

[Find another programme](#)

The ELS programme comprises two specialisations: European Law and Market Integration and European Public Law and Governance. There is no obligation to follow either one of these specialisations, students may opt for a General Programme, which allows them to combine courses of the two specialisations.

[European Law and Market Integration](#)

[European Public Law and Governance](#)

[General Programme](#)

European Law and Market Integration

The specialisation European Law and Market Integration specifically focusses on in-depth analysis of the European integration project: the creation and functioning of the internal market, comprising the well-known four freedoms, competition and state aid law and social policy. You'll learn more about the role of law in market integration, about what that law actually comprises and how integration is being shaped by both political and judicial actors.

Please consult the [Courses & Curriculum](#) page for more information about the content of the courses.

Electives

You'll have to take 12 ECTS in electives. You can:

- take the remaining courses of the specialisation
- go on an internship (max. 12 ECTS)
- take courses covered by the other specialisation
- take courses covered by another law programme
- take courses offered at other faculties/universities*

** course content must be sufficiently related, prior approval required*

European Public Law and Governance

The European Public Law and Governance specialisation is a great choice if you would like to pursue a career in the public sector. Courses mainly focus on public law and constitutional law. You'll look at topics such as decision-making, multilevel governance, interaction between EU law and national law, fundamental rights and enforcement of EU law (with a heavy focus on the specific role of

Master European Law School

courts). The practical significance of EU institutional law and the institutional functioning of the EU is clarified by the application of such law to special substantive policies of the EU, like environmental policy and the economic and monetary union, and criminal law.

Please consult the [Courses & Curriculum](#) page for more information about the content of the courses.

Electives

You'll have to take 12 ECTS in electives. You can:

- take the remaining courses of the specialisation
- go on an internship (max. 12 ECTS)
- take courses covered by the other specialisation
- take courses covered by another law programme
- take courses offered at other faculties/universities*

**course content must be sufficiently related, prior approval required*

General Programme

Would you like to do your master's at the European Law School, but do you find the specialisations too restrictive? Would you, for example, like to combine courses on European criminal law and European property law? Then the European Law School's General Programme is what you are looking for. You'll take a course on advanced European law and combine it with other courses from the European Law School's curriculum, allowing you to personalise your degree and tailor it to your interests and ambitions.

Please consult the [Courses & Curriculum](#) page for more information about the content of the courses.

Electives

You'll have to take 12 ECTS in electives. You can:

- take the remaining courses of the specialisation
- go on an internship (max. 12 ECTS)
- take courses covered by the other specialisation
- take courses covered by another law programme
- take courses offered at other faculties/universities*

**course content must be sufficiently related, prior approval required*

[Find another programme](#)

Specialisation courses

European Public Law and Governance

Master European Law School: European Public Law and Governance, specialisation courses

Faculty of Law

The Law of the Economic and Monetary Union

Full course description

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

Course objectives

Goals

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

- 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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- P. Nicolaidis

Teaching methods:

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

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

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

Master European Law School, specialisation European Public Law and Governance ###

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, third edition, Cambridge-Antwerpen 2016;
- 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

European Criminal law, national criminal substantive and procedural law

Faculty of Law

External Relations of the European Union

Full course description

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

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

Course objectives

Successful participants:

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

Prerequisites

EU Institutional law

Recommended reading

To be announced

IER4003

Period 5

12 Apr 2021

11 Jun 2021

[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

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.

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

Materials are provided electronically by means of an e-reference list (library service). In addition, the course book refers to useful documents and articles.

LAW4042

Period 1

31 Aug 2020

23 Oct 2020

[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

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 solid understanding of the systems of fundamental rights protection, 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

26 Oct 2020

18 Dec 2020

[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

26 Oct 2020

18 Dec 2020

[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

Compulsory courses

Master European Law School: European Public Law and Governance, compulsory courses

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 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

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 and debate on the current EU/MS issues.

Prerequisites

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

Recommended reading

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

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

We have indicated the relevant materials on a weekly basis, mostly by inserting the link to the relevant document, article or source. When the links do not work directly, copy and paste them on your browsers. These are easily downloadable or may be found in the university library. We assume 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F. Peirone](#)

Teaching methods:

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

Assessment methods:

Final paper, 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

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Elective courses

Master European Law School electives

Faculty of Law

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal, waarbij vooral de kapitaalvennootschappen, de NV en de BV, aan bod komen. Alvorens wordt ingegaan op de kapitaalvennootschappen als zodanig, zal in de eerste week aandacht worden besteed aan de oprichting van een vennootschap. Daarbij komt niet slechts het nationale aspect aan bod, maar wordt er ook over de grens gekeken. De Nederlandse kapitaalvennootschap als zodanig heeft een duale structuur. In de tweede week staat de bevoegdheidsverdeling en machtsverhouding tussen de verschillende organen van de vennootschap centraal. Nadat is ingegaan op de verhoudingen tussen de organen, zal in de derde week het aspect van persoonlijke aansprakelijkheid van het bestuur aan bod komen. Hoewel het uitgangspunt bij een rechtspersoon is dat het bestuur niet kan worden aangesproken voor (rechts)handelingen verricht namens de rechtspersoon, kunnen bestuurders in bijzondere omstandigheden in hun persoonlijk vermogen worden aangesproken. De onderneming, in de zin van organisatorisch verband, gericht op duurzame deelneming aan het maatschappelijk verkeer, kan zich vertonen in vele juridische gedaanten. In het algemeen zal één onderneming door één rechtspersoon gedreven worden. Een onderneming wordt echter ook vaak in stand gehouden door meerdere rechtspersonen en/of vennootschappen. In dat geval spreekt men al gauw van een groep of een concern. De grondgedachte van het Nederlandse vennootschaps- en ondernemingsrecht is die van de enkelvoudige vennootschap. Echter, zowel in de rechtspraak als in de wetgeving ziet men al geruime tijd ontwikkelingen waardoor aan dat concept het nodige wordt afgedaan. De groep of het concern wordt steeds meer erkend als een juridisch relevante, economische eenheid, hetgeen wordt besproken in de vierde week. In elke onderneming komt wel eens ruzie voor. Meestal wordt dat opgelost, maar soms moet de rechter er aan te pas komen. Veelal wordt daarbij gedacht aan de Ondernemingskamer van het Hof Amsterdam, maar in de praktijk wordt een groot aantal geschillen voorgelegd aan de voorzieningenrechter. Daarnaast biedt de wet verschillende mogelijkheden, zoals de uitkoopregeling, de uitstootregeling en de uittreedregeling. Mogen deze procedures geen oplossing bieden, dan rest de weg naar de Ondernemingskamer via de enquêteprocedure. Dit arsenaal aan mogelijkheden wordt besproken in

de vijfde week. In de zesde week staat de (vijandige) overname centraal. Teneinde een vijandige overname te voorkomen, maken beursvennootschappen gebruik van beschermingsmaatregelen. De vraag rijst echter of deze beschermingsconstructies altijd zijn toegestaan.

Het blok wordt afgesloten met de onderneming in financieel zwaar weer. Een levensvatbare onderneming in zwaar weer zal veelal voor een herstructurering kiezen, terwijl een niet-levensvatbare onderneming gedoemd is over te gaan tot ontbinding, of zelfs tot faillissementsaanvraag.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van de maatschappelijk relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in onderwijsgroepen plaats op basis van een aantal uitdagende casus. Naast deze onderwijsgroepen zal wekelijks een college worden gegeven.

De colleges zullen aansluiten bij het onderwerp dat diezelfde week ook in de onderwijsgroepen centraal staat.

Prerequisites

Studenten dienen over basiskennis op het terrein van het rechtspersonenrecht te beschikken, willen de onderwerpen in dit blok op nuttige wijze kunnen worden bestudeerd. Deze basiskennis wordt aangeboden in het bachelorblok Inleiding Onderneming- en Faillissementsrecht. Indien u niet over deze basiskennis beschikt wordt u aangeraden om u voorhand al voor te bereiden zodat u bij aanvang van het blok wel over deze basiskennis beschikt. In het verdere verloop van het blok is voor een sterke praktische en rechtsvergelijkende benadering gekozen.

Recommended reading

- S.M. Bartman e.a., Van het concern, Deventer: Kluwer 2018
- G. van Solinge & M.P. Nieuwe Weme, Mr C. Asser's Handleiding tot de beoefening van het Nederlands burgerlijk recht, Rechtspersonenrecht, De naamloze en besloten vennootschap, deel 2-II* (voorheen deel 2-III), Deventer: Kluwer 2009 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!)
- G. van Solinge & M.P. Nieuwe Weme, Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel IIa. NV en BV. Oprichting, vermogen en aandelen, Deventer: Kluwer 2013 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!).
- G. van Solingen & M.P. Nieuwe Weme, Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2-IIb NV en BV - Corporate Governance, Deventer: Kluwer 2019 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!)
- M.J. Kroeze (m.m.v. H. Beckman, M.A. Verbrugh), Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel I. De rechtspersoon, Deventer: Kluwer 2015 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!).

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Renssen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Vennootschapsrecht, concernrecht, geschillenregeling, M&A, fusie en, splitsing, beschermingsconstructies, jaarrekeningenrecht, machtsverhoudingen, structuurregelingen, Corporate governance, aansprakelijkheid, Europese ontwikkelingen, herstructurering en ontbinding
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 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Rensen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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. The WTO plays a crucial role in preventing international trade disputes from escalating into trade wars. However, 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); • 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 exercises.

Course objectives

- The student acquires up-to-date knowledge of the institutional and core substantive law of the World Trade Organization;
- 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, 2020), or if this is not yet in print, the 4th edition of this book (2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- 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) and can use a printout of these texts.

- Students are advised to consult the WTO website and the website of DG Trade of the European Commission (www.europa.eu.int), regularly, for information on the latest developments. The websites of major international newspapers, such as The Financial Times (www.ft.com) are also excellent sources of information.

IER4002

Period 2

26 Oct 2020

18 Dec 2020

[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

Rechtspsychologie en Forensisch Bewijs

Full course description

In dit blok krijgt u materiaal uit een echt strafdossier 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). Gerede 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

26 Oct 2020

18 Dec 2020

[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

12 Apr 2021

11 Jun 2021

[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

Corporate Social Responsibility

Full course description

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

- The conceptual and historical foundations of CSR, its substance and analytical focus
- CSR as a heuristic for 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 Principles on Business and Human Rights and the debate surrounding an international treaty), international economic law (OECD Guidelines and investment law and arbitration) and company and 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, global value chain regulation and 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 regulation of companies through company, tort and contract law in relation to their 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 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 and societal interests 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 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. The following books can be consulted on the topic but do not constitute the required reading for this course:

- Lisbeth Enneking, Ivo Giesen, Anne-Jetske Schaap, Cedric Ryngaert, Francois Kristen & Lucas Roorda (eds), *Accountability, International Business Operations, and the Law*, Routledge 2019.
- Horatia Muir Watt, Lucia Bíziková, Agatha Brandao de Oliveira, Diego P. Fernández Arroyo (eds), *Global Private International Law: Adjudication without Frontiers*, Edward Elgar 2019.
- Katharina Pistor, *The Code of Capital*, Princeton University Press 2019.
- Vibe Ulfbeck, Alexandra Andhov & Katerina Mitkidis (eds), *Law and Responsible Supply Chain Management*, Routledge 2019.
- Birgit Spießhofer, *Responsible Enterprise: The Emergence of a Global Economic Order*, C.H.Beck/Nomos 2018.
- Juan José Álvarez Rubio & Katerina Yiannibas (eds), *Human Rights in Business: Removal of Access to Justice in the European Union*, Routledge 2017.
- Andreas Rühmkorf, *Corporate Social Responsibility, Private Law and Global Supply Chains*, Edward Elgar 2015.
- Jeremy Moon, *Corporate Social Responsibility: A Very Short Introduction*, Oxford University Press 2015.
- 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 2021

2 Apr 2021

[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

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 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

31 Aug 2020

23 Oct 2020

[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

Faculty of Law

OM en Rechtshandhaving

Full course description

Bij de handhaving van de rechtsorde speelt het Openbaar Ministerie (OM) een belangrijke rol. Dat geldt in het bijzonder voor de strafrechtelijke rechtshandhaving. Daar neemt het OM een cruciale positie in. In het blok "OM & rechtshandhaving" gaat de aandacht uit naar de aan het OM toebedeelde positie en taken in het kader van de strafrechtelijke rechtshandhaving. Die taken beslaan tot op heden het gehele strafrechtelijke traject, vanaf het moment van plegen van het strafbare feit (en soms reeds eerder) tot en met de executie. Het gaat in dit blok niet alleen om de redelijk bekende taken van het OM in de sfeer van opsporing, vervolging en executie. Aan de orde komen ook de meer bestuurlijke taken, de positionering van het OM in het bestuurlijke krachtenveld, het uitwisselen van informatie met andere instanties, de internationale samenwerking en het streven om te komen tot een Europees Openbaar Ministerie. In het kader van het programma 'Versterking prestaties strafrechtsketen' en het streven naar versnelling van de strafrechtspleging is het OM 'in transitie': het OM en de werkprocessen worden gereorganiseerd. In dit blok kunnen deze actuele ontwikkelingen niet onbesproken blijven. In de onderwijsgroepen wordt alle stof besproken aan de hand van concrete, aan de praktijk ontleende, casus. Naast de onderwijsgroepen zijn er ook hoorcolleges. Deze worden door verschillende gastsprekers 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 de taken van het OM en de richting van het strafrechtelijke beleid - kennis van de strafrechtsketen en de positie en taken van het OM in de keten - kennis van actuele ontwikkelingen die relevant zijn voor de veranderende rol van het OM in de rechtshandhaving - kennis van de rol van het OM bij de internationale samenwerking en de oprichting van het Europees OM

Prerequisites

Kennis van het straf(proces)recht op bachelorniveau

Recommended reading

Reader

LAW4041

Period 5

12 Apr 2021

11 Jun 2021

[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

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with forensic evidence in criminal cases. The course is aimed at enabling students to recognise and formulate in a logically correct manner (Bayes theorem) forensic research opportunities and to create awareness of the need for judges, prosecutors, lawyers and attorneys to ask the right questions to forensic experts in court. In the course special emphasis will be on DNA, on general reasoning about evidence, and problems of bias and fallacies.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions in a logically correct manner (Bayes Theorem) for criminalistic investigations;
- recognise the correctness of research questions, bias risks, evaluation possibilities, explanations and assumptions;
- express the value of conclusions and the validity of theories based on research findings of forensic areas of expertise;
- recognise prosecutors and defence fallacies in interpreting forensic results;
- distinguish between the source level and activity level of forensic trace evidence;
- formulate the difference in evidential value of macro and micro traces;
- explain the essentials of forensic DNA research and evaluation of DNA fingerprint comparison;
- recognise the value of reference databases for comparison of research results;
- recognise the value of databases for judicial experts in various areas of law.

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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [R. Hofmann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

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 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

26 Oct 2020

18 Dec 2020

[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

International Dispute Settlement

Full course description

This course focuses on institutional and procedural aspects of international dispute settlement,

Master European Law School, specialisation European Public Law and Governance ###

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

31 Aug 2020

23 Oct 2020

[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 has gained much importance in Europe and 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). Regular classes are organised by Prof. N. Philipsen and Dr. K. de Smedt. In addition there are guest lectures by Prof. M. Faure and Prof. B. Steins Bisschop.

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.

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

26 Oct 2020

18 Dec 2020

[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

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

De literatuur is opgenomen in een reader

CRI4002

Period 1

31 Aug 2020

23 Oct 2020

[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

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 (judgments, Views, General Comments, resolutions, press reports etc.), other selected readings and websites.

During the course a **mock examination of a human rights state report** by a United Nations treaty monitoring body will be organized. Participation is optional. Students are expected to play a role in this practical skills exercise. Participation in the mock examination will be incorporated in the final grade for this course. 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.

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 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Take home exam

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, fundamental employee rights with regard to individual and collective action, 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. The course also explains how social legislation is made within the EU and how it relates to the four freedoms of the EU.

Course objectives

- To accomplish understanding in detail of European Labour Law and Social Security Law and of its place within the larger EU legislative framework.
- To accomplish an accurate analysis of European Court of Justice cases on Social Law
- To accomplish knowledge of the systematic infrastructure of EU Social Law
- To achieve the competence to think and argue on topics of EU Social Law
- To achieve the ability to recognize the relevant material aspects of EU Social Law when analysing case studies.

Prerequisites

General knowledge of EU law, and basic knowledge of Human rights and social law.

Recommended reading

Barnard, EU Law, handbook

PUB4007

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Intellectual Property Law

Full course description

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

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;
- Explain the different rationales of intellectual property rights;
- Have knowledge and insight of the EU regimes for trademarks, patents and rights similar to patents, trade secrets, copyright, and design, in particular of the aspects of acquisition of rights, scope of protection and infringement;
- 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;
- Solve cases regarding all of the intellectual property rights listed above;
- Orally argue a case concerning any of the intellectual property rights listed above.

