiddelen).

### Recommended reading

Blokboek en daarin ter beschikking gestelde teksten en jurisprudentie, dan wel teksten en jurisprudentie waarnaar in het blokboek wordt verwezen

Studieboek:

F.J. Fernhout, Burgerlijk procesrecht in hoofdlijnen, Editie 2022, Maastricht:Gianni 2022 (verschijnt in maart 2022)

MET4001

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [F.J. Fernhout](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

burgerlijk procesrecht

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;
- 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

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 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

Faculty of Law

# Arbeidsrecht

## Full course description

Het blok Arbeidsrecht fungeert als basis voor alle vakken van de Master Recht en Arbeid, zowel wat de specialisatie Arbeid en Gezondheid betreft, als ten aanzien van de specialisatie Arbeid en Onderneming. Het vak staat daarnaast open voor studenten uit andere studierichtingen. In het blok Arbeidsrecht wordt kennis van en inzicht in een aantal arbeidsrechtelijke vraagstukken opgedaan. Per week staat een ander onderwerp centraal. De onderwerpen zijn onder meer de arbeidsovereenkomst inclusief bijzondere bedingen, het ontslagrecht en het collectieve arbeidsrecht. Vanwege de beperkingen dit jaar zullen de colleges vooraf worden opgenomen. In de tijd die daarvoor ingeroosterd is, zal ruimte worden gemaakt voor de bespreking van de stof aan de hand van een casus of aan de hand van vragen van studenten. In de onderwijsgroepen worden de problemen aan de hand van verschillende casusposities, stellingen of argumentatietaken geconcretiseerd.

## Course objectives

De student heeft aantoonbare kennis van en inzicht in het (systeem van het) nationale arbeidsrecht, inclusief actuele wetenschappelijke discussies en ontwikkelingen in de rechtspraak. De student is in staat kennis en inzicht toe te passen bij de analyse en oplossing van juridische vraagstukken op het gebied van het arbeidsrecht. Hij /Zij kan zowel mondeling als schriftelijk argumenteren en is in staat tot kritische reflectie van zowel juridische argumenten als zodanig als van de uitkomst waartoe deze argumenten of opvattingen bij de toepassing ervan op een concrete casus leiden. Hierdoor is hij/zij in staat tot een kritische, welonderbouwde oordeelsvorming.

## Recommended reading

A.R. Houweling (red) e.a., Loonstra & Zondag. Arbeidsrechtelijke themata, Den Haag: Boom juridisch 2020

Kluwer Arbeidswetgeving 2020-21 (W.L. Roozendaal)

PUB4014

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- J. Withaar

Teaching methods:

PBL

Assessment methods:

Written exam

Keywords:

arbeidsovereenkomst, einde van de arbeidsovereenkomst, collectief arbeidsrecht

Faculty of Law

## Verdieping Arbeidsrecht

### Full course description

In het blok Verdieping arbeidsrecht staan arbeidsrechtelijke onderwerpen centraal die, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Arbeidsrecht. De onderwerpen worden aan de hand van een doorlopende casus behandeld die als rode draad zal fungeren.

Onderwerpen die aan bod komen zijn bijvoorbeeld het werknemersbegrip nu en in de toekomst, grondrechten (denk aan non-discriminatie en vrijheid van meningsuiting), de flexibiliteit van de vaste arbeidsovereenkomst, haar einde en het collectief arbeidsrecht inclusief recht op collectief onderhandelen, collectieve actie en problemen aangaande mededingingsrecht.

### Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok Arbeidsrecht. De student heeft aantoonbare en diepgaande kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen. Hij/Zij kan aan de hand van opdrachten juridische problemen definiëren, analyseren en oplossen. Hij/Zij kan zelfstandig noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij/Zij kan op wetenschappelijke wijze een eigen oordeel vormen en expliciteren waarbij hij/zij rekening houdt met een sociaal-maatschappelijke en ethische verantwoordelijkheid. Hij/Zij bezit de vaardigheid om zijn kennis op heldere wijze op academisch niveau zowel schriftelijk als mondeling over te dragen aan een publiek van specialisten. Hij kan in teamverband werken door kennis en inzicht te delen en in discussie met zijn studiegroep tot een gezamenlijk beredeneerde uitkomst te komen. Hij is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij/Zij is in staat om op feedback aan medestudenten te geven alsmede op basis van ontvangen feedback actie te ondernemen met betrekking tot eigen producten.

### Prerequisites

Geen toegangsvoorwaarden, maar kennis van het masterblok Arbeidsrecht is noodzakelijk en wordt verondersteld.