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, 2019, Oxford University Press)

IER4033

Period 2

26 Oct 2020

18 Dec 2020

[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

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 2021

2 Apr 2021

[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

International Commercial Law

Full course description

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

The primary focus is on international treaties and European measures that impact on international commercial transactions, but some consideration of national systems cannot be avoided. After all,

national courts must apply the international conventions, which can give rise to questions concerning uniformity in the application of international provisions. Furthermore, not all issues relating to international business transactions are dealt with by international or European measures, 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

- 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

12 Apr 2021

11 Jun 2021

[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

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

12 Apr 2021

11 Jun 2021

[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

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 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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [M.R. Vanderhallen](#)
- [J.M. Nelen](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

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 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 2021

2 Apr 2021

[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

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Faculty of Law

Advanced International Trade Law

Full course description

This in-depth course deals with advanced topics of international trade law of particular relevance for

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

This course addresses the following themes:

- Advanced issues of WTO dispute settlement (on the crisis of the WTO dispute settlement system and the way forward)
- Economic policy exceptions (on the WTO rules that govern safeguard measures and regional trade agreements);
- Rules on anti-dumping measures (on the WTO rules governing the permissible response to dumping as a form of unfair trade);
- Rules on subsidies and countervailing duties (on the WTO rules governing subsidisation, and the permissible response to subsidisation as a form of unfair trade);
- Rules on technical barriers to trade (on WTO rules governing technical regulations, standards, and conformity assessment procedures);
- Rules on sanitary and phytosanitary measures (on WTO rules governing national food-safety measures and measures to protect against health risks from pests or diseases); and
- The future of the rules-based multilateral trading system (on the current challenges faced by the rules-based multilateral system for trade, and the way forward).

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

Course objectives

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

Prerequisites

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

- [International Trade Law](#)

Recommended reading

- The textbook used in this course is Van den Bossche, P. & Zdouc W., The Law and Policy of the World Trade Organization, 5th Edition (Cambridge University Press, 2020).
- 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) and can use a printout of these texts.
- Finally, additional mandatory reading will be made known on the Student Portal, where appropriate.

IER4025

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law, WTO

Faculty of Law

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:

- diverse grondslagen voor aansprakelijkheid te herkennen uit een feitencomplex en deze grondslagen gestructureerd te onderbouwen;
- omvang van de schadevergoeding te beargumenteren aan de hand van wet en jurisprudentie;
- 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.

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, 8e druk, Wolters Kluwer, Deventer 2018.

PRI4008

Period 2

26 Oct 2020

18 Dec 2020

[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

Master European Law School, specialisation European Public Law and Governance ####

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [J.H.M. van Erp](#)
- [K. Zimmermann](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

European Migration Law and Citizenship

Full course description

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

Master European Law School, specialisation European Public Law and Governance ###
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.

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

Course objectives

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

Prerequisites

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

Recommended reading

- Anja Wiesbrock, *Legal Migration to the European Union*, 2009
- Papagianni (2014) *EU migration policy*, available at: <http://cadmus.eui.eu/bitstream/handle/1814/30557/Chapter30.pdf>
- 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
- 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
- Further literature and material will be provided on ELEUM

IER4001

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [H.E.G.S. Schneider](#)
- D.H. Yabasun
- G.R. de Groot
- [N. Reslow](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Assignment

Keywords:

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

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

LAW4002

Period 5

12 Apr 2021

11 Jun 2021

[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

Human Rights and Human Development

Full course description

Human rights and human development analyzes the different efforts that have been made to reconceptualize economic relations between developed and developing countries in terms of human rights. Topics covered include: (1) the NIEO program sponsored by the Non Aligned Movement in the UN General Assembly; (2) the normative framework of sustainable development; (3) the Millennium Development Goals and the Sustainable Development Goals; (4) modern definitions of poverty as lack of capabilities and social exclusion; (5) the human rights based approach to development programming; (6) the safeguard policies and inspection panel procedure of the World Bank; (7) exploitative economic practices such as “land grabbing” and modern forms of slavery; (8) the capabilities approach of Amartya Sen and Martha Nussbaum as an overarching framework for thinking about development. 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 philosophical and social-scientific perspectives.

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

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Presentation, Written exam

Keywords:

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

Faculty of Law

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [M. Meyer](#)

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

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

26 Oct 2020

18 Dec 2020

[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.
- Hypothesen 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 2021

2 Apr 2021

[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

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, as well as tourism and transportation. Oceans are key locations for international conflict (such as the South China Sea), but equally play an important role in trade and economic development as well as. The course on law of the sea will not only focus on the important 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. Much of this will be explored in the law of the sea course.

Assessment

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

Course objectives

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

Prerequisites

At the time of registering - be booked 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).

Recommended reading

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

IER4024
Period 5
12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [E. Lijnzaad](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

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

Faculty of Law

European Data Protection and Privacy Law

Full course description

Have you ever thought of how data-based economy influences your life, business, government? How does technology use your personal data to make decisions which are of relevance for your life? What is the impact of personal data processing on your fundamental rights? And furthermore, how does the protection of your data affect other areas of law and other entities?

Right to privacy and right to personal data protection gained salience not only as fundamental rights protected within the European multi-level human rights protection system, but also as the source of framework for 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 increasingly is intertwined with both public and private law disciplines.

Against this background, during European Privacy and Data Protection Law course we will explore the privacy and data protection system, mainly in Europe, however, presenting it against the interdisciplinary background and, subsequently, in the context of international and comparative law. Following on the introductory lectures, we will focus on data protection in the European Union 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. In the second part of the course we will explore broader issues of data protection, in particular by setting the European Union system in the context of the international data protection regulations. We will also explore “sister” areas of data protection rules and investigate their sectoral application.

The course will be delivered with participation of 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).

Assessment methods

At the end of the course students will be asked to sit a take home exam.

For the purposes of the course assessment, students will be required to submit one written assignment which will be graded and complete a graded group assignment.

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;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimisation, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals' experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.

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 course.

Recommended reading

Obligatory literature:

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>>

Complementary literature:

C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation

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(Oxford University Press, forthcoming 2019), see the 2018 Draft commentaries on 10 GDPR articles (from Commentary on the EU General Data Protection Regulation, OUP 2019) available at <https://works.bepress.com/christopher-kuner/1/>

Paul Voigt, Axel von dem Bussche, The EU General Data Protection Regulation (GDPR) - A Practical Guide, Springer 2017.

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

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications), COM(2017) 10 final

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

31 Aug 2020

23 Oct 2020

[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

Legal Analytics

Full course description

Legal Analytics is the interface between law, technology and data. You will learn how to use legal information as data and apply empirical and data science methods to law. The quantitative approach to law of this course provides an understanding about how data science can help improve legal research, design innovative legal services, and solve legal problems. You will learn the programming language Python and you will improve your information literacy and research analysis skills.

Course objectives

Upon successful completion of this course, students are able to:

- Explain and apply the empirical cycle;
- Explain and apply the data science process and the FAIR data principles;
- Distinguish statistical models for description, causal inference and prediction;
- Analyse (legal) data in Python; and
- Communicate (written and oral) and visualize (legal) data and results.

Prerequisites

N/A

Recommended reading

To be announced.

LAW4015

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.G.H. Schaper](#)

Teaching methods:

Lecture(s), PBL

Keywords:

legal analytics, empirical legal studies, data science, programming, Python

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

12 Apr 2021

11 Jun 2021

[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,

Rechtshandeling en Overeenkomst

Full course description

In het blok Rechtshandeling en Overeenkomst staat een aantal belangrijke thema's van het Nederlandse verbintenissenrecht 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 consumentenkoop) 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/Hartkamp & Sieburgh 6-I, Verbintenissenrecht. De verbintenis in het algemeen, eerste gedeelte, 14e druk, Kluwer, Deventer 2012;
- Asser/Hartkamp & Sieburgh 6-III, Verbintenissenrecht. Algemeen overeenkomstenrecht, 14e druk, Kluwer, Deventer 2014;

PRI4001

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Jonkers](#)

Teaching methods:

PBL

Assessment methods:

Final paper

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;
- 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

- Studietoek:

F.J. Fernhout, Burgerlijk procesrecht in hoofdlijnen, Maastricht: Gianni 2019 (verschijnt in december)

MET4001

Period 5

12 Apr 2021

11 Jun 2021

[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

26 Oct 2020

18 Dec 2020

[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

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

coste 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. Daartbij komen de volgende onderwerpen aan de orde: • bewijs en bewijsstelsels • recht op tegenspraak met betrekking tot getuigenbewijs en deskundigenbewijs • onrechtmatig verkregen bewijs • wettig 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

26 Oct 2020

18 Dec 2020

[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 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 stromingen in termen van onderzoeksvragen, verklaringen, assumpties, niveaus van verklaring en mogelijkheden voor theoretische integratie; - de inhoud van de belangrijkste criminologische verklaringen te kennen en toe te passen op concrete (kennis) problemen; - op basis van informatie over onderzoeksbevindingen conclusies te trekken over de empirische houdbaarheid van een aantal criminologische theorieën.

CRI4004

Period 1

31 Aug 2020

23 Oct 2020

[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 assessment

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

26 Oct 2020

18 Dec 2020

[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

26 Oct 2020

18 Dec 2020

[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 verzekerden, 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

- 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 2021

2 Apr 2021

[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

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)kwesies 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 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 '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.

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 2021

2 Apr 2021

[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

Comparative Corporate Governance

Full course description

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

Course objectives

Students are able to:

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

Prerequisites

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

Recommended reading

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

PRI4012
Period 5
12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. Kemp](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

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, on the extremely controversial investor-state dispute settlement system, and on the recent proposal for the establishment of a multilateral investment court), 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 protect other societal values;
- 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

A previous course in public international law is recommended.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 3rd edition (Edward Elgar Publishing, 2020). 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 on the Student Portal 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

31 Aug 2020

23 Oct 2020

[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 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

26 Oct 2020

18 Dec 2020

[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

The object of this course is to provide an introduction into International Criminal Law as a field of law which imposes responsibilities - and criminal accountability - directly on individuals and punishes violations of specific prohibitions through international judicial mechanisms. After having a look at the emergence of international criminal law, the course will focus on the jurisdictional regime and admissibility issues before the International Criminal Court: How is the jurisdictional regime of the ICC different from other international(ized) tribunals and courts, and why? Who or what can trigger - or possibly challenge - a prosecution? Subsequently the course will take a closer look at substantive criminal law applicable before the ICC in order to establish what are the various elements of the so-called core crimes at the ICC (genocide, war crimes, crimes against humanity and the crime of aggression) and which principles and modes of criminal liability apply to individuals. For instance: when can we speak of genocide? What conduct amounts to a war crime? And also: How is criminal liability imposed in situations of command responsibility? In order to understand how this is done, the course will then explore international criminal procedure: what model/ system of procedural rules is used? Who are the actors involved? What are their rights? In its last part, the course will look at the challenges and possible alternatives to international criminal proceedings in order to understand the numerous obstacles that complicate the course of justice in this field of law and whether there are (better) alternatives to the proceedings before the ICC. Issues such as State cooperation with the ICC and possible conflicts of interests (e.g. immunity) will be addressed.

The course will consist of 7 tutorials and some additional expert lectures. The lectures will (mostly) be delivered by experts that operate in the field of international criminal law. They will provide students with special (insight and insider-) knowledge on how international criminal law functions and feels in action, and will give them a taste of the real problems and challenges faced by practitioners in the field. Next to the lectures, there will be case studies (with specific questions) that students will need to study and prepare in groups.

Course objectives

The aim of the course is to provide an idea of the origins and objectives of international criminal law, and to give an overview of the numerous challenges faced in this field of law. Furthermore, the course aims to make students familiar with the procedural system of certain international tribunals (such as the ICC) and with alternatives to international proceedings, such as truth and reconciliation commissions or national proceedings. The ultimate goal of the course is to provide students with the

Master European Law School, specialisation European Public Law and Governance ####
ability to apply legal provisions and theoretical knowledge to concrete cases.

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

12 Apr 2021

11 Jun 2021

[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

Master European Law School, specialisation European Public Law and Governance ###
concrete examples from recent armed conflicts, such as the former Yugoslavia, Afghanistan, and the Middle East, including Iraq and Syria.

Course objectives

Students that have successfully completed this course are able to identify the relevant rules and principles of International Humanitarian Law and apply them to actual situations. They 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W.C. Muller](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

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

26 Oct 2020

18 Dec 2020

[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

Forensic Psychopathology

Full course description

Deals primarily with offenders' criminal liability (e.g. the issue of diminished responsibility).

Emphasis is put on a number of mental disorders and the meaning and relevance of these disorders in relation to criminal behavior and criminal liability. Special attention will be given to offenders with either psychosis or personality disorders.

Course objectives

- Learning to identify different kinds of psychopathology (e.g., being able to distinguish psychotic disorders from personality disorders); - Obtaining knowledge about the development, symptoms and treatment of these disorders;
- Creating the ability to determine how different types of mental disorders may predispose to criminal behavior (i.e., being able to evaluate how a particular constellation of symptoms can put somebody at risk of committing a certain type of crime);
- Applying the obtained knowledge by critically examining the putative link between psychopathology and criminal behavior in true court cases.

Prerequisites

None

Recommended reading

A reader with articles on forensic psychopathology will be made available.

CRI4016

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Jelicic](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Offenders, criminal responsibility, mental disorders.

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Verdieping Bestuurs(proces)recht

Full course description

Het blok Verdieping Bestuurs(proces)recht bouwt voort op de bachelorvakken Inleiding Staats- en bestuursrecht en Staats- en bestuurs(proces)recht. Zoals de naam van het blok al suggereert, worden bepaalde onderwerpen uit de bachelor aan een nadere, 'verdiepte' analyse onderworpen. Daarnaast wordt een aantal nieuwe thema's bestudeerd. Het bestuurs(proces)recht is volop in beweging en onderhevig aan diverse interessante veranderingen. In het blok wordt zoveel mogelijk aangesloten op die actuele discussies. De behandelde thema's worden jaarlijks dan ook voor deel aangepast. Aan de orde komen dit jaar:

- Het besluitbegrip als centraal element van het bestuursrecht en als toegangspoort naar de bestuursrechter; in hoeverre voldoet die notie nog. Welke alternatieven zijn denkbaar en welke voor- en nadelen kleven daaraan?
- Het belanghebbendebegrip. Een weliswaar usual suspect in het bestuursprocesrecht maar nog steeds niet uitgekristaliseerd en recent onderwerp van veranderingen. Net als het concept 'besluit' wordt de notie van 'belanghebbende' in dit blok met name geplaatst in de sleutel van de toegang tot de rechter.
- Bestuurlijke handhaving. Bestuursorganen hebben anno 2019 tal van mogelijkheden tot de inzet van handhavinginstrumenten. Aan de orde komen vragen als: welke mogelijkheden, wat zijn de context en referentiekader (voorwaarden, grenzen, EVRM etc.) daarvan, bestaat er een handhavingplicht en wanneer dan precies en wat is de juridische status van gedoogbeslissingen?
- Het bestuursrechtelijk geding: wat bepaalt de omvang ervan, wat kan wanneer worden aangevoerd en wat niet? En wat is de ratio daarvan? We 'zoomen' in op het veranderende karakter van het bestuursrechtelijk geding en de bestuursrechtelijke rechtsbescherming. Daarbij behoeft ook de urgente vraag naar de indringendheid van de rechterlijke toetsing aandacht, ook gezien de ontwikkelingen in zowel in het wetenschappelijke discours als in de rechtspraak.
- Subsidierecht. Dit onderdeel van het financieel bestuursrecht, met een uitgebreide regeling in de Awb, speelt in de praktijk een belangrijke rol. In de bachelorfase is aan dit onderdeel binnen het bestuursrecht nog heel weinig aandacht besteed, reden te meer om in dit Mastervak daar uitgebreider aandacht aan te besteden.
- Finale geschilbeslechting; in literatuur, rechtspraak en ook vanuit de wetgever is een ontwikkeling ingezet naar een veranderende bestuursrechtspraak waarin geschillen zoveel mogelijk finaal worden beslecht. Dat brengt een gewijzigde opstelling mee van de bestuursrechter en impliceert eveneens een andere benadering door partijen van een bestuursrechtelijke procedure.
- Overheid en schadevergoeding en nadeelcompensatie. Het bestuur neemt soms besluiten of verricht andere handelingen, zowel onrechtmatig als rechtmatig, waardoor een of meer burgers schade ondervinden. Rust op het bestuur een plicht die schade te vergoeden?; langs welke weg en onder welke condities kan een burger dergelijke schade claimen? Nadat in de bachelorfase aan dit thema is geroken, wordt dit complexe maar tegelijk ook praktisch buitengewoon relevante en deels nog heel nieuwe thema aan een analyse onderworpen.

- Rechterlijke organisatie en rechtseenheid, inclusief de discussie over de mogelijke vormen van integratie van de hoogste bestuursrechters. Er leek een gewijzigde organisatie van de bestuursrechtspraak aan te komen. Hoe is het huidige systeem ontstaan, waarom 'moest' het worden aangepast en waarom juist op de voorgestelde, vaak reeds gekritiseerde, wijze? En waarom is die reorganisatie niet doorgegaan? Vooral wordt ingegaan op rechtseenheid; wat wordt daarover verstaan, waarom wordt ernaar gestreefd, ontbreekt het aan rechtseenheid? Een en ander wordt aan de hand van concrete voorbeelden uit de rechtspraak inzichtelijk gemaakt.

De gekozen thema's worden benaderd vanuit niet alleen een theoretische invalshoek maar zeker ook vanuit het grote belang dat de respectieve thema's hebben voor de praktijk.

Een ander - naast genoemde inhoudelijke thema's - kenmerk van dit vak is dat, zoals in alle vakken van de specialisatie SBR, een voor de praktijk ook cruciale academische vaardigheid is ingebouwd. In dit blok is dat het verzorgen van een referaat: een (duo)presentatie waarin een inhoudelijk belangrijk onderwerp wordt toegelicht. Studenten krijgen vooraf en achteraf uitleg over het referaat.

Course objectives

Het vak beoogt het inzicht in de belangrijkste vraagstukken van het bestuursrecht en bestuursprocesrecht te verdiepen en kennis van en inzicht te verkrijgen in de actuele discussies die op dit terrein gevoerd worden. Anders dan in de bachelor staat niet zozeer het kennis verwerven van het bestuursrechtelijke instrumentarium op zich centraal, maar zal getracht worden inzicht te verschaffen in de achterliggende principes, ideeën en motieven van het bestuursrecht. De studenten moeten in staat worden gesteld om op niveau deel te nemen aan de discussies over verworvenheden en verdere ontwikkeling van het Nederlandse bestuursrecht. Daarbij komen Europeesrechtelijke invloeden uiteraard ook aan de orde, voor zover toepasselijk en niet uitgebreid in andere vakken van deze Master-specialisatie (SBR) behandeld. Het vak bereidt door de geselecteerde thema's en de daarbij ook op de rechtspraak gerichte invalshoek uitstekend voor op togaberoepen en wordt (dan ook) tevens gevolgd door studenten die niet het profiel SBR volgen.

Prerequisites

Bachelor; vak Staats- en bestuurs(proces)recht (of equivalent) met succes afgerond

Recommended reading

Reader. Naast de in reader opgenomen te bestuderen literatuur, dienen voor de bijeenkomsten steeds rechterlijke uitspraken te worden bestudeerd, welke in een lijst in het blokboek worden opgenomen.

PUB4020

Period 2

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), Presentation(s), PBL

Assessment methods:

Written exam, Presentation

Keywords:

Besluitbegrip en alternatieven voor het besluitbegrip; handhaving; omvang geding; definitieve geschilbeslechting; rol van de rechter; overheidsaansprakelijkheid en nadeelcompensatie; subsidierecht; rechtseenheid

Faculty of Law

Europees en Nationaal Constitutioneel Recht

Full course description

Dit mastervak, onderdeel van het masterprofiel staats- en bestuursrecht van de master Nederlands recht, gaat in op het functioneren van het Nederlandse staatsrecht binnen de context en kaders van het Europees recht.

Het vak laat zien dat het Nederlandse staatsrecht in toenemende mate onder invloed staat van het Europees recht. De blik is op het Nederlandse staatsrecht, maar met een Europese bril. Zo gaan we in op de procedure van wetgeving, in aanmerking nemend dat veel nationale wetgeving uitvloeisel is van Europese regels; kijken we naar de plaats, taken en bevoegdheden van het nationale parlement, vooral ook in relatie tot Europese regels en besluiten, waarbij we focussen op de gele kaartprocedure; verder komt de nationale begrotingsprocedure aan bod maar in het licht van het Europese Semester en het Europese toezicht op de staat van de nationale financiën; verder bestrijkt het blok de Europese ontwikkelingen naar aanleiding van de financiële crisis en de uitbouw van de politieke, financiële en economische unie en het vraagstuk van de legitimiteit; en ten slotte richt het blok zich op de rol en plaats van de nationale rechter in relatie tot de Europese rechters en tot de veelgelaagdheid van grondrechtenbescherming met nationale grondwet, het EU Handvest en het EVRM.

Kortom, een uiterst actueel en divers blok dat laat zien hoe zeer het nationale (staats)recht is verweven met het Europees recht, en hoe zeer die verwevenheid de taken en bevoegdheden van de nationale staatsinstellingen beïnvloedt en mede bepaalt. Dit blok bereidt daarmee goed voor op werk in advocatuur en overheid waar men frequent geconfronteerd wordt met die veelgelaagde rechtsorde.

Tijdens het blok zal een bezoek worden gebracht aan de Tweede (of Eerste) Kamer, in het bijzonder de Commissie voor Europese Zaken.

Het blok zal worden opgebouwd met een reader en een boek. Aangezien het vak ingaat op de actualiteit, kan de literatuur nog worden aangevuld met andere stukken.

Course objectives

Het doel van deze cursus is om de actualiteit van het nationale staatsrecht te laten zien in zijn

verhoudingen tot het Europese, en de toenemende interactie en veelgelaagdheid te bestuderen. Dat is onder meer van belang om te weten waar invloed kan worden uitgeoefend op besluiten; waar besluiten genomen worden, hoe procedures verlopen en met welke nationale én Europese regels en procedures nationale instanties en instellingen rekening dienen te houden. De moderne jurist kan niet zonder die kennis omdat deze van belang is voor consultants om te weten waar te lobbyen en waar invloed uit te oefenen op aanstaande besluiten; of voor ambtenaren om zicht te hebben op de samenloop en interactie van regels en deze te incorporeren bij het maken van beleid, voorbereiden en toepassen van regels en adviseren van ministers, politici en anderen; en voor rechters en advocaten om te kunnen navigeren in de veelgelaagde rechtsorde en de juiste regel of uitspraak te vinden en om te kunnen gaan met de samenloop van regels en de onderlinge verhouding daarvan. We zien immers dat wetgevers, rechters, toezichthouders, rijksoverheid en lagere overheden geconfronteerd zijn met complexe stelsels van nationale en internationale regels, besluiten, afspraken, uitspraken en aankondigingen. Zicht daarop en inzicht daarin zijn voor iedere jurist van het heden en de toekomst cruciaal.

Leerdoelen van het vak:

- De student heeft kennis van de verschillende vormen van juridische interactie tussen Europees en nationaal constitutioneel recht.
- De student kan onderzoeken hoe recente ontwikkelingen in het Nederlandse staatsrecht zijn beïnvloed door Europese integratie.
- De student kan analyseren op welke manier nationaal staatsrecht, en met name het Nederlandse staatsrecht, relevant is voor het proces van Europese integratie.
- De student kan in een specifieke juridische casus de invloeden van nationaal en Europees constitutioneel recht identificeren.
- De student kan ontwikkelingen in Europees constitutioneel recht en nationaal constitutioneel recht bekritisieren vanuit het perspectief van de goede samenwerking tussen Europees en nationaal recht.
- De student kan communiceren over de uitkomst van een eigen analyse van een juridische casus door middel van een presentatie en een essay.

Prerequisites

Afgeronde bachelor recht. Basiskennis van het nationale staatsrecht en van het Europese recht wordt verondersteld.

Recommended reading

Het blok zal gelet op de actualiteit worden opgebouwd met een reader en onderdelen van boeken.

PUB4021

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M. van der Sluis](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam, Presentation

Keywords:

Wetgeving, begroting, veelgelaagde rechtsorde, parlement, parlementaire rol en bevoegdheden, EU en toezicht op staten, multi level governance, toetsingsrecht, rechter, grondrechtenbescherming

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 overheids machten centraal.

Deze overheids machten 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

12 Apr 2021

11 Jun 2021

[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

Human Rights of Women

Full course description

Worldwide women experience difficulties in fulfilling their human rights. Culture, tradition and stereotypical ideas influence women's position in society. It is the aim of this course to look at the human rights of women from the perspective of the principle of equality. What does this principle entail and how does it relate to the principle of non-discrimination. After a thorough study of these concepts the impact and use of several international and regional instruments that are based on the principles of equality and non-discrimination will be compared. Special attention will be paid to the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention) and its supervisory organ, CEDAW. We will study both form and contents of the Women's Convention and look into CEDAW's monitoring possibilities. Regardless of how well rights are laid down and interpreted on the international level, they can only be enjoyed by individuals when they

are implemented and protected on the national level. Customary and traditional practices, the dilemma between universality and cultural diversity and problems around ethnicity and women's rights, determine to a large extent the de facto equality of men and women. The last subject of interest in this course is violence against women. Gender based violence is one of the most important issues that have been put on the international agenda since the World Conference on Human Rights in Vienna in 1993. Violence may take many forms such as harmful traditional practices, sexual harassment, trafficking in women, sexual slavery, rape in conflict situations, and domestic violence.

Students enrolled in this course will do individual research into one of the rights contained in the Women's Convention; each student in a tutorial group will study a different right. They will examine to what extent this specific right can be enjoyed by women in a country of their choice. This research will result in a short mid-term paper that will be presented in class and that will be graded. At the end of the course students will take a take home exam consisting of a case with essay questions. Both the mid-term and the final exam will count for 50% of the final grade.

Course objectives

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

Prerequisites

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

Recommended reading

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

IER4019

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [I. Westendorp](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Presentation, Assignment

Keywords:

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

Faculty of Law

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 2021

2 Apr 2021

[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 rechtshandavingsmogelijkheden, bijv. via het tuchtrecht.

In de colleges/kennisclips die tijdens het blok worden aangeboden, wordt mede aandacht besteed aan de wettelijke regeling van de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Kennis van de rechten en verplichtingen in de relatie hulpverlener - patiënt is nodig voor een goed begrip van het medische aansprakelijkheidsrecht. Ook wordt ingegaan op de Wet kwaliteit, klachten en geschillen zorg (Wkkgz) en de Wet op de beroepen in de individuele gezondheidszorg (Wet BIG), omdat de inhoud daarvan mede van belang is voor (de beoordeling van) de civielrechtelijke 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 2021

2 Apr 2021

[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 global (i.e. worldwide) 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.

Course objectives

In week 1 of this course, the topic of customs law is introduced to the students. In the first week, it will put in a broader context of international trade law. 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 Intended Learning Outcomes for Customs Law are as follows:

1. Describe, understand and explain the relation between customs law and international trade and contract law, the role of the WTO and the EU;
2. Identify, recognize, understand and distinguish the principles and foundations of customs law;
3. Know the various legislative instruments and sources of case law in customs law;
4. Describe, understand and explain the legal nature, characteristics, backgrounds, and systematics of the customs law, both within and outside the EU;
5. Describe, understand and explain the general concepts of customs law and closely related concepts;
6. Describe, understand and explain standard customs procedures;
7. Identify, recognize, understand and distinguish the elements of the customs procedures, special procedures, customs arrangements, etc.;
8. Understand and being able to apply customs valuation methods and understand how customs valuation interacts with VAT and transfer pricing;
9. Describe, understand and explain the origin / preferential origin concept;
10. Describe, understand and explain customs tariff rules, the nomenclatures, harmonized system, classification rules, and other aspects of tariff rules;
11. Describe, understand and explain when and how a customs debt may arise and who is in what situation to be considered the customs debtor;
12. Have a deep understanding of the mechanisms of importation and exportation of goods;
13. 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Advanced Customs Law

Full course description

This course is a follow-up to the course 'Customs Law'. Therefore, the course 'Customs Law' and the knowledge of the topics addressed in that course constitute a prerequisite to this course. Advanced Customs Law thoroughly discusses various current and complex themes within international customs law, such as the consequences of the Brexit, the political and practical nature of trade wars, anti-dumping/subsidizing measures, VAT deferment schemes on importation, import liabilities, the confluence of VAT taxation and the levy of customs duties, and the collection of customs debts and digital trade. Although this course still takes a worldwide approach to Customs Law, a deep dive in certain aspects of EU Customs law will be part of this course. After this course, students have a solid knowledge of Customs Law, and should be able to solve complex real-life cases from a theoretical and practical point of view.

Course objectives

The first week of this course is used to make a connection to the (basic) course in customs law (see section 4.2). Subsequently, the course builds further on this knowledge by focusing on various key topics, such as storage, processing and transportation under customs supervision, collection, guarantee, repayment and waivers, legal protection and control frameworks. In week 5, special attention is paid to the rapidly expanding use and role of technology in customs. Week 6 and 7 are devoted to other aspects related to cross-border movements of goods: other levies on importation, anti-dumping, economic sanctions, export controls, protection of intellectual property (incl. counterfeiting) and protecting the society (health, safety, economics). The Intended Learning Outcomes for Advanced Customs Law are as follows:

Describe, understand and explain advanced topics in international customs law, including those related to key non-fiscal customs topics;

Give - in English - an informed opinion on the legislation and case law relevant to the various topics discussed;

Creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or case law) and to offer solutions to resolve these issues;

- Describe, understand, explain and be able to apply the concepts of storage, processing and transportation under customs supervision;
- Describe, understand, explain and be able to apply the concepts of collection, guarantee,

repayment and waivers;

- Understand and be able to critically assess legal protection with respect to the levy of customs duties;
- Describe, understand, explain control frameworks, including the concepts of the Authorized Economic Operator, processes and control and risk management;
- Describe and understand the impact of technology in the field of customs law with respect to automation of processes, the exchange and evaluation of information and supply chain security;
- Describe, understand, explain what levies on importation, other than customs duties may be applied;
- Describe, understand, explain non-fiscal aspects of customs law, such as anti-dumping, economic sanctions and export controls;
- Solve complex real-life cases from a theoretical and practical point of view;
- Describe, understand and explain the interplay between various customs law systems applicable in a global context.

Prerequisites

Customs Law

Recommended reading

To be announced.

TAX4028

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Customs, Brexit, trade wars, anti-dumping, economic sanctioning. customs procedures.

Master European Law School, additional courses

Internships

Master European Law School internship

Faculty of Law

Master's internship European law school

LAW4565

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Master's internship European law school

LAW4566

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Thesis

[Find another programme](#)

Specialisation courses

Free Programme

Master European Law School courses

Faculty of Law

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 multi-national 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)

Master European Law School Free Track ####

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 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

26 Oct 2020

18 Dec 2020

[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

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 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 and debate on the current EU/MS issues.

Prerequisites

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

Recommended reading

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

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

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

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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F. Peirone](#)

Teaching methods:

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

Assessment methods:

Final paper, 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

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, fundamental employee rights with regard to individual and collective action, 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. The course also explains how social legislation is made within the EU and how it relates to the four freedoms of the EU.

Course objectives

- To accomplish understanding in detail of European Labour Law and Social Security Law and of its place within the larger EU legislative framework.
- To accomplish an accurate analysis of European Court of Justice cases on Social Law
- To accomplish knowledge of the systematic infrastructure of EU Social Law
- To achieve the competence to think and argue on topics of EU Social Law
- To achieve the ability to recognize the relevant material aspects of EU Social Law when analysing case studies.

Prerequisites

General knowledge of EU law, and basic knowledge of Human rights and social law.

Recommended reading

Barnard, EU Law, handbook

PUB4007

Period 5

12 Apr 2021

11 Jun 2021

[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 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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [J.H.M. van Erp](#)
- [K. Zimmermann](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

European Migration Law and Citizenship

Full course description

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

In many EU Member States, immigration is one of the topics most discussed during election campaigns. Not only the Member States have, however, competences to act in this area. Since 1999, with the entering into force of the Amsterdam Treaty the European Union has more competences to act as legislator in the field of migration and asylum. In the last twenty years, several EU instruments have been passed in this field.

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 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

Master European Law School Free Track

- Papagianni (2014) EU migration policy, available at: <http://cadmus.eui.eu/bitstream/handle/1814/30557/Chapter30.pdf>
- 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
- 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
- Further literature and material will be provided on ELEUM

IER4001

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [H.E.G.S. Schneider](#)
- D.H. Yabasun
- G.R. de Groot
- [N. Reslow](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Assignment

Keywords:

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

Faculty of Law

The Law of the Economic and Monetary Union

Full course description

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

Course objectives

Goals

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

- 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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- P. Nicolaidis

Teaching methods:

Master European Law School Free Track ####

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

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

European Data Protection and Privacy Law

Full course description

Have you ever thought of how data-based economy influences your life, business, government? How does technology use your personal data to make decisions which are of relevance for your life? What is the impact of personal data processing on your fundamental rights? And furthermore, how does the protection of your data affect other areas of law and other entities?

Right to privacy and right to personal data protection gained salience not only as fundamental rights protected within the European multi-level human rights protection system, but also as the source of framework for 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 increasingly is intertwined with both public and private law disciplines.

Against this background, during European Privacy and Data Protection Law course we will explore the privacy and data protection system, mainly in Europe, however, presenting it against the interdisciplinary background and, subsequently, in the context of international and comparative law. Following on the introductory lectures, we will focus on data protection in the European Union 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. In the second part of the course we will explore broader issues of data protection, in particular by setting the European Union system in the context of the international data protection regulations. We will also explore “sister” areas of data protection rules and investigate their sectoral application.

The course will be delivered with participation of 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).

Assessment methods

At the end of the course students will be asked to sit a take home exam.

For the purposes of the course assessment, students will be required to submit one written assignment which will be graded and complete a graded group assignment.

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;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimisation, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals' experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.

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 course.

Recommended reading

Obligatory literature:

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>>

Complementary literature:

C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, forthcoming 2019), see the 2018 Draft commentaries on 10 GDPR articles (from Commentary on the EU General Data Protection Regulation, OUP 2019) available at <https://works.bepress.com/christopher-kuner/1/>

Paul Voigt, Axel von dem Bussche, The EU General Data Protection Regulation (GDPR) - A Practical Guide, Springer 2017.

Mandatory legal sources:

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

Master European Law School Free Track

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

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications), COM(2017) 10 final

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

31 Aug 2020

23 Oct 2020

[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

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

26 Oct 2020

18 Dec 2020

[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

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 assessment

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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W. Devroe](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Comparative Company Law

Full course description

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

Course objectives

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

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- 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 2021

2 Apr 2021

[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, third edition, Cambridge-Antwerpen 2016;
- 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

European Criminal law, national criminal substantive and procedural law

Faculty of Law

External Relations of the European Union

Full course description

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

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

Course objectives

Successful participants:

- will have acquired in-depth knowledge about the political and legal dimension of EU external relations law. They will be able to reflect on the characteristics and difficulties linked to this topic and connect to their knowledge gained in other courses, especially EU institutional law and substantive law;
- will have gained new insights into how to apply their knowledge and understanding of EU external relations law to identify specific problems, form coherent arguments, and develop problem-focused interpretations (both orally and in text). They will be able to apply their abstract knowledge acquired by lecture and reading on different cases and come to a balanced and argued conclusion;
- will gain experience and understanding in case law, legislation and literature in EU external relations law and develop a deeper understanding of EU law and political and legal problems arising from European Union polity. They will improve their writing and argumentation skills from an external relational law perspective during the course through weekly written and oral assignments;
- will have become more skillful in communicating legal theory, case law findings and own ideas

to their peers;

- will thereby have further developed learning skills that will prepare them for their final Master Paper as well as for future academic education and/or work in practice.