### Recommended reading

- Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2020;
- Kluwer Arbeidswetgeving 2021/22

PUB4015

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [N. Gundt](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

Bereik arbeidsrecht, rol grondrechten, collectief arbeidsrecht

Faculty of Law

## Bewijs in Strafzaken

### Full course description

In dit blok staat de bewijsbeslissing van de rechter in strafzaken centraal, met name de wijze waarop die beslissing in juridische zin is genormeerd. Hierbij gaat het steeds om feiten die zich in het verleden hebben afgespeeld en die nooit met 100% zekerheid kunnen worden vastgesteld. Het is dan ook niet mogelijk de bewijsbeslissing van de rechter zodanig te reguleren dat wij in alle gevallen met absolute zekerheid weten dat de verdachte het hem tenlastegelegde feit heeft gepleegd. Wij weten immers nooit zeker wat waar is. Bovendien is de bewijsbeslissing in veel gevallen afhankelijk van de stand van de wetenschap in andere vakgebieden. Te denken valt dan aan de psychologie, natuurwetenschappen, medische wetenschappen, etc. Ook deze 'harde' wetenschappen hebben geen definitief antwoord op de vraag wat waar is. De constatering dat het strafrechtelijke bewijsrecht niet kan garanderen dat de bewijsbeslissing van de rechter volledig juist is, roept de vraag op op welke wijze dan wordt gegarandeerd dat die beslissing in ieder geval zo veel als mogelijk overeenkomt met wat zich in de werkelijkheid heeft afgespeeld. Een gerechtelijke dwaling is immers niet alleen voor de verdachte in kwestie een nachtmerrie, maar ook voor de samenleving als geheel. Het vertrouwen in de rechtspraak en de strafrechtspleging wordt ondermijnd op het moment dat duidelijk wordt dat niet alleen schuldigen worden veroordeeld. Binnen de juridische context speelt echter niet alleen de deugdelijkheid van bewijsgaring, bewijsvoering en bewijswaardering een rol. Daar komt bij dat ook eisen gesteld worden aan de manier waarop het bewijs wordt verzameld. De bewijsgaring in strafzaken is opgedragen aan de overheid en om willekeurig handelen van de overheid ten tijde van de opsporing en vervolging te voorkomen, is de opsporing, vervolging en berechting strikt genormeerd. Dit komt tot uitdrukking in artikel 1 Sv: strafvordering vindt alleen plaats op een wijze zoals is voorzien bij de wet. Bovendien mogen grondrechten van burgers bij de opsporing en berechting van strafbare feiten niet onevenredig worden geschonden. De waarheid hoeft niet ten koste van alles boven water te komen. Verder zijn er waarborgen ingebouwd dat onschuldigen zoveel als mogelijk buiten het strafrechtelijk onderzoek worden gehouden. Als die behoorlijkheidseisen niet in acht worden genomen, dan kan er sprake zijn van onrechtmatig verkregen bewijs. Dit roept vragen op aan welke van de twee eisen - deugdelijkheid of behoorlijkheid - meer waarde moet worden gehecht. In het blok 'Bewijs in strafzaken' komen beide hierboven genoemde vragen aan de orde. Samengevat houden zij in: op welke wijze is het bewijsoordeel in strafzaken genormeerd zodat zowel een behoorlijke bewijsgaring als de inhoudelijke deugdelijkheid van het bewijsoordeel kan worden gegarandeerd. Daarbij komen de volgende onderwerpen aan de orde: • bewijs en bewijsstelsels • recht op tegenspraak met betrekking tot getuigenbewijs en deskundigenbewijs • onrechtmatig verkregen bewijs • wettig

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bewijs • verantwoording van het bewijsoordeel met betrekking tot de relevantie en betrouwbaarheid van bewijs

## Course objectives

Op het einde van dit blok dient u inzicht te hebben in de strafrechtelijke bewijsregels en hoe zij in de praktijk worden toegepast. Met name dient u te weten welke eisen worden gesteld aan bewijsmiddelen, hoe de uitgangspunten van hoor en wederhoor worden toegepast met betrekking tot het horen van getuigen en deskundigen, op welke gronden bewijs kan worden uitgesloten en hoe het rechterlijk bewijsoordeel dient te worden gemotiveerd.

## Prerequisites

BLL. Bij bachelor van andere discipline is de toelatingstoets voor de master Forensica Criminologie en Rechtspleging vereist.

## Recommended reading

Literatuur: G.J.M. Corstens, Het Nederlands strafprocesrecht, Arnhem: Gouda Quint, laatste druk; B.F. Keulen en G. Knigge, Strafprocesrecht, Deventer: laatste druk; W.H.B. Dreissen, Bewijsmotivering in strafzaken, Den Haag: Boom juridische uitgevers, 2007. Diverse artikelen uit tijdschriften worden opgenomen in een reader.

CRI4003

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [D.L.F. de Vocht](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafrechtelijk bewijs, waarheidsvinding, bewijsmiddelen, onrechtmatig verkregen bewijs, equality of arms, motiveringsplicht, rechterlijke overtuiging.