Prerequisites

EU Institutional law

Recommended reading

To be announced

IER4003

Period 5

12 Apr 2021

11 Jun 2021

[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

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.

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

Materials are provided electronically by means of an e-reference list (library service). In addition, the course book refers to useful documents and articles.

LAW4042

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

Keywords:

EU competences & principles for environmental decision-making

Faculty of Law

State Aid and Public Procurement

Full course description

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

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

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

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

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

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

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

1. The course will situate State aid not only as part of EU competition law but will also deal with the economic rationale of State aid. Regional aid, the limits of State aid and procedural aspects of State aid will be discussed. Students will be provided with an understanding of EU legislation and case law on State aid and special attention will be provided to the balancing test.

2. Public procurement will be identified as an element of the construction of the internal market. The different steps and aspects of procurement procedures will be discussed in light of the 2014 legislative package. The notion of contracting authorities will be explained and emphasis will be put on the relationship of sustainability, innovation and public procurement. Enforcement issues will be

covered as well.

3. Competition law, including State aid law, and public procurement law should be looked at as related fields of law. As public authorities generally pay money to economic operators that are selected by a procurement procedure, the risk exists that compensation paid will be qualified as State aid. While the EU legislative framework on public procurement aims to avoid distortions of competition, one should be wary that public procurement procedures are not used to circumvent State aid rules. The course hence focuses on the link between State aid law and public procurement. 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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper, Presentation

Keywords:

State aid, public procurement, services of general economic interest

Faculty of Law

European Fundamental Rights Law

Full course description

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

Course objectives

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

At the end of the course the student has gained a solid understanding of the systems of fundamental rights protection, 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

26 Oct 2020

18 Dec 2020

[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

26 Oct 2020

18 Dec 2020

[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

Compulsory courses

Master European Law School compulsory courses

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Elective courses

Master European Law School electives

Faculty of Law

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal, waarbij vooral de kapitaalvennootschappen, de NV en de BV, aan bod komen. Alvorens wordt ingegaan op de kapitaalvennootschappen als zodanig, zal in de eerste week aandacht worden besteed aan de oprichting van een vennootschap. Daarbij komt niet slechts het nationale aspect aan bod, maar wordt er ook over de grens gekeken. De Nederlandse kapitaalvennootschap als zodanig heeft een duale structuur. In de tweede week staat de bevoegdheidsverdeling en machtsverhouding tussen de verschillende organen van de vennootschap centraal. Nadat is ingegaan op de verhoudingen tussen de organen, zal in de derde week het aspect van persoonlijke aansprakelijkheid van het bestuur aan bod komen. Hoewel het uitgangspunt bij een rechtspersoon is dat het bestuur niet kan worden aangesproken voor (rechts)handelingen verricht namens de rechtspersoon, kunnen bestuurders in bijzondere omstandigheden in hun persoonlijk vermogen worden aangesproken. De onderneming, in de zin van organisatorisch verband, gericht op duurzame deelneming aan het maatschappelijk verkeer, kan zich vertonen in vele juridische gedaanten. In het algemeen zal één onderneming door één rechtspersoon gedreven worden. Een onderneming wordt echter ook vaak in stand gehouden door meerdere rechtspersonen en/of vennootschappen. In dat geval spreekt men al gauw van een groep of een concern. De grondgedachte van het Nederlandse vennootschaps- en ondernemingsrecht is die van de enkelvoudige vennootschap. Echter, zowel in de rechtspraak als in de wetgeving ziet men al geruime tijd ontwikkelingen waardoor aan dat concept het nodige wordt afgedaan. De groep of het concern wordt steeds meer erkend als een juridisch relevante, economische eenheid, hetgeen wordt besproken in de vierde week. In elke onderneming komt wel eens ruzie voor. Meestal wordt dat opgelost, maar soms moet de rechter er aan te pas komen. Veelal wordt daarbij gedacht aan de Ondernemingskamer van het Hof Amsterdam, maar in de praktijk wordt een groot aantal geschillen voorgelegd aan de voorzieningenrechter. Daarnaast biedt de wet verschillende mogelijkheden, zoals de uitkoopregeling, de uitstootregeling en de uittreedregeling. Mogen deze procedures geen oplossing bieden, dan rest de weg naar de Ondernemingskamer via de enquêteprocedure. Dit arsenaal aan mogelijkheden wordt besproken in de vijfde week. In de zesde week staat de (vijandige) overname centraal. Teneinde een vijandige overname te voorkomen, maken beursvennootschappen gebruik van beschermingsmaatregelen. De vraag rijst echter of deze beschermingsconstructies altijd zijn toegestaan.

Het blok wordt afgesloten met de onderneming in financieel zwaar weer. Een levensvatbare onderneming in zwaar weer zal veelal voor een herstructurering kiezen, terwijl een niet-levensvatbare onderneming gedoemd is over te gaan tot ontbinding, of zelfs tot faillissementsaanvraag.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van de maatschappelijk relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in onderwijsgroepen plaats op basis van een aantal uitdagende casus. Naast deze onderwijsgroepen zal wekelijks een college worden gegeven.

De colleges zullen aansluiten bij het onderwerp dat diezelfde week ook in de onderwijsgroepen centraal staat.

Prerequisites

Studenten dienen over basiskennis op het terrein van het rechtspersonenrecht te beschikken, willen de onderwerpen in dit blok op nuttige wijze kunnen worden bestudeerd. Deze basiskennis wordt aangeboden in het bachelorblok Inleiding Onderneming- en Faillissementsrecht. Indien u niet over deze basiskennis beschikt wordt u aangeraden om u op voorhand al voor te bereiden zodat u bij aanvang van het blok wel over deze basiskennis beschikt. In het verdere verloop van het blok is voor een sterke praktische en rechtsvergelijkende benadering gekozen.

Recommended reading

- S.M. Bartman e.a., Van het concern, Deventer: Kluwer 2018
- G. van Solinge & M.P. Nieuwe Weme, Mr C. Asser's Handleiding tot de beoefening van het Nederlands burgerlijk recht, Rechtspersonenrecht, De naamloze en besloten vennootschap, deel 2-II* (voorheen deel 2-III), Deventer: Kluwer 2009 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!)
- G. van Solinge & M.P. Nieuwe Weme, Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel IIa. NV en BV. Oprichting, vermogen en aandelen, Deventer: Kluwer 2013 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!).
- G. van Solingen & M.P. Nieuwe Weme, Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2-IIb NV en BV - Corporate Governance, Deventer: Kluwer 2019 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!)
- M.J. Kroeze (m.m.v. H. Beckman, M.A. Verbrugh), Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel I. De rechtspersoon, Deventer: Kluwer 2015 (LET OP: dit handboek kan via Kluwer Navigator worden geraadpleegd!).

PRI4007

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Rensen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Vennootschapsrecht, concernrecht, geschillenregeling, M&A, fusie en, splitsing, beschermingsconstructies, jaarrekeningenrecht, machtsverhoudingen, structuurregelingen, Corporate governance, aansprakelijkheid, Europese ontwikkelingen, herstructurering en ontbinding
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 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

26 Oct 2020

18 Dec 2020

[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 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. The WTO plays a crucial role in preventing international trade disputes from escalating into trade wars. However, 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); • 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 exercises.

Course objectives

- The student acquires up-to-date knowledge of the institutional and core substantive law of the World Trade Organization;
- 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, 2020), or if this is not yet in print, the 4th edition of this book (2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- 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) and can use a printout of these texts.
- Students are advised to consult the WTO website and the website of DG Trade of the European Commission (www.europa.eu.int), regularly, for information on the latest developments. The websites of major international newspapers, such as *The Financial Times* (www.ft.com) are also excellent sources of information.

IER4002

Period 2

26 Oct 2020

18 Dec 2020

[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

Rechtspsychologie en Forensisch Bewijs

Full course description

In dit blok krijgt u materiaal uit een echt strafdossier 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). Gerede 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

26 Oct 2020

18 Dec 2020

[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

12 Apr 2021

11 Jun 2021

[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

Corporate Social Responsibility

Full course description

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

The following subjects will be studied and discussed:

- The conceptual and historical foundations of CSR, its substance and analytical focus
- CSR as a heuristic for 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 Principles on Business and Human Rights and the debate surrounding an international treaty), international economic law (OECD Guidelines and investment law and arbitration) and company and 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, global value chain regulation and 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 regulation of companies through company, tort and contract law in relation to their 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 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 and societal interests 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 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. The following books can be consulted on the topic but do not constitute the required reading for this course:

- Lisbeth Enneking, Ivo Giesen, Anne-Jetske Schaap, Cedric Ryngaert, Francois Kristen & Lucas Roorda (eds), *Accountability, International Business Operations, and the Law*, Routledge 2019.
- Horatia Muir Watt, Lucia Bíziková, Agatha Brandao de Oliveira, Diego P. Fernández Arroyo (eds), *Global Private International Law: Adjudication without Frontiers*, Edward Elgar 2019.
- Katharina Pistor, *The Code of Capital*, Princeton University Press 2019.
- Vibe Ulfbeck, Alexandra Andhov & Katerina Mitkidis (eds), *Law and Responsible Supply Chain Management*, Routledge 2019.
- Birgit Spießhofer, *Responsible Enterprise: The Emergence of a Global Economic Order*, C.H.Beck/Nomos 2018.
- Juan José Álvarez Rubio & Katerina Yiannibas (eds), *Human Rights in Business: Removal of Access to Justice in the European Union*, Routledge 2017.
- Andreas Rühmkorf, *Corporate Social Responsibility, Private Law and Global Supply Chains*, Edward Elgar 2015.
- Jeremy Moon, *Corporate Social Responsibility: A Very Short Introduction*, Oxford University Press 2015.
- 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.

Period 4

1 Feb 2021

2 Apr 2021

[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

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 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

31 Aug 2020

23 Oct 2020

[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

Faculty of Law

OM en Rechtshandhaving

Full course description

Bij de handhaving van de rechtsorde speelt het Openbaar Ministerie (OM) een belangrijke rol. Dat geldt in het bijzonder voor de strafrechtelijke rechtshandhaving. Daar neemt het OM een cruciale positie in. In het blok "OM & rechtshandhaving" gaat de aandacht uit naar de aan het OM

toebedeelde positie en taken in het kader van de strafrechtelijke rechtshandhaving. Die taken beslaan tot op heden het gehele strafrechtelijke traject, vanaf het moment van plegen van het strafbare feit (en soms reeds eerder) tot en met de executie. Het gaat in dit blok niet alleen om de redelijk bekende taken van het OM in de sfeer van opsporing, vervolging en executie. Aan de orde komen ook de meer bestuurlijke taken, de positionering van het OM in het bestuurlijke krachtenveld, het uitwisselen van informatie met andere instanties, de internationale samenwerking en het streven om te komen tot een Europees Openbaar Ministerie. In het kader van het programma 'Versterking prestaties strafrechtsketen' en het streven naar versnelling van de strafrechtspleging is het OM 'in transitie': het OM en de werkprocessen worden gereorganiseerd. In dit blok kunnen deze actuele ontwikkelingen niet onbesproken blijven. In de onderwijsgroepen wordt alle stof besproken aan de hand van concrete, aan de praktijk ontleende, casus. Naast de onderwijsgroepen zijn er ook hoorcolleges. Deze worden door verschillende gastsprekers 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 de taken van het OM en de richting van het strafrechtelijke beleid - kennis van de strafrechtsketen en de positie en taken van het OM in de keten - kennis van actuele ontwikkelingen die relevant zijn voor de veranderende rol van het OM in de rechtshandhaving - kennis van de rol van het OM bij de internationale samenwerking en de oprichting van het Europees OM

Prerequisites

Kennis van het straf(proces)recht op bachelorniveau

Recommended reading

Reader

LAW4041

Period 5

12 Apr 2021

11 Jun 2021

[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

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with forensic evidence in criminal cases. The course is aimed at enabling students to recognise and formulate in a logically correct manner (Bayes theorem) forensic research opportunities and to create awareness of the need for judges, prosecutors, lawyers and attorneys to ask the right questions to forensic experts in court. In the course special emphasis will be on DNA, on general reasoning about evidence, and problems of bias and fallacies.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions in a logically correct manner (Bayes Theorem) for criminalistic investigations;
- recognise the correctness of research questions, bias risks, evaluation possibilities, explanations and assumptions;
- express the value of conclusions and the validity of theories based on research findings of forensic areas of expertise;
- recognise prosecutors and defence fallacies in interpreting forensic results;
- distinguish between the source level and activity level of forensic trace evidence;
- formulate the difference in evidential value of macro and micro traces;
- explain the essentials of forensic DNA research and evaluation of DNA fingerprint comparison;
- recognise the value of reference databases for comparison of research results;
- recognise the value of databases for judicial experts in various areas of law.

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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [R. Hofmann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

Keywords:

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

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

31 Aug 2020

23 Oct 2020

[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 has gained much importance in Europe and 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). Regular classes are organised by Prof. N. Philipsen and Dr. K. de Smedt. In addition there are guest lectures by Prof. M. Faure and Prof. B. Steins Bisschop.

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.

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

26 Oct 2020

18 Dec 2020

[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

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

De literatuur is opgenomen in een reader

CRI4002

Period 1

31 Aug 2020

23 Oct 2020

[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

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 (judgments, Views, General Comments, resolutions, press reports etc.), other selected readings and websites.

During the course a **mock examination of a human rights state report** by a United Nations treaty monitoring body will be organized. Participation is optional. Students are expected to play a role in this practical skills exercise. Participation in the mock examination will be incorporated in the final grade for this course. 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.

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 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Take home exam

Faculty of Law

Intellectual Property Law

Full course description

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

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;
- Explain the different rationales of intellectual property rights;
- Have knowledge and insight of the EU regimes for trademarks, patents and rights similar to patents, trade secrets, copyright, and design, in particular of the aspects of acquisition of rights, scope of protection and infringement;
- 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;
- Solve cases regarding all of the intellectual property rights listed above;
- Orally argue a case concerning any of the intellectual property rights listed above.

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, 2019, Oxford University Press)

IER4033

Period 2

26 Oct 2020

18 Dec 2020

[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

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

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 2021

2 Apr 2021

[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

International Commercial Law

Full course description

This course is built around the international sale of goods transaction, which is then used to explore a number of other related topics, such as the carriage of goods, third party relationships and payment. In the first part of the course, we pay attention to the rights and obligations of buyers and sellers in international sales contracts, with a particular focus on the 1980 United Nations Convention on Contracts for the International Sale of Goods. The course then shifts its focus to contracts for the carriage of goods. This part of the course covers the legal regimes applicable to the carriage of goods by road (the CMR convention) and by sea (the Hague (Visby) Rules), as well as the rules applicable to multimodal or combined transport. In international business transactions, a

variety of parties will be involved in carrying out all aspects of the contract of sale and the contract of carriage. During the course we will consider different types of actors in international trade and their rights and liabilities. We also touch upon payment mechanisms used to finance international trade.

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

Master European Law School Free Track

- 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

- 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

12 Apr 2021

11 Jun 2021

[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

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

12 Apr 2021

11 Jun 2021

[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

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 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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [M.R. Vanderhallen](#)
- [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 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 2021

2 Apr 2021

[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

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J. Vidmar](#)

Teaching methods:

Advanced International Trade Law

Full course description

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

This course addresses the following themes:

- Advanced issues of WTO dispute settlement (on the crisis of the WTO dispute settlement system and the way forward)
- Economic policy exceptions (on the WTO rules that govern safeguard measures and regional trade agreements);
- Rules on anti-dumping measures (on the WTO rules governing the permissible response to dumping as a form of unfair trade);
- Rules on subsidies and countervailing duties (on the WTO rules governing subsidisation, and the permissible response to subsidisation as a form of unfair trade);
- Rules on technical barriers to trade (on WTO rules governing technical regulations, standards, and conformity assessment procedures);
- Rules on sanitary and phytosanitary measures (on WTO rules governing national food-safety measures and measures to protect against health risks from pests or diseases); and
- The future of the rules-based multilateral trading system (on the current challenges faced by the rules-based multilateral system for trade, and the way forward).

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

Course objectives

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

problems and to present these orally in class.

Prerequisites

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

- [International Trade Law](#)

Recommended reading

- The textbook used in this course is Van den Bossche, P. & Zdouc W., The Law and Policy of the World Trade Organization, 5th Edition (Cambridge University Press, 2020).
- 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) and can use a printout of these texts.
- Finally, additional mandatory reading will be made known on the Student Portal, where appropriate.

IER4025

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law, WTO

Faculty of Law

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:

- diverse grondslagen voor aansprakelijkheid te herkennen uit een feitencomplex en deze grondslagen gestructureerd te onderbouwen;
- omvang van de schadevergoeding te beargumenteren aan de hand van wet en jurisprudentie;
- 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.

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, 8e druk, Wolters Kluwer, Deventer 2018.

PRI4008

Period 2

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 wetwijzigingen 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 rechtspraak (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 gemaakt van een reader. Jurisprudentie en beleidsstukken dienen zelf te worden opgezocht.

CRI4001

Period 4

1 Feb 2021

2 Apr 2021

[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 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

26 Oct 2020

18 Dec 2020

[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

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 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: Boom Juridische uitgevers 2020.

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

LAW4002

Period 5

12 Apr 2021

11 Jun 2021

[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

Human Rights and Human Development

Full course description

Human rights and human development analyzes the different efforts that have been made to reconceptualize economic relations between developed and developing countries in terms of human rights. Topics covered include: (1) the NIEO program sponsored by the Non Aligned Movement in the UN General Assembly; (2) the normative framework of sustainable development; (3) the Millennium Development Goals and the Sustainable Development Goals; (4) modern definitions of poverty as lack of capabilities and social exclusion; (5) the human rights based approach to development programming; (6) the safeguard policies and inspection panel procedure of the World Bank; (7) exploitative economic practices such as “land grabbing” and modern forms of slavery; (8) the capabilities approach of Amartya Sen and Martha Nussbaum as an overarching framework for thinking about development. 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 philosophical and social-scientific perspectives.

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

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Presentation, Written exam

Keywords:

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

Faculty of Law

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

26 Oct 2020

18 Dec 2020

[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 theorem) 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.
- Hypothesen 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 2021

2 Apr 2021

[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

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, as well as tourism and transportation. Oceans are key locations for international conflict (such as the South China Sea), but equally play an important role in trade and economic development as well as. The course on law of the sea will not only focus on the important 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. Much of this will be explored in the law of the sea course.

Assessment

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

Course objectives

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

Prerequisites

At the time of registering - be booked 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).

Recommended reading

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

IER4024

Period 5

12 Apr 2021

11 Jun 2021

[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

Legal Analytics

Full course description

Legal Analytics is the interface between law, technology and data. You will learn how to use legal information as data and apply empirical and data science methods to law. The quantitative approach to law of this course provides an understanding about how data science can help improve legal research, design innovative legal services, and solve legal problems. You will learn the programming language Python and you will improve your information literacy and research analysis skills.

Course objectives

Upon successful completion of this course, students are able to:

- Explain and apply the empirical cycle;
- Explain and apply the data science process and the FAIR data principles;
- Distinguish statistical models for description, causal inference and prediction;
- Analyse (legal) data in Python; and
- Communicate (written and oral) and visualize (legal) data and results.

Prerequisites

N/A

Recommended reading

To be announced.

LAW4015

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.G.H. Schaper](#)

Teaching methods:

Lecture(s), PBL

Keywords:

legal analytics, empirical legal studies, data science, programming, Python

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

12 Apr 2021

11 Jun 2021

[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

Rechtshandeling en Overeenkomst

Full course description

In het blok Rechtshandeling en Overeenkomst staat een aantal belangrijke thema's van het Nederlandse verbintenissenrecht 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 consumentenkoop) 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/Hartkamp & Sieburgh 6-I, Verbintenissenrecht. De verbintenis in het algemeen, eerste gedeelte, 14e druk, Kluwer, Deventer 2012;
- Asser/Hartkamp & Sieburgh 6-III, Verbintenissenrecht. Algemeen overeenkomstenrecht, 14e druk, Kluwer, Deventer 2014;

PRI4001

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Jonkers](#)

Teaching methods:

PBL

Assessment methods:

Final paper

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;
- 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 relativeren 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, Maastricht: Gianni 2019 (verschijnt in december)

MET4001

Period 5

12 Apr 2021

11 Jun 2021

[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

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [N. Gundt](#)

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. Zo worden vraagstukken in een Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst. Drie thema's krijgen prominente aandacht: gelijke behandeling in het arbeidsrecht, flexibel werken en ontslag en vergoedingen. Opdrachten worden individueel of in studiegroepjes van maximaal 4 personen uitgevoerd. In verband met de hybride onderwijsvorm zal het onderwijs worden teruggebracht tot de kern en wordt van studenten een grotere inzet in de voorbereiding gevraagd. Dit kan ook vooraf / tussentijds feedback op (groeps)producten zijn.

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

Kennis van het masterblok Arbeidsrecht wordt verondersteld.

Recommended reading

- Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2020;
- Toegespitste literatuur en jurisprudentie, afhankelijk van het onderwerp (aan te geven via de elektronische leeromgeving)

PUB4015

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment

Keywords:

Gelijke behandeling, atypische arbeid, ontslag

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 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 uitgeverij, 2007. Diverse artikelen uit tijdschriften worden opgenomen in een reader.

CRI4003

Period 2

26 Oct 2020

18 Dec 2020

[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 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 stromingen in termen van onderzoeksvragen, verklaringen, assumpties, niveaus van verklaring en mogelijkheden voor theoretische integratie; - de inhoud van de belangrijkste criminologische verklaringen te kennen en toe te passen op concrete (kennis) problemen; - op basis van informatie over onderzoeksbevindingen conclusies te trekken over de empirische houdbaarheid van een aantal criminologische theorieën.

CRI4004

Period 1

31 Aug 2020

23 Oct 2020

[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

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 concreetiseerd. 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

26 Oct 2020

18 Dec 2020

[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 verzekerden, 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

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 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 '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.

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 2021

2 Apr 2021

[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

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 bachelorvooropleiding 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

12 Apr 2021

11 Jun 2021

[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

Comparative Corporate Governance

Full course description

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

critically assess them against the societal changes that brought them about.

Course objectives

Students are able to:

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

Prerequisites

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

Recommended reading

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

PRI4012

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. Kemp](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

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, on the extremely controversial investor-state dispute settlement system, and on the recent proposal for the establishment of a multilateral investment court), 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 protect other societal values;
- 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

A previous course in public international law is recommended.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 3rd edition (Edward Elgar Publishing, 2020). 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 on the Student Portal 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

31 Aug 2020

23 Oct 2020

[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 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

26 Oct 2020

18 Dec 2020

[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

The object of this course is to provide an introduction into International Criminal Law as a field of law which imposes responsibilities - and criminal accountability - directly on individuals and

punishes violations of specific prohibitions through international judicial mechanisms. After having a look at the emergence of international criminal law, the course will focus on the jurisdictional regime and admissibility issues before the International Criminal Court: How is the jurisdictional regime of the ICC different from other international(ized) tribunals and courts, and why? Who or what can trigger - or possibly challenge - a prosecution? Subsequently the course will take a closer look at substantive criminal law applicable before the ICC in order to establish what are the various elements of the so-called core crimes at the ICC (genocide, war crimes, crimes against humanity and the crime of aggression) and which principles and modes of criminal liability apply to individuals. For instance: when can we speak of genocide? What conduct amounts to a war crime? And also: How is criminal liability imposed in situations of command responsibility? In order to understand how this is done, the course will then explore international criminal procedure: what model/ system of procedural rules is used? Who are the actors involved? What are their rights? In its last part, the course will look at the challenges and possible alternatives to international criminal proceedings in order to understand the numerous obstacles that complicate the course of justice in this field of law and whether there are (better) alternatives to the proceedings before the ICC. Issues such as State cooperation with the ICC and possible conflicts of interests (e.g. immunity) will be addressed.

The course will consist of 7 tutorials and some additional expert lectures. The lectures will (mostly) be delivered by experts that operate in the field of international criminal law. They will provide students with special (insight and insider-) knowledge on how international criminal law functions and feels in action, and will give them a taste of the real problems and challenges faced by practitioners in the field. Next to the lectures, there will be case studies (with specific questions) that students will need to study and prepare in groups.

Course objectives

The aim of the course is to provide an idea of the origins and objectives of international criminal law, and to give an overview of the numerous challenges faced in this field of law. Furthermore, the course aims to make students familiar with the procedural system of certain international tribunals (such as the ICC) and with alternatives to international proceedings, such as truth and reconciliation commissions or national proceedings. The ultimate goal of the course is to provide students with the ability to apply legal provisions and theoretical knowledge to concrete cases.

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

12 Apr 2021

11 Jun 2021

[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 and Syria.

Course objectives

Students that have successfully completed this course are able to identify the relevant rules and principles of International Humanitarian Law and apply them to actual situations. They 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W.C. Muller](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

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

26 Oct 2020

18 Dec 2020

[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

Forensic Psychopathology

Full course description

Deals primarily with offenders' criminal liability (e.g. the issue of diminished responsibility). Emphasis is put on a number of mental disorders and the meaning and relevance of these disorders in relation to criminal behavior and criminal liability. Special attention will be given to offenders with either psychosis or personality disorders.

Course objectives

- Learning to identify different kinds of psychopathology (e.g., being able to distinguish psychotic disorders from personality disorders); - Obtaining knowledge about the development, symptoms and treatment of these disorders;
- Creating the ability to determine how different types of mental disorders may predispose to criminal behavior (i.e., being able to evaluate how a particular constellation of symptoms can put somebody at risk of committing a certain type of crime);
- Applying the obtained knowledge by critically examining the putative link between psychopathology and criminal behavior in true court cases.

Prerequisites

None

Recommended reading

A reader with articles on forensic psychopathology will be made available.

CRI4016

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Jelicic](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Offenders, criminal responsibility, mental disorders.

Faculty of Law

Verdieping Bestuurs(proces)recht

Full course description

Het blok Verdieping Bestuurs(proces)recht bouwt voort op de bachelorvakken Inleiding Staats- en bestuursrecht en Staats- en bestuurs(proces)recht. Zoals de naam van het blok al suggereert, worden bepaalde onderwerpen uit de bachelor aan een nadere, 'verdiepte' analyse onderworpen. Daarnaast wordt een aantal nieuwe thema's bestudeerd. Het bestuurs(proces)recht is volop in beweging en onderhevig aan diverse interessante veranderingen. In het blok wordt zoveel mogelijk aangesloten op die actuele discussies. De behandelde thema's worden jaarlijks dan ook voor deel aangepast. Aan de orde komen dit jaar:

- Het besluitbegrip als centraal element van het bestuursrecht en als toegangspoort naar de bestuursrechter; in hoeverre voldoet die notie nog. Welke alternatieven zijn denkbaar en welke voor- en nadelen kleven daaraan?
- Het belanghebbendebegrip. Een weliswaar usual suspect in het bestuursprocesrecht maar nog steeds niet uitgekristaliseerd en recent onderwerp van veranderingen. Net als het concept 'besluit; wordt de notie van 'belanghebbende' in dit blok met name geplaatst in de sleutel van de toegang tot de rechter.
- Bestuurlijke handhaving. Bestuursorganen hebben anno 2019 tal van mogelijkheden tot de inzet van handhavingsinstrumenten. Aan de orde komen vragen als: welke mogelijkheden, wat zijn de context en referentiekader (voorwaarden, grenzen, EVRM etc.) daarvan, bestaat er een handhavingplicht en wanneer dan precies en wat is de juridische status van gedoogbeslissingen?
- Het bestuursrechtelijk geding: wat bepaalt de omvang ervan, wat kan wanneer worden aangevoerd en wat niet? En wat is de ratio daarvan? We 'zoomen' in op het veranderende karakter van het bestuursrechtelijk geding en de bestuursrechtelijke rechtsbescherming. Daarbij behoeft ook de urgente vraag naar de indringendheid van de rechterlijke toetsing aandacht, ook gezien de ontwikkelingen in zowel in het wetenschappelijke discours als in de rechtspraak.

- Subsidierecht. Dit onderdeel van het financieel bestuursrecht, met een uitgebreide regeling in de Awb, speelt in de praktijk een belangrijke rol. In de bachelorfase is aan dit onderdeel binnen het bestuursrecht nog heel weinig aandacht besteed, reden te meer om in dit Mastervak daar uitgebreider aandacht aan te besteden.
- Finale geschilbeslechting; in literatuur, rechtspraak en ook vanuit de wetgever is een ontwikkeling ingezet naar een veranderende bestuursrechtspraak waarin geschillen zoveel mogelijk finaal worden beslecht. Dat brengt een gewijzigde opstelling mee van de bestuursrechter en impliceert eveneens een andere benadering door partijen van een bestuursrechtelijke procedure.
- Overheid en schadevergoeding en nadeelcompensatie. Het bestuur neemt soms besluiten of verricht andere handelingen, zowel onrechtmatig als rechtmatig, waardoor een of meer burgers schade ondervinden. Rust op het bestuur een plicht die schade te vergoeden?; langs welke weg en onder welke condities kan een burger dergelijke schade claimen? Nadat in de bachelorfase aan dit thema is geroken, wordt dit complexe maar tegelijk ook praktisch buitengewoon relevante en deels nog heel nieuwe thema aan een analyse onderworpen.
- Rechterlijke organisatie en rechtseenheid, inclusief de discussie over de mogelijke vormen van integratie van de hoogste bestuursrechters. Er leek een gewijzigde organisatie van de bestuursrechtspraak aan te komen. Hoe is het huidige systeem ontstaan, waarom 'moest' het worden aangepast en waarom juist op de voorgestelde, vaak reeds gekritiseerde, wijze? En waarom is die reorganisatie niet doorgegaan? Vooral wordt ingegaan op rechtseenheid; wat wordt daarover verstaan, waarom wordt ernaar gestreefd, ontbreekt het aan rechtseenheid? Een en ander wordt aan de hand van concrete voorbeelden uit de rechtspraak inzichtelijk gemaakt.

De gekozen thema's worden benaderd vanuit niet alleen een theoretische invalshoek maar zeker ook vanuit het grote belang dat de respectieve thema's hebben voor de praktijk.

Een ander - naast genoemde inhoudelijke thema's - kenmerk van dit vak is dat, zoals in alle vakken van de specialisatie SBR, een voor de praktijk ook cruciale academische vaardigheid is ingebouwd. In dit blok is dat het verzorgen van een referaat: een (duo)presentatie waarin een inhoudelijk belangrijk onderwerp wordt toegelicht. Studenten krijgen vooraf en achteraf uitleg over het referaat.

Course objectives

Het vak beoogt het inzicht in de belangrijkste vraagstukken van het bestuursrecht en bestuursprocesrecht te verdiepen en kennis van en inzicht te verkrijgen in de actuele discussies die op dit terrein gevoerd worden. Anders dan in de bachelor staat niet zozeer het kennis verwerven van het bestuursrechtelijke instrumentarium op zich centraal, maar zal getracht worden inzicht te verschaffen in de achterliggende principes, ideeën en motieven van het bestuursrecht. De studenten moeten in staat worden gesteld om op niveau deel te nemen aan de discussies over verworvenheden en verdere ontwikkeling van het Nederlandse bestuursrecht. Daarbij komen Europeesrechtelijke invloeden uiteraard ook aan de orde, voor zover toepasselijk en niet uitgebreid in andere vakken van deze Master-specialisatie (SBR) behandeld. Het vak bereidt door de geselecteerde thema's en de daarbij ook op de rechtspraak gerichte invalshoek uitstekend voor op togaberoepen en wordt (dan ook) tevens gevolgd door studenten die niet het profiel SBR volgen.

Prerequisites

Bachelor; vak Staats- en bestuurs(proces)recht (of equivalent) met succes afgerond

Recommended reading

Reader. Naast de in reader opgenomen te bestuderen literatuur, dienen voor de bijeenkomsten steeds rechterlijke uitspraken te worden bestudeerd, welke in een lijst in het blokboek worden opgenomen.

PUB4020

Period 2

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), Presentation(s), PBL

Assessment methods:

Written exam, Presentation

Keywords:

Besluitbegrip en alternatieven voor het besluitbegrip; handhaving; omvang geding; definitieve geschilbeslechting; rol van de rechter; overheidsaansprakelijkheid en nadeelcompensatie; subsidierecht; rechtseenheid

Faculty of Law

Europees en Nationaal Constitutioneel Recht

Full course description

Dit mastervak, onderdeel van het masterprofiel staats- en bestuursrecht van de master Nederlands recht, gaat in op het functioneren van het Nederlandse staatsrecht binnen de context en kaders van het Europees recht.

Het vak laat zien dat het Nederlandse staatsrecht in toenemende mate onder invloed staat van het Europees recht. De blik is op het Nederlandse staatsrecht, maar met een Europese bril. Zo gaan we in op de procedure van wetgeving, in aanmerking nemend dat veel nationale wetgeving uitvloeisel is van Europese regels; kijken we naar de plaats, taken en bevoegdheden van het nationale parlement, vooral ook in relatie tot Europese regels en besluiten, waarbij we focussen op de gele kaartprocedure; verder komt de nationale begrotingsprocedure aan bod maar in het licht van het Europese Semester en het Europese toezicht op de staat van de nationale financiën; verder bestrijkt het blok de Europese ontwikkelingen naar aanleiding van de financiële crisis en de uitbouw van de politieke, financiële en economische unie en het vraagstuk van de legitimiteit; en ten slotte richt het blok zich op de rol en plaats van de nationale rechter in relatie tot de Europese rechters en tot de veelgelaagdheid van grondrechtenbescherming met nationale grondwet, het EU Handvest en het EVRM.

Kortom, een uiterst actueel en divers blok dat laat zien hoe zeer het nationale (staats)recht is

verweven met het Europees recht, en hoe zeer die verwevenheid de taken en bevoegdheden van de nationale staatsinstellingen beïnvloedt en mede bepaalt. Dit blok bereidt daarmee goed voor op werk in advocatuur en overheid waar men frequent geconfronteerd wordt met die veelgelaagde rechtsorde.

Tijdens het blok zal een bezoek worden gebracht aan de Tweede (of Eerste) Kamer, in het bijzonder de Commissie voor Europese Zaken.