Faculty of Law

## Capita Selecta Criminologie

### Full course description

Het vak Capita Selecta Criminologie moet inzicht te bieden in 1) de aannames waarop onze wetenschappelijke kennis over criminaliteit is gestoeld 2) de verschillende verklaringen van criminaliteit vanuit verschillende disciplines en op verschillende niveaus, en 3) de mogelijkheden om verschillende theorieën toe te passen en te integreren. Door zowel recente als vroegere inzichten



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aan bod te laten komen wordt een beeld gegeven van de ontwikkeling van de criminologie als wetenschap, en hoe deze door maatschappelijke ontwikkelingen wordt beïnvloed. Het onderwijs vindt deels plaats in onderwijsgroepen waarin conform de PGO-uitgangspunten de stof door de studenten zelf wordt toegepast op actuele casus, praktijkproblemen en beleidsvragen. En deels door middel van hoorcolleges waarin de belangrijkste criminologische theorieën worden besproken en toegelicht.

## Course objectives

Na afronding van dit blok moet de student in staat zijn om:

- verschillen en overeenkomsten aan te geven tussen de verschillende theoretische (sub)stromingen in termen van onderzoeksvragen, verklaringen, assumpties, niveaus van verklaring en mogelijkheden voor theoretische integratie;
- de inhoud van de belangrijkste criminologische verklaringen te bespreken en illustreren aan de hand van actuele beleidsinitiatieven;
- de belangrijkste criminologische verklaringen te identificeren in concrete (kennis) problemen;
- concrete (kennis) problemen te analyseren vanuit actuele wetenschappelijke bevindingen met het oog op het ontwikkelen van een eigen oordeel en het formuleren van aanbevelingen;
- op basis van informatie over onderzoeksbevindingen conclusies te trekken over de empirische houdbaarheid van een aantal criminologische theorieën;
- de analyse van een criminologisch probleem te presenteren en bediscussiëren.

## Recommended reading

- G.J.M. Corstens(bewerkt door M.J. Borgers & T. Kooijmans), Het Nederlands Strafprocesrecht(9edruk), Deventer: Wolters Kluwer 2018.
- Overige literatuur beschikbaar via CANVAS

CRI4004

Period 1

1 Sep 2021

22 Oct 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Assignment

Faculty of Law

## 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.

IER4009

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

## Sociale Zekerheid

### Full course description

In het blok Sociale zekerheid worden kennis van en inzicht in een aantal sociale zekerheidsrechtelijke vraagstukken verruimd en verdiept. Per een of twee weken staat een onderwerp centraal. -Trends en Ontwikkelingen in de Sociale Zekerheid (week 1) -Werkloosheid en Bijstand (week 2 en 3) -Ziektetraject gedurende de eerste twee jaar van de ziekte (week 4 en 5) - Ziektetraject na twee jaar ziekte (week 6 en 7) Uiteraard wordt de actualiteit meegenomen. De grote lijnen van de onderwerpen en de verbinding ertussen zullen in hoorcolleges worden geschetst. In de onderwijsgroepen worden de onderwerpen aan de hand van verschillende casus geconcretiseerd. Deze casus worden voorafgaand aan de onderwijsgroepen door de student individueel of in kleine studiegroepjes uitgewerkt. Bepaalde opdrachten maken deel uit van de toetsing.

### Course objectives

De student heeft aantoonbare kennis van en inzicht in de onderwerpen, zoals genoemd in de onderwerpenlijst en in de verbanden ertussen. Hij is in staat om deze kennis en dit inzicht toe te passen op concrete situaties. Daarnaast kan hij de kennis toepassen op aanverwante terreinen en vraagstukken. Hij kan de brede vraagstukken van sociale zekerheid plaatsen in een sociaal-maatschappelijk kader en verbinden aan eigen kennis en oordelen. Hij kan in een wetenschappelijke discussie een standpunt innemen en dit helder en met redenen omkleed zowel schriftelijk als mondeling verdedigen.

### Prerequisites

Kennis van het arbeidsrecht wordt verondersteld. Studenten moeten eventuele deficiënties zelf aanvullen.

### Recommended reading

- S. Klosse en G.J. Vonk, Socialezekerheidsrecht, 2020
- Jurisprudentie en zo nodig overige literatuur, met name tijdschriftartikelen

PUB4018

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Klosse](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Sociale zekerheid, kring van verzekeren, niveau van bescherming, publiek en privaat, uitvoering, werkloosheid, behoefte en bijstand, ziekte, verzuimbeleid en re-integratie, langdurige, arbeidsongeschiktheid, WIA, WGA en IVA, eigen risicodragen

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

## Master International and European Tax Law (Specialisation International and European Tax Law)

- 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 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:

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

## Gezondheidsrecht

### Full course description

In het blok Gezondheidsrecht komen verschillende (kern)onderdelen van het Gezondheidsrecht aan de orde.