Het blok zal worden opgebouwd met een reader en een boek. Aangezien het vak ingaat op de actualiteit, kan de literatuur nog worden aangevuld met andere stukken.

Course objectives

Het doel van deze cursus is om de actualiteit van het nationale staatsrecht te laten zien in zijn verhoudingen tot het Europese, en de toenemende interactie en veelgelaagdheid te bestuderen. Dat is onder meer van belang om te weten waar invloed kan worden uitgeoefend op besluiten; waar besluiten genomen worden, hoe procedures verlopen en met welke nationale én Europese regels en procedures nationale instanties en instellingen rekening dienen te houden. De moderne jurist kan niet zonder die kennis omdat deze van belang is voor consultants om te weten waar te lobbyen en waar invloed uit te oefenen op aanstaande besluiten; of voor ambtenaren om zicht te hebben op de samenloop en interactie van regels en deze te incorporeren bij het maken van beleid, voorbereiden en toepassen van regels en adviseren van ministers, politici en anderen; en voor rechters en advocaten om te kunnen navigeren in de veelgelaagde rechtsorde en de juiste regel of uitspraak te vinden en om te kunnen gaan met de samenloop van regels en de onderlinge verhouding daarvan. We zien immers dat wetgevers, rechters, toezichthouders, rijksoverheid en lagere overheden geconfronteerd zijn met complexe stelsels van nationale en internationale regels, besluiten, afspraken, uitspraken en aankondigingen. Zicht daarop en inzicht daarin zijn voor iedere jurist van het heden en de toekomst cruciaal.

Leerdoelen van het vak:

- De student heeft kennis van de verschillende vormen van juridische interactie tussen Europees en nationaal constitutioneel recht.
- De student kan onderzoeken hoe recente ontwikkelingen in het Nederlandse staatsrecht zijn beïnvloed door Europese integratie.
- De student kan analyseren op welke manier nationaal staatsrecht, en met name het Nederlandse staatsrecht, relevant is voor het proces van Europese integratie.
- De student kan in een specifieke juridische casus de invloeden van nationaal en Europees constitutioneel recht identificeren.
- De student kan ontwikkelingen in Europees constitutioneel recht en nationaal constitutioneel recht bekritisieren vanuit het perspectief van de goede samenwerking tussen Europees en nationaal recht.
- De student kan communiceren over de uitkomst van een eigen analyse van een juridische casus door middel van een presentatie en een essay.

Prerequisites

Afgeronde bachelor recht. Basiskennis van het nationale staatsrecht en van het Europese recht wordt verondersteld.

Recommended reading

Het blok zal gelet op de actualiteit worden opgebouwd met een reader en onderdelen van boeken.

PUB4021

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M. van der Sluis](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam, Presentation

Keywords:

Wetgeving, begroting, veelgelaagde rechtsorde, parlement, parlementaire rol en bevoegdheden, EU en toezicht op staten, multi level governance, toetsingsrecht, rechter, grondrechtenbescherming

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 overheids machten centraal.

Deze overheids machten 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

12 Apr 2021

11 Jun 2021

[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

Human Rights of Women

Full course description

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

Students enrolled in this course will do individual research into one of the rights contained in the Women's Convention; each student in a tutorial group will study a different right. They will examine to what extent this specific right can be enjoyed by women in a country of their choice. This research will result in a short mid-term paper that will be presented in class and that will be graded. At the end of the course students will take a take home exam consisting of a case with essay questions. Both the mid-term and the final exam will count for 50% of the final grade.

Course objectives

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

Prerequisites

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

Recommended reading

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

IER4019

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [I. Westendorp](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Presentation, Assignment

Keywords:

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

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 2021

2 Apr 2021

[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 rechtshandavingsmogelijkheden, bijv. via het tuchtrecht.

In de colleges/kennisclips die tijdens het blok worden aangeboden, wordt mede aandacht besteed aan de wettelijke regeling van de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Kennis van de rechten en verplichtingen in de relatie hulpverlener – patiënt is nodig voor een goed begrip van het medische aansprakelijkheidsrecht. Ook wordt ingegaan op de Wet kwaliteit, klachten en geschillen zorg (Wkkgz) en de Wet op de beroepen in de individuele gezondheidszorg (Wet BIG), omdat de inhoud daarvan mede van belang is voor (de beoordeling van) de civielrechtelijke 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 2021

2 Apr 2021

[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 global (i.e. worldwide) 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.

Course objectives

In week 1 of this course, the topic of customs law is introduced to the students. In the first week, it will put in a broader context of international trade law. 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 Intended Learning Outcomes for Customs Law are as follows:

1. Describe, understand and explain the relation between customs law and international trade and contract law, the role of the WTO and the EU;
2. Identify, recognize, understand and distinguish the principles and foundations of customs law;
3. Know the various legislative instruments and sources of case law in customs law;
4. Describe, understand and explain the legal nature, characteristics, backgrounds, and systematics of the customs law, both within and outside the EU;
5. Describe, understand and explain the general concepts of customs law and closely related concepts;
6. Describe, understand and explain standard customs procedures;
7. Identify, recognize, understand and distinguish the elements of the customs procedures, special procedures, customs arrangements, etc.;
8. Understand and being able to apply customs valuation methods and understand how customs valuation interacts with VAT and transfer pricing;
9. Describe, understand and explain the origin / preferential origin concept;
10. Describe, understand and explain customs tariff rules, the nomenclatures, harmonized system, classification rules, and other aspects of tariff rules;
11. Describe, understand and explain when and how a customs debt may arise and who is in what situation to be considered the customs debtor;
12. Have a deep understanding of the mechanisms of importation and exportation of goods;

13. 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Advanced Customs Law

Full course description

This course is a follow-up to the course 'Customs Law'. Therefore, the course 'Customs Law' and the knowledge of the topics addressed in that course constitute a prerequisite to this course. Advanced Customs Law thoroughly discusses various current and complex themes within international customs law, such as the consequences of the Brexit, the political and practical nature of trade wars, anti-dumping/subsidizing measures, VAT deferment schemes on importation, import liabilities, the confluence of VAT taxation and the levy of customs duties, and the collection of customs debts and digital trade. Although this course still takes a worldwide approach to Customs Law, a deep dive in certain aspects of EU Customs law will be part of this course. After this course, students have a solid knowledge of Customs Law, and should be able to solve complex real-life cases from a theoretical and practical point of view.

Course objectives

The first week of this course is used to make a connection to the (basic) course in customs law (see section 4.2). Subsequently, the course builds further on this knowledge by focusing on various key topics, such as storage, processing and transportation under customs supervision, collection,

guarantee, repayment and waivers, legal protection and control frameworks. In week 5, special attention is paid to the rapidly expanding use and role of technology in customs. Week 6 and 7 are devoted to other aspects related to cross-border movements of goods: other levies on importation, anti-dumping, economic sanctions, export controls, protection of intellectual property (incl. counterfeiting) and protecting the society (health, safety, economics). The Intended Learning Outcomes for Advanced Customs Law are as follows:

Describe, understand and explain advanced topics in international customs law, including those related to key non-fiscal customs topics;

Give - in English - an informed opinion on the legislation and case law relevant to the various topics discussed;

Creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or case law) and to offer solutions to resolve these issues;

- Describe, understand, explain and be able to apply the concepts of storage, processing and transportation under customs supervision;
- Describe, understand, explain and be able to apply the concepts of collection, guarantee, repayment and waivers;
- Understand and be able to critically assess legal protection with respect to the levy of customs duties;
- Describe, understand, explain control frameworks, including the concepts of the Authorized Economic Operator, processes and control and risk management;
- Describe and understand the impact of technology in the field of customs law with respect to automation of processes, the exchange and evaluation of information and supply chain security;
- Describe, understand, explain what levies on importation, other than customs duties may be applied;
- Describe, understand, explain non-fiscal aspects of customs law, such as anti-dumping, economic sanctions and export controls;
- Solve complex real-life cases from a theoretical and practical point of view;
- Describe, understand and explain the interplay between various customs law systems applicable in a global context.

Prerequisites

Customs Law

Recommended reading

To be announced.

TAX4028

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

Master European Law School Free Track ####

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

Teaching methods:

Lecture(s), PBL

Keywords:

Customs, Brexit, trade wars, anti-dumping, economic sanctioning. customs procedures.

Internships

Master European Law School internship

Faculty of Law

Master's internship European law school

LAW4565

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Master's internship European law school

LAW4566

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Thesis

Master thesis European Law School

Faculty of Law

Master Thesis European Law School

Course objectives

The student is able to autonomously formulate a legal research question at Master's level and to provide an answer to this question in a legally and linguistically correct and structured manner and with adequate references.

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

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.

LAW4065

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

Master European Law School Free Track ###

ECTS credits:

12.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Specialisation courses

Specialisation European Law and Market Integration

Master European Law School: European Law and Market Integration, specialisation courses

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, fundamental employee rights with regard to individual and collective action, 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. The course also explains how social legislation is made within the EU and how it relates to the four freedoms of the EU.

Course objectives

- To accomplish understanding in detail of European Labour Law and Social Security Law and of its place within the larger EU legislative framework.
- To accomplish an accurate analysis of European Court of Justice cases on Social Law
- To accomplish knowledge of the systematic infrastructure of EU Social Law
- To achieve the competence to think and argue on topics of EU Social Law
- To achieve the ability to recognize the relevant material aspects of EU Social Law when analysing case studies.

Prerequisites

General knowledge of EU law, and basic knowledge of Human rights and social law.

Recommended reading

Barnard, EU Law, handbook

PUB4007

Period 5

12 Apr 2021

11 Jun 2021

[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 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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

[K. Zimmermann](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

European Migration Law and Citizenship

Full course description

International migration has become a major phenomenon worldwide in recent decades and Europe has received a significant share of people moving for various reasons. Intensifying international migration movements present many societies with major political challenges and dilemmas. The

political climate is often not very migrant friendly as many migrants have a different cultural, ethnic and religious background. This can lead to discrimination based on racial, ethnic and religious grounds.

In many EU Member States, immigration is one of the topics most discussed during election campaigns. Not only the Member States have, however, competences to act in this area. Since 1999, with the entering into force of the Amsterdam Treaty the European Union has more competences to act as legislator in the field of migration and asylum. In the last twenty years, several EU instruments have been passed in this field.

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

Course objectives

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

Prerequisites

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

Recommended reading

- Anja Wiesbrock, *Legal Migration to the European Union*, 2009
- Papagianni (2014) *EU migration policy*, available at: <http://cadmus.eui.eu/bitstream/handle/1814/30557/Chapter30.pdf>
- 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
- 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
- Further literature and material will be provided on ELEUM

IER4001

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

D.H. Yabasun

G.R. de Groot

[N. Reslow](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Assignment

Keywords:

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

Faculty of Law

European Data Protection and Privacy Law

Full course description

Have you ever thought of how data-based economy influences your life, business, government? How does technology use your personal data to make decisions which are of relevance for your life? What is the impact of personal data processing on your fundamental rights? And furthermore, how does the protection of your data affect other areas of law and other entities?

Right to privacy and right to personal data protection gained salience not only as fundamental rights protected within the European multi-level human rights protection system, but also as the source of framework for 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 increasingly is intertwined with both public and private law disciplines.

Against this background, during European Privacy and Data Protection Law course we will explore the privacy and data protection system, mainly in Europe, however, presenting it against the interdisciplinary background and, subsequently, in the context of international and comparative law. Following on the introductory lectures, we will focus on data protection in the European Union 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. In the second part of the course we will explore broader issues of data protection, in particular by setting the European Union system in the context of the international data protection regulations. We will also explore “sister” areas of data protection rules and investigate their sectoral application.

The course will be delivered with participation of 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).

Assessment methods

At the end of the course students will be asked to sit a take home exam.

For the purposes of the course assessment, students will be required to submit one written assignment which will be graded and complete a graded group assignment.

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;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimisation, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals’ experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.

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 course.

Recommended reading

Obligatory literature:

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>>

Complementary literature:

C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, forthcoming 2019), see the 2018 Draft commentaries on 10 GDPR articles (from Commentary on the EU General Data Protection Regulation, OUP 2019) available at <https://works.bepress.com/christopher-kuner/1/>

Paul Voigt, Axel von dem Bussche, The EU General Data Protection Regulation (GDPR) – A Practical Guide, Springer 2017.

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

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications), COM(2017) 10 final

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

31 Aug 2020

23 Oct 2020

[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

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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

P.M. Kruijger - van Maanen

B. Jennekens

Teaching methods:

PBL

Assessment methods:

Faculty of Law

Comparative Company Law

Full course description

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

Course objectives

- One of the goals is to identify and understand the interaction between federal regulation and (member) state law in the area of company law within the EU as well as in the US and to learn 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 2021

2 Apr 2021

[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

State Aid and Public Procurement

Full course description

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

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

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

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

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

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

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

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

12 Apr 2021

11 Jun 2021

[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

Compulsory courses

Master European Law School: European Law and Market Integration, compulsory courses

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

31 Aug 2020

23 Oct 2020

[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

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

26 Oct 2020

18 Dec 2020

[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

Elective courses

Master European Law School electives

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. The WTO plays a crucial role in preventing international trade disputes from escalating into trade wars. However, 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); • 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 exercises.

Course objectives

- The student acquires up-to-date knowledge of the institutional and core substantive law of the World Trade Organization;
- 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, 2020), or if this is not yet in print, the 4th edition of this book (2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- 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) and can use a printout of these texts.
- Students are advised to consult the WTO website and the website of DG Trade of the European Commission (www.europa.eu.int), regularly, for information on the latest developments. The websites of major international newspapers, such as *The Financial Times* (www.ft.com) are also excellent sources of information.

IER4002

Period 2

26 Oct 2020

18 Dec 2020

[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

Rechtspsychologie en Forensisch Bewijs

Full course description

In dit blok krijgt u materiaal uit een echt strafdossier 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

26 Oct 2020

18 Dec 2020

[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, herkenningprocedures, 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

12 Apr 2021

11 Jun 2021

[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

Corporate Social Responsibility

Full course description

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

- The conceptual and historical foundations of CSR, its substance and analytical focus
- CSR as a heuristic for 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 Principles on Business and Human Rights and the debate surrounding an international

treaty), international economic law (OECD Guidelines and investment law and arbitration) and company and 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, global value chain regulation and 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 regulation of companies through company, tort and contract law in relation to their 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 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 and societal interests 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 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. The following books can be consulted on the topic but do not constitute the required reading for this course:

- Lisbeth Enneking, Ivo Giesen, Anne-Jetske Schaap, Cedric Ryngaert, Francois Kristen & Lucas Roorda (eds), *Accountability, International Business Operations, and the Law*, Routledge 2019.
- Horatia Muir Watt, Lucia Bíziková, Agatha Brandao de Oliveira, Diego P. Fernández Arroyo (eds), *Global Private International Law: Adjudication without Frontiers*, Edward Elgar 2019.
- Katharina Pistor, *The Code of Capital*, Princeton University Press 2019.
- Vibe Ulfbeck, Alexandra Andhov & Katerina Mitkidis (eds), *Law and Responsible Supply Chain Management*, Routledge 2019.
- Birgit Spießhofer, *Responsible Enterprise: The Emergence of a Global Economic Order*, C.H.Beck/Nomos 2018.
- Juan José Álvarez Rubio & Katerina Yiannibas (eds), *Human Rights in Business: Removal of Access to Justice in the European Union*, Routledge 2017.
- Andreas Rühmkorf, *Corporate Social Responsibility, Private Law and Global Supply Chains*, Edward Elgar 2015.
- Jeremy Moon, *Corporate Social Responsibility: A Very Short Introduction*, Oxford University Press 2015.
- 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 2021

2 Apr 2021

[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 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 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

31 Aug 2020

23 Oct 2020

[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

Faculty of Law

OM en Rechtshandhaving

Full course description

Bij de handhaving van de rechtsorde speelt het Openbaar Ministerie (OM) een belangrijke rol. Dat geldt in het bijzonder voor de strafrechtelijke rechtshandhaving. Daar neemt het OM een cruciale positie in. In het blok "OM & rechtshandhaving" gaat de aandacht uit naar de aan het OM toebedeelde positie en taken in het kader van de strafrechtelijke rechtshandhaving. Die taken beslaan tot op heden het gehele strafrechtelijke traject, vanaf het moment van plegen van het strafbare feit (en soms reeds eerder) tot en met de executie. Het gaat in dit blok niet alleen om de redelijk bekende taken van het OM in de sfeer van opsporing, vervolging en executie. Aan de orde komen ook de meer bestuurlijke taken, de positionering van het OM in het bestuurlijke krachtenveld, het uitwisselen van informatie met andere instanties, de internationale samenwerking en het streven om te komen tot een Europees Openbaar Ministerie. In het kader van het programma 'Versterking prestaties strafrechtsketen' en het streven naar versnelling van de strafrechtspleging is het OM 'in transitie': het OM en de werkprocessen worden gereorganiseerd. In dit blok kunnen deze actuele ontwikkelingen niet onbesproken blijven. In de onderwijsgroepen wordt alle stof besproken aan de hand van

concrete, aan de praktijk ontleende, casus. Naast de onderwijsgroepen zijn er ook hoorcolleges. Deze worden door verschillende gastsprekers 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 de taken van het OM en de richting van het strafrechtelijke beleid - kennis van de strafrechtsketen en de positie en taken van het OM in de keten - kennis van actuele ontwikkelingen die relevant zijn voor de veranderende rol van het OM in de rechtshandhaving - kennis van de rol van het OM bij de internationale samenwerking en de oprichting van het Europees OM

Prerequisites

Kennis van het straf(proces)recht op bachelorniveau

Recommended reading

Reader

LAW4041

Period 5

12 Apr 2021

11 Jun 2021

[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

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 multi-national 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 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

26 Oct 2020

18 Dec 2020

[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

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 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 and debate on the current EU/MS issues.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as Advanced European Law and Fundamental Rights, and it aims to offer different perspectives in the interaction between the different levels of the multi-level system. Furthermore, we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system and the basis functioning of the EU law. In case you have started the ELS program in the beginning of 2020 (and this course is actually one of your first courses in the master ELS program, we do

recommend acquainting yourself of the necessary knowledge of (institutional) EU law. We also recommend you strongly to follow the relevant news about EU developments and relevant discussions and papers and documents. The sites of the Commission, Council, and Parliament contain extensive information on all relevant issues and topics. And possibly the same applies for the sites of parliaments and governments in your home country.

Recommended reading

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

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

We have indicated the relevant materials on a weekly basis, mostly by inserting the link to the relevant document, article or source. When the links do not work directly, copy and paste them on your browsers. These are easily downloadable or may be found in the university library. We assume 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[F. Peirone](#)

Teaching methods:

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

Assessment methods:

Final paper, 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

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

31 Aug 2020

23 Oct 2020

[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

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

De literatuur is opgenomen in een reader

CRI4002

Period 1

31 Aug 2020

23 Oct 2020

[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

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 (judgments, Views, General Comments, resolutions, press reports etc.), other selected readings and websites.

During the course a **mock examination of a human rights state report** by a United Nations treaty monitoring body will be organized. Participation is optional. Students are expected to play a role in this practical skills exercise. Participation in the mock examination will be incorporated in the final grade for this course. 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.

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 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Take home exam

Faculty of Law

Intellectual Property Law

Full course description

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

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;
- Explain the different rationales of intellectual property rights;
- Have knowledge and insight of the EU regimes for trademarks, patents and rights similar to patents, trade secrets, copyright, and design, in particular of the aspects of acquisition of rights, scope of protection and infringement;
- 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;
- Solve cases regarding all of the intellectual property rights listed above;
- Orally argue a case concerning any of the intellectual property rights listed above.

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, 2019, Oxford University Press)

IER4033

Period 2

26 Oct 2020

18 Dec 2020

[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

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 2021

2 Apr 2021

[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

International Commercial Law

Full course description

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

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

- 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

12 Apr 2021

11 Jun 2021

[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

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

12 Apr 2021

11 Jun 2021

[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

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 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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[M.R. Vanderhallen](#)

[J.M. Nelen](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Crime causation and crime control

Faculty of Law

Public International Law

Full course description

“The course is common to all tracks of the Master in Globalisation and Law. It thus aims to provide students with the knowledge of international law necessary to understand the content of the three tracks of the Master’s Programme (Human Rights; Corporate and Commercial Law; and International Trade and Investment Law). The course focuses on the foundations and key conceptual principles of international law (e.g. the sources of law, the law-making process, participants in the international legal system and the nature of international legal obligations). Students thus learn what international

law can and cannot regulate; who has the capacity to breach international law; where an international legal obligation is derived from and when is it breached. This course is conceptual in nature and is not primarily concerned with substantive subfields of international law, such as international trade law, international criminal law, international humanitarian law and international human rights law. Such subfields of international law are covered elsewhere in the curriculum. In order to understand them properly, a thorough grounding in public international law is needed and this is what this course seeks to achieve.”

Course objectives

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

Prerequisites

An introductory course in public international law.

Recommended reading

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

IER4021

Period 1

31 Aug 2020

23 Oct 2020

[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 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 has gained much importance in Europe and 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). Regular classes are organised by Prof. N. Philipsen and Dr. K. de Smedt. In addition there are guest lectures by Prof. M. Faure and Prof. B. Steins Bisschop.

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.

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

26 Oct 2020

18 Dec 2020

[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

Advanced International Trade Law

Full course description

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

This course addresses the following themes:

- Advanced issues of WTO dispute settlement (on the crisis of the WTO dispute settlement system and the way forward)
- Economic policy exceptions (on the WTO rules that govern safeguard measures and regional trade agreements);
- Rules on anti-dumping measures (on the WTO rules governing the permissible response to dumping as a form of unfair trade);
- Rules on subsidies and countervailing duties (on the WTO rules governing subsidisation, and the permissible response to subsidisation as a form of unfair trade);
- Rules on technical barriers to trade (on WTO rules governing technical regulations, standards, and conformity assessment procedures);
- Rules on sanitary and phytosanitary measures (on WTO rules governing national food-safety measures and measures to protect against health risks from pests or diseases); and
- The future of the rules-based multilateral trading system (on the current challenges faced by the rules-based multilateral system for trade, and the way forward).

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

Course objectives

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

Prerequisites

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

- [International Trade Law](#)

Recommended reading

- The textbook used in this course is Van den Bossche, P. & Zdouc W., The Law and Policy of the World Trade Organization, 5th Edition (Cambridge University Press, 2020).
- 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) and can use a printout of these texts.
- Finally, additional mandatory reading will be made known on the Student Portal, where appropriate.

IER4025

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law, WTO

Faculty of Law

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:

- diverse grondslagen voor aansprakelijkheid te herkennen uit een feitencomplex en deze grondslagen gestructureerd te onderbouwen;
- omvang van de schadevergoeding te beargumenteren aan de hand van wet en jurisprudentie;
- 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.

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, 8e druk, Wolters Kluwer, Deventer 2018.

Period 2

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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

26 Oct 2020

18 Dec 2020

[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

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 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

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

Period 5

12 Apr 2021

11 Jun 2021

[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

Human Rights and Human Development

Full course description

Human rights and human development analyzes the different efforts that have been made to reconceptualize economic relations between developed and developing countries in terms of human rights. Topics covered include: (1) the NIEO program sponsored by the Non Aligned Movement in the UN General Assembly; (2) the normative framework of sustainable development; (3) the Millennium Development Goals and the Sustainable Development Goals; (4) modern definitions of poverty as lack of capabilities and social exclusion; (5) the human rights based approach to development programming; (6) the safeguard policies and inspection panel procedure of the World Bank; (7) exploitative economic practices such as “land grabbing” and modern forms of slavery; (8) the capabilities approach of Amartya Sen and Martha Nussbaum as an overarching framework for thinking about development. 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 philosophical and social-scientific perspectives.

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

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

[G.M. Arosemena Solorzano](#)

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Presentation, Written exam

Keywords:

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

Faculty of Law

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

26 Oct 2020

18 Dec 2020

[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.
- Hypothesen 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 2021

2 Apr 2021

[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

The Law of the Economic and Monetary Union

Full course description

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

Course objectives

Goals

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

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

P. Nicolaides

Teaching methods:

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

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

Law of the Sea

Full course description

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

Humankind depends on the oceans for survival in many different ways. Oceans provide food, as well as tourism and transportation. Oceans are key locations for international conflict (such as the South China Sea), but equally play an important role in trade and economic development as well as. The

course on law of the sea will not only focus on the important 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. Much of this will be explored in the law of the sea course.

Assessment

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

Course objectives

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

Prerequisites

At the time of registering - be booked 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).

Recommended reading

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

IER4024

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[E. Lijnzaad](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

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

Faculty of Law

European Data Protection and Privacy Law

Full course description

Have you ever thought of how data-based economy influences your life, business, government? How does technology use your personal data to make decisions which are of relevance for your life? What is the impact of personal data processing on your fundamental rights? And furthermore, how does the protection of your data affect other areas of law and other entities?

Right to privacy and right to personal data protection gained salience not only as fundamental rights protected within the European multi-level human rights protection system, but also as the source of framework for 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 increasingly is intertwined with both public and private law disciplines.

Against this background, during European Privacy and Data Protection Law course we will explore the privacy and data protection system, mainly in Europe, however, presenting it against the interdisciplinary background and, subsequently, in the context of international and comparative law. Following on the introductory lectures, we will focus on data protection in the European Union 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. In the second part of the course we will explore broader issues of data protection, in particular by setting the European Union system in the context of the international data protection regulations. We will also explore “sister” areas of data protection rules and investigate their sectoral application.

The course will be delivered with participation of 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).

Assessment methods

At the end of the course students will be asked to sit a take home exam.

For the purposes of the course assessment, students will be required to submit one written assignment which will be graded and complete a graded group assignment.

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;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimisation, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals' experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.

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 course.

Recommended reading

Obligatory literature:

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>>

Complementary literature:

C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, forthcoming 2019), see the 2018 Draft commentaries on 10 GDPR articles (from Commentary on the EU General Data Protection Regulation, OUP 2019) available at <https://works.bepress.com/christopher-kuner/1/>

Paul Voigt, Axel von dem Bussche, The EU General Data Protection Regulation (GDPR) – A Practical Guide, Springer 2017.

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

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications), COM(2017) 10 final

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

31 Aug 2020

23 Oct 2020

[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

Legal Analytics

Full course description

Legal Analytics is the interface between law, technology and data. You will learn how to use legal information as data and apply empirical and data science methods to law. The quantitative approach to law of this course provides an understanding about how data science can help improve legal research, design innovative legal services, and solve legal problems. You will learn the programming language Python and you will improve your information literacy and research analysis skills.

Course objectives

Upon successful completion of this course, students are able to:

- Explain and apply the empirical cycle;
- Explain and apply the data science process and the FAIR data principles;
- Distinguish statistical models for description, causal inference and prediction;
- Analyse (legal) data in Python; and
- Communicate (written and oral) and visualize (legal) data and results.

Prerequisites

N/A

Recommended reading

To be announced.

LAW4015

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[M.G.H. Schaper](#)

Teaching methods:

Lecture(s), PBL

Keywords:

legal analytics, empirical legal studies, data science, programming, Python

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

12 Apr 2021

11 Jun 2021

[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

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with forensic evidence in criminal cases. The course is aimed at enabling students to recognise and formulate in a logically correct manner (Bayes theorem) forensic research opportunities and to create awareness of the need for judges, prosecutors, lawyers and attorneys to ask the right questions to forensic experts in court. In the course special emphasis will be on DNA, on

general reasoning about evidence, and problems of bias and fallacies.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions in a logically correct manner (Bayes Theorem) for criminalistic investigations;
- recognise the correctness of research questions, bias risks, evaluation possibilities, explanations and assumptions;
- express the value of conclusions and the validity of theories based on research findings of forensic areas of expertise;
- recognise prosecutors and defence fallacies in interpreting forensic results;
- distinguish between the source level and activity level of forensic trace evidence;
- formulate the difference in evidential value of macro and micro traces;
- explain the essentials of forensic DNA research and evaluation of DNA fingerprint comparison;
- recognise the value of reference databases for comparison of research results;
- recognise the value of databases for judicial experts in various areas of law.

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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[R. Hofmann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

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 verbintenissenrecht 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 consumentenkoop) 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/Hartkamp & Sieburgh 6-I, Verbintenissenrecht. De verbintenis in het algemeen, eerste gedeelte, 14e druk, Kluwer, Deventer 2012;
- Asser/Hartkamp & Sieburgh 6-III, Verbintenissenrecht. Algemeen overeenkomstenrecht, 14e druk, Kluwer, Deventer 2014;

PRI4001

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Jonkers](#)

Teaching methods:

PBL

Assessment methods:

Final paper

Keywords:

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

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

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[N. Gundt](#)

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. Zo worden vraagstukken in een Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst. Drie thema's krijgen prominente aandacht: gelijke behandeling in het arbeidsrecht, flexibel werken en ontslag en vergoedingen. Opdrachten worden individueel of in studiegroepjes van maximaal 4 personen uitgevoerd. In verband met de hybride onderwijsvorm zal het onderwijs worden teruggebracht tot de kern en wordt van studenten een grotere inzet in de voorbereiding gevraagd. Dit kan ook vooraf / tussentijds feedback op (groeps)producten zijn.

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

Kennis van het masterblok Arbeidsrecht wordt verondersteld.

Recommended reading

- Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2020;
- Toegespitste literatuur en jurisprudentie, afhankelijk van het onderwerp (aan te geven via de elektronische leeromgeving)

PUB4015

Period 1

31 Aug 2020

23 Oct 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment

Keywords:

Gelijke behandeling, atypische arbeid, ontslag

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. Daartbij komen de volgende onderwerpen aan de orde: • bewijs en bewijsstelsels • recht op tegenspraak met betrekking tot getuigenbewijs en deskundigenbewijs • onrechtmatig verkregen bewijs • wettig 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 uitgeverij, 2007. Diverse artikelen uit tijdschriften worden opgenomen in een reader.

CRI4003

Period 2

26 Oct 2020

18 Dec 2020

[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.

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 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 stromingen in termen van onderzoeksvragen, verklaringen, assumpties, niveaus van verklaring en mogelijkheden voor theoretische integratie; - de inhoud van de belangrijkste criminologische verklaringen te kennen en toe te passen op concrete (kennis) problemen; - op basis van informatie over onderzoeksbevindingen conclusies te trekken over de empirische houdbaarheid van een aantal criminologische theorieën.

CRI4004

Period 1

31 Aug 2020

23 Oct 2020

[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

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) - Ziekte-traject gedurende de eerste twee jaar van de ziekte (week 4 en 5) -Ziekte-traject 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

26 Oct 2020

18 Dec 2020

[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 verzekerden, 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

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, third edition, Cambridge-Antwerpen 2016;
- 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 2021

2 Apr 2021

[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 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.

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 2021

2 Apr 2021

[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 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

12 Apr 2021

11 Jun 2021

[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 goedgevindt, 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

12 Apr 2021

11 Jun 2021

[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

Comparative Corporate Governance

Full course description

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

Course objectives

Students are able to:

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

* answer a research question clearly and concisely within a given timeframe.

Prerequisites

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

Recommended reading

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

PRI4012

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[B. Kemp](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

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, on the extremely controversial investor-state dispute settlement system, and on the recent proposal for the establishment of a multilateral investment court), 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 protect other societal values;
- 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

A previous course in public international law is recommended.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 3rd edition (Edward Elgar Publishing, 2020). 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 on the Student Portal 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

31 Aug 2020

23 Oct 2020

[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 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

26 Oct 2020

18 Dec 2020

[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

The object of this course is to provide an introduction into International Criminal Law as a field of law which imposes responsibilities - and criminal accountability - directly on individuals and punishes violations of specific prohibitions through international judicial mechanisms. After having a look at the emergence of international criminal law, the course will focus on the jurisdictional regime and admissibility issues before the International Criminal Court: How is the jurisdictional regime of the ICC different from other international(ized) tribunals and courts, and why? Who or what can trigger - or possibly challenge - a prosecution? Subsequently the course will take a closer look at substantive criminal law applicable before the ICC in order to establish what are the various elements of the so-called core crimes at the ICC (genocide, war crimes, crimes against humanity and the crime of aggression) and which principles and modes of criminal liability apply to individuals. For instance: when can we speak of genocide? What conduct amounts to a war crime? And also: How is criminal liability imposed in situations of command responsibility? In order to understand how this is done, the course will then explore international criminal procedure: what model/ system of procedural rules is

used? Who are the actors involved? What are their rights? In its last part, the course will look at the challenges and possible alternatives to international criminal proceedings in order to understand the numerous obstacles that complicate the course of justice in this field of law and whether there are (better) alternatives to the proceedings before the ICC. Issues such as State cooperation with the ICC and possible conflicts of interests (e.g. immunity) will be addressed.

The course will consist of 7 tutorials and some additional expert lectures. The lectures will (mostly) be delivered by experts that operate in the field of international criminal law. They will provide students with special (insight and insider-) knowledge on how international criminal law functions and feels in action, and will give them a taste of the real problems and challenges faced by practitioners in the field. Next to the lectures, there will be case studies (with specific questions) that students will need to study and prepare in groups.

Course objectives

The aim of the course is to provide an idea of the origins and objectives of international criminal law, and to give an overview of the numerous challenges faced in this field of law. Furthermore, the course aims to make students familiar with the procedural system of certain international tribunals (such as the ICC) and with alternatives to international proceedings, such as truth and reconciliation commissions or national proceedings. The ultimate goal of the course is to provide students with the ability to apply legal provisions and theoretical knowledge to concrete cases.

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

12 Apr 2021

11 Jun 2021

[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 and Syria.

Course objectives

Students that have successfully completed this course are able to identify the relevant rules and principles of International Humanitarian Law and apply them to actual situations. They 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[W.C. Muller](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

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

26 Oct 2020

18 Dec 2020

[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

Forensic Psychopathology

Full course description

Deals primarily with offenders' criminal liability (e.g. the issue of diminished responsibility). Emphasis is put on a number of mental disorders and the meaning and relevance of these disorders in relation to criminal behavior and criminal liability. Special attention will be given to offenders with either psychosis or personality disorders.

Course objectives

- Learning to identify different kinds of psychopathology (e.g., being able to distinguish psychotic disorders from personality disorders); - Obtaining knowledge about the development, symptoms and treatment of these disorders;
- Creating the ability to determine how different types of mental disorders may predispose to criminal behavior (i.e., being able to evaluate how a particular constellation of symptoms can put somebody at risk of committing a certain type of crime);
- Applying the obtained knowledge by critically examining the putative link between psychopathology and criminal behavior in true court cases.

Prerequisites

None

Recommended reading

A reader with articles on forensic psychopathology will be made available.

CRI4016

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Jelicic](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Offenders, criminal responsibility, mental disorders.

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.

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

Materials are provided electronically by means of an e-reference list (library service). In addition, the course book refers to useful documents and articles.