Na een introductie in het Gezondheidsrecht, waarbij onder andere de belangrijke rol van grondrechten wordt belicht, richt de aandacht zich op het thema 'gezondheidsbescherming en -bevordering'. Gekeken wordt naar de preventie van overdraagbare ziekten, zoals griep, mazelen en Covid-19. Juridische aspecten van niet-overdraagbare 'ziekten', zoals obesitas, vormen eveneens een - actueel - onderwerp van bespreking

Een volgend onderdeel van het blok is de kwaliteit van de gezondheidszorg. Belangrijke publiekrechtelijke wetgeving, zoals de Wet kwaliteit, klachten en geschillen zorg (Wkkgz) en de Wet op de beroepen in de individuele gezondheidszorg (Wet BIG), staat in dit onderdeel centraal. Daarnaast neemt zelfregulering een plaats in. Beroepscodes, richtlijnen, protocollen en dergelijke hebben in de gezondheidszorg een eigen, normerende rol. Bij recente ontwikkelingen rond deze gezondheidsrechtelijke wet- en regelgeving wordt, met het oog op het belang daarvan voor de (rechts)praktijk, met regelmaat stilgestaan.

Aspecten van kwaliteit van zorg worden ook vanuit privaatrechtelijk perspectief gezien. De regeling van de geneeskundige behandelingsovereenkomst in afd. 7.7.5 BW, met bepalingen over onder andere goed hulpverlenerschap, informatieverstrekking aan de patiënt en het medisch beroepsgeheim, wordt uitgebreid besproken. Dilemma's, met mogelijkheden voor discussie, komen daarbij zeker aan bod. Denk aan de vraag in hoeverre het beroepsgeheim van een arts vatbaar is voor (wettelijke) beperking daarvan.

Naast het materiële recht omvat het blok een onderdeel dat gewijd is aan rechtshandhaving. Dat biedt de mogelijkheid diepergaand in te gaan op het klachtrecht in de gezondheidszorg en het functioneren van het tuchtrecht. Ook hier is oog voor recente vraagstukken en ontwikkelingen. Een voorbeeld vormt het, volgens sommigen, onvoldoende aan zijn doel beantwoordende tuchtrecht.

Bij de genoemde onderwerpen vindt vanuit het algemene gezondheidsrecht steeds een toespitsing plaats op de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde. Dit maakt het mogelijk om een goed inzicht te verwerven in (praktijk)kwesties met zowel een arbeids- en sociaal verzekeringsrechtelijke als een gezondheidsrechtelijke component. In hoeverre kan een werkgever een werknemer bijvoorbeeld verplichten tot 'gezond' gedrag, zoals sportbeoefening, met het oog op een duurzame inzetbaarheid? Belangrijk daarbij zijn de ontwikkelingen rond de begrippen 'gezondheid', 'ziekte' en 'arbeidsongeschiktheid'. Die komen dan ook mede aan de orde. Hetzelfde geldt voor een onderwerp zoals het beroepsgeheim: voor de bedrijfs- en de verzekeringsarts bij uitstek een sociaal-medisch én juridisch terrein met nogal wat voetangels en klemmen. Evenzovele uitnodigingen om na te denken over de (juiste) balans: hoe ver moet de privacybescherming in de relatie tussen de werkgever, de werknemer, de bedrijfsarts en de verzekeringsarts gaan?

In het blok Verdieping gezondheidsrecht in blokperiode 5 ligt het accent bij aspecten van governance in de gezondheidszorg (goed bestuur, toezicht en medezeggenschap in zorginstellingen), de rechtspositie van medisch specialisten die werkzaam zijn in ziekenhuizen en zorgverzekeringsrecht. Dit laatste onderwerp wordt mede in Europeesrechtelijke context belicht.

In het blok Gezondheidsrecht komen verschillende (kern)onderdelen van het Gezondheidsrecht aan de orde.

Na een introductie in het Gezondheidsrecht, waarbij onder andere de belangrijke rol van grondrechten wordt belicht, richt de aandacht zich op het thema 'gezondheidsbescherming en -bevordering'. Gekeken wordt naar de preventie van overdraagbare ziekten, zoals griep, mazelen en Covid-19. Juridische aspecten van niet-overdraagbare 'ziekten', zoals obesitas, vormen eveneens een - actueel - onderwerp van bespreking

Een volgend onderdeel van het blok is de kwaliteit van de gezondheidszorg. Belangrijke publiekrechtelijke wetgeving, zoals de Wet kwaliteit, klachten en geschillen zorg (Wkkgz) en de Wet op de beroepen in de individuele gezondheidszorg (Wet BIG), staat in dit onderdeel centraal. Daarnaast neemt zelfregulering een plaats in. Beroepscodes, richtlijnen, protocollen en dergelijke hebben in de gezondheidszorg een eigen, normerende rol. Bij recente ontwikkelingen rond deze gezondheidsrechtelijke wet- en regelgeving wordt, met het oog op het belang daarvan voor de (rechts)praktijk, met regelmaat stilgestaan.

Aspecten van kwaliteit van zorg worden ook vanuit privaatrechtelijk perspectief gezien. De regeling van de geneeskundige behandelingsovereenkomst in afd. 7.7.5 BW, met bepalingen over onder andere goed hulpverlenerschap, informatieverstrekking aan de patiënt en het medisch beroepsgeheim, wordt uitgebreid besproken. Dilemma's, met mogelijkheden voor discussie, komen daarbij zeker aan bod. Denk aan de vraag in hoeverre het beroepsgeheim van een arts vatbaar is voor (wettelijke) beperking daarvan.

Naast het materiële recht omvat het blok een onderdeel dat gewijd is aan rechtshandhaving. Dat biedt de mogelijkheid diepergaand in te gaan op het klachtrecht in de gezondheidszorg en het functioneren van het tuchtrecht. Ook hier is oog voor recente vraagstukken en ontwikkelingen. Een voorbeeld vormt het, volgens sommigen, onvoldoende aan zijn doel beantwoordende tuchtrecht.

Bij de genoemde onderwerpen vindt vanuit het algemene gezondheidsrecht steeds een toespitsing



Master International and European Tax Law (Specialisation International and European Tax Law) plaats op de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde. Dit maakt het mogelijk om een goed inzicht te verwerven in (praktijk)kwesies met zowel een arbeids- en sociaal verzekeringsrechtelijke als een gezondheidsrechtelijke component. In hoeverre kan een werkgever een werknemer bijvoorbeeld verplichten tot 'gezonder' gedrag, zoals sportbeoefening, met het oog op een duurzame inzetbaarheid? Belangrijk daarbij zijn de ontwikkelingen rond de begrippen 'gezondheid', 'ziekte' en 'arbeidsongeschiktheid'. Die komen dan ook mede aan de orde. Hetzelfde geldt voor een onderwerp zoals het beroepsgeheim: voor de bedrijfs- en de verzekeringsarts bij uitstek een sociaal-medisch én juridisch terrein met nogal wat voetangels en klemmen. Evenzovele uitnodigingen om na te denken over de (juiste) balans: hoe ver moet de privacybescherming in de relatie tussen de werkgever, de werknemer, de bedrijfsarts en de verzekeringsarts gaan?

In het blok Verdieping gezondheidsrecht in blokperiode 5 ligt het accent bij aspecten van governance in de gezondheidszorg (goed bestuur, toezicht en medezeggenschap in zorginstellingen), de rechtspositie van medisch specialisten die werkzaam zijn in ziekenhuizen en zorgverzekeringsrecht. Dit laatste onderwerp wordt mede in Europeesrechtelijke context belicht.

## Course objectives

Het verwerven van kennis van, en inzicht in, het systeem en de inhoud van het Gezondheidsrecht.

Hiernaast, meer specifiek: het verwerven van kennis van, en inzicht in, gezondheidsrechtelijke leerstukken en problemen die gerelateerd zijn aan het arbeids- en het sociale zekerheidsrecht, in het bijzonder: juridische aspecten van de beroepsuitoefening door de bedrijfsarts en de verzekeringsarts.

Het blok biedt een goede basis voor de beoefening van het Gezondheidsrecht in de rechtspraktijk of bijvoorbeeld in wetenschappelijke kring. Te denken valt aan: de advocatuur (steeds meer advocatenkantoren hebben een zorgpraktijk); juridische afdelingen van zorginstellingen; juridische functies bij beroepsverenigingen of brancheorganisaties in de gezondheidszorg; rechtscolleges (bijv.: tuchtcolleges); rechtsbijstandsverzekeraars; zorgverzekeraars; de overheid (VWS, provincie, gemeenten).

## Recommended reading

### Verplichte literatuur

- Engberts, D.P. en Kalkman-Bogerd, L.E., Leerboek gezondheidsrecht, vierde, herziene druk, Houten: Bohn Stafleu van Loghum 2017.
- Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2020-2021, Den Haag: Sdu Uitgevers, 2020.

### Overige literatuur

- Literatuurklapper en jurisprudentieklapper.

Nadere informatie over de te gebruiken wetgeving, literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst verstrekt.

LAW4001  
Period 4  
1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Portfolio, Written exam

Keywords:

Gezondheidsrecht, vergelijking met het arbeids- en sociale zekerheidsrecht, (bedrijfs)gezondheidszorg, toegankelijkheid van zorg, kwaliteit van zorg, patiëntenrechten, medische aansprakelijkheid, rechtshandhaving in de (bedrijfs)gezondheidszorg, zorgverzekering, ontwikkelingen EU op het gebied van de gezondheidszorg

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 relations law. They will be able to reflect on the characteristics and difficulties linked to this

## Master International and European Tax Law (Specialisation International and European Tax Law)

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

## Overheid en Privaatrecht

## Full course description

Het doel van het blok Overheid en Privaatrecht is het verwerven van inzicht in het optreden van de overheid in privaatrechtelijke verhoudingen.

De verhouding tussen Publiek- en Privaatrecht is, mede dankzij de ontwikkeling van het bestuursrecht, de laatste decennia sterk veranderd. Ondanks de ogenschijnlijk tegengestelde identiteit van beide rechtsgebieden, steunen zij op gemeenschappelijke beginselen. Het is vanuit deze visie dat allereerst een vergelijking wordt gemaakt van het positieve recht op beide terreinen. Vervolgens wordt het privaatrechtelijk handelen van de overheid nader beschouwd: mag de overheid de privaatrechtelijke weg kiezen indien haar dat goeddunkt, welke normen zijn in dat geval van toepassing, wat is haar status als contractspartner en hoe staat het met belangen van derden? De tweede helft van het blok zoomt in op een aantal specifieke onderwerpen, waaronder gronduitgifte en gebiedsontwikkeling via publiek-private samenwerking, aanbesteding, overheidsfinanciering via het privaatrecht, publiek domein en de vrijwarende werking van vergunningen. Ellen Hardy verzorgt naast de onderwijsgroepen twee hoorcolleges, daarnaast zijn er vier gastcolleges door externe sprekers, werkzaam in de advocatuur, de wetenschap en bij de overheid.

Lesmethoden:

Onderwijsgroepen: tijdens de zeven onderwijsbijeenkomsten wordt gewerkt met gespreksleiders, die per taak/casus het voorzitterschap van de nabespreking op zich nemen.

Hoorcolleges: het blok bevat ook vijf hoorcolleges, deels door gastsprekers werkzaam bij de overheid, in de wetenschap en in de advocatuur. Van de colleges worden geen opnamen gemaakt, opdat de sprekers vrijuit kunnen vertellen over hun praktijk.

Rechtspraak in vlogs: de (verplichte) jurisprudentie wordt in onderwijsweek 1 verdeeld over de studenten, die daarvan individueel een vlog maken. De vlogs worden ter beschikking gesteld aan de medestudenten en gebruikt als onderwijsmateriaal.

Toetsvormen:

Schriftelijk (open vragen). Deze toetsvorm geldt ook voor de herkansing.

## Course objectives

Na het volgen van dit blok realiseert de student zich dat er geen strikte grens is tussen Publiek- en Privaatrecht. Hij is zich bewust van het feit dat deze rechtsgebieden vervlechten zodra de overheid zich in het Privaatrecht begeeft. Deze vervlechting heeft grote consequenties voor het juridische instrumentarium dat in deze rechtsverhouding van toepassing is. De student leert dit herkennen en toe te passen in concrete casuïstiek. Zijn visie op beide rechtsgebieden zal veranderen; hij leert te abstraheren van het denken in deelgebieden. Het blok werkt als eye-opener en vormt in die zin een onontbeerlijke brug naar de rechtspraktijk.

## Prerequisites

Voor het volwaardig kunnen volgen en afronden van het masterblok Overheid en Privaatrecht is een juridische bacheloropleiding vereist. De eindtermen uit de bachelorblokken Staats- en bestuurs(proces)recht en Verbintenissenrecht vormen dan ook het startpunt voor dit vak.

## Recommended reading

Als handboek wordt Hoofdstukken van privaatrechtelijke overheidshandelen van Van Ommeren en Huisman (Kluwer 2019) gebruikt. Daarnaast gebruiken wij een reader met aanvullende actuele literatuur. De voorgeschreven rechtspraak staat met ecli-nummering in het blokboek en is op die wijze eenvoudig digitaal te bestuderen.

PUB4012

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

De bijzondere positie van de overheid in het Privaatrecht; vervlechting van Publiek- en Privaatrecht; consequenties voor het juridische instrumentarium indien de overheid actor is in een rechtsverhouding.

Faculty of Law

## Pensioen

### Full course description

Dit blok heeft betrekking op de voorzieningen die pensioen plegen te worden genoemd. Alvorens de fiscale aspecten onderzocht kunnen worden, zal de student zich verdiepen in de vraag wat onder pensioen wordt verstaan en hoe de niet-fiscale regels voor dit fenomeen in elkaar steken. Deze blijken over uiteenlopende rechtsgebieden te zijn verspreid. Ook wat het belastingrecht betreft, gaat het om een materie die in meer dan één wet aan de orde komt. In het blok komen zowel de loon- en inkomstenbelasting als de erfbelasting aan de orde. Tevens wordt aandacht geschonken aan Europese en internationale aspecten. De consequenties van pensioenverplichtingen voor de winstbepaling van ondernemingen komen zo goed als niet aan bod; het blok heeft betrekking op de positie van natuurlijke personen die niet ondernemer zijn. Dit neemt overigens niet weg dat wel uitvoerig aandacht wordt besteed aan de positie van de directeur-groot aandeelhouder. De bijeenkomsten zijn thematisch opgezet en worden gekenmerkt door een interdisciplinair karakter. De bijeenkomsten staan op zichzelf maar daarnaast kan de opgedane kennis worden aangewend in de volgende bijeenkomsten. De eerste vier bijeenkomsten omvatten de algemene pensioenproblematiek. Daarnaast wordt een koppeling gelegd tussen volksverzekeringen enerzijds en de pensioenproblematiek anderzijds. Halverwege het blok zullen de echtscheidingsperikelen rondom pensioen aan de orde komen alsmede gevolgen bezien vanuit de Successiewet. In het laatste deel van het blok wordt ingegaan op de Europeesrechtelijke en internationale aspecten van

## Course objectives

Na afronding van het blok heeft de student kennis en inzicht verworven op het gebied van de pensioenen. De student heeft daarbij leren werken met zowel civiele als fiscale wetgeving en is hij zich ervan bewust geworden dat deze verschillende soorten wetgeving onlosmakelijk met elkaar verbonden zijn. De student is in staat de consequenties van een pensioenovereenkomst te toetsen en te beoordelen, hij is op de hoogte van de basisvoorzieningen in Nederland, hij kan tevens de verschillen in regelgeving (zowel civiel als fiscaal) aangeven tussen de werknemer en de directeur-groot aandeelhouder, hij beheerst de volledige regelgeving omtrent de zuivere pensioenregeling en het nettopensioen. Tevens is hij in staat de civiele en fiscale consequenties te geven ingeval een huwelijk eindigt in een scheiding alsook de consequenties ingeval van overlijden. De student is op de hoogte van de pensioenproblematiek vanuit Europeesrechtelijk perspectief alsmede op verdragsniveau. Wat (internationale) waardeoverdracht van pensioen betreft, is hij op de hoogte van de civiele en fiscale regelgeving.

## Recommended reading

- Verplichte literatuur: A.H.H. Bollen-Vandenboorn, Pensioen en de belangrijkste toekomstvoorzieningen, Fiscale Geschriften nr. 27, 11e druk, Den Haag 2020
- Reader (Bureau Onderwijs FdR, printing-on-demand)

TAX4004

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

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

Assessment methods:

Final paper, Presentation, Written exam

Keywords:

Pensioen, werknemer/deelnemer, DGA, AOW, Anw, pensioenovereenkomst, pensioenfondsen, Pan Europese pensioeninstellingen, governance, civiele regelgeving, fiscale aspecten, Witteveenkader, Financieel toetsingskader, echtscheiding en pensioendeling, waardeoverdracht, emigratie, verdragstoepassing, Europeesrechtelijke aspecten.

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

## Master International and European Tax Law (Specialisation International and European Tax Law)

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:

- [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



Master International and European Tax Law (Specialisation International and European Tax Law) 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

Coordinator:

- [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

Master International and European Tax Law (Specialisation International and European Tax Law) 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. Wilmshurst, *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

## Psychology and Law

### Full course description

Focuses on the psychological aspects of criminal law, such as the reliability of testimonies. Special attention is paid to the ways criminal evidence is gathered and interpreted by law enforcement officials, public prosecutors, lawyers and judges from a legal psychology perspective.

### Course objectives

At the end of the course the student is able:

1. to understand legal psychological concepts and insights and explain these in their own words;
2. to correctly discuss and illustrate legal psychological concepts and insights;
3. to identify the most important risk in a specific case;
4. to analyse a specific case from legal psychological insights with a view to develop an own judgment and to formulate recommendations.

## Prerequisites

None

## Recommended reading

- Lassiter & Meissner (2010). *Police interrogations and false confessions: Current research, practice, and policy recommendations*. Washington, DC: American Psychological Association.
- Toglia, Read, Ross, & Lindsay (Eds.), (2007). *Handbook of eyewitness psychology: Volume I: Memory for events*. Mahwah, NJ: Erlbaum Associates.
- Lindsay, Ross, Read, & Toglia (Eds.), (2007). *Handbook of eyewitness psychology: Volume II: Memory for people*. Mahwah, NJ: Erlbaum Associates.

CRI4015

Period 2

25 Oct 2021

17 Dec 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M.R. Vanderhallen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

Police investigation, forensic interview, evidence evaluation, identification procedures, Criminal 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.

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 that 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 area 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. 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

[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

## Openbaar Bestuur

## Full course description

Hoe ziet de uitvoerende macht in Nederland er uit? En in het bijzonder wat is de relatie tussen regering en parlement? Waar positioneren zich de vele zelfstandige bestuursorganen met toezichthoudende en uitvoerende taken en een eigenstandige positie? Wel uitvoerende macht, maar 'op afstand' van parlement en regering. Waarom en hoe? En hoe zit het met de decentralisatie? Hoe zijn gemeenten en provincies georganiseerd, wat is hun taken- en bevoegdhedenpakket, als onderdeel van het openbaar bestuur? Met bijzondere aandacht voor de burgemeester en diens talrijke en vergaande bevoegdheden op het stuk van de openbare orde. Kortom, een blok dat op zoek gaat naar de impact, rol, democratische legitimatie. taken en bevoegdheden van ons openbaar bestuur.

De Nederlandse overheid kent aanzienlijk meer vertakkingen dan alleen de regering, het parlement en de rechterlijke macht. Op tal van vitale beleidsterreinen zijn taken en bevoegdheden op grote schaal op- en overgedragen aan toezichthouders (veelal zbo's), semi-onafhankelijke overheidsdiensten en decentrale overheden. In het blok Openbaar Bestuur staan deze overheidsmachten centraal.

Deze overheidsmachten zijn bevoegd tot het op zeer ingrijpende wijze reguleren en corrigeren van het gedrag van natuurlijke personen en rechtspersonen. Bij de uitoefening van deze bevoegdheden komt een aantal staatsrechtelijke vraagstukken scherp naar voren, bijvoorbeeld: Hoe is het geregeld met de democratische legitimatie van dit overheidshandelen? Welke aspecten van grondrechtenbescherming zijn in het geding? Wat is de grondslag van de bevoegdheden en hoever reiken die? Op welke terreinen kan worden ingegrepen? Aan de hand van een aantal sprekende en actuele kwesties zullen deze vragen ten aanzien van verschillende overheidsentiteiten worden behandeld.

Bijzondere aandacht zal verder worden besteed aan de handhaving van de openbare orde door gemeentelijke overheidsorganen.

## Course objectives

Achter deze op het eerste gezicht bonte verzameling van actoren en beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in de omvang, het bereik en de diversiteit van het openbaar bestuur en verder in de algemene toepasselijke beginselen en waarborgen en in eventuele knelpunten die zich daarbij kunnen voordoen. Een andere doelstelling van het blok is het bieden van een kennismaking in de organisatie en de beteugeling van verschillende overheidsinstellingen die niet (noodzakelijkerwijs) onderdeel zijn van de bekende Triasmachten.

## Prerequisites

Algemene leerstukken van het nationale staats- en bestuursrecht op universitair bacheloreindniveau worden bekend verondersteld

## Recommended reading

- S. E. Zijlstra, Bestuurlijk organisatierecht, tweede druk, 2019, Wolters Kluwer, Deventer
- Blokboek met verwijzingen naar verdere literatuur en rechtspraak.

PUB4022

Period 5

11 Apr 2022

10 Jun 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [A.W. Heringa](#)

Teaching methods:

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

Assessment methods:

Written exam

Keywords:

Regulering van gedrag van natuurlijke personen en rechtspersonen door (semi-)onafhankelijke overheidsinstellingen. Democratische controle, aspecten van grondrechtenbescherming. ZBO's.

Decentralisatie. Openbare orde.

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

## 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

Coordinator:

- [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

## Advocaat en Ethos

## Full course description

Zowel binnen als buiten de rechtszaal levert de advocaat als belangenbehartiger van de cliënt een essentiële bijdrage aan het functioneren van de rechtsstaat. Maar waar het 'goede' gedrag van de advocaat ooit als vanzelfsprekend werd aangenomen, is dit vandaag te dag onderwerp van debat en vaak ook van zorg. In dit vak wordt de ethiek van de advocaat dan ook vanuit een kritisch perspectief benaderd. De student maakt niet alleen kennis met de rol van de advocaat binnen de rechtsstaat maar ook met de rechtstheoretische grondlagen voor de invulling van deze rol. Daarnaast wordt er ruim aandacht besteed aan de beroepsethische en gedragsrechtelijke regels waarbij bijzondere nadruk wordt gelegd op het 'oplossen' van (beroeps) ethische dilemma's uit de praktijk.

## Course objectives

Naast het verkrijgen van rechtstheoretische kennis en kennis van het gedragsrecht, dient het onderwijs het doel het ethische oordeelsvermogen van de student te scherpen. In dit verband worden de volgende leerdoelen gedefinieerd (en getoetst): Kennis en inzicht - beroepsethische en gedragsrechtelijke kaders van de advocaat - taak en de rol van de advocaat binnen het rechtsbestel Toepassing van de kennis en inzicht, oordeelsvermogen en communicatie - in staat tot kritische reflectie op de rol van de advocaat binnen het rechtsbestel - in staat gedragsrechtelijke problemen te identificeren, te analyseren en te beoordelen - in staat gedragsrechtelijke regels toe te passen op een concrete casus - in staat de beoordeling van de casus (mondeling en schriftelijk) te beargumenteren

## Prerequisites

Geen

MET4013

Period 4

1 Feb 2022

1 Apr 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [B. Böhler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final paper

Keywords:

rechtsstaat, advocaat, gedragsrecht, beroepsethiek

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 rechtshandhavingsmogelijkheden, 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 aansprakelijkheid van de hulpverlener.

## 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 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 a 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'

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:

Master International and European Tax Law (Specialisation International and European Tax Law)

Written exam

Keywords:

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

Internships

## **Master internship International and European Tax Law**

Faculty of Law

## **Master Internship International and European Tax Law**

TAX4023

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

6.0

Coordinators:

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

Faculty of Law

## **Master Internship International and European Tax Law**

TAX4024

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

12.0

Coordinators:

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

Thesis

## **Master thesis International and European Tax Law**

Faculty of Law

## **Master thesis international and European tax law**

### **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

Master International and European Tax Law (Specialisation International and European Tax Law)  
with adequate references.

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

In answering the research question, the student is able to apply his/her knowledge and insight in such a way that this shows a professional approach to his/her work or 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.

TAX4055

Year

1 Sep 2021

31 Aug 2022

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

- [H.T.P.M. van den Hurk](#)

Teaching methods:

PBL

Assessment methods:

Written exam