LAW4042

Period 1

31 Aug 2020

23 Oct 2020

[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

Verdieping Bestuurs(proces)recht

Full course description

Het blok Verdieping Bestuurs(proces)recht bouwt voort op de bachelor vakken Inleiding Staats- en bestuursrecht en Staats- en bestuurs(proces)recht. Zoals de naam van het blok al suggereert, worden bepaalde onderwerpen uit de bachelor aan een nadere, 'verdiepte' analyse onderworpen. Daarnaast wordt een aantal nieuwe thema's bestudeerd. Het bestuurs(proces)recht is volop in beweging en onderhevig aan diverse interessante veranderingen. In het blok wordt zoveel mogelijk aangesloten op die actuele discussies. De behandelde thema's worden jaarlijks dan ook voor deel aangepast. Aan de

orde komen dit jaar:

- Het besluitbegrip als centraal element van het bestuursrecht en als toegangspoort naar de bestuursrechter; in hoeverre voldoet die notie nog. Welke alternatieven zijn denkbaar en welke voor- en nadelen kleven daaraan?
- Het belanghebbendebegrip. Een weliswaar usual suspect in het bestuursprocesrecht maar nog steeds niet uitgekristaliseerd en recent onderwerp van veranderingen. Net als het concept 'besluit' wordt de notie van 'belanghebbende' in dit blok met name geplaatst in de sleutel van de toegang tot de rechter.
- Bestuurlijke handhaving. Bestuursorganen hebben anno 2019 tal van mogelijkheden tot de inzet van handhavinginstrumenten. Aan de orde komen vragen als: welke mogelijkheden, wat zijn de context en referentiekader (voorwaarden, grenzen, EVRM etc.) daarvan, bestaat er een handhavingplicht en wanneer dan precies en wat is de juridische status van gedoogbeslissingen?
- Het bestuursrechtelijk geding: wat bepaalt de omvang ervan, wat kan wanneer worden aangevoerd en wat niet? En wat is de ratio daarvan? We 'zoomen' in op het veranderende karakter van het bestuursrechtelijk geding en de bestuursrechtelijke rechtsbescherming. Daarbij behoeft ook de urgente vraag naar de indringendheid van de rechterlijke toetsing aandacht, ook gezien de ontwikkelingen in zowel in het wetenschappelijke discours als in de rechtspraak.
- Subsidiericht. Dit onderdeel van het financieel bestuursrecht, met een uitgebreide regeling in de Awb, speelt in de praktijk een belangrijke rol. In de bachelorfase is aan dit onderdeel binnen het bestuursrecht nog heel weinig aandacht besteed, reden te meer om in dit Mastervak daar uitgebreider aandacht aan te besteden.
- Finale geschilbeslechting; in literatuur, rechtspraak en ook vanuit de wetgever is een ontwikkeling ingezet naar een veranderende bestuursrechtspraak waarin geschillen zoveel mogelijk finaal worden beslecht. Dat brengt een gewijzigde opstelling mee van de bestuursrechter en impliceert eveneens een andere benadering door partijen van een bestuursrechtelijke procedure.
- Overheid en schadevergoeding en nadeelcompensatie. Het bestuur neemt soms besluiten of verricht andere handelingen, zowel onrechtmatig als rechtmatig, waardoor een of meer burgers schade ondervinden. Rust op het bestuur een plicht die schade te vergoeden?; langs welke weg en onder welke condities kan een burger dergelijke schade claimen? Nadat in de bachelorfase aan dit thema is geroken, wordt dit complexe maar tegelijk ook praktisch buitengewoon relevante en deels nog heel nieuwe thema aan een analyse onderworpen.
- Rechterlijke organisatie en rechtseenheid, inclusief de discussie over de mogelijke vormen van integratie van de hoogste bestuursrechters. Er leek een gewijzigde organisatie van de bestuursrechtspraak aan te komen. Hoe is het huidige systeem ontstaan, waarom 'moest' het worden aangepast en waarom juist op de voorgestelde, vaak reeds gekritiseerde, wijze? En waarom is die reorganisatie niet doorgegaan? Vooral wordt ingegaan op rechtseenheid; wat wordt daarover verstaan, waarom wordt ernaar gestreefd, ontbreekt het aan rechtseenheid? Een en ander wordt aan de hand van concrete voorbeelden uit de rechtspraak inzichtelijk gemaakt.

De gekozen thema's worden benaderd vanuit niet alleen een theoretische invalshoek maar zeker ook vanuit het grote belang dat de respectieve thema's hebben voor de praktijk.

Een ander - naast genoemde inhoudelijke thema's - kenmerk van dit vak is dat, zoals in alle vakken van de specialisatie SBR, een voor de praktijk ook cruciale academische vaardigheid is ingebouwd. In dit blok is dat het verzorgen van een referaat: een (duo)presentatie waarin een inhoudelijk belangrijk onderwerp wordt toegelicht. Studenten krijgen vooraf en achteraf uitleg over het referaat.

Course objectives

Het vak beoogt het inzicht in de belangrijkste vraagstukken van het bestuursrecht en bestuursprocesrecht te verdiepen en kennis van en inzicht te verkrijgen in de actuele discussies die op dit terrein gevoerd worden. Anders dan in de bachelor staat niet zozeer het kennis verwerven van

het bestuursrechtelijke instrumentarium op zich centraal, maar zal getracht worden inzicht te verschaffen in de achterliggende principes, ideeën en motieven van het bestuursrecht. De studenten moeten in staat worden gesteld om op niveau deel te nemen aan de discussies over verworvenheden en verdere ontwikkeling van het Nederlandse bestuursrecht. Daarbij komen Europeesrechtelijke invloeden uiteraard ook aan de orde, voor zover toepasselijk en niet uitgebreid in andere vakken van deze Master-specialisatie (SBR) behandeld. Het vak bereidt door de geselecteerde thema's en de daarbij ook op de rechtspraktijk gerichte invalshoek uitstekend voor op togaberoepen en wordt (dan ook) tevens gevolgd door studenten die niet het profiel SBR volgen.

Prerequisites

Bachelor; vak Staats- en bestuurs(proces)recht (of equivalent) met succes afgerond

Recommended reading

Reader. Naast de in reader opgenomen te bestuderen literatuur, dienen voor de bijeenkomsten steeds rechterlijke uitspraken te worden bestudeerd, welke in een lijst in het blokboek worden opgenomen.

PUB4020

Period 2

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), Presentation(s), PBL

Assessment methods:

Written exam, Presentation

Keywords:

Besluitbegrip en alternatieven voor het besluitbegrip; handhaving; omvang geding; definitieve geschilbeslechting; rol van de rechter; overheidsaansprakelijkheid en nadeelcompensatie; subsidierecht; rechtseenheid

Faculty of Law

Europees en Nationaal Constitutioneel Recht

Full course description

Dit mastervak, onderdeel van het masterprofiel staats- en bestuursrecht van de master Nederlands

recht, gaat in op het functioneren van het Nederlandse staatsrecht binnen de context en kaders van het Europees recht.

Het vak laat zien dat het Nederlandse staatsrecht in toenemende mate onder invloed staat van het Europees recht. De blik is op het Nederlandse staatsrecht, maar met een Europese bril. Zo gaan we in op de procedure van wetgeving, in aanmerking nemend dat veel nationale wetgeving uitvloeisel is van Europese regels; kijken we naar de plaats, taken en bevoegdheden van het nationale parlement, vooral ook in relatie tot Europese regels en besluiten, waarbij we focussen op de gele kaartprocedure; verder komt de nationale begrotingsprocedure aan bod maar in het licht van het Europese Semester en het Europese toezicht op de staat van de nationale financiën; verder bestrijkt het blok de Europese ontwikkelingen naar aanleiding van de financiële crisis en de uitbouw van de politieke, financiële en economische unie en het vraagstuk van de legitimiteit; en ten slotte richt het blok zich op de rol en plaats van de nationale rechter in relatie tot de Europese rechters en tot de veelgelaagdheid van grondrechtenbescherming met nationale grondwet, het EU Handvest en het EVRM.

Kortom, een uiterst actueel en divers blok dat laat zien hoe zeer het nationale (staats)recht is verweven met het Europees recht, en hoe zeer die verwevenheid de taken en bevoegdheden van de nationale staatsinstellingen beïnvloedt en mede bepaalt. Dit blok bereidt daarmee goed voor op werk in advocatuur en overheid waar men frequent geconfronteerd wordt met die veelgelaagde rechtsorde.

Tijdens het blok zal een bezoek worden gebracht aan de Tweede (of Eerste) Kamer, in het bijzonder de Commissie voor Europese Zaken.

Het blok zal worden opgebouwd met een reader en een boek. Aangezien het vak ingaat op de actualiteit, kan de literatuur nog worden aangevuld met andere stukken.

Course objectives

Het doel van deze cursus is om de actualiteit van het nationale staatsrecht te laten zien in zijn verhoudingen tot het Europese, en de toenemende interactie en veelgelaagdheid te bestuderen. Dat is onder meer van belang om te weten waar invloed kan worden uitgeoefend op besluiten; waar besluiten genomen worden, hoe procedures verlopen en met welke nationale én Europese regels en procedures nationale instanties en instellingen rekening dienen te houden. De moderne jurist kan niet zonder die kennis omdat deze van belang is voor consultants om te weten waar te lobbyen en waar invloed uit te oefenen op aanstaande besluiten; of voor ambtenaren om zicht te hebben op de samenloop en interactie van regels en deze te incorporeren bij het maken van beleid, voorbereiden en toepassen van regels en adviseren van ministers, politici en anderen; en voor rechters en advocaten om te kunnen navigeren in de veelgelaagde rechtsorde en de juiste regel of uitspraak te vinden en om te kunnen gaan met de samenloop van regels en de onderlinge verhouding daarvan. We zien immers dat wetgevers, rechters, toezichthouders, rijksoverheid en lagere overheden geconfronteerd zijn met complexe stelsels van nationale en internationale regels, besluiten, afspraken, uitspraken en aankondigingen. Zicht daarop en inzicht daarin zijn voor iedere jurist van het heden en de toekomst cruciaal.

Leerdoelen van het vak:

- De student heeft kennis van de verschillende vormen van juridische interactie tussen Europees en nationaal constitutioneel recht.
- De student kan onderzoeken hoe recente ontwikkelingen in het Nederlandse staatsrecht zijn beïnvloed door Europese integratie.
- De student kan analyseren op welke manier nationaal staatsrecht, en met name het Nederlandse staatsrecht, relevant is voor het proces van Europese integratie.
- De student kan in een specifieke juridische casus de invloeden van nationaal en Europees

constitutioneel recht identificeren.

- De student kan ontwikkelingen in Europees constitutioneel recht en nationaal constitutioneel recht bekritisieren vanuit het perspectief van de goede samenwerking tussen Europees en nationaal recht.
- De student kan communiceren over de uitkomst van een eigen analyse van een juridische casus door middel van een presentatie en een essay.

Prerequisites

Afgeronde bachelor recht. Basiskennis van het nationale staatsrecht en van het Europese recht wordt verondersteld.

Recommended reading

Het blok zal gelet op de actualiteit worden opgebouwd met een reader en onderdelen van boeken.

PUB4021

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[M. van der Sluis](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam, Presentation

Keywords:

Wetgeving, begroting, veelgelaagde rechtsorde, parlement, parlementaire rol en bevoegdheden, EU en toezicht op staten, multi level governance, toetsingsrecht, rechter, grondrechtenbescherming

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 solid understanding of the systems of fundamental rights protection, 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

26 Oct 2020

18 Dec 2020

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Oral exam

Keywords:

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

Faculty of Law

Human Rights of Women

Full course description

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

Students enrolled in this course will do individual research into one of the rights contained in the Women's Convention; each student in a tutorial group will study a different right. They will examine to what extent this specific right can be enjoyed by women in a country of their choice. This research will result in a short mid-term paper that will be presented in class and that will be graded. At the end of the course students will take a take home exam consisting of a case with essay questions. Both the mid-term and the final exam will count for 50% of the final grade.

Course objectives

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

Prerequisites

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

Recommended reading

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

IER4019

Period 4

1 Feb 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[I. Westendorp](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Presentation, Assignment

Keywords:

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

Faculty of Law

Internal Market Law and Governance

Full course description

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

Course objectives

- The course aims to provide students with in-depth knowledge and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Lectures will provide students with an overall understanding of the legal aspects of EU internal market law and governance so as to enable students to formulate a critical view on the current state of affairs and future challenges.
- Tutorials will offer students an in-depth understanding of the achievements and challenges to the creation and management of the EU's internal market.

- Tutorials will be used to offer a profound understanding of the practical aspects of EU internal market law and governance. To this end, assignments and a moot court will empower students to identify the legal issues at stake and to critically review, assess and solve specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper or case note students will study a particular problem in the field of the internal market law and governance, analyse and appraise this problem and /or case in a structured manner and offer possible solutions. The paper aims thus to advance both critical analysis, assessment and research skills of students.

Prerequisites

Course in EU law

Recommended reading

Various

IER4023

Period 2

26 Oct 2020

18 Dec 2020

[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 2021

2 Apr 2021

[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 2021

2 Apr 2021

[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 global (i.e. worldwide) 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.

Course objectives

In week 1 of this course, the topic of customs law is introduced to the students. In the first week, it will put in a broader context of international trade law. 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 Intended Learning Outcomes for Customs Law are as follows:

1. Describe, understand and explain the relation between customs law and international trade and contract law, the role of the WTO and the EU;
2. Identify, recognize, understand and distinguish the principles and foundations of customs law;
3. Know the various legislative instruments and sources of case law in customs law;
4. Describe, understand and explain the legal nature, characteristics, backgrounds, and systematics of the customs law, both within and outside the EU;
5. Describe, understand and explain the general concepts of customs law and closely related concepts;
6. Describe, understand and explain standard customs procedures;

7. Identify, recognize, understand and distinguish the elements of the customs procedures, special procedures, customs arrangements, etc.;
8. Understand and being able to apply customs valuation methods and understand how customs valuation interacts with VAT and transfer pricing;
9. Describe, understand and explain the origin / preferential origin concept;
10. Describe, understand and explain customs tariff rules, the nomenclatures, harmonized system, classification rules, and other aspects of tariff rules;
11. Describe, understand and explain when and how a customs debt may arise and who is in what situation to be considered the customs debtor;
12. Have a deep understanding of the mechanisms of importation and exportation of goods;
13. 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 2021

2 Apr 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Advanced Customs Law

Full course description

This course is a follow-up to the course 'Customs Law'. Therefore, the course 'Customs Law' and the knowledge of the topics addressed in that course constitute a prerequisite to this course. Advanced Customs Law thoroughly discusses various current and complex themes within international customs law, such as the consequences of the Brexit, the political and practical nature of trade wars, anti-dumping/subsidizing measures, VAT deferment schemes on importation, import liabilities, the

confluence of VAT taxation and the levy of customs duties, and the collection of customs debts and digital trade. Although this course still takes a worldwide approach to Customs Law, a deep dive in certain aspects of EU Customs law will be part of this course. After this course, students have a solid knowledge of Customs Law, and should be able to solve complex real-life cases from a theoretical and practical point of view.

Course objectives

The first week of this course is used to make a connection to the (basic) course in customs law (see section 4.2). Subsequently, the course builds further on this knowledge by focusing on various key topics, such as storage, processing and transportation under customs supervision, collection, guarantee, repayment and waivers, legal protection and control frameworks. In week 5, special attention is paid to the rapidly expanding use and role of technology in customs. Week 6 and 7 are devoted to other aspects related to cross-border movements of goods: other levies on importation, anti-dumping, economic sanctions, export controls, protection of intellectual property (incl. counterfeiting) and protecting the society (health, safety, economics). The Intended Learning Outcomes for Advanced Customs Law are as follows:

Describe, understand and explain advanced topics in international customs law, including those related to key non-fiscal customs topics;

Give - in English - an informed opinion on the legislation and case law relevant to the various topics discussed;

Creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or case law) and to offer solutions to resolve these issues;

- Describe, understand, explain and be able to apply the concepts of storage, processing and transportation under customs supervision;
- Describe, understand, explain and be able to apply the concepts of collection, guarantee, repayment and waivers;
- Understand and be able to critically assess legal protection with respect to the levy of customs duties;
- Describe, understand, explain control frameworks, including the concepts of the Authorized Economic Operator, processes and control and risk management;
- Describe and understand the impact of technology in the field of customs law with respect to automation of processes, the exchange and evaluation of information and supply chain security;
- Describe, understand, explain what levies on importation, other than customs duties may be applied;
- Describe, understand, explain non-fiscal aspects of customs law, such as anti-dumping, economic sanctions and export controls;
- Solve complex real-life cases from a theoretical and practical point of view;
- Describe, understand and explain the interplay between various customs law systems applicable in a global context.

Prerequisites

Customs Law

Recommended reading

To be announced.

TAX4028

Period 5

12 Apr 2021

11 Jun 2021

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Customs, Brexit, trade wars, anti-dumping, economic sanctioning. customs procedures.

Master European Law School additional

Internships

Master European Law School internship

Faculty of Law

Master's internship European law school

LAW4565

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[I. Rezelman](#)

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Master's internship European law school

LAW4566

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinators:

[I. Rezelman](#)

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

Teaching methods:

PBL

Assessment methods:

Written exam

Thesis

Master thesis European Law School

Faculty of Law

Master Thesis European Law School

Course objectives

The student is able to autonomously formulate a legal research question at Master's level and to provide an answer to this question in a legally and linguistically correct and structured manner and with adequate references.

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

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 communication 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.

LAW4065

Year

1 Sep 2020

31 Aug 2021

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam