

Globalisation and Law

[Corporate and Commercial Law](#)

[Human Rights](#)

[International Trade and Investment Law](#)

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Corporate and Commercial Law

Would you like to know more about the trade rules that govern international corporations? Do you see yourself advising corporations on legal issues related to competition, patents and intellectual property? And are you curious about how different allocations of rights affect welfare, economic efficiency and distribution? Then Corporate and Commercial Law might just be the perfect specialisation for you.

Compulsory courses

Public International Law (6 ECTS)

Comparative Company Law (6 ECTS)

Corporate Social Responsibility (6 ECTS)

Specialisation courses

International Trade Law (6 ECTS)

International Commercial Dispute Resolution (6 ECTS)

European Competition Law (6 ECTS)

International Commercial Law (6 ECTS)

Comparative Corporate Governance (6 ECTS)

In this specialisation, you'll have to take the compulsory courses (18 ECTS), 18 ECTS in specialisation courses, obtain 12 ECTS in electives and write a 12 ECTS master's thesis. 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
- participate in a moot court (max. 6 ECTS)
- 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

Human Rights

Are you fascinated by legal issues surrounding international development and humanitarian aid? Do you see yourself arguing in an international criminal case? Or are you passionate about legal equality for men and women? Human Rights is the specialisation you're looking for.

Compulsory courses

Public International Law (6 ECTS)

Specialisation courses

International Criminal Law (6 ECTS)

Compulsory courses

Corporate Social Responsibility (6 ECTS) International Humanitarian Law (6 ECTS)
International Human Rights Law (6 ECTS) International Dispute Settlement (6 ECTS)

Specialisation courses

Human Rights of Women (6 ECTS)
Human Rights and Human Development (6 ECTS)

In this specialisation, you'll have to take the compulsory courses (18 ECTS), 18 ECTS in specialisation courses, obtain 12 ECTS in electives and write a 12 ECTS master's thesis. 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
- participate in a moot court (max. 6 ECTS)
- 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

International Trade and Investment Law

Would you like to learn more about how the WTO laws govern trade relations between different countries? And do you see yourself giving legal advice to foreign investors, or litigating in an international trade dispute? Then you should consider specialising in International Trade and Investment Law. This specialisation includes a 2-day study trip to the WTO headquarters in Geneva, where you'll attend a series of lectures by prominent officials from the WTO secretariat. You'll be able to hear all about how trade and investment law matters are handled on a daily basis, and you'll be brought up to speed with the latest developments in the field.

Compulsory courses

Public International Law (6 ECTS) International Trade Law (6 ECTS)
Corporate Social Responsibility (6 ECTS) International Investment Law (8 ECTS)

Specialisation courses

Law and Economics (6 ECTS)
Intellectual Property Law (6 ECTS)
Human Rights and Human Development (6 ECTS)
The Law of the Economic and Monetary Union (6 ECTS)

In this specialisation, you'll have to take the compulsory courses (18 ECTS), 18 ECTS in specialisation courses, obtain 12 ECTS in electives and write a 12 ECTS master's thesis. 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
- participate in a moot court (max. 6 ECTS)

- 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

Free Programme

Are you interested in Globalisation and Law, but do you find the specialisation tracks too restrictive? Would you like to know more about human rights *and* corporate and commercial law? Or would you like to combine courses from corporate and commercial law with courses from international trade and investment law? Globalisation & Law's Free Programme will offer you the freedom to pursue all your interests. This track will allow you to customise your programme so that it meets all of your wishes.

Compulsory courses

Public International Law (6 ECTS)
Corporate Social Responsibility (6 ECTS)

Programme courses

International Dispute Settlement (6 ECTS)
International Humanitarian Law (6 ECTS)
International Human Rights Law (6 ECTS)
Human Rights of Women (6 ECTS)
International Criminal Law (6 ECTS)
Human Rights and Human Development (6 ECTS)
International Arbitration and Economic Dispute Resolution (6 ECTS)
International Trade Law (6 ECTS)
European Competition Law (6 ECTS)
Comparative Company Law (6 ECTS)
International Commercial Law (6 ECTS)
Comparative Corporate Governance (6 ECTS)
International Trade Law (6 ECTS)
Law & Economics (6 ECTS)
Intellectual Property Law (6 ECTS)
International Investment Law (6 ECTS)
The Law of the Economic and Monetary Union (6 ECTS)

In this track, you'll have to take the compulsory courses (12 ECTS), 24 ECTS in Globalisation and Law programme courses, obtain 12 ECTS in electives and write a 12 ECTS master's thesis. 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
- participate in a moot court (max. 6 ECTS)
- 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

Non-EEA students must pay a €100 handling fee

Non-EEA students who apply for this master's programme will have to pay a handling fee. Your application will not be taken into consideration without the required fee of €100 (excl. bank costs) which you will have to pay when you apply.

The handling fee is to cover certain administrative costs in relation to your application.

[Read more about the handling fee](#)

Corporate and Commercial Law

Specialisation courses

Specialisation Corporate and Commercial Law

Master Globalisation and Law: Corporate and Commercial Law, specialisation courses

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. This subset of the law sets out the rules of ‘fair play’ of the biggest economy of the world, which generates close to €14 trillion each year. In addition, the application of its principles have 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: many of the innovations and developments in general EU law can be traced to developments in this area.

The course covers the substantive and procedural domains of all five ‘subject areas’ of EU competition law: cartels, abuse of dominant position, concentration control, state aid, and the interplay between public undertakings and the 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:

- gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
- 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 legal systems of the Member States;
- consider the role of each of the actors in EU competition law both at EU level and national level;
- analyse and evaluate new developments in the case law of the EU courts or in the administrative practice of the Commission.

Prerequisites

A thorough knowledge of EU substantive and institutional law is a prerequisite to follow the course.

Recommended reading

Literature:

- Reader with selected legal sources, case-law and materials.

IER4009

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Hoogenboom](#)

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

International Trade Law

Full course description

This course on the rules regulating economic globalisation and international trade deals with 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. The law of the WTO governs the trade relations between the WTO's 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);

- Trade liberalisation versus other societal values (on general public policy exceptions; security exceptions; and economic emergency exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial exercises. The course will most likely include a study trip to the WTO in Geneva.

Course objectives

- The student acquires up-to-date knowledge of the institutional and substantive law of the World Trade Organization;
- The student understands and is able to engage in debate on legal issues relating to the World Trade Organization and 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 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*, 4th Edition (Cambridge University Press, 2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- Furthermore, it is convenient for students to have a copy of *The Legal Texts - The Results of the Uruguay Round of Multilateral Trade Negotiations* (Cambridge University Press, 1999).
- 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), and the website of the International Centre for Trade and Sustainable Development (<http://www.ictsd.org/>) are also excellent sources of information.

IER4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law; WTO

Faculty of Law

International Commercial Law

Full course description

This course is built around the international sale of goods transaction, which is then used to explore a number of other, related, issues, 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. In the final part of the course, we will look into issues relating to financing international trade, for instance looking into the letter of credit (UCP 600) and bank guarantees (URDG).

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 such as the effectiveness of measures intended to unify 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

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 2010, 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

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.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Participation

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 2010, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms

Faculty of Law

Willem C. Vis Moot Court Competition

LAW5604

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Assessment methods:

Presentation

Faculty of Law

Comparative Corporate Governance

Full course description

Corporate failures, accounting scandals and the credit crisis have resulted in an entirely new view on corporate governance. The roles and responsibilities of the various stakeholders of the corporation have to be revisited. In this course we will explore the corporate governance aspects of this new national and international environment. We will review relevant corporate governance concepts in The Netherlands, the US, the UK, Germany and possibly other jurisdictions and thereby concentrate on the corporate governance statutes and codes as employed in these jurisdictions. In general, corporate governance is about managing the corporation for the benefit of a wide range of stakeholders in a society that in turn benefits from well managed corporations. We will investigate to what extent the recent developments in the modern society impact corporate law and corporate governance, focusing on the commonalities and differences between various jurisdictions. We will deal with the legal aspects of inter alia corporate organization, transparency, control, accountability and division of responsibility.

Course objectives

The purpose of the course is to:

- Develop the knowledge, theories and skills for legal analysis emphasizing corporate governance in the economic, political and social spheres of influence;
- Acquaint students with corporate governance from a legal perspective and raise awareness of various corporate governance codes, rules and regulations;
- Introduce students to the theoretical foundations of corporate governance and enabling them to apply these by means of writing a paper, in class discussions and applying them to case studies;
- Develop an awareness of the practical problems associated with the interaction of the board, management, shareholders and other stakeholders of a corporation;
- Develop technical skills necessary to evaluate the governance of a company from the perspective of an investor or potential investor in the company and compare potential solutions;
- Identify governance dilemmas in the corporate community and analyze the opportunities of and threats to national and multinational corporations and their board(members);
- Help students analyze, interpret, and collect information about specific corporations and their efforts or non-efforts in the area of corporate governance, and
- Encourage students to sharpen their research and problem-solving skills.

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

Prescribed and supplementary readings will be made available in a reader or are either easily accessible electronically or to be found in the university library. Additional required and recommended readings will be listed on EleUM.

PRI4012

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Olaerts](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

Corporate governance, corporate law, stake- and shareholders model, corporate governance from a European and international perspective, enforcing CSR through international law, corporate

scandals.

Faculty of Law

International Commercial Dispute Resolution

Full course description

This course on International Commercial and Economic Dispute Resolution addresses several distinct, yet not unrelated, systems of resolution of commercial and economic disputes that may arise between parties involved in international commerce. One system relates to disputes between economic operators, including primarily private parties. Another system concerns disputes arising between sovereign states mutually bound by international trade agreements. In between these two systems (a private system of dispute resolution between private parties and a public system of dispute resolution between states), yet another system covers disputes of a mixed nature, namely those arising between private investors and sovereign states bound by international investment agreements. While all these systems are rather different in their nature (private, public or a mixture thereof), they share many important commonalities.

This course covers the system of resolution of private commercial disputes through mediation, arbitration and litigation; the settlement of private-public investment disputes between investors and states through investment arbitration; as well as the system of resolution of trade disputes in the context of the World Trade Organization (WTO). The latter plays a crucial role in resolving high profile disputes between its 160 Members, disposing of the most active and – according to some – the most powerful inter-state dispute settlement system in history.

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 will have acquired specialist level knowledge with regard to 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 acquire specialist's knowledge of the interrelationship between the various dispute resolution discussed in the course, mechanisms and the practical implications of these interrelationships.

Prerequisites

IER5016

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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

Compulsory courses

Master Globalisation and Law: Corporate and Commercial Law, compulsory courses

Faculty of Law

Corporate Social Responsibility

Full course description

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

- the conceptual foundations of CSR, CSR as normative and as operational concept and the voluntary vs mandatory debate; the European Union CSR Strategy 2011-2014;
- the external and internal dimensions of CSR and its relation to corporate governance; the ethics/values approach and the risk management approach as complementary strategies;
- The substantive scope of CSR: the so-called 'Triple P' (People, Planet and Profit) approach;
- Regulation models of CSR, internationally and nationally: public international law, treaties,

International Governmental Organisations' resolutions and instruments, domestic hard law, soft law, self-regulation (including company codes) and uncodified norms, their interdependence, interaction and enforcement.

- Sectoral Triple P regulation and General CSR regulation: accountability and transparency, corporate law and shareholder vs stakeholder theories and models, tort law and criminal law. Both sectoral and general approaches in national and international context: eg Organization of Economic Cooperation and development (OECD) guidelines for multinational enterprises and United Nations (the UN Global Compact and the UN Guiding Principles on Business and Human Rights) and European Union initiatives.
- The external focus of CSR: dialogue with and enforcement by external stakeholders.
- The CSR management toolbox for the embedding of CSR norms in the company's organisation and operations through a legal lens: strategy, policy, due diligence, training, compliance, enforcement and conflict management.

Course objectives

Students will obtain a general understanding of the concept of CSR and its role and position in international business and law and regulation. They will become familiar with the relation of CSR, with the main relevant legal fields and management techniques to embed CSR in the company's organisation both from a legal and operational perspective. They will also obtain an understanding of the role, views and action possibilities of civil society to discipline corporations and to hold them accountable. Through this course students will acquire up-to-date knowledge and an understanding of the links between democracy, human rights, sustainable development and the consequences of globalization of business.

By making use of various case studies and a paper assignment, students will learn how to analyse the potential consequences of globalisation for the operation of companies and will learn how these consequences can be addressed by means of private and/or public regulation. They will learn how to compare the various solutions used in practice, apply these to specific cases and assess them on their merits.

Prerequisites

A basic understanding of international law, human rights law and corporate law are required.

Recommended reading

The literature will mainly be based on a compilation of articles. The following handbooks can be consulted on the topic but do not constitute the required reading for this course.

- McBarnet, Voiculescu and Campbell, *The New Corporate Accountability*, Cambridge University Press (2009) (recommended)
- Kerr, Landa and Pitts (ed), *Corporate Social Responsibility, A legal Analysis*, Lexis Nexis, Toronto (2009) (recommended)
- Bryan Horrigan, *Corporate Social Responsibility in the 21st Century- Debates, Models and Practices Across Government, Law and Business* Edward Elgar (2010); (recommended)
- John G. Ruggie, *Just Business, Multinational Corporations and Human Rights*, W.W. Norton & Company, New York (2013) (recommended)
- P.T. Muchlinski, *Multinationals and the Law* (Oxford University Press, 2007) and (Lexis Nexis Canada, 2009) (recommended).

LAW4037

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

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

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

- Malcolm D. Evans (ed.), International Law, Oxford, Oxford: University Press, 2014 (4th edition).
- Blackstone's International Law Documents, Oxford: Oxford University Press, 2013 (11th edition).

IER4021

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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

Elective courses

Master Globalisation and Law electives

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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[G. van Dijck](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

verzuim en ingebrekestellingl. Consumentenkoopm. Conformiteitn. Productenaansprakelijkh eid

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: . - 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). . 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; - concrete versus abstracte schadebegroting; - de (beperkte) kring van gerechtigden. Ten slotte komt een enkel aangrenzend voor schadeclaims relevante deelgebied in het blok 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 is de afgelopen jaren onder meer aandacht besteed aan het leerstuk van de proportionele aansprakelijkheid (incl. kans schade) en de lotgevallen van het wetsvoorstel verruiming schadevergoeding bij letsel en overlijden).

Recommended reading

Literatuur: Het blokboek bevat een uitgebreid overzicht van relevante literatuur en jurisprudentie. Tot de basisliteratuur worden gerekend: - Asser-Hartkamp/Sieburgh 6-II, Verbintenissenrecht. De verbintenis in het algemeen, tweede gedeelte, 14e druk, Kluwer, Deventer 2013; - Asser-Hartkamp/Sieburgh 6-IV, Verbintenissenrecht. Verbintenis uit de wet, 14e druk, Kluwer, Deventer 2015; - J. Spier c.s., Verbintenissen uit de wet en Schadevergoeding, 7e druk, Kluwer, Deventer 2015.

PRI4008

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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

Studieboek:

- Door docent verstrekte teksten.

MET4001

Period 5

16 Apr 2018

15 Jun 2018

[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). Given the increasing mobility and internationalisation of the child and of families, it is also a specialist topic.

Family Law in Europe will be considered from two perspectives. First, we discuss and analyse the influence of human rights law, notably articles 8 and 12 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 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.

The national differences in substantive family law can be bridged by private international law. The second perspective of this course is thus the rules on private international law in family matters. The process of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law is given particular attention. 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;
- 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; and
- (EU) citizenship.

Students are encouraged to study their domestic legal system.

There will be seven tutorials and six 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 they are 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

M.N. Wells-Greco

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Advanced European law

Full course description

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

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

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

Course objectives

- Students understand the ways in which the institutional law of the EU informs and affects the content of EU substantive law, and also vice-versa, how the policy aims of the European Union determine its institutional evolution.
- Students are able to analyse judgments of the European Court of Justice and to assess the contribution of these judgments to the evolution of a (specific part of) EU law
- Students are able to situate new EU law developments (a new judgment, a new regulation, a new external agreement, etc.) in the overall context of the European Union's legal order.
- Students are able to discuss the normative implications of alternative interpretations of EU law.

IER4006

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Faculty of Law

Arbeidsrecht

Full course description

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, maar dit jaar afhankelijk van de actualiteit met betrekking tot de Wet Werk en Zekerheid: de arbeidsovereenkomst inclusief bijzondere bedingen, werkgeversaansprakelijkheid, ontslagrecht en collectief arbeidsrecht. 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 verschillende casusposities, stellingen of argumentatietaken geconcretiseerd.

Course objectives

De student heeft kennis van en inzicht in een aantal arbeidsrechtelijke onderwerpen. Hij/Zij past deze kennis en inzicht toe op concrete problemen. De student kan in een wetenschappelijke discussie een standpunt innemen en dit helder en met redenen omkleed zowel schriftelijk als mondeling verdedigen. Hij/Zij is ten slotte in staat om de opgedane kennis te transfereren, analoog toe te passen op verwante onderwerpen.

Recommended reading

A.R. Houweling (red), G.W. van der Voet, J.H. Even, E. van Vliet: Arbeidsrechtelijke themata (vijfde druk 2015) als boek of e-book

PUB4014

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[N. Gundt](#)

Teaching methods:

PBL

Assessment methods:

Portfolio, Written exam

Keywords:

arbeidsovereenkomst, bedingen, wijziging, aansprakelijkheid, einde van de arbeidsovereenkomst, collectief arbeidsrecht

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.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of the historical development of property law in Europe.
- Fundamental comparative knowledge of leading values and principles, underlying policies and policy choices, fundamental concepts and basic rules.
- Basic knowledge as to the various harmonization attempts (with a focus on the European Union, but also worldwide) in the area of property law.
- Basic knowledge of 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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

International Dispute Settlement

Full course description

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

Recommended reading

R. Mackenzie, et al., *The Manual on International Courts and Tribunals*, second edition (Oxford, OUP 2010)

IER4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[M.T. Kamminga](#)

[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 Dr. N. Philipsen and Mr. T. Heldt. 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

30 Oct 2017

22 Dec 2017

[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

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal. 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. In dit blok wordt binnen het terrein van het vennootschapsrecht indringend gefocust op twee leerstukken, te weten het concernrecht en het gebied van fusie en overnames, in de praktijk aangeduid als 'Mergers and Acquisitions (M&A)'.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van deze twee maatschappelijk uiterst relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in groepsbijeenkomsten plaats op basis van een uitdagende casuspositie. Naast deze groepsbijeenkomsten en de werkcolleges zal een aantal colleges worden gegeven door wetenschappers en praktijkjuristen waarbij het accent ligt op actuele ontwikkelingen in wetgeving en rechtspraak.

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

- Asser/Maeijer 2-III, Vertegenwoordiging en rechtspersoon, De naamloze en besloten vennootschap, bewerkt door J.M.M. Maeijer, Deventer: W.E.J. Tjeenk Willink, laatste druk; - S.M. Bartman & A.F.M. Dorresteyn, Van het concern, laatste druk; - P. van Schilfgaarde, Van de BV en NV, bewerkt door J. Winter, Deventer: Kluwer, laatste druk.

PRI4007

Period 1

4 Sep 2017

27 Oct 2017

[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, SPE.

Faculty of Law

Strafrechtelijke Sancties

Full course description

Strafrechtelijke interventies 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 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 met de opgelegde sancties wordt nagestreefd. De diverse bij de strafrechtspleging betrokken diensten lijken soms verschillende bedoelingen met de veroordeelde te hebben. 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 gaan plaatsvinden. Tevens zullen het strafrecht en de gevangenisstraf vanuit rechtshistorisch en -filosofisch perspectief worden gezien. Met betrekking tot verscheidene sancties – waaronder de gevangenisstraf, de taakstraf en elektronische detentie – zal eveneens aandacht worden besteed aan empirisch onderzoek naar de effectiviteit ervan. Het blok combineert een positiefrechtelijk perspectief met een metajuridische invalshoek (filosofie, geschiedenis en criminologie). Het blok is als volgt opgebouwd. Tijdens de eerste bijeenkomst wordt aandacht besteed aan de geschiedenis van het strafrecht: wanneer en binnen welke context is het strafrecht ontstaan?, wat is straf eigenlijk? en welke theorieën zijn ter legitimering ervan ontwikkeld? Bijeenkomst twee is gewijd aan het Nederlandse sanctiestelsel, waarbij speciale aandacht wordt ingeruimd voor de levenslange gevangenisstraf. In de derde bijeenkomst wordt stilgestaan bij recent voltrokken en toekomstige wetswijzigingen ter zake van het Nederlandse sanctiearsenaal. Bijeenkomst vier staat in het teken van herstelrecht als mogelijk alternatief voor/mogelijke aanvulling op het strafrecht. Straftoemeting en -motivering en de kloof tussen burger en rechter wat betreft strafmaat ('de punitiviteitskloof') komen aan bod in bijeenkomst vijf. De zesde en zevende bijeenkomst gaan dieper in op de gevangenisstraf: zowel op de ontstaansgeschiedenis van deze sanctie ter vervanging van lijf- en doodstraffen (bijeenkomst zes) als op de gevangenisstraf in de huidige tijd, waarbij aandacht wordt besteed aan de effectiviteit van de gevangenisstraf, aan de ontwikkeling van het gevangeniswezen/detentieklimaat, aan de interne rechtspositie van gedetineerden, aan inspectie en toezicht en aan de rol van het EHRM in het kader van detentie (bijeenkomst zeven). Het blok wordt ondersteund en verlevendigd met drie of vier gastcolleges over de volgende onderwerpen: jeugdsanctierecht, TBS, herstelrecht, reclassering en/of internationale straftribunalen/ICC.

Course objectives

Het verbreden en verdiepen van de kennis van strafrechtelijke sancties in de (inter)nationale context in zowel positiefrechtelijk als metajuridisch opzicht.

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 2

30 Oct 2017

22 Dec 2017

[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 Arbeidsrecht

Full course description

In het blok Verdieping arbeidsrecht staan arbeidsrechtelijke onderwerpen die summier, niet, of vanuit een ander perspectief aan de orde zijn geweest in het blok Arbeidsrecht, centraal. Zo worden vraagstukken in internationaal, Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht in het individuele arbeidsrecht. Dit jaar zal een aantal malen gewerkt worden aan de hand van een casus die als een rode draad doorloopt in de blokken 1 en 2. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. Regelmatig verzorgen gastdocenten onderwijs (college en/of onderwijsgroepen) in (procesrechtelijke) aspecten van het arbeidsrecht. Ook staat een bezoek aan de rechtbank gepland.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok Arbeidsrecht. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Bedingen in de arbeidsovereenkomst, internationale en Europeesrechtelijke grondrechten, flexibele arbeidsrelaties, achtergronden van het nieuwe ontslagrecht, ambtenarenrecht, rechtsvergelijking, procesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en

deze mondeling uitdragen.

Prerequisites

Kennis van het masterblok Arbeidsrecht wordt verondersteld.

Recommended reading

Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2015 ; Toegespitste literatuur en jurisprudentie, afhankelijk van het onderwerp.

PUB4015

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Faculty of Law

Verdieping Strafprocesrecht

Full course description

Het blok Verdieping strafprocesrecht is een keuzeblok binnen de Master Nederlands Recht en een verplicht onderdeel voor de studenten die in de Master Nederlands Recht het Profiel Strafrecht willen volgen. Doel van het blok is een verdieping en verbreding van de in de bachelor opgedane kennis van het strafprocesrecht. In dit blok worden ontwikkelingen in het strafprocesrecht belicht vanuit mensenrechtelijk oogpunt, met name vanuit het Europees Verdrag tot bescherming van de Rechten van de Mens (EVRM). Het belang van deze benadering van het strafprocesrecht vanuit een grondrechtenperspectief neemt toe naarmate die grondrechten onder druk komen te staan, ondermeer in het kader van de bestrijding van georganiseerde misdaad en terrorisme. Daarnaast heeft de rechtstreekse werking van het EVRM een grote invloed op de nationale rechtspraak.. Centraal in het blok staan de eisen die vanuit mensenrechtenverdragen worden gesteld aan strafrechtelijke procedures en de wijze waarop uitspraken van het Europees Hof voor de Rechten van de Mens (EHRM) inzake deze eisen doorwerken in de nationale strafrechtspleging. De onderwerpen die aan de orde komen, zijn gegroepeerd rond een aantal voor het strafrecht relevante mensenrechten, met name: - artikel 3 EVRM (verbod van foltering) en het (gewelddadig) optreden van de politie bij arrestaties; - artikel 5 EVRM (recht op vrijheid en veiligheid) en de vrijheidsbeneming van verdachten, - - artikel 6 EVRM (recht op een eerlijk proces) waaronder de onschuldpresumptie, de redelijke termijn en de rechten van de verdediging; - artikel 8 EVRM (recht op eerbiediging van privé-

familie- en gezinsleven) en de toepassing van bijzondere opsporingsbevoegdheden en dwangmiddelen die inbreuk plegen op de privacy Verder wordt een aantal bijzondere strafrechtelijke procedures bestudeerd, zoals de herziening in strafzaken naar aanleiding van een veroordeling in Straatsburg, de ontnemingsprocedure, en de procedure inzake vergoeding wegens onterechte ondergane voorlopige hechtenis.

Course objectives

- inzicht in de invloed die het EVRM uitoefent op het Nederlandse strafprocesrecht; - inzicht in de gebieden waar het EVRM weinig of geen invloed heeft/kan hebben; - Inzicht in de wisselwerking tussen nationaal recht en mensenrechtenverdragen en nationale gerechtelijke instanties en het EHRM - kennis van belangrijke arresten van het EHRM waarin een schending van art. 3, 5, 6 en 8 EVRM in strafrechtelijke procedures aan de orde werd gesteld en van de belangrijkste basisprincipes die uit deze jurisprudentie kunnen worden afgeleid; - kennis van belangrijke arresten van de HR in strafzaken waarin een schending van art.3, 5, 6 en 8 EVRM aan de orde werd gesteld en waarin de Nederlandse praktijk getoetst werd aan het EVRM; - ontwikkeling van een kritische houding ten aanzien van de bestudeerde problematiek.

Recommended reading

G.J.M. Corstens, Het Nederlands strafprocesrecht, Deventer, Kluwer, laatste druk; P. van Dijk en G.J.H. van Hoof, Theory and Practice of the European Convention on HumanRights, The Hague, Kluwer Law International, laatste druk, of D.J. Harris, M. O'Boyle and C. Warbrick, Law of the European Convention on Human Rights, London, Butterworths, laatste druk, of A.W. Heringa e.a., EVRM, Rechtspraak en Commentaar, Den Haag, SDU Uitgevers, losbladig; A.E. Hartevelt, B.F. Keulen en H.G.M. Krabbe, Het EVRM en het Nederlandse strafprocesrecht, Deventer, Kluwer, laatste druk; T. Barkhuysen, M.L. van Emmerik en E.R. Rieter, Procederen over mensenrechten onder het EVRM, het IVBPR en andere VN-verdragen, Nijmegen, Ars Aequi Libri, laatste druk. Voorts diverse artikelen uit vaktijdschriften die betrekking hebben op de deelonderwerpen, en in het bijzonder (recente) jurisprudentie, zowel van de Hoge Raad als van het EHRM.

CRI4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

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

CRI4003

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

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 2

30 Oct 2017

22 Dec 2017

[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

Insolventierecht

Full course description

In het blok Insolventierecht wordt uitgebreid kennis gemaakt met de juridische aspecten van de twee meest voorkomende insolventieprocedures: het faillissement en de schuldsanering natuurlijke personen. De surseance van betaling komt slechts zijdelings aan bod, mede omdat die in de praktijk niet goed functioneert. In insolventieprocedures komen problemen uit vele rechtsgebieden tegelijkertijd aan de orde. De afwikkeling daarvan is een juridisch complexe aangelegenheid, omdat juist dan moet blijken welk van de conflicterende belangen van de verschillende betrokkenen het sterkst is. Het is dan ook noodzakelijk om de juridische positie van alle rechtssubjecten die bij een insolventie procedure betrokken zijn grondig te kunnen analyseren. Op hoofdpunten komen de volgende onderwerpen aan bod: - De hoofdbeginselen en het verloop van de faillissementsprocedure; - De actoren in de faillissementsprocedure; - Voortzetting en doorstart van een onderneming na faillissement; - De positie van de fiscus in faillissement; - Bestuurdersaansprakelijkheid; - Het materiële insolventierecht met nadruk op belangrijke leerstukken als de actio Pauliana en verrekening; - Grensoverschrijdend insolventierecht; - De hoofdbeginselen en het verloop van de schuldsanering.

Course objectives

Doel van het blok is om inzicht te geven in de hiervoor beschreven materie en de student daardoor in staat te stellen om de diverse problemen in een insolventieprocedure te onderkennen en die zelfstandig en adequaat tot een oplossing te brengen.

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

A.M.J. van Buchem-Spapens en Th.A. Pouw, Faillissement, surseance van betaling en schuldsanering, Monografieën Privaatrecht 2, Kluwer Deventer, 9e druk, 2013. N.J. Polak, Insolventierecht, bewerkt door M. Pannevis, Kluwer Deventer, 13e druk, 2014 (verschijningsdatum: omstreeks eind september 2014).

PRI4010

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[S. Renssen](#)

Teaching methods:

Lecture(s), Assignment(s), PBL

Assessment methods:

Written exam

Faculty of Law

International Human Rights Law

Full course description

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

The course will cover both the substance of human rights and procedural issues. This means that attention will be given to the human rights normative framework, such as the different categories of rights, but also to international supervisory and monitoring procedures as developed within the United

Nations and regional organisations. In addition, the notion of the alleged universality of human rights will be discussed.

In addition, 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. Students may earn one bonus point to be added to the grade for the written exam by taking part in this mock examination. 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, second edition, 2016.
- A. Bisset, *International Human Rights Documents*, Oxford University Press, latest edition.
- Selected additional reading materials.

IER4012

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam

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, 2015 jurisprudentie en zo nodig overige literatuur, met name tijdschriftartikelen

PUB4018

Period 2

30 Oct 2017

22 Dec 2017

[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

Verdieping Sociale Zekerheid

Full course description

In het blok Verdieping sociale zekerheid staan sociale zekerheidsrechtelijke onderwerpen die summier, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Sociale zekerheid centraal. Zo worden vraagstukken in Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht, de positie van de gemeenten en voor ontwikkelingen in de sociale zekerheid. De rode draad casus uit blok 1 wordt weer opgepakt. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. De gemeente Maastricht fungeert als belangrijk opdrachtgever in dit blok. Ook geven gastdocenten onderwijs (college en/of onderwijsgroepen) in procesrechtelijke aspecten van het socialezekerheidsrecht en vindt er een (voorbereid) bezoek aan de rechtbank plaats.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok sociale zekerheid. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Basiswaarden in de sociale zekerheid, werkloosheid en bijstand, waaronder speciale aandacht voor de drie D's, ziekte en arbeidsongeschiktheid, bestuursprocesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling

over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

Recommended reading

Literatuur: in overleg met de tutor

PUB4001

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Keywords:

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

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

5 Feb 2018

6 Apr 2018

[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

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[F.B.J. Grapperhaus](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

European Migration Law and Citizenship

Full course description

International migration has become a major phenomenon worldwide in recent decades and Europe has received a significant share of people moving for various reasons. Intensifying international migration movements present many societies with major political dilemmas as many migrants have a different cultural, ethnic and religious background.

This course will address different issues of nationality, migration and asylum law and policies. One part of the course will be devoted to comparative nationality law. 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 Stockholm Programme of December 2009 and its follow ups. In this context the position of third country nationals, highly-skilled migrants, refugees and asylum seekers will be researched and discussed from a comparative perspective. The focus will be on their judicial protection and fundamental rights, family-reunion and integration requirements. Special attention will be given to the position of Turkish workers. Furthermore, migration as a phenomenon in an international and global setting will be dealt with.

An important question is therefore, how to integrate this group of migrants into the host societies, balancing cultural identity and minority rights with the state's interest in an integrated population.

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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

D.H. Yabasun

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

European Citizenship, Comparative Nationality Law, Legal Migration and EU

Faculty of Law

Europeanisering van het Bestuursrecht

Full course description

Het masterblok Europees bestuursrecht is een keuzeblok dat goed past in het profiel staats- en bestuursrecht van de Master Nederlands recht. Het bouwt voort op de in de Bachelorfase verworven kennis van enerzijds het Europese recht en anderzijds het staats- en bestuursrecht. Basiskennis van beide rechtsgebieden wordt verondersteld. Uiteraard is deelname aan het blok ook mogelijk voor studenten die elders een Bachelor-opleiding hebben gevolgd, mits zij beschikken over basiskennis van de genoemde vakgebieden. De doelstelling van het vak is het verwerven van inzicht in de wijze waarop het Nederlandse bestuursrecht wordt beïnvloed door het Europese gemeenschapsrecht. Het Nederlandse bestuursrecht wordt in sterke en nog steeds toenemende mate beïnvloed door het Europese recht. Dat geldt heel sterk voor het materiële bestuursrecht. Op bijna alle deel terreinen daarvan, van omgevingsrecht tot sociaal zekerheidsrecht en natuurlijk economisch bestuursrecht, spelen regels van Europese herkomst een belangrijke rol. Maar ook de algemene leerstukken van het bestuursrecht, zoals die (deels) zijn geregeld in de Algemene wet bestuursrecht, ondervinden in toenemende mate de invloed van leerstukken van Europese recht. In de praktijk vergt de oplossing van een bestuursrechtelijke casus zeer vaak een gecombineerde toepassing van nationale en

Europese regels en leerstukken. In de praktijk kan men het bestuursrecht eigenlijk niet meer los zien van het Europese recht. Omgekeerd komt het Europese recht in veel gevallen pas tot gelding door toepassing door nationale bestuursorganen en nationale rechters, die daarbij tegelijk nationaal bestuursrecht en bestuursprocesrecht toepassen. Deze wisselwerking tussen beide rechtsgebieden staat in dit blok centraal. In de eerste vijf bijeenkomsten gaat het over de invloed van het Europese recht op het algemene bestuursrecht. In de laatste twee bijeenkomsten staan, bij wijze van voorbeeld, twee onderwerpen uit het bijzonder bestuursrecht centraal.

Course objectives

De doelstelling van het blok is tweeledig. Ten eerste beoogt het blok de studenten grondig kennis te laten nemen van en inzicht te bieden in de wijze waarop het Europese recht (EVRM en EU-recht) doorwerkt in het Nederlandse bestuurs(proces)recht. Daarnaast heeft het vak een praktische component doordat er veel tijd wordt ingeruimd voor het oplossen en bediscussiëren van casus, waarbij de wisselwerking tussen het nationale en het Europese recht centraal staat.

Prerequisites

Bachelor; vak Staats- en bestuursrecht (of equivalent) met succes afgerond

Recommended reading

J.H. Jans, R. de Lange, S. Prechal. R.J.G.M. Widdershoven, Inleiding tot het Europees bestuursrecht, 2e druk, Nijmegen: Ars Aequi Libri 2002.

PUB4008

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Presentation(s), Lecture(s)

Assessment methods:

Presentation, Written exam

Keywords:

Europeanisering, loyale samenwerking, conforme interpretatie, rechtstreekse werking, rechtsbeginselen, implementatie, gedeeld bestuur, rechtsbescherming, prejudiciële vragen, toegang tot de rechter, overheidsaansprakelijkheid

Faculty of Law

Gezondheidsrecht

Full course description

In het blok Gezondheidsrecht komen verschillende aspecten van de gezondheidszorg en het gezondheidsrecht aan de orde. Het accent ligt bij die onderwerpen die, behalve voor de algemene (curatieve) relatie hulpverlener – patiënt/cliënt, van belang zijn voor de relatie tussen een (zieke) werknemer, diens werkgever, de bedrijfsarts (arbodienst) en de verzekeringsarts (UWV). De thema's die worden belicht, houden verband met de situatie van 'ziek zijn' (met als eerste vraag: wanneer is sprake van 'ziekte'?) en onderwerpen die daarmee samenhangen. Zowel preventie van ziekte als geneeskundige behandeling en begeleiding bij ziekte krijgen aandacht. In de eerste helft van het blok wordt ingegaan op de beginselen die een belangrijke plaats innemen in het Gezondheidsrecht, op de rol van grondrechten en op de systematiek en inhoud van het Gezondheidsrecht. Hiernaast komt de organisatie van de gezondheidszorg aan de orde, met een toespitsing op de bedrijfsgezondheidszorg. Verder worden de toegang tot en de kwaliteit van de zorg uitgebreid belicht. De invalshoek is hierbij vooral publiekrechtelijk. In de tweede helft van het blok volgt, vanuit veelal privaatrechtelijk perspectief, een bespreking van de wetgeving inzake de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Nadat dit onderwerp eerst in algemene zin is belicht, wordt het – meer specifiek – bezien voor de relatie tussen de bedrijfs- en de verzekeringsarts en de (zieke) werknemer en daarbij betrokken derden, zoals de huisarts en/of de medisch specialist bij wie de (zieke) werknemer in behandeling is. Vervolgens wordt ingegaan op de handhaving van de rechten van de patiënt. In dit verband komen de klacht- en geschillenbehandeling, het tuchtrecht en de civiele aansprakelijkheidsprocedure in kort bestek aan de orde. Ook hier staat eerst de algemene (curatieve) situatie centraal, om daarna de rechtshandhaving op het terrein van de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde te bekijken. Een afzonderlijke plaats is in het blok ingeruimd voor het recht van de patiënt/(zieke) werknemer op geheimhouding van zijn medische gegevens. Bij de informatieuitwisseling tussen de werkgever, werknemer, bedrijfsarts/arbodienst, curatieve sector (huisarts, medisch specialist), verzekeringsarts/UWV en andere betrokkenen speelt het privacyaspect een belangrijke rol. Juridisch gezien is deze materie nogal complex; zij doet de nodige vragen rijzen en kan lastige dilemma's doen ontstaan. Het blok wordt afgesloten met een onderdeel dat is gewijd aan het zorgverzekeringsstelsel. Het accent ligt hier bij de Zorgverzekeringswet en aanverwante regelgeving. Hoewel het blok hoofdzakelijk het huidige Nederlandse recht behandelt (en ontwikkelingen daarin), heeft het tevens oog voor hetgeen op Europees niveau gebeurt. In toenemende mate is (het beleid inzake) de gezondheidszorg ook een aandachtsgebied van de Europese Unie. Onderwerpen zoals de 'grensoverschrijdende' patiënt en de 'grensoverschrijdende' hulpverlener, e-health en 'grensoverschrijdende' privacyaspecten (denk onder meer aan spoedeisende zorg in een andere dan de eigen EU-lidstaat, waarbij de beschikbaarheid van gezondheidsgegevens uit het medisch dossier vaak van groot belang is) houden behalve de lidstaten zelf ook de EU bezig. Daarom is, met name in week 1, ook een Europeesrechtelijk element in het blok opgenomen.

Course objectives

Het verwerven van kennis van, en inzicht in, het systeem en de inhoud van het Gezondheidsrecht in algemene zin. Hiernaast, meer specifiek, het verwerven van kennis van, en inzicht in, gezondheidsrechtelijke leerstukken die gerelateerd zijn aan het arbeids- en het sociale zekerheidsrecht, in het bijzonder: juridische aspecten van de beroepsuitoefening door de bedrijfs- en de verzekeringsarts.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Leerboek Gezondheidsrecht, derde druk, Houten: Bohn Stafleu van Loghum, 2013. Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling

Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Hiernaast wordt gebruik gemaakt van een literatuurklapper en een jurisprudentieklapper. Nadere informatie over de te gebruiken wetgeving, literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

LAW4001

Period 4

5 Feb 2018

6 Apr 2018

[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

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.

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property 13th edition (Oxford University Press)
- Kur/Dreier, European Intellectual Property Law (2013, Edward Elgar)
- WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO) -Online

IER4033

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Verdediging en Rechtsmiddelen in Strafzaken

Full course description

Positie van de verdediging in het strafproces (zie blokboek) 1. Afbakening: taak en rol opvatting van de strafrechtadvocaat – gedragsregels – statuut – kaderbesluit minimumgaranties – verschillende procedures (strafrechtelijk, tuchtrechtelijk – materieel en procedureel) 2. Effectieve verdediging: het recht op rechtsbijstand – equality of arms – effectieve verdediging (kernbegrippen) – het instrumentarium (privileges en processuele bevoegdheden) – verdedigingsbelang / belang van het onderzoek – misbruik van procesrecht – toevoegingproblematiek 3. Voor de zitting I (opsporingsfase): opsporing en (gerechtelijk) vooronderzoek – dwangmiddelen en opsporingsbevoegdheden – rechtsmiddelen tegen de toepassing van dwangmiddelen en opsporingsbevoegdheden 4. Voor de zitting II (gedetineerde verdachte): vrij verkeer – beperkingen – onthouding stukken – rechtsmiddelen tegen de toepassing van vrijheidsbenemende dwangmiddelen 5. Voor de zitting III: consultatierecht – raadsman bij verhoor – audiovisuele registratie van verhoren – tegenstrijdige belangen 6. Zitting: gemachtigde raadsman – zittingsincidenten – getuigen / deskundigen – verweren – pleidooi / pleitnota – instellen appèl – afschrift oproeping aan raadsman 7. Na de zitting: gewone rechtsmiddelen – schadevergoeding en vergoeding van gemaakte kosten (art. 89, 591 en 591a Sv) – buitengewone rechtsmiddelen – procedure EHRM

Course objectives

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - het straf(proces)recht en de procedurele waarborgen die het strafproces de verdachte biedt; - de taak en de rol van de verdediging in het strafproces; - 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; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de mogelijkheden van de verdachte om beslissingen van de strafrechter voor te leggen aan andere rechterlijke autoriteiten en de hierbij behorende juridisch-technische problemen en strategische overwegingen; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken).

Recommended reading

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

CRI4009

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

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

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging, rechtsmiddelen

Faculty of Law

Verdieping Gezondheidsrecht

Full course description

Het blok Verdieping gezondheidsrecht stelt een aantal thema's aan de orde die, mede gezien de actualiteit, een belangrijk plaats innemen in het gezondheidsrecht en de beoefening daarvan in de rechtspraktijk. Het eerste deel van het blok besteedt aandacht aan het functioneren van zorginstellingen en hun bestuur. Aan de orde komen onder meer de toelating van zorginstellingen (Wet toelating zorginstellingen), de taken en verantwoordelijkheden van Raden van Bestuur (RvB) en Raden van Toezicht (RvT) en de positie van cliëntenraden. Ook wordt ingegaan op juridische

(gezondheidsrechtelijke) aspecten van samenwerking en fusies van zorginstellingen en op de relatie tot derde partijen, zoals zorgverzekeraars. Dit 'governance' gedeelte wordt gevolgd door een onderdeel waarin de rechtspositie van zorgverleners, in het bijzonder medisch specialisten (en hun maatschap of andere samenwerkingsvorm), centraal staat. Ingegaan wordt op hun juridische relatie tot het ziekenhuis (samenwerkingsovereenkomst, dienstverband), evenals - in samenhang daarmee - op de ontwikkelingen rond de integrale bekostiging van medisch-specialistische zorg (per 1 januari 2015) en de gevolgen daarvan voor de rechtspositie van medisch specialisten. Verder wordt stilgestaan bij het disfunctioneren van medisch specialisten: wanneer is hiervan sprake, welke verantwoordheden rusten alsdan op collegae-artsen, de RvB en bijvoorbeeld de Inspectie voor de Gezondheidszorg? Welke mogelijkheden tot ingrijpen staan hen ter beschikking? Hierbij komt ook (de rechtspraak van) het Scheidsgerecht voor de Gezondheidszorg aan de orde. De aandacht verlegt zich vervolgens naar de patiënt/cliënt zelf: welke rechten (en plichten) komen aan hem toe en wat is zijn rechtspositie bij medische fouten? In dit verband komen de hoofdlijnen van het medisch aansprakelijkheidsrecht aan de orde. Dit onderdeel van het blok is mede rechtsvergelijkend van aard; in het bijzonder het recht van België en Duitsland zal fungeren als vergelijkingsmaatstaf voor het Nederlandse recht. De resterende weken van het blok zijn Europeesrechtelijk van aard. De rol van de Europese Unie op het gebied van de gezondheidszorg wordt hierin belicht. Evenals in de andere onderdelen van het blok wordt mede stilgestaan bij nieuwe ontwikkelingen in de wet- en regelgeving, de literatuur en de rechtspraak.

Course objectives

Het verdiepend, en met aandacht voor het verwerven van vaardigheden (uitwerken van opdrachten, verrichten van rechtsvergelijkend en Europeesrechtelijk onderzoek, schrijven van een paper, samenwerken in groepsverband), opdoen van kennis van en inzicht in een aantal belangrijke gezondheidsrechtelijke leerstukken.

Prerequisites

Het blok kan separaat worden gevolgd, maar gezien de basis die het blok Gezondheidsrecht legt met betrekking tot de algemene gezondheidsrechtelijke leerstukken en aspecten, verdient het de voorkeur om het blok te combineren met dit laatste blok.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Gezondheidsrecht, derde herziene druk, Houten: Bohn Stafleu van Loghum, 2013. Leenen, H.J.J., Dute, J.C.J., Gevers, J.K.M., Legemaate, J., Groot, G.R.J. de, Gelpke, M.E. en Jong, E.C.J. de, Handboek gezondheidsrecht, zesde druk, Den Haag: Boom Juridische uitgeverij, 2014. Kastelein, W.R. en Legemaate, J. (red.), Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Nadere informatie omtrent de te gebruiken literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst door de tutor verstrekt.

LAW4002

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[M.M. ten Hoopen](#)

Teaching methods:

PBL, Lecture(s), Paper(s)

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

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

16 Apr 2018

15 Jun 2018

[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

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, issues, 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. In the final part of the course, we will look into issues relating to financing international trade, for instance looking into the letter of credit (UCP 600) and bank guarantees (URDG).

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 such as the effectiveness of measures intended to unify 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

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 2010, 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

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.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Participation

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 2010, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms

Faculty of Law

Human Rights and Human Development

Full course description

Human rights and human development is not a separate branch of public international law or international human rights law. It is rather a hybrid area of social, legal and certainly also academic

interest. It draws inspiration from different approaches and disciplines, such as law, development studies, economics, social sciences and globalisation studies that aim to reframe discussion of development from being purely economics oriented, to operating within a background of normative concepts such as rights and responsibilities. For example, UNDP has described development as ‘the process of enlarging people’s choices, by expanding human functionings and capabilities. (..) It represents a process as well as an end.’ (UNDP Development Report 2000, p. 17). Under this understanding rights are neither a tool nor an obstacle for development, but the substance of development itself.

This course is theoretical and practical. At the theoretical level it familiarizes students with interdisciplinary thinking on human rights and economic justice. At the practical level, it seeks to equip students with the tools needed to analyse public policy using human rights as standards. What this course is not is an exploration of the dogmatic content of a field of law (ie. environmental law, international law, etc.). Human rights and human development is a interdisciplinary field that critiques existing law from an external perspective, and although some legal materials may be friendly to human development, these materials do not coalesce into a mature field of law.

In using a right-based approach to sustainable globalization, this course goes beyond the traditional legal boundaries between public and private law and is envisaged as a unifying tool building bridges between the respective bodies of law that affect development issues. It does not necessarily provide new "black letter" law on these questions, but rather a referential framework to observe, analyze and assess the impact of development oriented norms and practices at the local and global levels.

Course objectives

- Students acquire knowledge about the legal aspects of development from a human rights perspective.
- Students understand the demands that the law makes on key aspects of global economic order.
- Students are able to conduct an analysis of public policy issues relevant to development by using human rights as a standard for evaluation.

Prerequisites

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

Recommended reading

As there is no textbook on Human Rights and Human Development issues from a holistic perspective, the planning group has opted for a combination of different types of materials: a reader, chapters from academic books, on-line journal articles, primary legal sources and materials from websites.

IER4004

Period 5

16 Apr 2018

15 Jun 2018

[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)

Keywords:

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

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, hebben zij 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 en welke positie neemt zij in als contractspartner? De tweede helft van het blok zoomt in op een aantal specifieke onderwerpen, waaronder gronduitgifte, gebiedsontwikkeling via publiek-private samenwerking, aanbesteding, publiek domein en de vrijwarende werking van vergunningen. Minstens drie colleges worden verzorgd door externe sprekers, werkzaam in de advocatuur en bij de Gemeente Maastricht.

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 gaat bewegen. De vervlechting heeft grote consequenties voor het juridische instrumentarium dat in deze rechtsverhouding werkt. De student leert dit te herkennen en toe te passen in concrete casus. 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

Scheltema M. en Scheltema M.W., Gemeenschappelijk recht, Deventer: Kluwer 2013 (derde druk). Daarnaast gebruiken wij een reader en een jurisprudentiemap.

PUB4012

Period 5

16 Apr 2018

15 Jun 2018

[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

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 (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 het legaliteit, het feitsbegrip, opzet en schuld, daderschap en deelneming en de strafuitsluitingsgronden, alsmede de specifieke problemen die zich daarbij kunnen voordoen.

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, 5e druk 2012 Reader met aanvullende literatuur en rechtspraak

CRI4005

Period 5

16 Apr 2018

15 Jun 2018

[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

Rechtspsychologie en 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 het feitelijke bewijs.

Recommended reading

Reizen met mijn Rechter; Vincent plast op de grond; Dubieuze zaken; The populair policeman

MET4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Rechtspsychologie; Geursorteerproef; Confrontaties; Psychiatrische stoornissen; Valse bekentenissen

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. 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 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. . . Onderwerpen: 1: Forensische Accountancy: elementaire begrippen, relatie met fraude en terreinafbakening 2: Financial Accounting: noodzakelijke basisbegrippen, zoals - Scheiding tussen eigendom en management - Belangrijkste financiële verslagen (balans, resultatenrekening en kasstroomoverzicht) - Accrual Accounting en cash flow accounting 3. Fraudepreventie: Wat is Internal Control en hoe wordt dit toegepast bij organisaties. 4. Controletechnieken bij fraudebestrijding: - Taken en bevoegdheden van accountants bij fraudebestrijding - Fraudepreventie vanuit Interne Controle perspectief 5. De Forensisch Accountant en de wet- en regelgeving, waar hij aan moet 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

Recommended reading

Literatuur: Reader met artikelen

CRI4013

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Presentation, Assignment

Faculty of Law

Goederenrecht (Master)

Full course description

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

Course objectives

Dit blok richt zich op de volgende doelen: - In staat zijn om hedendaagse goederenrechtelijke problemen, die niet direct vanuit de bestaande regelgeving en rechtspraak zijn op te lossen, kritisch te analyseren en te zoeken naar theoretisch verantwoorde en praktisch hanteerbare oplossingen - Het verschaffen van inzicht in het recht betreffende onroerende zaken - Begrip inzake de rol van functioneren en de maatschappelijke betekenis van kwaliteitsrekeningen en afgescheiden vermogen - Diepgaand inzicht in zekerheidsrechten - Grondige kennis van het pand- en hypotheekrecht - Begrip inzake het gebruik van eigendom als zekerheid (eigendomsvoorbehoud, eigendomsoverdracht tot zekerheid) - Het bezitten van kennis betreffende de invloed van beslag op goederenrechtelijke vraagstukken - Het verwerven van inzicht met betrekking tot het internationaal goederenrecht - Kennis met betrekking tot rechtsvergelijkend goederenrecht - In staat om de ontwikkelingen op het gebied van het Europese goederenrecht in te passen in het Nederlandse goederenrecht - Het kunnen aandragen van oplossingen voor problemen inzake zogenaamde "virtuele eigendom"

Recommended reading

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

PRI4011

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[W. Loof](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

onroerende zaken, notariaat, Zekerheden, I.p.r..

Faculty of Law

ELSA WTO Law Moot Court Competition

RMA0086

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Faculty of Law

Comparative Corporate Governance

Full course description

Corporate failures, accounting scandals and the credit crisis have resulted in an entirely new view on corporate governance. The roles and responsibilities of the various stakeholders of the corporation have to be revisited. In this course we will explore the corporate governance aspects of this new national and international environment. We will review relevant corporate governance concepts in The Netherlands, the US, the UK, Germany and possibly other jurisdictions and thereby concentrate on the corporate governance statutes and codes as employed in these jurisdictions. In general, corporate governance is about managing the corporation for the benefit of a wide range of stakeholders in a society that in turn benefits from well managed corporations. We will investigate to what extent the recent developments in the modern society impact corporate law and corporate governance, focusing on the commonalities and differences between various jurisdictions. We will deal with the legal aspects of inter alia corporate organization, transparency, control, accountability and division of responsibility.

Course objectives

The purpose of the course is to:

- Develop the knowledge, theories and skills for legal analysis emphasizing corporate governance in the economic, political and social spheres of influence;
- Acquaint students with corporate governance from a legal perspective and raise awareness of various corporate governance codes, rules and regulations;
- Introduce students to the theoretical foundations of corporate governance and enabling them to apply these by means of writing a paper, in class discussions and applying them to case studies;
- Develop an awareness of the practical problems associated with the interaction of the board, management, shareholders and other stakeholders of a corporation;
- Develop technical skills necessary to evaluate the governance of a company from the perspective of an investor or potential investor in the company and compare potential solutions;
- Identify governance dilemmas in the corporate community and analyze the opportunities of and threats to national and multinational corporations and their board(members);
- Help students analyze, interpret, and collect information about specific corporations and their efforts or non-efforts in the area of corporate governance, and
- Encourage students to sharpen their research and problem-solving skills.

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

Prescribed and supplementary readings will be made available in a reader or are either easily accessible electronically or to be found in the university library. Additional required and recommended readings will be listed on EleUM.

PRI4012

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Olaerts](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

Corporate governance, corporate law, stake- and shareholders model, corporate governance from a European and international perspective, enforcing CSR through international law, corporate

scandals.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

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);
- 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);
- balancing investment protection with other public interests (on the host states' right to regulate, on exceptions and defenses justifying breaches of host states' obligations under international investment agreements).

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 in class.

Prerequisites

A previous course in public international law.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 2nd edition (Edward Elgar Publishing, 2016).

- 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 and Journal of International Dispute Settlement.
- Various online resources are also excellent sources of information, incl. for example the UNCTAD's Investment Policy Hub website or the Investment Treaty Arbitration website.

IER4015

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Keywords:

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

Faculty of Law

Philip Jessup international law moot court

LAW4602

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[M.W. Wolleswinkel](#)

Teaching methods:

Presentation(s)

Assessment methods:

Faculty of Law**International Criminal Law****Full course description**

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

Course objectives

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

actual case problems will be the outcome of this course. Lastly, students shall interpret and evaluate the challenges connected to international criminal prosecutions, appraise different answers to these challenges and justify possible alternative international criminal proceedings.

Prerequisites

- Good knowledge of substantive criminal law and criminal procedure
- Basic knowledge of international law

Recommended reading

- R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2014, 3rd ed.
- Additional literature indicated for each week

CRI4023

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A.H. Klip](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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 enforcement. Particular attention will be paid to current challenges to International Humanitarian Law, such as asymmetric warfare, targeted killings by drones, cyber warfare 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, Iraq and the Middle East.

Course objectives

Students that have successfully completed this course are able to apply the rules and principles of International Humanitarian Law 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 (Cambridge: CUP, 2015)

IER4022

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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.

Course objectives

At the end of the course the student is able:

- To get acquainted with a criminal file;
- To be able to distil the problems of the case;
- To be able to search for literature and give presentations about them;
- To obtain knowledge about common theories in legal psychology and to apply these theories in real cases.

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 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 1

4 Sep 2017

27 Oct 2017

[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

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 lectures 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 2

30 Oct 2017

22 Dec 2017

[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 criminology studies violations of rules and ethics (deviant behavior) by legitimate organisations (e.g. corporations, governments, etc.) and their management. Lately, organisational crime seems to attract an increased amount of attention – which can partly be attributed to the ‘global financial meltdown’. 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.) During the last part of the course, we discuss the policy implications of our previous analysis in terms of what an appropriate reaction to organisational criminological phenomena could entail. Here, we discuss various different legal regimes (civil, criminal, compliance, etc.) and their accompanying measures and sanctions (supervision, monetary fines, etc.) 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

This course aims to integrate knowledge and insights from a variety of relevant academic disciplines. The approach is thus multi-disciplinary. By looking at the phenomenon of organisational crime from different viewpoints, we not only want to stimulate knowledge gathering but we also want to generate reflection and a critical scholarly attitude. The overall learning objective is that at the end of this course the acquired knowledge will enable students to critically analyze (current) cases by themselves.

Prerequisites

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

Recommended reading

Handbook

CRI4020

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Assignment(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

Evidence

Full course description

The course deals with key notions of (procedural) criminal law and investigative measures in criminal matters, relating to the gathering, admissibility, exclusion and use of information and evidence in criminal in a range of (European) domestic systems and the competencies of possible related competent authorities (police, prosecutors, investigating judges, judges, courts, victims, private investigators, intelligence services).

A wide variety of investigative or information and evidence gathering measures passes in review during tutorials and lectures, such as the obtaining of existing objects, documents and data (through freezing, (house) search, seizure; from databases; of classified information; from private third parties (like banks, telecom or IT providers, carriers)), interrogations and witness/victim or expert hearings or confrontations (where conducted through telephone or videoconferencing; of children; of anonymous witnesses or collaborators with justice), forensic investigation and expert evidence (including if DNA-based), intrusive/coercive/covert investigative techniques (telecom interception, bank account monitoring, controlled delivery, covert investigation, etc.) and cooperation in joint investigation teams (JITs).

Given the rapidly expanding internationalization of domestic cases, the course will also explore cross-border cooperation between competent (law enforcement and judicial) authorities of EU (and other Council of Europe (CoE)) member states in view of securing evidence admissibility across borders (which has been framed as a post-Lisbon goal), while also duly respecting the legal position of the suspect, accused, defendant or the victim.

Students will be invited to approach cooperation complexities from different domestic systems (of choice) as well as from an EU (criminal policy) perspective. On a cross-border level, discussions will be centered primarily around EU and CoE cooperation realities, both in the sphere of law enforcement (police/customs) and judicial information exchange and cooperation in criminal matters. For the latter, both mutual legal assistance (MLA) and mutual recognition based approaches will pass in review. Transatlantic information exchange and the gathering and use of evidence (both of the EU and the EU member states with the USA) will be studied as a selected issue, given the relevance thereof from a comparative/net-widening legal perspective.

Course objectives

- students understand, apply and comment on information and evidence law at domestic level (in their member state of origin and/or an EU member state of choice)
- students understand and apply essential police and judicial cooperation mechanisms in criminal matters in the EU (and the CoE)
- students reflect in a critical-scientific manner
- students autonomously consult, analyse and process relevant legal and scientific sources in English
- students adequately report in English, both orally and in writing, about the subject matter

Recommended reading

- G. Vermeulen, Free Gathering and Movement of Evidence in Criminal Matters in the EU: Thinking Beyond Borders, Striving for Balance, in Search of Coherence. Antwerpen, Belgium ; Apeldoorn, The Netherlands: Maklu, 2011, 51 p.

CRI4021

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[G.F. Vermeulen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Participation

Keywords:

Evidence, Information, gathering, admissibility, cooperation in criminal matters, mutual legal assistance, MLA, EU, Council of Europe, police, judge, court, prosecutor, judicial

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 2

30 Oct 2017

22 Dec 2017

[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

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

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 legal approaches to deal with climate change. This course addresses the role of European law in protecting human health and the natural environment against the (potentially) damaging effects of pollution. It focuses on transboundary problems which cannot be solved by fragmented national legal frameworks within individual states. In particular the global problem of climate change and the need for sustainable energy will be taken as a central focus during the course: the EU has tried to establish itself as a global leader by having adopted a vast package of secondary legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation.

The course covers:

- EU competences for environmental decision-making;
- the interplay between international environmental law and EU environmental law;
- environmental (legal) principles of EU law;
- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for NGOs and potential victims;
- regulatory instruments for steering the 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;
- is capable to examine whether member states have discretion to adopt more stringent environmental rules or may set specific procedural standards.
- can apply his/her knowledge on true-life environmental cases (particularly climate change);
- can develop a critical analysis (both orally and on paper) of concrete 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

Two readers will be provided, one with environmental legal texts, and another one with literature. In addition, an e-reader is provided through the library.

Furthermore, the course book refers – with links - to useful documents and articles.

LAW4042

Period 1

4 Sep 2017

27 Oct 2017

[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, Human Rights and the environment, Procedural rights and the environment, Interplay between international and EU environmental law, Regulatory instruments / emissions trading, Enforcement: liability for environmental pollution, Multilevel regulation: the role of national environmental law, Climate Law

Faculty of Law

Issues of European Integration

Full course description

The aim of this optional course is to reflect upon the methods, successes and failures of legal integration in the field of European private law. In each of the seven weeks, one specific field of law (such as contract law, tort law, property law and the law of inheritance) is looked at and discussed on basis of common questions. These questions include what is the reason for integration in this field (including questions of legal competence for harmonisation), whether integration is possible, how it is realised and to what extent it is successful.

Unlike it was the case in previous years, this year's course focuses on the broad field of private law only. Special attention is paid to the role of legal actors in the making of private law, which means that the activities of the (European and national) legislatures, the courts and academics in the integration process are considered. Students choosing this course should be willing to read a fair amount of also theoretical writings and be prepared to play an active role in class.

Course objectives

This course aims to discuss European integration in an integrated way, building upon the knowledge that students already have about specific legal fields. It analyses these fields with a view to the role of legal actors involved in the integration process. This will also make students reflect upon their own present or future role in the process of Europeanisation. In the process they will gain extensive comparative knowledge of the main fields of private law.

Prerequisites

Basic knowledge of private law

Recommended reading

To be announced

PRI4014

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[J.M. Smits](#)

[B. Akkermans](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Presentation, Final paper

Keywords:

Harmonisation of private law; European integration

Faculty of Law

State Aid and Public Procurement

Full course description

Public contracts awarded through public procurement proceedings account for a significant part of EU Member States' expenditure. Even though the EU aims to provide a legal framework governing public procurement procedures to avoid distortion of competition, procurement transactions may be prohibited if they qualify as State aid. The course combines the fields of public procurement and State aid, presents the two fields from different angles and reflects on the important link between the two fields. Topics that will be identified are: procedural elements of public procurement, green public procurement, in-house contracts, concessions, enforcement of public procurement, the economic rationale of State aid, regional aid, the limits of the definition of State aid, the relation of State aid to the fundamental freedoms as part of the balancing test, proper State aid procedure.

Course objectives

This Master Course provides EU and non EU students with relevant knowledge in the fields of public procurement law and State aid and helps them to understand their underlying relationship. The course ensures that students have a thorough understanding of the rationale of procurement procedures and the circumstances under which State aid is allowed. Students will be able to relate the two fields and to identify whether the financing of services of general economic interest may confer an economic advantage despite the application of the public procurement Directives. Students will diagnose that public procurement principles such as transparency may affect free competition and facilitate collusion. During active tutorial group meetings students have to analyze and discuss different problems and will learn to present and express their opinion. This will lead to the oral presentation of a paper on State aid and/or public procurement.

Recommended reading

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

IER4014

Period 5

16 Apr 2018

15 Jun 2018

[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

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 in relation to illegally obtained evidence and cross-examination; 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, 3rd. Ed., Oxford University Press, 2014
- 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[C. Peristeridou](#)

Teaching methods:

PBL, Lecture(s), Assignment(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 technisch bewijs in strafzaken. Veel nadruk ligt in dit blok op DNA, en daarnaast op redeneren over bewijs (Bayesiaanse statistiek) en op problemen met vertekening (bias) in onderzoeksuitkomsten.

Course objectives

Het bijbrengen van begrip voor forensisch DNA-onderzoek en van een kritische houding in het waarden van technisch-forensisch bewijs.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Training(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with technical evidence in criminal cases. The course is aimed at enabling students to recognise and formulate 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.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions 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-, and
- selected texts in the reader of the course

CRI4026

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

Criminalistics, Forensic Evidence, DNA, Likelihood Ratio, bias

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. Dit blok beschouwt de realiteit van het staatsrecht dat immers 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 blok dat laat zien hoe zeer het

ationale (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. 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 bij voorbeeld 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 is voor iedere jurist van het heden en de toekomst cruciaal. De taal van dit blok is Nederlands, zij het dat veel literatuur Engelstalig is. Maar het omgaan daarmee is nu eenmaal ook een vaardigheid die nationale juristen zich eigen moeten maken, juist door die internationale en Europese verwevenheid. Onderhandelingen in Brussel, inzicht in de internationale en Europese context, kennis van het Europese begrippenkader (European semester, fiscal compact bij voorbeeld) en van relevante regels en besluiten zijn gebaat bij een kennis van juridisch 'Euro' legal English.

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 bij voorbeeld 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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam

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

Welke (grond)rechten heeft een obligatiehouder van een bank die genationaliseerd wordt? Hoe is de democratische legitimatie van de AIVD geregeld? Hoe ver mag de politie en/of de burgemeester gaan bij het sluiten van drugsbanden? Hoe is het toezicht en de regulering geregeld van tal van belangrijke sectoren van door agentschappen, toezichthouders, en lagere overheden? Deze en vele andere vragen staan centraal in het blok Marktregulering, toezicht en decentralisatie. 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 Marktregulering, toezicht en decentralisatie 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 en tot het reguleren van marktsectoren, zoals de financiële sector, de zorgsector, banken en bedrijven. 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 (grond)rechtsbescherming zijn in het geding? Aan de hand van een aantal sprekende en actuele kwesties zullen deze vragen ten aanzien van verschillende overheidsentiteiten worden behandeld. Daarbij kan worden gedacht aan de nationalisatie van banken, maar ook aan de organisatie en de beteugeling van de macht van: - toezichthoudende zelfstandige bestuursorganen - de politie - verschillende veiligheidsdiensten (waaronder de AIVD) - gemeenten en provincies. Bijzondere aandacht zal verder worden besteed aan de handhaving van de openbare orde door gemeentelijke overheidsorganen. Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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. Besturen vindt plaats door een veelheid van instanties die een veelheid aan taken en bevoegdheden hebben, waarbij soms bestuur,

regelgeving en bestraffing door elkaar lopen en door een en dezelfde instantie worden uitgeoefend. Kortom een speurtocht door en langs instanties en bevoegdheden.

Course objectives

Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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

Wordt nader bekend gemaakt.

PUB4022

Period 5

16 Apr 2018

15 Jun 2018

[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

International Maritime Law Arbitration Moot Court

LAW4056

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

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

30 Oct 2017

22 Dec 2017

[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

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 do not always suffice. Issues of ageing and the environment have also become more prominent in recent times.

- Students of this course will research and discuss questions like:
- Given the globalization of commercial activity and digital trade, how should we tax multi-national corporations?
- Should governments compete over taxes or should they cooperate?
- 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 roles do taxes play in light of budgetary and financial stability?
- 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 articles (free or paid student subscription to the (International) New York Times, the Economist and/or the Financial Times recommended)
- Parts of J. Stiglitz, The Price of Inequality, 2013 (subject to change)
- Various reports and articles available on-line (exact literature to be decided)

TAX4014

Period 2

30 Oct 2017

22 Dec 2017

[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 mastercourse is a compulsory course in the public law track of the European Law School master programme and an elective for students in the other track of ELS, and for students in the master Globalisation and Law, International Laws and Nederlands recht (Dutch Law). The course focuses on the relationships between EU law and domestic constitutional law and for the latter part in a comparative setting. The course is not a purely or exclusively legal one, but also devotes quite some attention to political processes and developments, since these cannot and should not be ignored.

We will seek to discuss and analyse 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 democracies and how to assess the option of dual legitimacy. The course has therefore a vertical approach (EU- national member-states), as well as a horizontal perspective, looking into the impacts and practices in a few national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis- a- vis EU law making, for instance) but allows also plenty of room to relate to topical discussion papers and state of discussions about the optimal or desired balances between EU and member states. It is also evident that we will try furthermore to include recent events and steps in the integration process or national developments, such as national or elections for the EP, rule of law issues in Poland, or the Brexit.

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 policymaking 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. Not only on one level (EU or state) but also in collaboration between levels and between EU and states. The goal of this course is to show actual developments in domestic constitutional law and its relation to European constitutional law. This course furthermore shows the interaction between national and European constitutional law and its multi-layered aspects. It is therefore relevant to know who is/are involved and how decisions relate to one another. And this is the case in rulemaking, and their execution and implementation of rules and policies. The new Single Supervisory Mechanism (SSM) for the European banking supervision is one of the examples where two systems of supervision do exist: one for major banks and one for the other banks; the former to be exercised by the ECB and the latter by the national authorities. However the states are not free in their supervision, but have to apply EU rules and operate under the ECB oversight.

Modern lawyers cannot in many domains operate without insight in the interaction of EU competences and national authorities' powers. 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-week 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. We will focus on the phenomenon of multi-layered legal systems; on the process of law-making and the role of national parliaments in implementing EU directives or trying to block EU law making (the so called yellow card), and also the role of national parliaments in holding their ministers and governments accountable for their input in EU decision-making. Furthermore we will devote attention to national budgetary law-making and the European Semester and the requirements posed by EU rules for national budgets and their enforcement. 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 more focus, or towards a political union and more transparency. Finally we will focus on the courts and their role in the application and enforcement of EU law as well as on human rights where courts do play their role and which is a nice example of the interplay between different courts (national, EU and European Convention of Human Rights) and different human rights documents (Constitutions, Charter, European Convention).

Course objectives

Students will have a thorough understanding of the interaction between EU and national (constitutional) law.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as advanced European Law and Fundamental Rights. Furthermore we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system as well as a sound political interest. In case you have started the ELS program in the beginning of 2017 (and this course is actually one of your first courses in the master ELS program), we do recommend to acquaint yourself of the necessary knowledge of (institutional) EU law. We do also recommend strongly to follow the relevant news about EU integration 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

Unfortunately there is not one book on all subjects of this course. Many of the issues are recent and current, which means that we will have to cope with policy documents and only a few academic articles. For that reason we intend to have a small syllabus ready and will have compiled materials for the various parts of this course. We are aware however that 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 post these materials on 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. These are easily downloadable or may be found in the university library. When not, we have made it available in a paper-reader. 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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam, Presentation

Keywords:

Legitimacy, multi layered democracy, sovereignty, internationalization/globalization/Europeanisation, rule of law, banking union, economic union, fundamental rights protection, European Semester

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

5 Feb 2018

6 Apr 2018

[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

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 various responses to the financial crisis, the various components of the banking union and the emerging body of related case law. An innovative feature of the course is the explanation of 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

- 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 nascent banking union.
- Cohesive synthesis of past problems, recent solutions and remaining challenges facing the EMU.

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 economic and financial crisis.
- 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.

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 law: R. Lastra & JV Louis, European Economic and Monetary Union: History, Trends, and Prospects, Yearbook of European Law, (2013), pp. 1-150.
- On the economics of EMU: Corresponding chapters in R. Baldwin & C. Wyploz, The Economics of European Integration, (McGraw-Hill, 2012).
- On both law and economics, with analysis of institutional structures: H. Geeroms, S. Ide & F. Naert, The European Union and the Euro, (Intersentia, 2014).

IER4020

Period 5

16 Apr 2018

15 Jun 2018

[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

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 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. European rules 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. This kind of dilemmas of free trade versus protection of human health and the environment raises the mighty problem of how to integrate scientific expertise into decision-making and confronts the EU with legal, political and practical problems, which are inherent to the very specific nature of risk regulation, the very characteristics of the EU's transnational structure 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 an in-depth and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Interactive 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 and assess specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper students will identify a particular problem in the field of the internal market law and governance and will formulate a specific research question, analyse this problem 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

30 Oct 2017

22 Dec 2017

[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

ELSA Moot Court Competition on WTO Law

LAW4057

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Faculty of Law

Herbert Smith Freehills Competition Law Moot

LAW5602

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A. Hoogenboom](#)

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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

Internships

Master Globalisation and Law internship

Faculty of Law

Master internship GAL (6)

LAW4570

Year

1 Sep 2017

31 Aug 2018

[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 internship GAL (12)

LAW4571

Year

1 Sep 2017

31 Aug 2018

[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 Globalisation and Law

Faculty of Law

Master Thesis Globalisation and Law

LAW4075

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Teaching methods:

PBL

Assessment methods:

Written exam

Human Rights

Specialisation courses

Specialisation Human Rights

Master Globalisation and Law: Human Rights, specialisation courses

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. Short written assignments designed to test your understanding of the literature are due each week.

Recommended reading

R. Mackenzie, et al., *The Manual on International Courts and Tribunals*, second edition (Oxford, OUP 2010)

IER4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[M.T. Kamminga](#)

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL, Assignment(s)

Assessment methods:

Assignment, Written exam

Faculty of Law

Human Rights and Human Development

Full course description

Human rights and human development is not a separate branch of public international law or international human rights law. It is rather a hybrid area of social, legal and certainly also academic interest. It draws inspiration from different approaches and disciplines, such as law, development studies, economics, social sciences and globalisation studies that aim to reframe discussion of development from being purely economics oriented, to operating within a background of normative concepts such as rights and responsibilities. For example, UNDP has described development as 'the process of enlarging people's choices, by expanding human functionings and capabilities. (..) It represents a process as well as an end.' (UNDP Development Report 2000, p. 17). Under this understanding rights are neither a tool nor an obstacle for development, but the substance of development itself.

This course is theoretical and practical. At the theoretical level it familiarizes students with interdisciplinary thinking on human rights and economic justice. At the practical level, it seeks to equip students with the tools needed to analyse public policy using human rights as standards. What this course is not is an exploration of the dogmatic content of a field of law (ie. environmental law, international law, etc.). Human rights and human development is a interdisciplinary field that critiques existing law from an external perspective, and although some legal materials may be friendly to human development, these materials do not coalesce into a mature field of law.

In using a right-based approach to sustainable globalization, this course goes beyond the traditional legal boundaries between public and private law and is envisaged as a unifying tool building bridges between the respective bodies of law that affect development issues. It does not necessarily provide new "black letter" law on these questions, but rather a referential framework to observe, analyze and assess the impact of development oriented norms and practices at the local and global levels.

Course objectives

- Students acquire knowledge about the legal aspects of development from a human rights perspective.
- Students understand the demands that the law makes on key aspects of global economic order.
- Students are able to conduct an analysis of public policy issues relevant to development by using human rights as a standard for evaluation.

Prerequisites

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

Recommended reading

As there is no textbook on Human Rights and Human Development issues from a holistic perspective,

the planning group has opted for a combination of different types of materials: a reader, chapters from academic books, on-line journal articles, primary legal sources and materials from websites.

IER4004

Period 5

16 Apr 2018

15 Jun 2018

[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)

Keywords:

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

Faculty of Law

Philip Jessup international law moot court

LAW4602

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[M.W. Wolleswinkel](#)

Teaching methods:

Presentation(s)

Assessment methods:

Presentation

Faculty of Law

International Criminal Law

Full course description

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

Course objectives

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

Prerequisites

- Good knowledge of substantive criminal law and criminal procedure
- Basic knowledge of international law

Recommended reading

- R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2014, 3rd ed.
- Additional literature indicated for each week

CRI4023

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A.H. Klip](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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 enforcement. Particular attention will be paid to current challenges to International Humanitarian Law, such as asymmetric warfare, targeted killings by drones, cyber warfare 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, Iraq and the Middle East.

Course objectives

Students that have successfully completed this course are able to apply the rules and principles of International Humanitarian Law 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 (Cambridge: CUP, 2015)

IER4022

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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

5 Feb 2018

6 Apr 2018

[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

Compulsory courses

Master Globalisation and Law: Human Rights, compulsory courses

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 alleged universality of human rights will be discussed.

In addition, 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. Students may earn one bonus point to be added to the grade for the written exam by taking part in this mock examination. 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, second edition, 2016.
- A. Bisset, International Human Rights Documents, Oxford University Press, latest edition.
- Selected additional reading materials.

IER4012

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam

Faculty of Law

Corporate Social Responsibility

Full course description

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

- the conceptual foundations of CSR, CSR as normative and as operational concept and the voluntary vs mandatory debate; the European Union CSR Strategy 2011-2014;
- the external and internal dimensions of CSR and its relation to corporate governance; the ethics/values approach and the risk management approach as complementary strategies;
- The substantive scope of CSR: the so-called 'Triple P' (People, Planet and Profit) approach;
- Regulation models of CSR, internationally and nationally: public international law, treaties, International Governmental Organisations' resolutions and instruments, domestic hard law, soft law, self-regulation (including company codes) and uncodified norms, their interdependence, interaction and enforcement.
- Sectoral Triple P regulation and General CSR regulation: accountability and transparency, corporate law and shareholder vs stakeholder theories and models, tort law and criminal law. Both sectoral and general approaches in national and international context: eg Organization of Economic Cooperation and development (OECD) guidelines for multinational enterprises and United Nations (the UN Global Compact and the UN Guiding Principles on Business and Human Rights) and European Union initiatives.
- The external focus of CSR: dialogue with and enforcement by external stakeholders.
- The CSR management toolbox for the embedding of CSR norms in the company's organisation and operations through a legal lens: strategy, policy, due diligence, training, compliance, enforcement and conflict management.

Course objectives

Students will obtain a general understanding of the concept of CSR and its role and position in international business and law and regulation. They will become familiar with the relation of CSR, with the main relevant legal fields and management techniques to embed CSR in the company's organisation both from a legal and operational perspective. They will also obtain an understanding of the role, views and action possibilities of civil society to discipline corporations and to hold them accountable. Through this course students will acquire up-to-date knowledge and an understanding of the links between democracy, human rights, sustainable development and the consequences of globalization of business.

By making use of various case studies and a paper assignment, students will learn how to analyse the potential consequences of globalisation for the operation of companies and will learn how these consequences can be addressed by means of private and/or public regulation. They will learn how to compare the various solutions used in practice, apply these to specific cases and assess them on their merits.

Prerequisites

A basic understanding of international law, human rights law and corporate law are required.

Recommended reading

The literature will mainly be based on a compilation of articles. The following handbooks can be consulted on the topic but do not constitute the required reading for this course.

- McBarnet, Voiculescu and Campbell, *The New Corporate Accountability*, Cambridge University Press (2009) (recommended)
- Kerr, Landa and Pitts (ed), *Corporate Social Responsibility, A legal Analysis*, Lexis Nexis, Toronto (2009) (recommended)
- Bryan Horrigan, *Corporate Social Responsibility in the 21st Century- Debates, Models and Practices Across Government, Law and Business* Edward Elgar (2010); (recommended)
- John G. Ruggie, *Just Business, Multinational Corporations and Human Rights*, W.W. Norton & Company, New York (2013) (recommended)
- P.T. Muchlinski, *Multinationals and the Law* (Oxford University Press, 2007) and (Lexis Nexis Canada, 2009) (recommended).

LAW4037

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

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

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

- Malcolm D. Evans (ed.), International Law, Oxford, Oxford: University Press, 2014 (4th edition).
- Blackstone's International Law Documents, Oxford: Oxford University Press, 2013 (11th edition).

IER4021

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Elective courses

Master Globalisation and Law electives

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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[G. van Dijck](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

verzuim en ingebrekestellingl. Consumentenkoopm. Conformiteitn. Productenaansprakelijkh eid

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: . - 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). . 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; - concrete versus abstracte schadebegroting; - de (beperkte) kring van gerechtigden. Ten slotte komt een enkel aangrenzend voor schadeclaims relevante deelgebied in het blok 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 is de afgelopen jaren onder meer aandacht besteed aan het leerstuk van de proportionele aansprakelijkheid (incl. kans schade) en de lotgevallen van het wetsvoorstel verruiming schadevergoeding bij letsel en overlijden).

Recommended reading

Literatuur: Het blokboek bevat een uitgebreid overzicht van relevante literatuur en jurisprudentie. Tot de basisliteratuur worden gerekend: - Asser-Hartkamp/Sieburgh 6-II, Verbintenissenrecht. De verbintenis in het algemeen, tweede gedeelte, 14e druk, Kluwer, Deventer 2013; - Asser-Hartkamp/Sieburgh 6-IV, Verbintenissenrecht. Verbintenis uit de wet, 14e druk, Kluwer, Deventer 2015; - J. Spier c.s., Verbintenissen uit de wet en Schadevergoeding, 7e druk, Kluwer, Deventer 2015.

PRI4008

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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

Studieboek:

- Door docent verstrekte teksten.

MET4001

Period 5

16 Apr 2018

15 Jun 2018

[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). Given the increasing mobility and internationalisation of the child and of families, it is also a specialist topic.

Family Law in Europe will be considered from two perspectives. First, we discuss and analyse the influence of human rights law, notably articles 8 and 12 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 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.

The national differences in substantive family law can be bridged by private international law. The second perspective of this course is thus the rules on private international law in family matters. The process of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law is given particular attention. 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;
- 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; and
- (EU) citizenship.

Students are encouraged to study their domestic legal system.

There will be seven tutorials and six 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 they are 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

M.N. Wells-Greco

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Advanced European law

Full course description

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

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

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

Course objectives

- Students understand the ways in which the institutional law of the EU informs and affects the content of EU substantive law, and also vice-versa, how the policy aims of the European Union determine its institutional evolution.
- Students are able to analyse judgments of the European Court of Justice and to assess the contribution of these judgments to the evolution of a (specific part of) EU law
- Students are able to situate new EU law developments (a new judgment, a new regulation, a new external agreement, etc.) in the overall context of the European Union's legal order.
- Students are able to discuss the normative implications of alternative interpretations of EU law.

IER4006

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Faculty of Law

Arbeidsrecht

Full course description

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, maar dit jaar afhankelijk van de actualiteit met betrekking tot de Wet Werk en Zekerheid: de arbeidsovereenkomst inclusief bijzondere bedingen, werkgeversaansprakelijkheid, ontslagrecht en collectief arbeidsrecht. 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 verschillende casusposities, stellingen of argumentatietaken geconcretiseerd.

Course objectives

De student heeft kennis van en inzicht in een aantal arbeidsrechtelijke onderwerpen. Hij/Zij past deze kennis en inzicht toe op concrete problemen. De student kan in een wetenschappelijke discussie een standpunt innemen en dit helder en met redenen omkleed zowel schriftelijk als mondeling verdedigen. Hij/Zij is ten slotte in staat om de opgedane kennis te transfereren, analoog toe te passen op verwante onderwerpen.

Recommended reading

A.R. Houweling (red), G.W. van der Voet, J.H. Even, E. van Vliet: Arbeidsrechtelijke themata (vijfde druk 2015) als boek of e-book

PUB4014

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[N. Gundt](#)

Teaching methods:

PBL

Assessment methods:

Portfolio, Written exam

Keywords:

arbeidsovereenkomst, bedingen, wijziging, aansprakelijkheid, einde van de arbeidsovereenkomst, collectief arbeidsrecht

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.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of the historical development of property law in Europe.
- Fundamental comparative knowledge of leading values and principles, underlying policies and policy choices, fundamental concepts and basic rules.
- Basic knowledge as to the various harmonization attempts (with a focus on the European Union, but also worldwide) in the area of property law.
- Basic knowledge of 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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

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 Dr. N. Philipsen and Mr. T. Heldt. 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

30 Oct 2017

22 Dec 2017

[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

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal. 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. In dit blok wordt binnen het terrein van het vennootschapsrecht indringend gefocust op twee leerstukken, te weten het concernrecht en het gebied van fusie en overnames, in de praktijk aangeduid als 'Mergers and Acquisitions (M&A)'.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van deze twee maatschappelijk uiterst relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in groepsbijeenkomsten plaats op basis van een uitdagende casusposities. Naast deze groepsbijeenkomsten en de werkcolleges zal een aantal colleges worden gegeven door wetenschappers en praktijkjuristen waarbij het accent ligt op actuele ontwikkelingen in wetgeving en rechtspraak.

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

- Asser/Maeijer 2-III, Vertegenwoordiging en rechtspersoon, De naamloze en besloten vennootschap, bewerkt door J.M.M. Maeijer, Deventer: W.E.J. Tjeenk Willink, laatste druk; - S.M. Bartman & A.F.M. Dorresteijn, Van het concern, laatste druk; - P. van Schilfgaarde, Van de BV en NV, bewerkt door J. Winter, Deventer: Kluwer, laatste druk.

PRI4007

Period 1

4 Sep 2017

27 Oct 2017

[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,

Faculty of Law

Strafrechtelijke Sancties

Full course description

Strafrechtelijke interventies 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 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 met de opgelegde sancties wordt nagestreefd. De diverse bij de strafrechtspleging betrokken diensten lijken soms verschillende bedoelingen met de veroordeelde te hebben. 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 gaan plaatsvinden. Tevens zullen het strafrecht en de gevangenisstraf vanuit rechtshistorisch en -filosofisch perspectief worden gezien. Met betrekking tot verscheidene sancties – waaronder de gevangenisstraf, de taakstraf en elektronische detentie – zal eveneens aandacht worden besteed aan empirisch onderzoek naar de effectiviteit ervan. Het blok combineert een positiefrechtelijk perspectief met een metajuridische invalshoek (filosofie, geschiedenis en criminologie). Het blok is als volgt opgebouwd. Tijdens de eerste bijeenkomst wordt aandacht besteed aan de geschiedenis van het strafrecht: wanneer en binnen welke context is het strafrecht ontstaan?, wat is straf eigenlijk? en welke theorieën zijn ter legitimering ervan ontwikkeld? Bijeenkomst twee is gewijd aan het Nederlandse sanctiestelsel, waarbij speciale aandacht wordt ingeruimd voor de levenslange gevangenisstraf. In de derde bijeenkomst wordt stilgestaan bij recent voltrokken en toekomstige wetswijzigingen ter zake van het Nederlandse sanctiearsenaal. Bijeenkomst vier staat in het teken van herstelrecht als mogelijk alternatief voor/mogelijke aanvulling op het strafrecht. Straftoemeting en -motivering en de kloof tussen burger en rechter wat betreft strafmaat ('de punitiviteitskloof') komen aan bod in bijeenkomst vijf. De zesde en zevende bijeenkomst gaan dieper in op de gevangenisstraf: zowel op de ontstaansgeschiedenis van deze sanctie ter vervanging van lijf- en doodstraffen (bijeenkomst zes) als op de gevangenisstraf in de huidige tijd, waarbij aandacht wordt besteed aan de effectiviteit van de gevangenisstraf, aan de ontwikkeling van het gevangeniswezen/detentieklimaat, aan de interne rechtspositie van gedetineerden, aan inspectie en toezicht en aan de rol van het EHRM in het kader van detentie (bijeenkomst zeven). Het blok wordt ondersteund en verlevendigd met drie of vier gastcolleges over de volgende onderwerpen: jeugdsanctierecht, TBS, herstelrecht, reclassering en/of internationale straftribunalen/ICC.

Course objectives

Het verbreden en verdiepen van de kennis van strafrechtelijke sancties in de (inter)nationale context in zowel positiefrechtelijk als metajuridisch opzicht.

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 2

30 Oct 2017

22 Dec 2017

[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 Arbeidsrecht

Full course description

In het blok Verdieping arbeidsrecht staan arbeidsrechtelijke onderwerpen die summier, niet, of vanuit een ander perspectief aan de orde zijn geweest in het blok Arbeidsrecht, centraal. Zo worden vraagstukken in internationaal, Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht in het individuele arbeidsrecht. Dit jaar zal een aantal malen gewerkt worden aan de hand van een casus die als een rode draad doorloopt in de blokken 1 en 2. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. Regelmatig verzorgen gastdocenten onderwijs (college en/of onderwijsgroepen) in (procesrechtelijke) aspecten van het arbeidsrecht. Ook staat een bezoek aan de rechtbank gepland.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok Arbeidsrecht. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Bedingen in de arbeidsovereenkomst, internationale en Europeesrechtelijke grondrechten, flexibele arbeidsrelaties, achtergronden van het nieuwe ontslagrecht, ambtenarenrecht, rechtsvergelijking, procesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur,

jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het masterblok Arbeidsrecht wordt verondersteld.

Recommended reading

Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2015 ; Toegespitste literatuur en jurisprudentie, afhankelijk van het onderwerp.

PUB4015

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Faculty of Law

Verdieping Strafprocesrecht

Full course description

Het blok Verdieping strafprocesrecht is een keuzeblok binnen de Master Nederlands Recht en een verplicht onderdeel voor de studenten die in de Master Nederlands Recht het Profiel Strafrecht willen volgen. Doel van het blok is een verdieping en verbreding van de in de bachelor opgedane kennis van het strafprocesrecht. In dit blok worden ontwikkelingen in het strafprocesrecht belicht vanuit mensenrechtelijk oogpunt, met name vanuit het Europees Verdrag tot bescherming van de Rechten van de Mens (EVRM). Het belang van deze benadering van het strafprocesrecht vanuit een grondrechtenperspectief neemt toe naarmate die grondrechten onder druk komen te staan, ondermeer in het kader van de bestrijding van georganiseerde misdaad en terrorisme, Daarnaast heeft de rechtstreekse werking van het EVRM een grote invloed op de nationale rechtspraak.. Centraal in het blok staan de eisen die vanuit mensenrechtenverdragen worden gesteld aan strafrechtelijke procedures en de wijze waarop uitspraken van het Europees Hof voor de Rechten van

de Mens (EHRM) inzake deze eisen doorwerken in de nationale strafrechtspleging. De onderwerpen die aan de orde komen, zijn gegroepeerd rond een aantal voor het strafrecht relevante mensenrechten, met name: - artikel 3 EVRM (verbod van foltering) en het (gewelddadig) optreden van de politie bij arrestaties; - artikel 5 EVRM (recht op vrijheid en veiligheid) en de vrijheidsbeneming van verdachten, - - artikel 6 EVRM (recht op een eerlijk proces) waaronder de onschuldpresumptie, de redelijke termijn en de rechten van de verdediging; - artikel 8 EVRM (recht op eerbiediging van privé-familie- en gezinsleven) en de toepassing van bijzondere opsporingsbevoegdheden en dwangmiddelen die inbreuk plegen op de privacy Verder wordt een aantal bijzondere strafrechtelijke procedures bestudeerd, zoals de herziening in strafzaken naar aanleiding van een veroordeling in Straatsburg, de ontnemingsprocedure, en de procedure inzake vergoeding wegens onterechte ondergane voorlopige hechtenis.

Course objectives

- inzicht in de invloed die het EVRM uitoefent op het Nederlandse strafprocesrecht; - inzicht in de gebieden waar het EVRM weinig of geen invloed heeft/kan hebben; - Inzicht in de wisselwerking tussen nationaal recht en mensenrechtenverdragen en nationale gerechtelijke instanties en het EHRM - kennis van belangrijke arresten van het EHRM waarin een schending van art. 3, 5, 6 en 8 EVRM in strafrechtelijke procedures aan de orde werd gesteld en van de belangrijkste basisprincipes die uit deze jurisprudentie kunnen worden afgeleid; - kennis van belangrijke arresten van de HR in strafzaken waarin een schending van art.3, 5, 6 en 8 EVRM aan de orde werd gesteld en waarin de Nederlandse praktijk getoetst werd aan het EVRM; - ontwikkeling van een kritische houding ten aanzien van de bestudeerde problematiek.

Recommended reading

G.J.M. Corstens, Het Nederlands strafprocesrecht, Deventer, Kluwer, laatste druk; P. van Dijk en G.J.H. van Hoof, Theory and Practice of the European Convention on HumanRights, The Hague, Kluwer Law International, laatste druk, of D.J. Harris, M. O'Boyle and C. Warbrick, Law of the European Convention on Human Rights, London, Butterworths, laatste druk, of A.W. Heringa e.a., EVRM, Rechtspraak en Commentaar, Den Haag, SDU Uitgevers, losbladig; A.E. Harteveld, B.F. Keulen en H.G.M. Krabbe, Het EVRM en het Nederlandse strafprocesrecht, Deventer, Kluwer, laatste druk; T. Barkhuysen, M.L. van Emmerik en E.R. Rieter, Procederen over mensenrechten onder het EVRM, het IVBPR en andere VN-verdragen, Nijmegen, Ars Aequi Libri, laatste druk. Voorts diverse artikelen uit vaktijdschriften die betrekking hebben op de deelonderwerpen, en in het bijzonder (recente) jurisprudentie, zowel van de Hoge Raad als van het EHRM.

CRI4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

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

CRI4003

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

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 2

30 Oct 2017

22 Dec 2017

[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. This subset of the law sets out the rules of 'fair play' of the biggest economy of the world, which generates close to €14 trillion each year. In addition, the application of its principles have 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: many of the innovations and developments in general EU law can be traced to developments in this area.

The course covers the substantive and procedural domains of all five 'subject areas' of EU competition law: cartels, abuse of dominant position, concentration control, state aid, and the interplay between public undertakings and the 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:

- gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
- 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 legal systems of the Member States;
- consider the role of each of the actors in EU competition law both at EU level and national level;
- analyse and evaluate new developments in the case law of the EU courts or in the administrative practice of the Commission.

Prerequisites

A thorough knowledge of EU substantive and institutional law is a prerequisite to follow the course.

Recommended reading

Literature:

- Reader with selected legal sources, case-law and materials.

IER4009

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Hoogenboom](#)

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

Insolventierecht

Full course description

In het blok Insolventierecht wordt uitgebreid kennis gemaakt met de juridische aspecten van de twee meest voorkomende insolventieprocedures: het faillissement en de schuldsanering natuurlijke personen. De surseance van betaling komt slechts zijdelings aan bod, mede omdat die in de praktijk niet goed functioneert. In insolventieprocedures komen problemen uit vele rechtsgebieden tegelijkertijd aan de orde. De afwikkeling daarvan is een juridisch complexe aangelegenheid, omdat juist dan moet blijken welk van de conflicterende belangen van de verschillende betrokkenen het sterkst is. Het is dan ook noodzakelijk om de juridische positie van alle rechtssubjecten die bij een insolventie procedure betrokken zijn grondig te kunnen analyseren. Op hoofdpunten komen de volgende onderwerpen aan bod: - De hoofdbeginselen en het verloop van de faillissementsprocedure; - De actoren in de faillissementsprocedure; - Voortzetting en doorstart van een onderneming na faillissement; - De positie van de fiscus in faillissement; - Bestuurdersaansprakelijkheid; - Het materiële insolventierecht met nadruk op belangrijke leerstukken als de actio Pauliana en verrekening; - Grensoverschrijdend insolventierecht; - De hoofdbeginselen en het verloop van de schuldsanering.

Course objectives

Doel van het blok is om inzicht te geven in de hiervoor beschreven materie en de student daardoor in staat te stellen om de diverse problemen in een insolventieprocedure te onderkennen en die zelfstandig en adequaat tot een oplossing te brengen.

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

A.M.J. van Buchem-Spapens en Th.A. Pouw, Faillissement, surseance van betaling en schuldsanering, Monografieën Privaatrecht 2, Kluwer Deventer, 9e druk, 2013. N.J. Polak, Insolventierecht, bewerkt door M. Pannevis, Kluwer Deventer, 13e druk, 2014 (verschijningsdatum: omstreeks eind september 2014).

PRI4010

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[S. Renssen](#)

Teaching methods:

Lecture(s), Assignment(s), PBL

Assessment methods:

Written exam

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, 2015 jurisprudentie en zo nodig overige literatuur, met name tijdschriftartikelen

PUB4018

Period 2

30 Oct 2017

22 Dec 2017

[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

Verdieping Sociale Zekerheid

Full course description

In het blok Verdieping sociale zekerheid staan sociale zekerheidsrechtelijke onderwerpen die summier, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Sociale zekerheid centraal. Zo worden vraagstukken in Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht, de positie van de gemeenten en voor ontwikkelingen in de sociale zekerheid. De rode draad casus uit blok 1 wordt weer opgepakt. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. De gemeente Maastricht fungeert als belangrijk opdrachtgever in dit blok. Ook geven gastdocenten onderwijs (college en/of onderwijsgroepen) in procesrechtelijke aspecten van het socialezekerheidsrecht en vindt er een (voorbereid) bezoek aan de rechtbank plaats.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok sociale zekerheid. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Basiswaarden in de sociale zekerheid, werkloosheid en bijstand, waaronder speciale aandacht voor de drie D's, ziekte en arbeidsongeschiktheid, bestuursprocesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

Recommended reading

Literatuur: in overleg met de tutor

PUB4001

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Keywords:

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

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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

5 Feb 2018

6 Apr 2018

[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

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[F.B.J. Grapperhaus](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

European Migration Law and Citizenship

Full course description

International migration has become a major phenomenon worldwide in recent decades and Europe has received a significant share of people moving for various reasons. Intensifying international migration movements present many societies with major political dilemmas as many migrants have a different cultural, ethnic and religious background.

This course will address different issues of nationality, migration and asylum law and policies. One part of the course will be devoted to comparative nationality law. 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 Stockholm Programme of December 2009 and its follow ups. In this context the position of third country nationals, highly-skilled migrants, refugees and asylum seekers will be researched and discussed from a comparative perspective. The focus will be on their judicial protection and fundamental rights, family-reunion and integration requirements. Special attention will be given to the position of Turkish workers. Furthermore, migration as a phenomenon in an international and global setting will be dealt with.

An important question is therefore, how to integrate this group of migrants into the host societies, balancing cultural identity and minority rights with the state's interest in an integrated population.

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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

D.H. Yabasun

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

European Citizenship, Comparative Nationality Law, Legal Migration and EU

Faculty of Law

Europeanisering van het Bestuursrecht

Full course description

Het masterblok Europees bestuursrecht is een keuzeblok dat goed past in het profiel staats- en bestuursrecht van de Master Nederlands recht. Het bouwt voort op de in de Bachelorfase verworven kennis van enerzijds het Europese recht en anderzijds het staats- en bestuursrecht. Basiskennis van beide rechtsgebieden wordt verondersteld. Uiteraard is deelname aan het blok ook mogelijk voor studenten die elders een Bachelor-opleiding hebben gevolgd, mits zij beschikken over basiskennis van de genoemde vakgebieden. De doelstelling van het vak is het verwerven van inzicht in de wijze waarop het Nederlandse bestuursrecht wordt beïnvloed door het Europese gemeenschapsrecht. Het Nederlandse bestuursrecht wordt in sterke en nog steeds toenemende mate beïnvloed door het Europese recht. Dat geldt heel sterk voor het materiële bestuursrecht. Op bijna alle deeltherreinen daarvan, van omgevingsrecht tot sociaal zekerheidsrecht en natuurlijk economisch bestuursrecht, spelen regels van Europese herkomst een belangrijke rol. Maar ook de algemene leerstukken van het

bestuursrecht, zoals die (deels) zijn geregeld in de Algemene wet bestuursrecht, ondervinden in toenemende mate de invloed van leerstukken van Europese recht. In de praktijk vergt de oplossing van een bestuursrechtelijke casus zeer vaak een gecombineerde toepassing van nationale en Europese regels en leerstukken. In de praktijk kan men het bestuursrecht eigenlijk niet meer los zien van het Europese recht. Omgekeerd komt het Europese recht in veel gevallen pas tot gelding door toepassing door nationale bestuursorganen en nationale rechters, die daarbij tegelijk nationaal bestuursrecht en bestuursprocesrecht toepassen. Deze wisselwerking tussen beide rechtsgebieden staat in dit blok centraal. In de eerste vijf bijeenkomsten gaat het over de invloed van het Europese recht op het algemene bestuursrecht. In de laatste twee bijeenkomsten staan, bij wijze van voorbeeld, twee onderwerpen uit het bijzonder bestuursrecht centraal.

Course objectives

De doelstelling van het blok is tweeledig. Ten eerste beoogt het blok de studenten grondig kennis te laten nemen van en inzicht te bieden in de wijze waarop het Europese recht (EVRM en EU-recht) doorwerkt in het Nederlandse bestuurs(proces)recht. Daarnaast heeft het vak een praktische component doordat er veel tijd wordt ingeruimd voor het oplossen en bediscussiëren van casus, waarbij de wisselwerking tussen het nationale en het Europese recht centraal staat.

Prerequisites

Bachelor; vak Staats- en bestuursrecht (of equivalent) met succes afgerond

Recommended reading

J.H. Jans, R. de Lange, S. Prechal. R.J.G.M. Widdershoven, Inleiding tot het Europees bestuursrecht, 2e druk, Nijmegen: Ars Aequi Libri 2002.

PUB4008

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Presentation(s), Lecture(s)

Assessment methods:

Presentation, Written exam

Keywords:

Europeanisering, loyale samenwerking, conforme interpretatie, rechtstreekse werking, rechtsbeginselen, implementatie, gedeeld bestuur, rechtsbescherming, prejudiciële vragen, toegang tot de rechter, overheidsaansprakelijkheid

Gezondheidsrecht

Full course description

In het blok Gezondheidsrecht komen verschillende aspecten van de gezondheidszorg en het gezondheidsrecht aan de orde. Het accent ligt bij die onderwerpen die, behalve voor de algemene (curatieve) relatie hulpverlener – patiënt/cliënt, van belang zijn voor de relatie tussen een (zieke) werknemer, diens werkgever, de bedrijfsarts (arbodienst) en de verzekeringsarts (UWV). De thema's die worden belicht, houden verband met de situatie van 'ziek zijn' (met als eerste vraag: wanneer is sprake van 'ziekte'?) en onderwerpen die daarmee samenhangen. Zowel preventie van ziekte als geneeskundige behandeling en begeleiding bij ziekte krijgen aandacht. In de eerste helft van het blok wordt ingegaan op de beginselen die een belangrijke plaats innemen in het Gezondheidsrecht, op de rol van grondrechten en op de systematiek en inhoud van het Gezondheidsrecht. Hiernaast komt de organisatie van de gezondheidszorg aan de orde, met een toespitsing op de bedrijfsgezondheidszorg. Verder worden de toegang tot en de kwaliteit van de zorg uitgebreid belicht. De invalshoek is hierbij vooral publiekrechtelijk. In de tweede helft van het blok volgt, vanuit veelal privaatrechtelijk perspectief, een bespreking van de wetgeving inzake de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Nadat dit onderwerp eerst in algemene zin is belicht, wordt het – meer specifiek – bezien voor de relatie tussen de bedrijfs- en de verzekeringsarts en de (zieke) werknemer en daarbij betrokken derden, zoals de huisarts en/of de medisch specialist bij wie de (zieke) werknemer in behandeling is. Vervolgens wordt ingegaan op de handhaving van de rechten van de patiënt. In dit verband komen de klacht- en geschillenbehandeling, het tuchtrecht en de civiele aansprakelijkheidsprocedure in kort bestek aan de orde. Ook hier staat eerst de algemene (curatieve) situatie centraal, om daarna de rechtshandhaving op het terrein van de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde te bekijken. Een afzonderlijke plaats is in het blok ingeruimd voor het recht van de patiënt/(zieke) werknemer op geheimhouding van zijn medische gegevens. Bij de informatieuitwisseling tussen de werkgever, werknemer, bedrijfsarts/arbodienst, curatieve sector (huisarts, medisch specialist), verzekeringsarts/UWV en andere betrokkenen speelt het privacyaspect een belangrijke rol. Juridisch gezien is deze materie nogal complex; zij doet de nodige vragen rijzen en kan lastige dilemma's doen ontstaan. Het blok wordt afgesloten met een onderdeel dat is gewijd aan het zorgverzekeringsstelsel. Het accent ligt hier bij de Zorgverzekeringswet en aanverwante regelgeving. Hoewel het blok hoofdzakelijk het huidige Nederlandse recht behandelt (en ontwikkelingen daarin), heeft het tevens oog voor hetgeen op Europees niveau gebeurt. In toenemende mate is (het beleid inzake) de gezondheidszorg ook een aandachtsgebied van de Europese Unie. Onderwerpen zoals de 'grensoverschrijdende' patiënt en de 'grensoverschrijdende' hulpverlener, e-health en 'grensoverschrijdende' privacyaspecten (denk onder meer aan spoedeisende zorg in een andere dan de eigen EU-lidstaat, waarbij de beschikbaarheid van gezondheidsgegevens uit het medisch dossier vaak van groot belang is) houden behalve de lidstaten zelf ook de EU bezig. Daarom is, met name in week 1, ook een Europeesrechtelijk element in het blok opgenomen.

Course objectives

Het verwerven van kennis van, en inzicht in, het systeem en de inhoud van het Gezondheidsrecht in algemene zin. Hiernaast, meer specifiek, het verwerven van kennis van, en inzicht in, gezondheidsrechtelijke leerstukken die gerelateerd zijn aan het arbeids- en het sociale zekerheidsrecht, in het bijzonder: juridische aspecten van de beroepsuitoefening door de bedrijfs- en de verzekeringsarts.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Leerboek Gezondheidsrecht, derde druk, Houten: Bohn Stafleu van Loghum, 2013. Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling

Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Hiernaast wordt gebruik gemaakt van een literatuurklapper en een jurisprudentieklapper. Nadere informatie over de te gebruiken wetgeving, literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

LAW4001

Period 4

5 Feb 2018

6 Apr 2018

[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

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.

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property 13th edition (Oxford University Press)
- Kur/Dreier, European Intellectual Property Law (2013, Edward Elgar)
- WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO) -Online

IER4033

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

International Trade Law

Full course description

This course on the rules regulating economic globalisation and international trade deals with 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. The law of the WTO governs the trade relations between the WTO's 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);
- Trade liberalisation versus other societal values (on general public policy exceptions; security

exceptions; and economic emergency exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial exercises. The course will most likely include a study trip to the WTO in Geneva.

Course objectives

- The student acquires up-to-date knowledge of the institutional and substantive law of the World Trade Organization;
- The student understands and is able to engage in debate on legal issues relating to the World Trade Organization and 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 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*, 4th Edition (Cambridge University Press, 2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- Furthermore, it is convenient for students to have a copy of *The Legal Texts - The Results of the Uruguay Round of Multilateral Trade Negotiations* (Cambridge University Press, 1999).
- 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), and the website of the International Centre for Trade and Sustainable Development (<http://www.ictsd.org/>) are also excellent sources of information.

IER4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law; WTO

Faculty of Law

Verdediging en Rechtsmiddelen in Strafzaken

Full course description

Positie van de verdediging in het strafproces (zie blokboek) 1. Afbakening: taak en rol opvatting van de strafrechtadvocaat – gedragsregels – statuut – kaderbesluit minimumgaranties – verschillende procedures (strafrechtelijk, tuchtrechtelijk – materieel en procedureel) 2. Effectieve verdediging: het recht op rechtsbijstand – equality of arms – effectieve verdediging (kernbegrippen) – het instrumentarium (privileges en processuele bevoegdheden) – verdedigingsbelang / belang van het onderzoek – misbruik van procesrecht – toevoegingproblematiek 3. Voor de zitting I (opsporingsfase): opsporing en (gerechtelijk) vooronderzoek – dwangmiddelen en opsporingsbevoegdheden – rechtsmiddelen tegen de toepassing van dwangmiddelen en opsporingsbevoegdheden 4. Voor de zitting II (gedetineerde verdachte): vrij verkeer – beperkingen – onthouding stukken – rechtsmiddelen tegen de toepassing van vrijheidsbenemende dwangmiddelen 5. Voor de zitting III: consultatierecht – raadsman bij verhoor – audiovisuele registratie van verhoren – tegenstrijdige belangen 6. Zitting: gemachtigde raadsman – zittingsincidenten – getuigen / deskundigen – verweren – pleidooi / pleitnota – instellen appèl – afschrift oproeping aan raadsman 7. Na de zitting: gewone rechtsmiddelen – schadevergoeding en vergoeding van gemaakte kosten (art. 89, 591 en 591a Sv) – buitengewone rechtsmiddelen – procedure EHRM

Course objectives

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - het straf(proces)recht en de procedurele waarborgen die het strafproces de verdachte biedt; - de taak en de rol van de verdediging in het strafproces; - 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; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de mogelijkheden van de verdachte om beslissingen van de strafrechter voor te leggen aan andere rechterlijke autoriteiten en de hierbij behorende juridisch-technische problemen en strategische overwegingen; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken).

Recommended reading

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

CRI4009

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

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

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging, rechtsmiddelen

Faculty of Law

Verdieping Gezondheidsrecht

Full course description

Het blok Verdieping gezondheidsrecht stelt een aantal thema's aan de orde die, mede gezien de actualiteit, een belangrijk plaats innemen in het gezondheidsrecht en de beoefening daarvan in de rechtspraktijk. Het eerste deel van het blok besteedt aandacht aan het functioneren van zorginstellingen en hun bestuur. Aan de orde komen onder meer de toelating van zorginstellingen (Wet toelating zorginstellingen), de taken en verantwoordelijkheden van Raden van Bestuur (RvB) en Raden van Toezicht (RvT) en de positie van cliëntenraden. Ook wordt ingegaan op juridische (gezondheidsrechtelijke) aspecten van samenwerking en fusies van zorginstellingen en op de relatie tot derde partijen, zoals zorgverzekeraars. Dit 'governance' gedeelte wordt gevolgd door een onderdeel waarin de rechtspositie van zorgverleners, in het bijzonder medisch specialisten (en hun maatschap of andere samenwerkingsvorm), centraal staat. Ingegaan wordt op hun juridische relatie tot het ziekenhuis (samenwerkingsovereenkomst, dienstverband), evenals - in samenhang daarmee - op de ontwikkelingen rond de integrale bekostiging van medisch-specialistische zorg (per 1 januari 2015) en de gevolgen daarvan voor de rechtspositie van medisch specialisten. Verder wordt stilgestaan bij het disfunctioneren van medisch specialisten: wanneer is hiervan sprake, welke verantwoordheden rusten alsdan op collegae-artsen, de RvB en bijvoorbeeld de Inspectie voor de Gezondheidszorg? Welke mogelijkheden tot ingrijpen staan hen ter beschikking? Hierbij komt ook (de rechtspraak van) het Scheidsgerecht voor de Gezondheidszorg aan de orde. De aandacht verlegt zich vervolgens naar de patiënt/cliënt zelf: welke rechten (en plichten) komen aan hem toe en wat is zijn rechtspositie bij medische fouten? In dit verband komen de hoofdlijnen van het medisch aansprakelijkheidsrecht aan de orde. Dit onderdeel van het blok is mede rechtsvergelijkend van aard; in het bijzonder het recht van België en Duitsland zal fungeren als vergelijkingsmaatstaf voor het Nederlandse recht. De resterende weken van het blok zijn Europeesrechtelijk van aard. De rol van de Europese Unie op het gebied van de gezondheidszorg wordt hierin belicht. Evenals in de andere onderdelen van het blok wordt mede stilgestaan bij nieuwe ontwikkelingen in de wet- en regelgeving, de literatuur en de rechtspraak.

Course objectives

Het verdiepend, en met aandacht voor het verwerven van vaardigheden (uitwerken van opdrachten, verrichten van rechtsvergelijkend en Europeesrechtelijk onderzoek, schrijven van een paper, samenwerken in groepsverband), opdoen van kennis van en inzicht in een aantal belangrijke gezondheidsrechtelijke leerstukken.

Prerequisites

Het blok kan separaat worden gevolgd, maar gezien de basis die het blok Gezondheidsrecht legt met betrekking tot de algemene gezondheidsrechtelijke leerstukken en aspecten, verdient het de voorkeur om het blok te combineren met dit laatste blok.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Gezondheidsrecht, derde herziene druk, Houten: Bohn Stafleu van Loghum, 2013. Leenen, H.J.J., Dute, J.C.J., Gevers, J.K.M., Legemaate, J., Groot, G.R.J. de, Gelpke, M.E. en Jong, E.C.J. de, Handboek gezondheidsrecht, zesde druk, Den Haag: Boom Juridische uitgevers, 2014. Kastelein, W.R. en Legemaate, J. (red.), Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Nadere informatie omtrent de te gebruiken literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst door de tutor verstrekt.

LAW4002

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[M.M. ten Hoopen](#)

Teaching methods:

PBL, Lecture(s), Paper(s)

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

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

16 Apr 2018

15 Jun 2018

[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

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, issues, 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. In the final part of the course, we will look into issues relating to financing international trade, for instance looking into the letter of credit (UCP 600) and bank guarantees (URDG).

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 such as the effectiveness of measures intended to unify 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

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 2010, 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

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.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Participation

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 2010, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms

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, hebben zij 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 en welke positie neemt zij in als contractspartner? De tweede helft van het blok zoomt in op een aantal specifieke onderwerpen, waaronder gronduitgifte, gebiedsontwikkeling via publiek-private samenwerking, aanbesteding, publiek domein en de vrijwarende werking van vergunningen. Minstens drie colleges worden verzorgd door externe sprekers, werkzaam in de advocatuur en bij de Gemeente Maastricht.

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 gaat bewegen. De vervlechting heeft grote consequenties voor het juridische instrumentarium dat in deze rechtsverhouding werkt. De student leert dit te herkennen en toe te passen in concrete casus. 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

Scheltema M. en Scheltema M.W., *Gemeenschappelijk recht*, Deventer: Kluwer 2013 (derde druk). Daarnaast gebruiken wij een reader en een jurisprudentiemap.

PUB4012

Period 5

16 Apr 2018

15 Jun 2018

[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

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 (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 het legaliteit, het feitsbegrip, opzet en schuld, daderschap en deelneming en de strafuitsluitingsgronden, alsmede de specifieke problemen die zich daarbij kunnen voordoen.

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, 5e druk 2012 Reader met aanvullende literatuur en rechtspraak

CRI4005

Period 5

16 Apr 2018

15 Jun 2018

[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

Rechtspsychologie en Bewijs

Full course description

In dit blok krijgt u materiaal uit een echt strafdossiers 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 het feitelijke bewijs.

Recommended reading

Reizen met mijn Rechter; Vincent plast op de grond; Dubieuze zaken; The populair policeman

MET4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Rechtspsychologie; Geursorteerproef; Confrontaties; Psychiatrische stoornissen; Valse bekentenissen

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. 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 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. . . . Onderwerpen: 1: Forensische Accountancy: elementaire begrippen, relatie met fraude en terreinafbakening 2: Financial Accounting: noodzakelijke basisbegrippen, zoals - Scheiding tussen eigendom en management - Belangrijkste financiële verslagen (balans, resultatenrekening en kasstroomoverzicht) - Accrual Accounting en cash flow accounting 3. Fraudepreventie: Wat is Internal Control en hoe wordt dit toegepast bij organisaties. 4. Controletechnieken bij fraudebestrijding: - Taken en bevoegdheden van accountants bij fraudebestrijding - Fraudepreventie vanuit Interne Controle perspectief 5. De Forensisch Accountant en de wet- en regelgeving, waar hij aan moet 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

Recommended reading

Literatuur: Reader met artikelen

CRI4013

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Presentation, Assignment

Faculty of Law

Goederenrecht (Master)

Full course description

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

Course objectives

Dit blok richt zich op de volgende doelen: - In staat zijn om hedendaagse goederenrechtelijke problemen, die niet direct vanuit de bestaande regelgeving en rechtspraak zijn op te lossen, kritisch te analyseren en te zoeken naar theoretisch verantwoorde en praktisch hanteerbare oplossingen - Het verschaffen van inzicht in het recht betreffende onroerende zaken - Begrip inzake de rol van functioneren en de maatschappelijke betekenis van kwaliteitsrekeningen en afgescheiden vermogen - Diepgaand inzicht in zekerheidsrechten - Grondige kennis van het pand- en hypotheekrecht - Begrip inzake het gebruik van eigendom als zekerheid (eigendomsvoorbehoud, eigendomsoverdracht tot zekerheid) - Het bezitten van kennis betreffende de invloed van beslag op goederenrechtelijke vraagstukken - Het verwerven van inzicht met betrekking tot het internationaal goederenrecht - Kennis met betrekking tot rechtsvergelijkend goederenrecht - In staat om de ontwikkelingen op het gebied van het Europese goederenrecht in te passen in het Nederlandse goederenrecht - Het kunnen aandragen van oplossingen voor problemen inzake zogenaamde "virtuele eigendom"

Recommended reading

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

PRI4011

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[W. Loof](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

onroerende zaken, notariaat, Zekerheden, I.p.r..

Faculty of Law

ELSA WTO Law Moot Court Competition

RMA0086

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Faculty of Law

Willem C. Vis Moot Court Competition

LAW5604

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Assessment methods:

Presentation

Faculty of Law

Comparative Corporate Governance

Full course description

Corporate failures, accounting scandals and the credit crisis have resulted in an entirely new view on corporate governance. The roles and responsibilities of the various stakeholders of the corporation have to be revisited. In this course we will explore the corporate governance aspects of this new national and international environment. We will review relevant corporate governance concepts in The Netherlands, the US, the UK, Germany and possibly other jurisdictions and thereby concentrate on the corporate governance statutes and codes as employed in these jurisdictions. In general, corporate governance is about managing the corporation for the benefit of a wide range of stakeholders in a society that in turn benefits from well managed corporations. We will investigate to what extent the recent developments in the modern society impact corporate law and corporate governance, focusing on the commonalities and differences between various jurisdictions. We will deal with the legal aspects of inter alia corporate organization, transparency, control, accountability and division of responsibility.

Course objectives

The purpose of the course is to:

- Develop the knowledge, theories and skills for legal analysis emphasizing corporate governance in the economic, political and social spheres of influence;
- Acquaint students with corporate governance from a legal perspective and raise awareness of various corporate governance codes, rules and regulations;
- Introduce students to the theoretical foundations of corporate governance and enabling them to apply these by means of writing a paper, in class discussions and applying them to case studies;
- Develop an awareness of the practical problems associated with the interaction of the board, management, shareholders and other stakeholders of a corporation;
- Develop technical skills necessary to evaluate the governance of a company from the perspective of an investor or potential investor in the company and compare potential solutions;
- Identify governance dilemmas in the corporate community and analyze the opportunities of and threats to national and multinational corporations and their board(members);
- Help students analyze, interpret, and collect information about specific corporations and their efforts or non-efforts in the area of corporate governance, and
- Encourage students to sharpen their research and problem-solving skills.

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

Prescribed and supplementary readings will be made available in a reader or are either easily accessible electronically or to be found in the university library. Additional required and

recommended readings will be listed on EleUM.

PRI4012

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Olaerts](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

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

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

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);
- 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);
- balancing investment protection with other public interests (on the host states' right to regulate, on

exceptions and defenses justifying breaches of host states' obligations under international investment agreements).

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 in class.

Prerequisites

A previous course in public international law.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 2nd edition (Edward Elgar Publishing, 2016).
- 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* and *Journal of International Dispute Settlement*.
- Various online resources are also excellent sources of information, incl. for example the UNCTAD's Investment Policy Hub website or the Investment Treaty Arbitration website.

IER4015

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

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 and Economic Dispute Resolution addresses several distinct, yet not unrelated, systems of resolution of commercial and economic disputes that may arise between parties involved in international commerce. One system relates to disputes between economic operators, including primarily private parties. Another system concerns disputes arising between sovereign states mutually bound by international trade agreements. In between these two systems (a private system of dispute resolution between private parties and a public system of dispute resolution between states), yet another system covers disputes of a mixed nature, namely those arising between private investors and sovereign states bound by international investment agreements. While all these systems are rather different in their nature (private, public or a mixture thereof), they share many important commonalities.

This course covers the system of resolution of private commercial disputes through mediation, arbitration and litigation; the settlement of private-public investment disputes between investors and states through investment arbitration; as well as the system of resolution of trade disputes in the context of the World Trade Organization (WTO). The latter plays a crucial role in resolving high profile disputes between its 160 Members, disposing of the most active and – according to some – the most powerful inter-state dispute settlement system in history.

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 will have acquired specialist level knowledge with regard to 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 acquire specialist's knowledge of the interrelationship between the various dispute resolution discussed in the course, mechanisms and the practical implications of these interrelationships.

Prerequisites

IER5016

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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.

Course objectives

At the end of the course the student is able:

- To get acquainted with a criminal file;
- To be able to distil the problems of the case;
- To be able to search for literature and give presentations about them;
- To obtain knowledge about common theories in legal psychology and to apply these theories in real cases.

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 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 1

4 Sep 2017

27 Oct 2017

[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

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 lectures 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 2

30 Oct 2017

22 Dec 2017

[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 criminology studies violations of rules and ethics (deviant behavior) by legitimate organisations (e.g. corporations, governments, etc.) and their management. Lately, organisational crime seems to attract an increased amount of attention – which can partly be attributed to the ‘global financial meltdown’. 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.) During the last part of the course, we discuss the policy implications of our previous analysis in terms of what an appropriate reaction to organisational criminological phenomena could entail. Here, we discuss various different legal regimes (civil, criminal, compliance, etc.) and their accompanying measures and sanctions (supervision, monetary fines, etc.) 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

This course aims to integrate knowledge and insights from a variety of relevant academic disciplines. The approach is thus multi-disciplinary. By looking at the phenomenon of organisational crime from different viewpoints, we not only want to stimulate knowledge gathering but we also want to generate reflection and a critical scholarly attitude. The overall learning objective is that at the end of this course the acquired knowledge will enable students to critically analyze (current) cases by themselves.

Prerequisites

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

Recommended reading

Handbook

CRI4020

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Assignment(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

Evidence

Full course description

The course deals with key notions of (procedural) criminal law and investigative measures in criminal matters, relating to the gathering, admissibility, exclusion and use of information and evidence in criminal in a range of (European) domestic systems and the competencies of possible related competent authorities (police, prosecutors, investigating judges, judges, courts, victims, private investigators, intelligence services).

A wide variety of investigative or information and evidence gathering measures passes in review during tutorials and lectures, such as the obtaining of existing objects, documents and data (through freezing, (house) search, seizure; from databases; of classified information; from private third parties (like banks, telecom or IT providers, carriers)), interrogations and witness/victim or expert hearings or confrontations (where conducted through telephone or videoconferencing; of children; of anonymous witnesses or collaborators with justice), forensic investigation and expert evidence (including if DNA-based), intrusive/coercive/covert investigative techniques (telecom interception, bank account monitoring, controlled delivery, covert investigation, etc.) and cooperation in joint investigation teams (JITs).

Given the rapidly expanding internationalization of domestic cases, the course will also explore cross-border cooperation between competent (law enforcement and judicial) authorities of EU (and other Council of Europe (CoE)) member states in view of securing evidence admissibility across borders (which has been framed as a post-Lisbon goal), while also duly respecting the legal position of the

suspect, accused, defendant or the victim.

Students will be invited to approach cooperation complexities from different domestic systems (of choice) as well as from an EU (criminal policy) perspective. On a cross-border level, discussions will be centered primarily around EU and CoE cooperation realities, both in the sphere of law enforcement (police/customs) and judicial information exchange and cooperation in criminal matters. For the latter, both mutual legal assistance (MLA) and mutual recognition based approaches will pass in review. Transatlantic information exchange and the gathering and use of evidence (both of the EU and the EU member states with the USA) will be studied as a selected issue, given the relevance thereof from a comparative/net-widening legal perspective.

Course objectives

- students understand, apply and comment on information and evidence law at domestic level (in their member state of origin and/or an EU member state of choice)
- students understand and apply essential police and judicial cooperation mechanisms in criminal matters in the EU (and the CoE)
- students reflect in a critical-scientific manner
- students autonomously consult, analyse and process relevant legal and scientific sources in English
- students adequately report in English, both orally and in writing, about the subject matter

Recommended reading

- G. Vermeulen, Free Gathering and Movement of Evidence in Criminal Matters in the EU : Thinking Beyond Borders, Striving for Balance, in Search of Coherence. Antwerpen, Belgium ; Apeldoorn, The Netherlands: Maklu, 2011, 51 p.

CRI4021

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[G.F. Vermeulen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Participation

Keywords:

Evidence, Information, gathering, admissibility, cooperation in criminal matters, mutual legal assistance, MLA, EU, Council of Europe, police, judge, court, prosecutor, judicial

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 2

30 Oct 2017

22 Dec 2017

[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

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

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 legal approaches to deal with climate change. This course addresses the role of European law in protecting human health and the natural environment against the (potentially) damaging effects of pollution. It focuses on transboundary problems which cannot be solved by fragmented national legal frameworks within individual states. In particular the global problem of climate change and the need for sustainable energy will be taken as a central focus during the course: the EU has tried to establish itself as a global leader by having adopted a vast package of secondary legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation.

The course covers:

- EU competences for environmental decision-making;
- the interplay between international environmental law and EU environmental law;
- environmental (legal) principles of EU law;
- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for NGOs and potential victims;
- regulatory instruments for steering the 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;
- is capable to examine whether member states have discretion to adopt more stringent environmental rules or may set specific procedural standards.
- can apply his/her knowledge on true-life environmental cases (particularly climate change);
- can develop a critical analysis (both orally and on paper) of concrete 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

Two readers will be provided, one with environmental legal texts, and another one with literature. In addition, an e-reader is provided through the library. Furthermore, the course book refers – with links – to useful documents and articles.

LAW4042

Period 1

4 Sep 2017

27 Oct 2017

[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, Human Rights and the environment, Procedural rights and the environment, Interplay between international and EU environmental law, Regulatory instruments / emissions trading, Enforcement: liability for environmental pollution, Multilevel regulation: the role of national environmental law, Climate Law

Faculty of Law

Issues of European Integration

Full course description

The aim of this optional course is to reflect upon the methods, successes and failures of legal integration in the field of European private law. In each of the seven weeks, one specific field of law (such as contract law, tort law, property law and the law of inheritance) is looked at and discussed on basis of common questions. These questions include what is the reason for integration in this field (including questions of legal competence for harmonisation), whether integration is possible, how it is realised and to what extent it is successful.

Unlike it was the case in previous years, this year's course focuses on the broad field of private law only. Special attention is paid to the role of legal actors in the making of private law, which means that the activities of the (European and national) legislatures, the courts and academics in the integration process are considered. Students choosing this course should be willing to read a fair amount of also theoretical writings and be prepared to play an active role in class.

Course objectives

This course aims to discuss European integration in an integrated way, building upon the knowledge that students already have about specific legal fields. It analyses these fields with a view to the role of legal actors involved in the integration process. This will also make students reflect upon their own present or future role in the process of Europeanisation. In the process they will gain extensive comparative knowledge of the main fields of private law.

Prerequisites

Basic knowledge of private law

Recommended reading

To be announced

PRI4014

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[J.M. Smits](#)

[B. Akkermans](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Presentation, Final paper

Keywords:

Harmonisation of private law; European integration

Faculty of Law

State Aid and Public Procurement

Full course description

Public contracts awarded through public procurement proceedings account for a significant part of EU Member States' expenditure. Even though the EU aims to provide a legal framework governing public procurement procedures to avoid distortion of competition, procurement transactions may be prohibited if they qualify as State aid. The course combines the fields of public procurement and State aid, presents the two fields from different angles and reflects on the important link between the two fields. Topics that will be identified are: procedural elements of public procurement, green public

procurement, in-house contracts, concessions, enforcement of public procurement, the economic rationale of State aid, regional aid, the limits of the definition of State aid, the relation of State aid to the fundamental freedoms as part of the balancing test, proper State aid procedure.

Course objectives

This Master Course provides EU and non EU students with relevant knowledge in the fields of public procurement law and State aid and helps them to understand their underlying relationship. The course ensures that students have a thorough understanding of the rationale of procurement procedures and the circumstances under which State aid is allowed. Students will be able to relate the two fields and to identify whether the financing of services of general economic interest may confer an economic advantage despite the application of the public procurement Directives. Students will diagnose that public procurement principles such as transparency may affect free competition and facilitate collusion. During active tutorial group meetings students have to analyze and discuss different problems and will learn to present and express their opinion. This will lead to the oral presentation of a paper on State aid and/or public procurement.

Recommended reading

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

IER4014

Period 5

16 Apr 2018

15 Jun 2018

[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

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 in relation to illegally obtained evidence and cross-examination; 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, 3rd. Ed., Oxford University Press, 2014
- 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[C. Peristeridou](#)

Teaching methods:

PBL, Lecture(s), Assignment(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 technisch bewijs in strafzaken. Veel nadruk ligt in dit blok op DNA, en daarnaast op redeneren over bewijs (Bayesiaanse statistiek) en op problemen met vertekening (bias) in onderzoeksuitkomsten.

Course objectives

Het bijbrengen van begrip voor forensisch DNA-onderzoek en van een kritische houding in het waarderen van technisch-forensisch bewijs.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Training(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with technical evidence in criminal cases. The course is aimed at enabling students to recognise and formulate 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.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions 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-, and
- selected texts in the reader of the course

CRI4026

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

Criminalistics, Forensic Evidence, DNA, Likelihood Ratio, bias

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. Dit blok beschouwt de realiteit van het staatsrecht dat immers 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 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. 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 bij voorbeeld 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 is voor iedere jurist van het heden en de toekomst cruciaal. De taal van dit blok is Nederlands, zij het dat veel literatuur Engelstalig is. Maar het omgaan daarmee is nu eenmaal ook een vaardigheid die nationale juristen zich eigen moeten maken, juist door die internationale en Europese verwevenheid. Onderhandelingen in Brussel, inzicht in de internationale en Europese context, kennis van het Europese begrippenkader (European semester, fiscal compact bij voorbeeld) en van relevante regels en besluiten zijn gebaat bij een kennis van juridisch 'Euro' legal English.

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 bij voorbeeld 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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam

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

Welke (grond)rechten heeft een obligatiehouder van een bank die genationaliseerd wordt? Hoe is de democratische legitimatie van de AIVD geregeld? Hoe ver mag de politie en/of de burgemeester gaan

bij het sluiten van drugspanden? Hoe is het toezicht en de regulering geregeld van tal van belangrijke sectoren van door agentschappen, toezichthouders, en lagere overheden? Deze en vele andere vragen staan centraal in het blok Marktregulering, toezicht en decentralisatie. 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 Marktregulering, toezicht en decentralisatie 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 en tot het reguleren van marktsectoren, zoals de financiële sector, de zorgsector, banken en bedrijven. 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 (grond)rechtsbescherming zijn in het geding? Aan de hand van een aantal sprekende en actuele kwesties zullen deze vragen ten aanzien van verschillende overheidsentiteiten worden behandeld. Daarbij kan worden gedacht aan de nationalisatie van banken, maar ook aan de organisatie en de beteugeling van de macht van: - toezichthoudende zelfstandige bestuursorganen - de politie - verschillende veiligheidsdiensten (waaronder de AIVD) - gemeenten en provincies. Bijzondere aandacht zal verder worden besteed aan de handhaving van de openbare orde door gemeentelijke overheidsorganen. Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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. Besturen vindt plaats door een veelheid van instanties die een veelheid aan taken en bevoegdheden hebben, waarbij soms bestuur, regelgeving en bestraffing door elkaar lopen en door een en dezelfde instantie worden uitgeoefend. Kortom een speurtocht door en langs instanties en bevoegdheden.

Course objectives

Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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

Wordt nader bekend gemaakt.

PUB4022

Period 5

16 Apr 2018

15 Jun 2018

[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

International Maritime Law Arbitration Moot Court

LAW4056

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

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

30 Oct 2017

22 Dec 2017

[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

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 do not always suffice. Issues of ageing and the environment have also become more prominent in recent times.

- Students of this course will research and discuss questions like:
- Given the globalization of commercial activity and digital trade, how should we tax multi-national corporations?
- Should governments compete over taxes or should they cooperate?
- 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 roles do taxes play in light of budgetary and financial stability?
- 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 articles (free or paid student subscription to the (International) New York Times, the Economist and/or the Financial Times recommended)
- Parts of J. Stiglitz, *The Price of Inequality*, 2013 (subject to change)
- Various reports and articles available on-line (exact literature to be decided)

TAX4014

Period 2

30 Oct 2017

22 Dec 2017

[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 mastercourse is a compulsory course in the public law track of the European Law School master programme and an elective for students in the other track of ELS, and for students in the master Globalisation and Law, International Laws and Nederlands recht (Dutch Law). The course focuses on the relationships between EU law and domestic constitutional law and for the latter part in a comparative setting. The course is not a purely or exclusively legal one, but also devotes quite some attention to political processes and developments, since these cannot and should not be ignored.

We will seek to discuss and analyse 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 democracies and how to assess the option of dual legitimacy. The course has therefore a vertical approach (EU- national member-states), as well as a horizontal perspective, looking into the impacts and practices in a few national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis- a- vis EU law making, for instance) but allows also plenty of room to relate to topical discussion papers and state of discussions about the optimal or desired balances between EU and member states. It is also evident that we will try furthermore to include recent events and steps in the integration process or national developments, such as national or elections for the EP, rule of law issues in Poland, or the Brexit.

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 policymaking 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. Not only on one level (EU or state) but also in collaboration between levels and between EU and states. The goal of this course is to show actual developments in domestic constitutional law and its relation to European constitutional law. This course furthermore shows the interaction between national and European constitutional law and its multi-layered aspects. It is therefore relevant to know who is/are involved and how decisions relate to one another. And this is the case in rulemaking, and their execution and implementation of rules and policies. The new Single Supervisory Mechanism (SSM) for the European banking supervision is one of the examples where two systems of supervision do exist: one for major banks and one for the other banks; the former to be exercised by the ECB and the latter by the national authorities. However the states are not free in their supervision, but have to apply EU rules and operate under the ECB oversight.

Modern lawyers cannot in many domains operate without insight in the interaction of EU competences and national authorities' powers. 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-week 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. We will focus on the phenomenon of multi-layered legal systems; on the process of law-making and the role of national parliaments in implementing EU directives or trying to block EU law making (the so called yellow card), and also the role of national parliaments in holding their ministers and governments accountable for their input in EU decision-making. Furthermore we will devote attention to national budgetary law-making and the European Semester and the requirements posed by EU rules for national budgets and their enforcement. 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 more focus, or towards a political union and more transparency. Finally we will focus on the courts and their role in the application and enforcement of EU law as well as on human rights where courts do play their role and which is a nice example of the interplay between different courts (national, EU and European Convention of Human Rights) and different human rights documents (Constitutions, Charter, European Convention).

Course objectives

Students will have a thorough understanding of the interaction between EU and national (constitutional) law.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as advanced European Law and Fundamental Rights. Furthermore we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system as well as a sound political interest. In case you have started the ELS program in the beginning of 2017 (and this course is actually one of your first courses in the master ELS program), we do recommend to acquaint yourself of the necessary knowledge of (institutional) EU law. We do also recommend strongly to follow the relevant news about EU integration 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

Unfortunately there is not one book on all subjects of this course. Many of the issues are recent and current, which means that we will have to cope with policy documents and only a few academic articles. For that reason we intend to have a small syllabus ready and will have compiled materials for the various parts of this course. We are aware however that 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 post these materials on 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. These are easily downloadable or may be found in the university library. When not, we have made it available in a

paper-reader. 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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam, Presentation

Keywords:

Legitimacy, multi layered democracy, sovereignty, internationalization/globalization/Europeanisation, rule of law, banking union, economic union, fundamental rights protection, European Semester

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 various responses to the financial crisis, the various components of the banking union and the emerging body of related case law. An innovative feature of the course is the explanation of 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

- 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 nascent banking union.
- Cohesive synthesis of past problems, recent solutions and remaining challenges facing the EMU.

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 economic and financial crisis.
- 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.

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 law: R. Lastra & JV Louis, European Economic and Monetary Union: History, Trends, and Prospects, Yearbook of European Law, (2013), pp. 1-150.
- On the economics of EMU: Corresponding chapters in R. Baldwin & C. Wyploz, The Economics of European Integration, (McGraw-Hill, 2012).
- On both law and economics, with analysis of institutional structures: H. Geeroms, S. Ide & F. Naert, The European Union and the Euro, (Intersentia, 2014).

IER4020

Period 5

16 Apr 2018

15 Jun 2018

[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

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 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. European rules 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. This kind of dilemmas of free trade versus protection of human health and the environment raises the mighty problem of how to integrate scientific expertise into decision-making and confronts the EU with legal, political and practical problems, which are inherent to the very specific nature of risk regulation, the very characteristics of the EU's transnational structure 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 an in-depth and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Interactive 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 and assess specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper students will identify a particular problem in the field of the internal market law and governance and will formulate a specific research question, analyse this problem 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

30 Oct 2017

22 Dec 2017

[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

ELSA Moot Court Competition on WTO Law

LAW4057

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Internships

Master Globalisation and Law internship

Faculty of Law

Master internship GAL (6)

LAW4570

Year

1 Sep 2017

31 Aug 2018

[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 internship GAL (12)

LAW4571

Year

1 Sep 2017

31 Aug 2018

[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 Globalisation and Law

Faculty of Law

Master Thesis Globalisation and Law

LAW4075

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Teaching methods:

PBL

Assessment methods:

Written exam

International Trade and Investment Law

Specialisation courses

Specialisation International Trade and Investment Law

Master Globalisation and Law: International Trade and Investment Law, specialisation courses

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 Dr. N. Philipsen and Mr. T. Heldt. 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

30 Oct 2017

22 Dec 2017

[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

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.

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property 13th edition (Oxford University Press)
- Kur/Dreier, European Intellectual Property Law (2013, Edward Elgar)
- WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO) -Online

IER4033

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Human Rights and Human Development

Full course description

Human rights and human development is not a separate branch of public international law or international human rights law. It is rather a hybrid area of social, legal and certainly also academic interest. It draws inspiration from different approaches and disciplines, such as law, development studies, economics, social sciences and globalisation studies that aim to reframe discussion of development from being purely economics oriented, to operating within a background of normative concepts such as rights and responsibilities. For example, UNDP has described development as 'the process of enlarging people's choices, by expanding human functionings and capabilities. (..) It represents a process as well as an end.' (UNDP Development Report 2000, p. 17). Under this understanding rights are neither a tool nor an obstacle for development, but the substance of development itself.

This course is theoretical and practical. At the theoretical level it familiarizes students with interdisciplinary thinking on human rights and economic justice. At the practical level, it seeks to equip students with the tools needed to analyse public policy using human rights as standards. What this course is not is an exploration of the dogmatic content of a field of law (ie. environmental law, international law, etc.). Human rights and human development is a interdisciplinary field that critiques existing law from an external perspective, and although some legal materials may be friendly to human development, these materials do not coalesce into a mature field of law.

In using a right-based approach to sustainable globalization, this course goes beyond the traditional legal boundaries between public and private law and is envisaged as a unifying tool building bridges

between the respective bodies of law that affect development issues. It does not necessarily provide new "black letter" law on these questions, but rather a referential framework to observe, analyze and assess the impact of development oriented norms and practices at the local and global levels.

Course objectives

- Students acquire knowledge about the legal aspects of development from a human rights perspective.
- Students understand the demands that the law makes on key aspects of global economic order.
- Students are able to conduct an analysis of public policy issues relevant to development by using human rights as a standard for evaluation.

Prerequisites

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

Recommended reading

As there is no textbook on Human Rights and Human Development issues from a holistic perspective, the planning group has opted for a combination of different types of materials: a reader, chapters from academic books, on-line journal articles, primary legal sources and materials from websites.

IER4004

Period 5

16 Apr 2018

15 Jun 2018

[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)

Keywords:

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

Faculty of Law

ELSA WTO Law Moot Court Competition

RMA0086

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Faculty of Law

International Investment Law

Full course description

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

This course addresses all main issues covered by international investment law:

- origins and nature (on international investment as an economic and social phenomenon, on the development of international investment law against the relevant political and economic background, and on its relationship with public international law);
- sources (focusing on international investment agreements);
- scope (focusing on the concept of 'investment' and 'investor');
- settlement of investment disputes (on the state-to-state dispute resolution, on the extremely controversial investor-state dispute settlement system, and on the recent proposal for the establishment of a multilateral investment court);
- 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);
- balancing investment protection with other public interests (on the host states' right to regulate, on exceptions and defenses justifying breaches of host states' obligations under international investment agreements).

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 in class.

Prerequisites

A previous course in public international law.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 2nd edition (Edward Elgar Publishing, 2016).
- 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* and *Journal of International Dispute Settlement*.
- Various online resources are also excellent sources of information, incl. for example the UNCTAD's Investment Policy Hub website or the Investment Treaty Arbitration website.

IER4015

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Keywords:

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

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 various responses to the financial crisis, the various components of the banking union and the emerging body of related case law. An innovative feature of the course is the explanation of 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

- 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 nascent banking union.
- Cohesive synthesis of past problems, recent solutions and remaining challenges facing the EMU.

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 economic and financial crisis.
- 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.

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 law: R. Lastra & JV Louis, *European Economic and Monetary Union: History, Trends, and Prospects*, *Yearbook of European Law*, (2013), pp. 1-150.
- On the economics of EMU: Corresponding chapters in R. Baldwin & C. Wyploz, *The Economics of European Integration*, (McGraw-Hill, 2012).
- On both law and economics, with analysis of institutional structures: H. Geeroms, S. Ide & F. Naert, *The European Union and the Euro*, (Intersentia, 2014).

Period 5

16 Apr 2018

15 Jun 2018

[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.

Compulsory courses

Master Globalisation and Law: International Trade and Investment Law, compulsory courses

Faculty of Law

International Trade Law

Full course description

This course on the rules regulating economic globalisation and international trade deals with 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. The law of the WTO governs the trade relations between the WTO's 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);
- Trade liberalisation versus other societal values (on general public policy exceptions; security exceptions; and economic emergency exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial exercises. The course will most likely include a study trip to the WTO in Geneva.

Course objectives

- The student acquires up-to-date knowledge of the institutional and substantive law of the World Trade Organization;
- The student understands and is able to engage in debate on legal issues relating to the World Trade Organization and 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 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*, 4th Edition (Cambridge University Press, 2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- Furthermore, it is convenient for students to have a copy of *The Legal Texts - The Results of the Uruguay Round of Multilateral Trade Negotiations* (Cambridge University Press, 1999).
- 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), and the website of the International Centre for Trade and Sustainable Development (<http://www.ictsd.org/>) are also excellent sources of information.

IER4002

Period 1

4 Sep 2017

27 Oct 2017

[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:

Faculty of Law

Corporate Social Responsibility

Full course description

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

- the conceptual foundations of CSR, CSR as normative and as operational concept and the voluntary vs mandatory debate; the European Union CSR Strategy 2011-2014;
- the external and internal dimensions of CSR and its relation to corporate governance; the ethics/values approach and the risk management approach as complementary strategies;
- The substantive scope of CSR: the so-called 'Triple P' (People, Planet and Profit) approach;
- Regulation models of CSR, internationally and nationally: public international law, treaties, International Governmental Organisations' resolutions and instruments, domestic hard law, soft law, self-regulation (including company codes) and uncodified norms, their interdependence, interaction and enforcement.
- Sectoral Triple P regulation and General CSR regulation: accountability and transparency, corporate law and shareholder vs stakeholder theories and models, tort law and criminal law. Both sectoral and general approaches in national and international context: eg Organization of Economic Cooperation and development (OECD) guidelines for multinational enterprises and United Nations (the UN Global Compact and the UN Guiding Principles on Business and Human Rights) and European Union initiatives.
- The external focus of CSR: dialogue with and enforcement by external stakeholders.
- The CSR management toolbox for the embedding of CSR norms in the company's organisation and operations through a legal lens: strategy, policy, due diligence, training, compliance, enforcement and conflict management.

Course objectives

Students will obtain a general understanding of the concept of CSR and its role and position in international business and law and regulation. They will become familiar with the relation of CSR, with the main relevant legal fields and management techniques to embed CSR in the company's organisation both from a legal and operational perspective. They will also obtain an understanding of the role, views and action possibilities of civil society to discipline corporations and to hold them accountable. Through this course students will acquire up-to-date knowledge and an understanding of the links between democracy, human rights, sustainable development and the consequences of globalization of business.

By making use of various case studies and a paper assignment, students will learn how to analyse the potential consequences of globalisation for the operation of companies and will learn how these consequences can be addressed by means of private and/or public regulation. They will learn how to compare the various solutions used in practice, apply these to specific cases and assess them on their merits.

Prerequisites

A basic understanding of international law, human rights law and corporate law are required.

Recommended reading

The literature will mainly be based on a compilation of articles. The following handbooks can be consulted on the topic but do not constitute the required reading for this course.

- McBarnet, Voiculescu and Campbell, *The New Corporate Accountability*, Cambridge University Press (2009) (recommended)
- Kerr, Landa and Pitts (ed), *Corporate Social Responsibility, A legal Analysis*, Lexis Nexis, Toronto (2009) (recommended)
- Bryan Horrigan, *Corporate Social Responsibility in the 21st Century- Debates, Models and Practices Across Government, Law and Business* Edward Elgar (2010); (recommended)
- John G. Ruggie, *Just Business, Multinational Corporations and Human Rights*, W.W. Norton & Company, New York (2013) (recommended)
- P.T. Muchlinski, *Multinationals and the Law* (Oxford University Press, 2007) and (Lexis Nexis Canada, 2009) (recommended).

LAW4037

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

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

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

- Malcolm D. Evans (ed.), International Law, Oxford, Oxford: University Press, 2014 (4th edition).
- Blackstone’s International Law Documents, Oxford: Oxford University Press, 2013 (11th edition).

IER4021

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Elective courses

Master Globalisation and Law electives

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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[G. van Dijck](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

verzuim en ingebrekestellingl. Consumentenkoopm. Conformiteitn. Productenaansprakelijkh eid

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: . - 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). . 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; - concrete versus abstracte schadebegroting; - de (beperkte) kring van gerechtigden. Ten slotte komt een enkel aangrenzend voor schadeclaims relevante deelgebied in het blok 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 is de afgelopen jaren onder meer aandacht besteed aan het leerstuk van de proportionele aansprakelijkheid (incl. kans schade) en de lotgevallen van het wetsvoorstel verruiming schadevergoeding bij letsel en overlijden).

Recommended reading

Literatuur: Het blokboek bevat een uitgebreid overzicht van relevante literatuur en jurisprudentie. Tot de basisliteratuur worden gerekend: - Asser-Hartkamp/Sieburgh 6-II, Verbintenissenrecht. De verbintenis in het algemeen, tweede gedeelte, 14e druk, Kluwer, Deventer 2013; - Asser-Hartkamp/Sieburgh 6-IV, Verbintenissenrecht. Verbintenis uit de wet, 14e druk, Kluwer, Deventer 2015; - J. Spier c.s., Verbintenissen uit de wet en Schadevergoeding, 7e druk, Kluwer, Deventer 2015.

PRI4008

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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). Given the increasing mobility and internationalisation of the child and of families, it is also a specialist topic.

Family Law in Europe will be considered from two perspectives. First, we discuss and analyse the influence of human rights law, notably articles 8 and 12 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 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.

The national differences in substantive family law can be bridged by private international law. The second perspective of this course is thus the rules on private international law in family matters. The process of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law is given particular attention. 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;
- 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; and
- (EU) citizenship.

Students are encouraged to study their domestic legal system.

There will be seven tutorials and six 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 they are 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

M.N. Wells-Greco

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Advanced European law

Full course description

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

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

This integrated study will take the form of a weekly general lecture for all participants, combined with interactive tutorial meetings at which, each time, one specific and current legal problem area will be examined from both institutional and substantive perspectives. The course also seeks to integrate

legal analysis with the social and political context in which the law emerges and operates, which involves the use of non-legal literature.

Course objectives

- Students understand the ways in which the institutional law of the EU informs and affects the content of EU substantive law, and also vice-versa, how the policy aims of the European Union determine its institutional evolution.
- Students are able to analyse judgments of the European Court of Justice and to assess the contribution of these judgments to the evolution of a (specific part of) EU law
- Students are able to situate new EU law developments (a new judgment, a new regulation, a new external agreement, etc.) in the overall context of the European Union's legal order.
- Students are able to discuss the normative implications of alternative interpretations of EU law.

IER4006

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Faculty of Law

Arbeidsrecht

Full course description

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, maar dit jaar afhankelijk van de actualiteit met betrekking tot de Wet Werk en Zekerheid: de arbeidsovereenkomst inclusief bijzondere bedingen, werkgeversaansprakelijkheid, ontslagrecht en collectief arbeidsrecht. 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 verschillende casusposities, stellingen of argumentatietaken geconcretiseerd.

Course objectives

De student heeft kennis van en inzicht in een aantal arbeidsrechtelijke onderwerpen. Hij/Zij past deze

kennis en inzicht toe op concrete problemen. De student kan in een wetenschappelijke discussie een standpunt innemen en dit helder en met redenen omkleed zowel schriftelijk als mondeling verdedigen. Hij/Zij is ten slotte in staat om de opgedane kennis te transfereren, analoog toe te passen op verwante onderwerpen.

Recommended reading

A.R. Houweling (red), G.W. van der Voet, J.H. Even, E. van Vliet: Arbeidsrechtelijke themata (vijfde druk 2015) als boek of e-book

PUB4014

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[N. Gundt](#)

Teaching methods:

PBL

Assessment methods:

Portfolio, Written exam

Keywords:

arbeidsovereenkomst, bedingen, wijziging, aansprakelijkheid, einde van de arbeidsovereenkomst, collectief arbeidsrecht

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.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of the historical development of property law in Europe.
- Fundamental comparative knowledge of leading values and principles, underlying policies and policy choices, fundamental concepts and basic rules.
- Basic knowledge as to the various harmonization attempts (with a focus on the European Union, but also worldwide) in the area of property law.

- Basic knowledge of 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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

International Dispute Settlement

Full course description

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

Recommended reading

R. Mackenzie, et al., The Manual on International Courts and Tribunals, second edition (Oxford, OUP 2010)

IER4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[M.T. Kamminga](#)

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL, Assignment(s)

Assessment methods:

Assignment, Written exam

Faculty of Law

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal. 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. In dit blok wordt binnen het terrein van het vennootschapsrecht indringend gefocust op twee leerstukken, te weten het concernrecht en het gebied van fusie en overnames, in de praktijk aangeduid als 'Mergers and Acquisitions (M&A)'.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van deze twee maatschappelijk uiterst relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in groepsbijeenkomsten plaats op basis van een uitdagende casusposities. Naast deze groepsbijeenkomsten en de werkcolleges zal een aantal colleges worden gegeven door wetenschappers en praktijkjuristen waarbij het accent ligt op actuele ontwikkelingen in wetgeving en rechtspraak.

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

- Asser/Maeijer 2-III, Vertegenwoordiging en rechtspersoon, De naamloze en besloten vennootschap, bewerkt door J.M.M. Maeijer, Deventer: W.E.J. Tjeenk Willink, laatste druk; - S.M. Bartman & A.F.M. Dorresteyn, Van het concern, laatste druk; - P. van Schilfgaarde, Van de BV en NV, bewerkt door J. Winter, Deventer: Kluwer, laatste druk.

PRI4007

Period 1

4 Sep 2017

27 Oct 2017

[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, SPE.

Faculty of Law

Verdieping Arbeidsrecht

Full course description

In het blok Verdieping arbeidsrecht staan arbeidsrechtelijke onderwerpen die summier, niet, of vanuit een ander perspectief aan de orde zijn geweest in het blok Arbeidsrecht, centraal. Zo worden vraagstukken in internationaal, Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht in het individuele arbeidsrecht. Dit jaar zal een aantal malen gewerkt worden aan de hand van een casus die als een rode draad doorloopt in de blokken 1 en 2. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. Regelmatig verzorgen gastdocenten onderwijs (college en/of onderwijsgroepen) in (procesrechtelijke) aspecten van het arbeidsrecht. Ook staat een bezoek aan de rechtbank gepland.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok Arbeidsrecht. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Bedingen in de arbeidsovereenkomst, internationale en Europeesrechtelijke grondrechten, flexibele arbeidsrelaties, achtergronden van het nieuwe ontslagrecht, ambtenarenrecht, rechtsvergelijking, procesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het masterblok Arbeidsrecht wordt verondersteld.

Recommended reading

Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2015 ; Toegespitste literatuur en jurisprudentie, afhankelijk van het onderwerp.

PUB4015

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Faculty of Law

Verdieping Strafprocesrecht

Full course description

Het blok Verdieping strafprocesrecht is een keuzeblok binnen de Master Nederlands Recht en een verplicht onderdeel voor de studenten die in de Master Nederlands Recht het Profiel Strafrecht willen volgen. Doel van het blok is een verdieping en verbreding van de in de bachelor opgedane kennis van het strafprocesrecht. In dit blok worden ontwikkelingen in het strafprocesrecht belicht vanuit mensenrechtelijk oogpunt, met name vanuit het Europees Verdrag tot bescherming van de Rechten van de Mens (EVRM). Het belang van deze benadering van het strafprocesrecht vanuit een grondrechtenperspectief neemt toe naarmate die grondrechten onder druk komen te staan, ondermeer in het kader van de bestrijding van georganiseerde misdaad en terrorisme. Daarnaast heeft de rechtstreekse werking van het EVRM een grote invloed op de nationale rechtspraak.. Centraal in het blok staan de eisen die vanuit mensenrechtenverdragen worden gesteld aan strafrechtelijke procedures en de wijze waarop uitspraken van het Europees Hof voor de Rechten van de Mens (EHRM) inzake deze eisen doorwerken in de nationale strafrechtspleging. De onderwerpen die aan de orde komen, zijn gegroepeerd rond een aantal voor het strafrecht relevante mensenrechten, met name: - artikel 3 EVRM (verbod van foltering) en het (gewelddadig) optreden van de politie bij arrestaties; - artikel 5 EVRM (recht op vrijheid en veiligheid) en de vrijheidsbeneming van verdachten, - - artikel 6 EVRM (recht op een eerlijk proces) waaronder de onschuldpresumptie, de redelijke termijn en de rechten van de verdediging; - artikel 8 EVRM (recht op eerbiediging van privé-familie- en gezinsleven) en de toepassing van bijzondere opsporingsbevoegdheden en dwangmiddelen die inbreuk plegen op de privacy Verder wordt een aantal bijzondere strafrechtelijke procedures bestudeerd, zoals de herziening in strafzaken naar aanleiding van een veroordeling in Straatsburg, de ontnemingsprocedure, en de procedure inzake vergoeding wegens onterechte ondergane voorlopige hechtenis.

Course objectives

- inzicht in de invloed die het EVRM uitoefent op het Nederlandse strafprocesrecht; - inzicht in de gebieden waar het EVRM weinig of geen invloed heeft/kan hebben; - Inzicht in de wisselwerking tussen nationaal recht en mensenrechtenverdragen en nationale gerechtelijke instanties en het EHRM - kennis van belangrijke arresten van het EHRM waarin een schending van art. 3, 5, 6 en 8 EVRM in strafrechtelijke procedures aan de orde werd gesteld en van de belangrijkste basisprincipes die uit

deze jurisprudentie kunnen worden afgeleid; - kennis van belangrijke arresten van de HR in strafzaken waarin een schending van art.3, 5, 6 en 8 EVRM aan de orde werd gesteld en waarin de Nederlandse praktijk getoetst werd aan het EVRM; - ontwikkeling van een kritische houding ten aanzien van de bestudeerde problematiek.

Recommended reading

G.J.M. Corstens, Het Nederlands strafprocesrecht, Deventer, Kluwer, laatste druk; P. van Dijk en G.J.H. van Hoof, Theory and Practice of the European Convention on Human Rights, The Hague, Kluwer Law International, laatste druk, of D.J. Harris, M. O'Boyle and C. Warbrick, Law of the European Convention on Human Rights, London, Butterworths, laatste druk, of A.W. Heringa e.a., EVRM, Rechtspraak en Commentaar, Den Haag, SDU Uitgevers, losbladig; A.E. Hartevelt, B.F. Keulen en H.G.M. Krabbe, Het EVRM en het Nederlandse strafprocesrecht, Deventer, Kluwer, laatste druk; T. Barkhuysen, M.L. van Emmerik en E.R. Rieter, Procederen over mensenrechten onder het EVRM, het IVBPR en andere VN-verdragen, Nijmegen, Ars Aequi Libri, laatste druk. Voorts diverse artikelen uit vaktijdschriften die betrekking hebben op de deelonderwerpen, en in het bijzonder (recente) jurisprudentie, zowel van de Hoge Raad als van het EHRM.

CRI4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

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

CRI4003

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

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 2

30 Oct 2017

22 Dec 2017

[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. This subset of the law sets out the rules of 'fair play' of the biggest economy of the world, which generates close to €14 trillion each year. In addition, the application of its principles have 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: many of the innovations and developments in general EU law can be traced to developments in this area.

The course covers the substantive and procedural domains of all five 'subject areas' of EU competition law: cartels, abuse of dominant position, concentration control, state aid, and the interplay between public undertakings and the 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:

- gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
- 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 legal systems of the Member States;
- consider the role of each of the actors in EU competition law both at EU level and national level;
- analyse and evaluate new developments in the case law of the EU courts or in the administrative practice of the Commission.

Prerequisites

A thorough knowledge of EU substantive and institutional law is a prerequisite to follow the course.

Recommended reading

Literature:

- Reader with selected legal sources, case-law and materials.

IER4009

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Hoogenboom](#)

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

Insolventierecht

Full course description

In het blok Insolventierecht wordt uitgebreid kennis gemaakt met de juridische aspecten van de twee meest voorkomende insolventieprocedures: het faillissement en de schuldsanering natuurlijke personen. De surseance van betaling komt slechts zijdelings aan bod, mede omdat die in de praktijk niet goed functioneert. In insolventieprocedures komen problemen uit vele rechtsgebieden tegelijkertijd aan de orde. De afwikkeling daarvan is een juridisch complexe aangelegenheid, omdat juist dan moet blijken welk van de conflicterende belangen van de verschillende betrokkenen het sterkst is. Het is dan ook noodzakelijk om de juridische positie van alle rechtssubjecten die bij een insolventie procedure betrokken zijn grondig te kunnen analyseren. Op hoofdpunten komen de volgende onderwerpen aan bod: - De hoofdbeginselen en het verloop van de faillissementsprocedure; - De actoren in de faillissementsprocedure; - Voortzetting en doorstart van een onderneming na faillissement; - De positie van de fiscus in faillissement; - Bestuurdersaansprakelijkheid; - Het materiële insolventierecht met nadruk op belangrijke leerstukken als de actio Pauliana en verrekening; - Grensoverschrijdend insolventierecht; - De hoofdbeginselen en het verloop van de schuldsanering.

Course objectives

Doel van het blok is om inzicht te geven in de hiervoor beschreven materie en de student daardoor in staat te stellen om de diverse problemen in een insolventieprocedure te onderkennen en die zelfstandig en adequaat tot een oplossing te brengen.

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

A.M.J. van Buchem-Spapens en Th.A. Pouw, Faillissement, surseance van betaling en schuldsanering, Monografieën Privaatrecht 2, Kluwer Deventer, 9e druk, 2013. N.J. Polak, Insolventierecht, bewerkt door M. Pannevis, Kluwer Deventer, 13e druk, 2014 (verschijningsdatum: omstreeks eind september 2014).

PRI4010

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[S. Renssen](#)

Teaching methods:

Lecture(s), Assignment(s), PBL

Assessment methods:

Written exam

Faculty of Law

International Human Rights Law

Full course description

This course offers an overview and in-depth discussion of some of the key concepts and notions of international human rights law and an introduction into some selected topics. The course will focus on the protection of human rights at the international level, that is developments occurring within the

framework of the United Nations and regional organisations in particular. A number of introductory texts, questions and comments listed in the course-book will guide students through this course.

The course will cover both the substance of human rights and procedural issues. This means that attention will be given to the human rights normative framework, such as the different categories of rights, but also to international supervisory and monitoring procedures as developed within the United Nations and regional organisations. In addition, the notion of the alleged universality of human rights will be discussed.

In addition, 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. Students may earn one bonus point to be added to the grade for the written exam by taking part in this mock examination. 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, second edition, 2016.
- A. Bisset, International Human Rights Documents, Oxford University Press, latest edition.
- Selected additional reading materials.

IER4012

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam

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, 2015 jurisprudentie en zo nodig overige literatuur, met name tijdschriftartikelen

PUB4018

Period 2

30 Oct 2017

22 Dec 2017

[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

Verdieping Sociale Zekerheid

Full course description

In het blok Verdieping sociale zekerheid staan sociale zekerheidsrechtelijke onderwerpen die summier, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Sociale zekerheid centraal. Zo worden vraagstukken in Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht, de positie van de gemeenten en voor ontwikkelingen in de sociale zekerheid. De rode draad casus uit blok 1 wordt weer opgepakt. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. De gemeente Maastricht fungeert als belangrijk opdrachtgever in dit blok. Ook geven gastdocenten onderwijs (college en/of onderwijsgroepen) in procesrechtelijke aspecten van het socialezekerheidsrecht en vindt er een (voorbereid) bezoek aan de rechtbank plaats.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok sociale zekerheid. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Basiswaarden in de sociale zekerheid, werkloosheid en bijstand, waaronder speciale aandacht voor de drie D's, ziekte en arbeidsongeschiktheid, bestuursprocesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

Recommended reading

Literatuur: in overleg met de tutor

PUB4001

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Keywords:

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

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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 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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[F.B.J. Grapperhaus](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

European Migration Law and Citizenship

Full course description

International migration has become a major phenomenon worldwide in recent decades and Europe has received a significant share of people moving for various reasons. Intensifying international migration movements present many societies with major political dilemmas as many migrants have a different cultural, ethnic and religious background.

This course will address different issues of nationality, migration and asylum law and policies. One part of the course will be devoted to comparative nationality law. 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 Stockholm Programme of December 2009 and its follow ups. In this context the position of third country nationals, highly-skilled migrants, refugees and asylum seekers will be researched and discussed from a comparative perspective. The focus will be on their judicial protection and fundamental rights, family-reunion and integration requirements. Special attention will be given to the position of Turkish workers. Furthermore, migration as a phenomenon in an international and global setting will be dealt with.

An important question is therefore, how to integrate this group of migrants into the host societies, balancing cultural identity and minority rights with the state's interest in an integrated population.

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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

D.H. Yabasun

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

European Citizenship, Comparative Nationality Law, Legal Migration and EU

Faculty of Law

Gezondheidsrecht

Full course description

In het blok Gezondheidsrecht komen verschillende aspecten van de gezondheidszorg en het gezondheidsrecht aan de orde. Het accent ligt bij die onderwerpen die, behalve voor de algemene (curatieve) relatie hulpverlener – patiënt/cliënt, van belang zijn voor de relatie tussen een (zieke) werknemer, diens werkgever, de bedrijfsarts (arbodienst) en de verzekeringsarts (UWV). De thema's die worden belicht, houden verband met de situatie van 'ziek zijn' (met als eerste vraag: wanneer is sprake van 'ziekte'?) en onderwerpen die daarmee samenhangen. Zowel preventie van ziekte als geneeskundige behandeling en begeleiding bij ziekte krijgen aandacht. In de eerste helft van het blok

wordt ingegaan op de beginselen die een belangrijke plaats innemen in het Gezondheidsrecht, op de rol van grondrechten en op de systematiek en inhoud van het Gezondheidsrecht. Hiernaast komt de organisatie van de gezondheidszorg aan de orde, met een toespitsing op de bedrijfsgezondheidszorg. Verder worden de toegang tot en de kwaliteit van de zorg uitgebreid belicht. De invalshoek is hierbij vooral publiekrechtelijk. In de tweede helft van het blok volgt, vanuit veelal privaatrechtelijk perspectief, een bespreking van de wetgeving inzake de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Nadat dit onderwerp eerst in algemene zin is belicht, wordt het – meer specifiek – bezien voor de relatie tussen de bedrijfs- en de verzekeringsarts en de (zieke) werknemer en daarbij betrokken derden, zoals de huisarts en/of de medisch specialist bij wie de (zieke) werknemer in behandeling is. Vervolgens wordt ingegaan op de handhaving van de rechten van de patiënt. In dit verband komen de klacht- en geschillenbehandeling, het tuchtrecht en de civiele aansprakelijkheidsprocedure in kort bestek aan de orde. Ook hier staat eerst de algemene (curatieve) situatie centraal, om daarna de rechtshandhaving op het terrein van de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde te bekijken. Een afzonderlijke plaats is in het blok ingeruimd voor het recht van de patiënt/(zieke) werknemer op geheimhouding van zijn medische gegevens. Bij de informatieuitwisseling tussen de werkgever, werknemer, bedrijfsarts/arbodienst, curatieve sector (huisarts, medisch specialist), verzekeringsarts/UWV en andere betrokkenen speelt het privacyaspect een belangrijke rol. Juridisch gezien is deze materie nogal complex; zij doet de nodige vragen rijzen en kan lastige dilemma's doen ontstaan. Het blok wordt afgesloten met een onderdeel dat is gewijd aan het zorgverzekeringsstelsel. Het accent ligt hier bij de Zorgverzekeringswet en aanverwante regelgeving. Hoewel het blok hoofdzakelijk het huidige Nederlandse recht behandelt (en ontwikkelingen daarin), heeft het tevens oog voor hetgeen op Europees niveau gebeurt. In toenemende mate is (het beleid inzake) de gezondheidszorg ook een aandachtsgebied van de Europese Unie. Onderwerpen zoals de 'grensoverschrijdende' patiënt en de 'grensoverschrijdende' hulpverlener, e-health en 'grensoverschrijdende' privacyaspecten (denk onder meer aan spoedeisende zorg in een andere dan de eigen EU-lidstaat, waarbij de beschikbaarheid van gezondheidsgegevens uit het medisch dossier vaak van groot belang is) houden behalve de lidstaten zelf ook de EU bezig. Daarom is, met name in week 1, ook een Europeesrechtelijk element in het blok opgenomen.

Course objectives

Het verwerven van kennis van, en inzicht in, het systeem en de inhoud van het Gezondheidsrecht in algemene zin. Hiernaast, meer specifiek, het verwerven van kennis van, en inzicht in, gezondheidsrechtelijke leerstukken die gerelateerd zijn aan het arbeids- en het sociale zekerheidsrecht, in het bijzonder: juridische aspecten van de beroepsuitoefening door de bedrijfs- en de verzekeringsarts.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Leerboek Gezondheidsrecht, derde druk, Houten: Bohn Stafleu van Loghum, 2013. Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Hiernaast wordt gebruik gemaakt van een literatuurklapper en een jurisprudentieklapper. Nadere informatie over de te gebruiken wetgeving, literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

LAW4001

Period 4

5 Feb 2018

6 Apr 2018

[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

Verdediging en Rechtsmiddelen in Strafzaken

Full course description

Positie van de verdediging in het strafproces (zie blokboek) 1. Afbakening: taak en rol opvatting van de strafrechtadvocaat – gedragsregels – statuut – kaderbesluit minimumgaranties – verschillende procedures (strafrechtelijk, tuchtrechtelijk – materieel en procedureel) 2. Effectieve verdediging: het recht op rechtsbijstand – equality of arms – effectieve verdediging (kernbegrippen) – het instrumentarium (privileges en processuele bevoegdheden) – verdedigingsbelang / belang van het onderzoek – misbruik van procesrecht – toevoegingproblematiek 3. Voor de zitting I (opsporingsfase): opsporing en (gerechtelijk) vooronderzoek – dwangmiddelen en opsporingsbevoegdheden – rechtsmiddelen tegen de toepassing van dwangmiddelen en opsporingsbevoegdheden 4. Voor de zitting II (gedetineerde verdachte): vrij verkeer – beperkingen – onthouding stukken – rechtsmiddelen tegen de toepassing van vrijheidsbenemende dwangmiddelen 5. Voor de zitting III: consultatierecht – raadsman bij verhoor – audiovisuele registratie van verhoren – tegenstrijdige belangen 6. Zitting: gemachtigde raadsman – zittingsincidenten – getuigen / deskundigen – verweren – pleidooi / pleitnota – instellen appèl – afschrift oproeping aan raadsman 7. Na de zitting: gewone rechtsmiddelen – schadevergoeding en vergoeding van gemaakte kosten (art. 89, 591 en 591a Sv) – buitengewone rechtsmiddelen – procedure EHRM

Course objectives

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - het straf(proces)recht en de procedurele waarborgen die het strafproces de verdachte biedt; - de taak en de rol van de verdediging in het strafproces; - 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; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de mogelijkheden van de verdachte om beslissingen van de strafrechter voor te leggen aan andere rechterlijke autoriteiten en de hierbij behorende juridisch-technische problemen en strategische overwegingen; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken).

Recommended reading

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

CRI4009

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

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

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging, rechtsmiddelen

Faculty of Law

Verdieping Gezondheidsrecht

Full course description

Het blok Verdieping gezondheidsrecht stelt een aantal thema's aan de orde die, mede gezien de actualiteit, een belangrijk plaats innemen in het gezondheidsrecht en de beoefening daarvan in de rechtspraktijk. Het eerste deel van het blok besteedt aandacht aan het functioneren van zorginstellingen en hun bestuur. Aan de orde komen onder meer de toelating van zorginstellingen (Wet toelating zorginstellingen), de taken en verantwoordelijkheden van Raden van Bestuur (RvB) en Raden van Toezicht (RvT) en de positie van cliëntenraden. Ook wordt ingegaan op juridische (gezondheidsrechtelijke) aspecten van samenwerking en fusies van zorginstellingen en op de relatie tot derde partijen, zoals zorgverzekeraars. Dit 'governance' gedeelte wordt gevolgd door een onderdeel waarin de rechtspositie van zorgverleners, in het bijzonder medisch specialisten (en hun maatschap of andere samenwerkingsvorm), centraal staat. Ingegaan wordt op hun juridische relatie tot het ziekenhuis (samenwerkingsovereenkomst, dienstverband), evenals - in samenhang daarmee - op de ontwikkelingen rond de integrale bekostiging van medisch-specialistische zorg (per 1 januari 2015) en de gevolgen daarvan voor de rechtspositie van medisch specialisten. Verder wordt stilgestaan bij het disfunctioneren van medisch specialisten: wanneer is hiervan sprake, welke verantwoordheden rusten alsdan op collegae-artsen, de RvB en bijvoorbeeld de Inspectie voor de Gezondheidszorg? Welke mogelijkheden tot ingrijpen staan hen ter beschikking? Hierbij komt ook (de rechtspraak van) het Scheidsgerecht voor de Gezondheidszorg aan de orde. De aandacht verlegt zich vervolgens naar de patiënt/cliënt zelf: welke rechten (en plichten) komen aan hem toe en wat is zijn

rechtspositie bij medische fouten? In dit verband komen de hoofdlijnen van het medisch aansprakelijkheidsrecht aan de orde. Dit onderdeel van het blok is mede rechtsvergelijkend van aard; in het bijzonder het recht van België en Duitsland zal fungeren als vergelijkingsmaatstaf voor het Nederlandse recht. De resterende weken van het blok zijn Europeesrechtelijk van aard. De rol van de Europese Unie op het gebied van de gezondheidszorg wordt hierin belicht. Evenals in de andere onderdelen van het blok wordt mede stilgestaan bij nieuwe ontwikkelingen in de wet- en regelgeving, de literatuur en de rechtspraak.

Course objectives

Het verdiepend, en met aandacht voor het verwerven van vaardigheden (uitwerken van opdrachten, verrichten van rechtsvergelijkend en Europeesrechtelijk onderzoek, schrijven van een paper, samenwerken in groepsverband), opdoen van kennis van en inzicht in een aantal belangrijke gezondheidsrechtelijke leerstukken.

Prerequisites

Het blok kan separaat worden gevolgd, maar gezien de basis die het blok Gezondheidsrecht legt met betrekking tot de algemene gezondheidsrechtelijke leerstukken en aspecten, verdient het de voorkeur om het blok te combineren met dit laatste blok.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Gezondheidsrecht, derde herziene druk, Houten: Bohn Stafleu van Loghum, 2013. Leenen, H.J.J., Dute, J.C.J., Gevers, J.K.M., Legemaate, J., Groot, G.R.J. de, Gelpke, M.E. en Jong, E.C.J. de, Handboek gezondheidsrecht, zesde druk, Den Haag: Boom Juridische uitgevers, 2014. Kastelein, W.R. en Legemaate, J. (red.), Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Nadere informatie omtrent de te gebruiken literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst door de tutor verstrekt.

LAW4002

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[M.M. ten Hoopen](#)

Teaching methods:

PBL, Lecture(s), Paper(s)

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),

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

16 Apr 2018

15 Jun 2018

[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

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, issues, 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. In the final part of the course, we will look into issues relating to financing international trade, for instance looking into the letter of credit (UCP 600) and bank guarantees (URDG).

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 such as the effectiveness of measures intended to unify 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

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 2010, 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

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.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Participation

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 2010, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms

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, hebben zij 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 en welke positie neemt zij in als contractspartner? De tweede helft van het blok zoomt in op een aantal specifieke onderwerpen, waaronder gronduitgifte, gebiedsontwikkeling via publiek-private samenwerking, aanbesteding, publiek domein en de vrijwarende werking van vergunningen. Minstens drie colleges worden verzorgd door externe

sprekers, werkzaam in de advocatuur en bij de Gemeente Maastricht.

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 gaat bewegen. De vervlechting heeft grote consequenties voor het juridische instrumentarium dat in deze rechtsverhouding werkt. De student leert dit te herkennen en toe te passen in concrete casus. 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 rechtspraak.

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

Scheltema M. en Scheltema M.W., Gemeenschappelijk recht, Deventer: Kluwer 2013 (derde druk). Daarnaast gebruiken wij een reader en een jurisprudentiemap.

PUB4012

Period 5

16 Apr 2018

15 Jun 2018

[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

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 (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 het legaliteit, het feitsbegrip, opzet en schuld, daderschap en deelneming en de strafuitsluitingsgronden, alsmede de specifieke problemen die zich daarbij kunnen voordoen.

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, 5e druk 2012 Reader met aanvullende literatuur en rechtspraak

CRI4005

Period 5

16 Apr 2018

15 Jun 2018

[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

Rechtspsychologie en 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 het feitelijke bewijs.

Recommended reading

Reizen met mijn Rechter; Vincent plast op de grond; Dubieuze zaken; The populair policeman

MET4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Rechtspsychologie; Geursorteerproef; Confrontaties; Psychiatrische stoornissen; Valse bekentenissen

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. 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 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. . . Onderwerpen: 1: Forensische Accountancy: elementaire begrippen, relatie met fraude en terreinafbakening 2: Financial Accounting: noodzakelijke basisbegrippen, zoals - Scheiding tussen eigendom en management - Belangrijkste financiële verslagen (balans, resultatenrekening en kasstroomoverzicht) - Accrual Accounting en cash flow accounting 3. Fraudepreventie: Wat is Internal Control en hoe wordt dit toegepast bij organisaties. 4. Controletechnieken bij fraudebestrijding: - Taken en bevoegdheden van accountants bij fraudebestrijding - Fraudepreventie vanuit Interne Controle perspectief 5. De Forensisch Accountant en de wet- en regelgeving, waar hij aan moet 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

Recommended reading

Literatuur: Reader met artikelen

CRI4013

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Presentation, Assignment

Faculty of Law

Goederenrecht (Master)

Full course description

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

Course objectives

Dit blok richt zich op de volgende doelen: - In staat zijn om hedendaagse goederenrechtelijke

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

Recommended reading

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

PRI4011

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[W. Loof](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

onroerende zaken, notariaat, Zekerheden, I.p.r..

Faculty of Law

Comparative Corporate Governance

Full course description

Corporate failures, accounting scandals and the credit crisis have resulted in an entirely new view on corporate governance. The roles and responsibilities of the various stakeholders of the corporation have to be revisited. In this course we will explore the corporate governance aspects of this new national and international environment. We will review relevant corporate governance concepts in The Netherlands, the US, the UK, Germany and possibly other jurisdictions and thereby concentrate on the corporate governance statutes and codes as employed in these jurisdictions. In general,

corporate governance is about managing the corporation for the benefit of a wide range of stakeholders in a society that in turn benefits from well managed corporations. We will investigate to what extent the recent developments in the modern society impact corporate law and corporate governance, focusing on the commonalities and differences between various jurisdictions. We will deal with the legal aspects of inter alia corporate organization, transparency, control, accountability and division of responsibility.

Course objectives

The purpose of the course is to:

- Develop the knowledge, theories and skills for legal analysis emphasizing corporate governance in the economic, political and social spheres of influence;
- Acquaint students with corporate governance from a legal perspective and raise awareness of various corporate governance codes, rules and regulations;
- Introduce students to the theoretical foundations of corporate governance and enabling them to apply these by means of writing a paper, in class discussions and applying them to case studies;
- Develop an awareness of the practical problems associated with the interaction of the board, management, shareholders and other stakeholders of a corporation;
- Develop technical skills necessary to evaluate the governance of a company from the perspective of an investor or potential investor in the company and compare potential solutions;
- Identify governance dilemmas in the corporate community and analyze the opportunities of and threats to national and multinational corporations and their board(members);
- Help students analyze, interpret, and collect information about specific corporations and their efforts or non-efforts in the area of corporate governance, and
- Encourage students to sharpen their research and problem-solving skills.

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

Prescribed and supplementary readings will be made available in a reader or are either easily accessible electronically or to be found in the university library. Additional required and recommended readings will be listed on EleUM.

PRI4012

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Olaerts](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

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

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

Faculty of Law

International Commercial Dispute Resolution

Full course description

This course on International Commercial and Economic Dispute Resolution addresses several distinct, yet not unrelated, systems of resolution of commercial and economic disputes that may arise between parties involved in international commerce. One system relates to disputes between economic operators, including primarily private parties. Another system concerns disputes arising between sovereign states mutually bound by international trade agreements. In between these two systems (a private system of dispute resolution between private parties and a public system of dispute resolution between states), yet another system covers disputes of a mixed nature, namely those arising between private investors and sovereign states bound by international investment agreements. While all these systems are rather different in their nature (private, public or a mixture thereof), they share many important commonalities.

This course covers the system of resolution of private commercial disputes through mediation, arbitration and litigation; the settlement of private-public investment disputes between investors and states through investment arbitration; as well as the system of resolution of trade disputes in the context of the World Trade Organization (WTO). The latter plays a crucial role in resolving high profile disputes between its 160 Members, disposing of the most active and – according to some – the most powerful inter-state dispute settlement system in history.

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 will have acquired specialist level knowledge with regard to 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 acquire specialist's knowledge of the interrelationship between the various dispute resolution discussed in the course, mechanisms and the practical implications of these interrelationships.

Prerequisites

IER5016

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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 enforcement. Particular attention will be paid to current challenges to International Humanitarian Law, such as asymmetric warfare, targeted killings by drones, cyber warfare 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, Iraq and the Middle East.

Course objectives

Students that have successfully completed this course are able to apply the rules and principles of International Humanitarian Law 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 (Cambridge: CUP, 2015)

IER4022

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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.

Course objectives

At the end of the course the student is able:

- To get acquainted with a criminal file;
- To be able to distil the problems of the case;
- To be able to search for literature and give presentations about them;
- To obtain knowledge about common theories in legal psychology and to apply these theories in real cases.

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 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 1

4 Sep 2017

27 Oct 2017

[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

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 lectures 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 2

30 Oct 2017

22 Dec 2017

[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 criminology studies violations of rules and ethics (deviant behavior) by legitimate organisations (e.g. corporations, governments, etc.) and their management. Lately, organisational crime seems to attract an increased amount of attention – which can partly be attributed to the ‘global financial meltdown’. 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.) During the last part of the course, we discuss the policy implications of our previous analysis in terms of what an appropriate reaction to organisational criminological phenomena could entail. Here, we discuss various different legal regimes (civil, criminal, compliance, etc.) and their accompanying measures and sanctions (supervision, monetary fines, etc.) 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

This course aims to integrate knowledge and insights from a variety of relevant academic disciplines. The approach is thus multi-disciplinary. By looking at the phenomenon of organisational crime from different viewpoints, we not only want to stimulate knowledge gathering but we also want to generate reflection and a critical scholarly attitude. The overall learning objective is that at the end of this course the acquired knowledge will enable students to critically analyze (current) cases by themselves.

Prerequisites

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

Recommended reading

Handbook

CRI4020

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Assignment(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

Evidence

Full course description

The course deals with key notions of (procedural) criminal law and investigative measures in criminal matters, relating to the gathering, admissibility, exclusion and use of information and evidence in criminal in a range of (European) domestic systems and the competencies of possible related competent authorities (police, prosecutors, investigating judges, judges, courts, victims, private investigators, intelligence services).

A wide variety of investigative or information and evidence gathering measures passes in review during tutorials and lectures, such as the obtaining of existing objects, documents and data (through freezing, (house) search, seizure; from databases; of classified information; from private third parties (like banks, telecom or IT providers, carriers)), interrogations and witness/victim or expert hearings or confrontations (where conducted through telephone or videoconferencing; of children; of anonymous witnesses or collaborators with justice), forensic investigation and expert evidence (including if DNA-based), intrusive/coercive/covert investigative techniques (telecom interception, bank account monitoring, controlled delivery, covert investigation, etc.) and cooperation in joint investigation teams (JITs).

Given the rapidly expanding internationalization of domestic cases, the course will also explore cross-border cooperation between competent (law enforcement and judicial) authorities of EU (and other Council of Europe (CoE)) member states in view of securing evidence admissibility across borders (which has been framed as a post-Lisbon goal), while also duly respecting the legal position of the

suspect, accused, defendant or the victim.

Students will be invited to approach cooperation complexities from different domestic systems (of choice) as well as from an EU (criminal policy) perspective. On a cross-border level, discussions will be centered primarily around EU and CoE cooperation realities, both in the sphere of law enforcement (police/customs) and judicial information exchange and cooperation in criminal matters. For the latter, both mutual legal assistance (MLA) and mutual recognition based approaches will pass in review. Transatlantic information exchange and the gathering and use of evidence (both of the EU and the EU member states with the USA) will be studied as a selected issue, given the relevance thereof from a comparative/net-widening legal perspective.

Course objectives

- students understand, apply and comment on information and evidence law at domestic level (in their member state of origin and/or an EU member state of choice)
- students understand and apply essential police and judicial cooperation mechanisms in criminal matters in the EU (and the CoE)
- students reflect in a critical-scientific manner
- students autonomously consult, analyse and process relevant legal and scientific sources in English
- students adequately report in English, both orally and in writing, about the subject matter

Recommended reading

- G. Vermeulen, Free Gathering and Movement of Evidence in Criminal Matters in the EU : Thinking Beyond Borders, Striving for Balance, in Search of Coherence. Antwerpen, Belgium ; Apeldoorn, The Netherlands: Maklu, 2011, 51 p.

CRI4021

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[G.F. Vermeulen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Participation

Keywords:

Evidence, Information, gathering, admissibility, cooperation in criminal matters, mutual legal assistance, MLA, EU, Council of Europe, police, judge, court, prosecutor, judicial

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 2

30 Oct 2017

22 Dec 2017

[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

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

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 legal approaches to deal with climate change. This course addresses the role of European law in protecting human health and the natural environment against the (potentially) damaging effects of pollution. It focuses on transboundary problems which cannot be solved by fragmented national legal frameworks within individual states. In particular the global problem of climate change and the need for sustainable energy will be taken as a central focus during the course: the EU has tried to establish itself as a global leader by having adopted a vast package of secondary legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation.

The course covers:

- EU competences for environmental decision-making;
- the interplay between international environmental law and EU environmental law;
- environmental (legal) principles of EU law;
- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for NGOs and potential victims;
- regulatory instruments for steering the 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;
- is capable to examine whether member states have discretion to adopt more stringent environmental rules or may set specific procedural standards.
- can apply his/her knowledge on true-life environmental cases (particularly climate change);
- can develop a critical analysis (both orally and on paper) of concrete 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

Two readers will be provided, one with environmental legal texts, and another one with literature. In addition, an e-reader is provided through the library.

Furthermore, the course book refers – with links – to useful documents and articles.

LAW4042

Period 1

4 Sep 2017

27 Oct 2017

[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, Human Rights and the environment, Procedural rights and the environment, Interplay between international and EU environmental law, Regulatory instruments / emissions trading, Enforcement: liability for environmental pollution, Multilevel regulation: the role of national environmental law, Climate Law

Faculty of Law

Issues of European Integration

Full course description

The aim of this optional course is to reflect upon the methods, successes and failures of legal integration in the field of European private law. In each of the seven weeks, one specific field of law (such as contract law, tort law, property law and the law of inheritance) is looked at and discussed on basis of common questions. These questions include what is the reason for integration in this field (including questions of legal competence for harmonisation), whether integration is possible, how it is realised and to what extent it is successful.

Unlike it was the case in previous years, this year's course focuses on the broad field of private law only. Special attention is paid to the role of legal actors in the making of private law, which means that the activities of the (European and national) legislatures, the courts and academics in the integration process are considered. Students choosing this course should be willing to read a fair amount of also theoretical writings and be prepared to play an active role in class.

Course objectives

This course aims to discuss European integration in an integrated way, building upon the knowledge that students already have about specific legal fields. It analyses these fields with a view to the role of legal actors involved in the integration process. This will also make students reflect upon their own present or future role in the process of Europeanisation. In the process they will gain extensive comparative knowledge of the main fields of private law.

Prerequisites

Basic knowledge of private law

Recommended reading

To be announced

PRI4014

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[J.M. Smits](#)

[B. Akkermans](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Presentation, Final paper

Keywords:

Harmonisation of private law; European integration

Faculty of Law

State Aid and Public Procurement

Full course description

Public contracts awarded through public procurement proceedings account for a significant part of EU Member States' expenditure. Even though the EU aims to provide a legal framework governing public procurement procedures to avoid distortion of competition, procurement transactions may be prohibited if they qualify as State aid. The course combines the fields of public procurement and State aid, presents the two fields from different angles and reflects on the important link between the two fields. Topics that will be identified are: procedural elements of public procurement, green public

procurement, in-house contracts, concessions, enforcement of public procurement, the economic rationale of State aid, regional aid, the limits of the definition of State aid, the relation of State aid to the fundamental freedoms as part of the balancing test, proper State aid procedure.

Course objectives

This Master Course provides EU and non EU students with relevant knowledge in the fields of public procurement law and State aid and helps them to understand their underlying relationship. The course ensures that students have a thorough understanding of the rationale of procurement procedures and the circumstances under which State aid is allowed. Students will be able to relate the two fields and to identify whether the financing of services of general economic interest may confer an economic advantage despite the application of the public procurement Directives. Students will diagnose that public procurement principles such as transparency may affect free competition and facilitate collusion. During active tutorial group meetings students have to analyze and discuss different problems and will learn to present and express their opinion. This will lead to the oral presentation of a paper on State aid and/or public procurement.

Recommended reading

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

IER4014

Period 5

16 Apr 2018

15 Jun 2018

[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

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 in relation to illegally obtained evidence and cross-examination; 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, 3rd. Ed., Oxford University Press, 2014
- 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[C. Peristeridou](#)

Teaching methods:

PBL, Lecture(s), Assignment(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 technisch bewijs in strafzaken. Veel nadruk ligt in dit blok op DNA, en daarnaast op redeneren over bewijs (Bayesiaanse statistiek) en op problemen met vertekening (bias) in onderzoeksuitkomsten.

Course objectives

Het bijbrengen van begrip voor forensisch DNA-onderzoek en van een kritische houding in het waarderen van technisch-forensisch bewijs.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Training(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with technical evidence in criminal cases. The course is aimed at enabling students to recognise and formulate 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.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions 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-, and
- selected texts in the reader of the course

CRI4026

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

Criminalistics, Forensic Evidence, DNA, Likelihood Ratio, bias

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 ontwikkelingen. In het blok wordt zoveel mogelijk aangesloten op de actuele discussies. De behandelde thema's worden jaarlijks dan ook voor deel aangepast. Aan de orde komen: - Het besluitbegrip als centraal element van het bestuursrecht en als toegangspoort naar de bestuursrechter; in hoeverre voldoet die notie nog en welke alternatieven zijn denkbaar? - Van besluittoetsing naar definitieve geschilbeslechting; het veranderende karakter van het bestuursrechtelijk geding en de bestuursrechtelijke rechtsbescherming - Versnelling van bestuursrechtelijke procedures - Finale geschilbeslechting; literatuur, rechtspraak en wetgever lijken als katalysator te werken in de ontwikkeling naar een veranderende bestuursrechtspraak waarin geschillen finaal worden beslecht - Overheid en schadevergoeding - Rechterlijke organisatie en rechtseenheid, inclusief de discussie over de mogelijke vormen van integratie van de hoogste bestuursrechters. De gekozen thema's worden benaderd vanuit niet alleen een meer theoretische invalshoek maar 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. Het vak bereidt uitstekend voor op togaberoepen en wordt ook 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

PUB4020

Period 1

4 Sep 2017

27 Oct 2017

[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; omvang geding; definitieve geschilbeslechting; overheidsaansprakelijkheid en nadeelcompensatie; versnelling bestuursrechtelijke procedures; 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. Dit blok beschouwt de realiteit van het staatsrecht dat immers 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 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. 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 bij voorbeeld 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 is voor iedere jurist van het heden en de toekomst cruciaal. De taal van dit blok is Nederlands, zij het dat veel literatuur Engelstalig is. Maar het omgaan daarmee is nu eenmaal ook een vaardigheid die nationale juristen zich eigen moeten maken, juist door die internationale en Europese verwevenheid. Onderhandelingen in Brussel, inzicht in de internationale en Europese context, kennis van het Europese begrippenkader (European semester, fiscal compact bij voorbeeld) en van relevante regels en besluiten zijn gebaat bij een kennis van juridisch 'Euro' legal English.

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 bij voorbeeld 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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam

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

Welke (grond)rechten heeft een obligatiehouder van een bank die genationaliseerd wordt? Hoe is de democratische legitimatie van de AIVD geregeld? Hoe ver mag de politie en/of de burgemeester gaan bij het sluiten van drugsbanden? Hoe is het toezicht en de regulering geregeld van tal van belangrijke sectoren van door agentschappen, toezichthouders, en lagere overheden? Deze en vele andere vragen staan centraal in het blok Marktregulering, toezicht en decentralisatie. 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 Marktregulering, toezicht en decentralisatie 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 en tot het reguleren van marktsectoren, zoals de financiële sector, de zorgsector, banken en bedrijven. 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 (grond)rechtsbescherming zijn in het geding? Aan de hand van een aantal sprekende en actuele kwesties zullen deze vragen ten aanzien van verschillende overheidsentiteiten worden behandeld. Daarbij kan worden gedacht aan de nationalisatie van banken, maar ook aan de organisatie en de beteugeling van de macht van: - toezichthoudende zelfstandige bestuursorganen - de politie - verschillende veiligheidsdiensten (waaronder de AIVD) - gemeenten en provincies. Bijzondere aandacht zal verder worden besteed aan de handhaving van de openbare orde door gemeentelijke overheidsorganen. Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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. Besturen vindt plaats door een veelheid van instanties die een veelheid aan taken en bevoegdheden hebben, waarbij soms bestuur, regelgeving en bestraffing door elkaar lopen en door een en dezelfde instantie worden uitgeoefend. Kortom een speurtocht door en langs instanties en bevoegdheden.

Course objectives

Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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

Wordt nader bekend gemaakt.

PUB4022

Period 5

16 Apr 2018

15 Jun 2018

[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

International Maritime Law Arbitration Moot Court

LAW4056

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

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

30 Oct 2017

22 Dec 2017

[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

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 do not always suffice. Issues of ageing and the environment have also become more prominent in recent times.

- Students of this course will research and discuss questions like:
- Given the globalization of commercial activity and digital trade, how should we tax multi-national corporations?
- Should governments compete over taxes or should they cooperate?
- 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 roles do taxes play in light of budgetary and financial stability?
- 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 articles (free or paid student subscription to the (International) New York Times, the Economist and/or the Financial Times recommended)
- Parts of J. Stiglitz, The Price of Inequality, 2013 (subject to change)
- Various reports and articles available on-line (exact literature to be decided)

TAX4014

Period 2

30 Oct 2017

22 Dec 2017

[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 mastercourse is a compulsory course in the public law track of the European Law School master programme and an elective for students in the other track of ELS, and for students in the master Globalisation and Law, International Laws and Nederlands recht (Dutch Law). The course focuses on the relationships between EU law and domestic constitutional law and for the latter part in a comparative setting. The course is not a purely or exclusively legal one, but also devotes quite some attention to political processes and developments, since these cannot and should not be ignored.

We will seek to discuss and analyse 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 democracies and how to assess the option of dual legitimacy. The course has therefore a vertical approach (EU- national member-states), as well as a horizontal perspective, looking into the impacts and practices in a few national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis- a- vis EU law making, for instance) but allows also plenty of room to relate to topical discussion papers and state of discussions about the optimal or desired balances between EU and member states. It is also evident that we will try furthermore to include recent events and steps in the integration process or national developments, such as national or elections for

the EP, rule of law issues in Poland, or the Brexit.

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 policymaking 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. Not only on one level (EU or state) but also in collaboration between levels and between EU and states. The goal of this course is to show actual developments in domestic constitutional law and its relation to European constitutional law. This course furthermore shows the interaction between national and European constitutional law and its multi-layered aspects. It is therefore relevant to know who is/are involved and how decisions relate to one another. And this is the case in rulemaking, and their execution and implementation of rules and policies. The new Single Supervisory Mechanism (SSM) for the European banking supervision is one of the examples where two systems of supervision do exist: one for major banks and one for the other banks; the former to be exercised by the ECB and the latter by the national authorities. However the states are not free in their supervision, but have to apply EU rules and operate under the ECB oversight.

Modern lawyers cannot in many domains operate without insight in the interaction of EU competences and national authorities' powers. 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-week 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. We will focus on the phenomenon of multi-layered legal systems; on the process of law-making and the role of national parliaments in implementing EU directives or trying to block EU law making (the so called yellow card), and also the role of national parliaments in holding their ministers and governments accountable for their input in EU decision-making. Furthermore we will devote attention to national budgetary law-making and the European Semester and the requirements posed by EU rules for national budgets and their enforcement. 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 more focus, or towards a political union and more transparency. Finally we will focus on the courts and their role in the application and enforcement of EU law as well as on human rights where courts do play their role and which is a nice example of the interplay between different courts (national, EU and European Convention of Human Rights) and different human rights documents (Constitutions, Charter, European Convention).

Course objectives

Students will have a thorough understanding of the interaction between EU and national (constitutional) law.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as advanced European Law and Fundamental Rights. Furthermore we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system as well as a sound political interest. In case you have started the ELS program in the beginning of 2017 (and this course is actually one of your first courses in the master ELS program), we do recommend to acquaint

yourself of the necessary knowledge of (institutional) EU law. We do also recommend strongly to follow the relevant news about EU integration 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

Unfortunately there is not one book on all subjects of this course. Many of the issues are recent and current, which means that we will have to cope with policy documents and only a few academic articles. For that reason we intend to have a small syllabus ready and will have compiled materials for the various parts of this course. We are aware however that 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 post these materials on 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. These are easily downloadable or may be found in the university library. When not, we have made it available in a paper-reader. 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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam, Presentation

Keywords:

Legitimacy, multi layered democracy, sovereignty, internationalization/globalization/Europeanisation, rule of law, banking union, economic union, fundamental rights protection, European Semester

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

5 Feb 2018

6 Apr 2018

[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 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. European rules 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. This kind of dilemmas of free trade versus protection of human health and the environment raises the mighty problem of how to integrate scientific expertise into decision-making and confronts the EU with legal, political and practical problems, which are inherent to the very specific nature of risk regulation, the very characteristics of the EU's transnational structure 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 an in-depth and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Interactive 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 and assess specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper students will identify a particular problem in the field of the internal market law and governance and will formulate a specific research question, analyse this problem 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

30 Oct 2017

22 Dec 2017

[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

ELSA Moot Court Competition on WTO Law

LAW4057

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Internships

Master Globalisation and Law internship

Faculty of Law

Master internship GAL (6)

LAW4570

Year

1 Sep 2017

31 Aug 2018

[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 internship GAL (12)

LAW4571

Year

1 Sep 2017

31 Aug 2018

[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 Globalisation and Law

Faculty of Law

Master Thesis Globalisation and Law

LAW4075

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Teaching methods:

PBL

Assessment methods:

Written exam

Globalisation and Law Free programme

Specialisation courses

Free Programme

Master Globalisation and Law 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

4 Sep 2017

27 Oct 2017

[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

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. Short written assignments designed to test your understanding of the literature are due each week.

Recommended reading

R. Mackenzie, et al., The Manual on International Courts and Tribunals, second edition (Oxford, OUP 2010)

IER4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[M.T. Kamminga](#)

[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 Dr. N. Philipsen and Mr. T. Heldt. 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

30 Oct 2017

22 Dec 2017

[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

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. This subset of the law sets out the rules of 'fair play' of the biggest economy of the world, which generates close to €14 trillion each year. In addition, the application of its principles have 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: many of the innovations and developments in general EU law can be traced to developments in this area.

The course covers the substantive and procedural domains of all five 'subject areas' of EU competition law: cartels, abuse of dominant position, concentration control, state aid, and the interplay between public undertakings and the 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:

- gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
- 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 legal systems of the Member States;
- consider the role of each of the actors in EU competition law both at EU level and national level;
- analyse and evaluate new developments in the case law of the EU courts or in the administrative

practice of the Commission.

Prerequisites

A thorough knowledge of EU substantive and institutional law is a prerequisite to follow the course.

Recommended reading

Literature:

- Reader with selected legal sources, case-law and materials.

IER4009

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Hoogenboom](#)

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

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 alleged universality of human rights will be discussed.

In addition, 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. Students may earn one bonus point to be added to the grade for the written exam by taking part in this mock examination. 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, second edition, 2016.
- A. Bisset, *International Human Rights Documents*, Oxford University Press, latest edition.
- Selected additional reading materials.

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam

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.

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.

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 2010.

PRI4004

Period 4

5 Feb 2018

6 Apr 2018

[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 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 dilemmas as many migrants have a different cultural, ethnic and religious background.

This course will address different issues of nationality, migration and asylum law and policies. One part of the course will be devoted to comparative nationality law. 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 Stockholm Programme of December 2009 and its follow ups. In this context the position of third

country nationals, highly-skilled migrants, refugees and asylum seekers will be researched and discussed from a comparative perspective. The focus will be on their judicial protection and fundamental rights, family-reunion and integration requirements. Special attention will be given to the position of Turkish workers. Furthermore, migration as a phenomenon in an international and global setting will be dealt with.

An important question is therefore, how to integrate this group of migrants into the host societies, balancing cultural identity and minority rights with the state's interest in an integrated population.

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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

D.H. Yabasun

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

European Citizenship, Comparative Nationality Law, Legal Migration and EU

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.

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property 13th edition (Oxford University Press)
- Kur/Dreier, European Intellectual Property Law (2013, Edward Elgar)
- WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO) -Online

IER4033

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

International Trade Law

Full course description

This course on the rules regulating economic globalisation and international trade deals with 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. The law of the WTO governs the trade relations between the WTO's 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);
- Trade liberalisation versus other societal values (on general public policy exceptions; security exceptions; and economic emergency exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial exercises. The course will most likely include a study trip to the WTO in Geneva.

Course objectives

- The student acquires up-to-date knowledge of the institutional and substantive law of the World Trade Organization;
- The student understands and is able to engage in debate on legal issues relating to the World Trade Organization and 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 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, 4th Edition (Cambridge University Press, 2017). This book is available at the Studystore, Maastricht or can be ordered on Amazon.
- Furthermore, it is convenient for students to have a copy of The Legal Texts - The Results of the Uruguay Round of Multilateral Trade Negotiations (Cambridge University Press, 1999).
- 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), and the website of the International Centre for Trade and Sustainable Development (<http://www.ictsd.org/>) are also excellent sources of information.

IER4002

Period 1

4 Sep 2017

27 Oct 2017

[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

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

16 Apr 2018

15 Jun 2018

[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

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, issues, 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. In the final part of the course, we will look into issues relating to financing international trade, for instance looking into the letter of credit (UCP 600) and bank guarantees (URDG).

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 such as the effectiveness of measures intended to unify 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

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 2010, 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

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.

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[N. Kornet](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Participation

Keywords:

Commercial law, International sale of goods, CISG, Incoterms 2010, International carriage of goods (by road, by sea, multimodal), commercial payment mechanisms

Faculty of Law

Human Rights and Human Development

Full course description

Human rights and human development is not a separate branch of public international law or international human rights law. It is rather a hybrid area of social, legal and certainly also academic interest. It draws inspiration from different approaches and disciplines, such as law, development studies, economics, social sciences and globalisation studies that aim to reframe discussion of development from being purely economics oriented, to operating within a background of normative concepts such as rights and responsibilities. For example, UNDP has described development as ‘the process of enlarging people’s choices, by expanding human functionings and capabilities. (..) It represents a process as well as an end.’ (UNDP Development Report 2000, p. 17). Under this understanding rights are neither a tool nor an obstacle for development, but the substance of development itself.

This course is theoretical and practical. At the theoretical level it familiarizes students with interdisciplinary thinking on human rights and economic justice. At the practical level, it seeks to equip students with the tools needed to analyse public policy using human rights as standards. What this course is not is an exploration of the dogmatic content of a field of law (ie. environmental law, international law, etc.). Human rights and human development is a interdisciplinary field that critiques existing law from an external perspective, and although some legal materials may be friendly to human development, these materials do not coalesce into a mature field of law.

In using a right-based approach to sustainable globalization, this course goes beyond the traditional legal boundaries between public and private law and is envisaged as a unifying tool building bridges between the respective bodies of law that affect development issues. It does not necessarily provide new "black letter" law on these questions, but rather a referential framework to observe, analyze and assess the impact of development oriented norms and practices at the local and global levels.

Course objectives

- Students acquire knowledge about the legal aspects of development from a human rights perspective.

- Students understand the demands that the law makes on key aspects of global economic order.
- Students are able to conduct an analysis of public policy issues relevant to development by using human rights as a standard for evaluation.

Prerequisites

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

Recommended reading

As there is no textbook on Human Rights and Human Development issues from a holistic perspective, the planning group has opted for a combination of different types of materials: a reader, chapters from academic books, on-line journal articles, primary legal sources and materials from websites.

IER4004

Period 5

16 Apr 2018

15 Jun 2018

[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)

Keywords:

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

Faculty of Law

ELSA WTO Law Moot Court Competition

RMA0086

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Faculty of Law

Willem C. Vis Moot Court Competition

LAW5604

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

Assessment methods:

Presentation

Faculty of Law

Comparative Corporate Governance

Full course description

Corporate failures, accounting scandals and the credit crisis have resulted in an entirely new view on corporate governance. The roles and responsibilities of the various stakeholders of the corporation have to be revisited. In this course we will explore the corporate governance aspects of this new national and international environment. We will review relevant corporate governance concepts in The Netherlands, the US, the UK, Germany and possibly other jurisdictions and thereby concentrate on the corporate governance statutes and codes as employed in these jurisdictions. In general, corporate governance is about managing the corporation for the benefit of a wide range of stakeholders in a society that in turn benefits from well managed corporations. We will investigate to what extent the recent developments in the modern society impact corporate law and corporate governance, focusing on the commonalities and differences between various jurisdictions. We will deal with the legal aspects of inter alia corporate organization, transparency, control, accountability and division of responsibility.

Course objectives

The purpose of the course is to:

- Develop the knowledge, theories and skills for legal analysis emphasizing corporate governance in the economic, political and social spheres of influence;
- Acquaint students with corporate governance from a legal perspective and raise awareness of various corporate governance codes, rules and regulations;
- Introduce students to the theoretical foundations of corporate governance and enabling them to apply these by means of writing a paper, in class discussions and applying them to case studies;
- Develop an awareness of the practical problems associated with the interaction of the board, management, shareholders and other stakeholders of a corporation;
- Develop technical skills necessary to evaluate the governance of a company from the perspective of an investor or potential investor in the company and compare potential solutions;
- Identify governance dilemmas in the corporate community and analyze the opportunities of and

threats to national and multinational corporations and their board(members);

- Help students analyze, interpret, and collect information about specific corporations and their efforts or non-efforts in the area of corporate governance, and
- Encourage students to sharpen their research and problem-solving skills.

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

Prescribed and supplementary readings will be made available in a reader or are either easily accessible electronically or to be found in the university library. Additional required and recommended readings will be listed on EleUM.

PRI4012

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[M. Olaerts](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

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

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);
- 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);
- balancing investment protection with other public interests (on the host states' right to regulate, on exceptions and defenses justifying breaches of host states' obligations under international investment agreements).

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 in class.

Prerequisites

A previous course in public international law.

Recommended reading

- The main textbook used in this course is Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 2nd edition (Edward Elgar Publishing, 2016).
- 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 and Journal of International Dispute Settlement.
- Various online resources are also excellent sources of information, incl. for example the UNCTAD's Investment Policy Hub website or the Investment Treaty Arbitration website.

IER4015

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

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 and Economic Dispute Resolution addresses several distinct, yet not unrelated, systems of resolution of commercial and economic disputes that may arise between parties involved in international commerce. One system relates to disputes between economic operators, including primarily private parties. Another system concerns disputes arising between sovereign states mutually bound by international trade agreements. In between these two systems (a private system of dispute resolution between private parties and a public system of dispute resolution between states), yet another system covers disputes of a mixed nature, namely those arising between private investors and sovereign states bound by international investment agreements. While all these systems are rather different in their nature (private, public or a mixture thereof), they share many important commonalities.

This course covers the system of resolution of private commercial disputes through mediation, arbitration and litigation; the settlement of private-public investment disputes between investors and states through investment arbitration; as well as the system of resolution of trade disputes in the context of the World Trade Organization (WTO). The latter plays a crucial role in resolving high profile disputes between its 160 Members, disposing of the most active and – according to some – the most powerful inter-state dispute settlement system in history.

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 will have acquired specialist level knowledge with regard to 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 acquire specialist's knowledge of the interrelationship between the various dispute resolution discussed in the course, mechanisms and the practical implications of these interrelationships.

Prerequisites

IER5016

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

Philip Jessup international law moot court

LAW4602

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[M.W. Wolleswinkel](#)

Teaching methods:

Presentation(s)

Assessment methods:

Presentation

Faculty of Law

International Criminal Law

Full course description

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

Course objectives

The goal of this course is to gain a deep understanding of both the substantial and procedural law of the vast and fragmented area of international criminal law. Students will be able to identify the elements of international crimes as well as the modalities of criminal responsibility for those crimes.

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

Prerequisites

- Good knowledge of substantive criminal law and criminal procedure
- Basic knowledge of international law

Recommended reading

- R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2014, 3rd ed.
- Additional literature indicated for each week

CRI4023

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A.H. Klip](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

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 enforcement. Particular attention will be paid to current challenges to International Humanitarian Law, such as asymmetric warfare, targeted killings by drones, cyber warfare 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, Iraq and the Middle East.

Course objectives

Students that have successfully completed this course are able to apply the rules and principles of International Humanitarian Law 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 (Cambridge: CUP, 2015)

IER4022

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J. Vidmar](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Faculty of Law

State Aid and Public Procurement

Full course description

Public contracts awarded through public procurement proceedings account for a significant part of EU Member States' expenditure. Even though the EU aims to provide a legal framework governing public procurement procedures to avoid distortion of competition, procurement transactions may be prohibited if they qualify as State aid. The course combines the fields of public procurement and State aid, presents the two fields from different angles and reflects on the important link between the two fields. Topics that will be identified are: procedural elements of public procurement, green public procurement, in-house contracts, concessions, enforcement of public procurement, the economic rationale of State aid, regional aid, the limits of the definition of State aid, the relation of State aid to the fundamental freedoms as part of the balancing test, proper State aid procedure.

Course objectives

This Master Course provides EU and non EU students with relevant knowledge in the fields of public procurement law and State aid and helps them to understand their underlying relationship. The course ensures that students have a thorough understanding of the rationale of procurement procedures and the circumstances under which State aid is allowed. Students will be able to relate the two fields and to identify whether the financing of services of general economic interest may confer an economic advantage despite the application of the public procurement Directives. Students will diagnose that public procurement principles such as transparency may affect free competition and facilitate collusion. During active tutorial group meetings students have to analyze and discuss different problems and will learn to present and express their opinion. This will lead to the oral presentation of a paper on State aid and/or public procurement.

Recommended reading

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

IER4014

Period 5

16 Apr 2018

15 Jun 2018

[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

30 Oct 2017

22 Dec 2017

[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

European and National Constitutional Law

Full course description

This mastercourse is a compulsory course in the public law track of the European Law School master programme and an elective for students in the other track of ELS, and for students in the master Globalisation and Law, International Laws and Nederlands recht (Dutch Law). The course focuses on the relationships between EU law and domestic constitutional law and for the latter part in a comparative setting. The course is not a purely or exclusively legal one, but also devotes quite some attention to political processes and developments, since these cannot and should not be ignored.

We will seek to discuss and analyse 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 democracies and how to assess the option of dual legitimacy. The course has therefore a vertical approach (EU- national member-states), as well as a horizontal perspective, looking into the impacts and practices in a few national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis- a- vis EU law making, for instance) but allows also plenty of room to relate to topical discussion papers and state of discussions about the optimal or desired balances between EU and member states. It is also evident that we will try furthermore to include recent events and steps in the integration process or national developments, such as national or elections for the EP, rule of law issues in Poland, or the Brexit.

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 policymaking 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. Not only on one level (EU or state) but also in collaboration between levels and between EU and states. The goal of this course is to show actual developments in domestic constitutional law and its relation to European constitutional law. This course furthermore shows the interaction between national and European constitutional law and its multi-layered aspects. It is therefore relevant to know who is/are involved and how decisions relate to one another. And this is the case in rulemaking, and their execution and implementation of rules and policies. The new Single Supervisory Mechanism (SSM) for the European banking supervision is one of the examples where two systems of supervision do exist: one for major banks and one for the other banks; the former to be exercised by the ECB and the latter by the national authorities. However the states are not free in their supervision, but have to apply EU rules and operate under the ECB oversight.

Modern lawyers cannot in many domains operate without insight in the interaction of EU competences

and national authorities' powers. 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-week 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. We will focus on the phenomenon of multi-layered legal systems; on the process of law-making and the role of national parliaments in implementing EU directives or trying to block EU law making (the so called yellow card), and also the role of national parliaments in holding their ministers and governments accountable for their input in EU decision-making. Furthermore we will devote attention to national budgetary law-making and the European Semester and the requirements posed by EU rules for national budgets and their enforcement. 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 more focus, or towards a political union and more transparency. Finally we will focus on the courts and their role in the application and enforcement of EU law as well as on human rights where courts do play their role and which is a nice example of the interplay between different courts (national, EU and European Convention of Human Rights) and different human rights documents (Constitutions, Charter, European Convention).

Course objectives

Students will have a thorough understanding of the interaction between EU and national (constitutional) law.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as advanced European Law and Fundamental Rights. Furthermore we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system as well as a sound political interest. In case you have started the ELS program in the beginning of 2017 (and this course is actually one of your first courses in the master ELS program), we do recommend to acquaint yourself of the necessary knowledge of (institutional) EU law. We do also recommend strongly to follow the relevant news about EU integration 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

Unfortunately there is not one book on all subjects of this course. Many of the issues are recent and current, which means that we will have to cope with policy documents and only a few academic articles. For that reason we intend to have a small syllabus ready and will have compiled materials for the various parts of this course. We are aware however that 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 post these materials on 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. These are easily downloadable or may be found in the university library. When not, we have made it available in a paper-reader. 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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam, Presentation

Keywords:

Legitimacy, multi layered democracy, sovereignty, internationalization/globalization/Europeanisation, rule of law, banking union, economic union, fundamental rights protection, European Semester

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

5 Feb 2018

6 Apr 2018

[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

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 various responses to the financial crisis, the various components of the banking union and the emerging body of related case law. An innovative feature of the course is the explanation of 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

- 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 nascent banking union.
- Cohesive synthesis of past problems, recent solutions and remaining challenges facing the EMU.

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 economic and financial crisis.
- 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.

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 law: R. Lastra & JV Louis, *European Economic and Monetary Union: History, Trends, and Prospects*, *Yearbook of European Law*, (2013), pp. 1-150.
- On the economics of EMU: Corresponding chapters in R. Baldwin & C. Wyploz, *The Economics of European Integration*, (McGraw-Hill, 2012).
- On both law and economics, with analysis of institutional structures: H. Geeroms, S. Ide & F. Naert, *The European Union and the Euro*, (Intersentia, 2014).

Period 5

16 Apr 2018

15 Jun 2018

[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

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 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. European rules 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. This kind of dilemmas of free trade versus protection of human health and the environment raises the mighty problem of how to integrate scientific expertise into decision-making and confronts the EU with legal, political and practical problems, which are inherent to the very specific nature of risk regulation, the very characteristics of the EU's transnational structure 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 an in-depth and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Interactive 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 and assess specific cases at hand, whilst enhancing their practical and oral skills.

- By means of a paper students will identify a particular problem in the field of the internal market law and governance and will formulate a specific research question, analyse this problem 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

30 Oct 2017

22 Dec 2017

[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 Globalisation and Law compulsory courses

Faculty of Law

Corporate Social Responsibility

Full course description

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

- the conceptual foundations of CSR, CSR as normative and as operational concept and the voluntary vs mandatory debate; the European Union CSR Strategy 2011-2014;

- the external and internal dimensions of CSR and its relation to corporate governance; the ethics/values approach and the risk management approach as complementary strategies;
- The substantive scope of CSR: the so-called 'Triple P' (People, Planet and Profit) approach;
- Regulation models of CSR, internationally and nationally: public international law, treaties, International Governmental Organisations' resolutions and instruments, domestic hard law, soft law, self-regulation (including company codes) and uncodified norms, their interdependence, interaction and enforcement.
- Sectoral Triple P regulation and General CSR regulation: accountability and transparency, corporate law and shareholder vs stakeholder theories and models, tort law and criminal law. Both sectoral and general approaches in national and international context: eg Organization of Economic Cooperation and development (OECD) guidelines for multinational enterprises and United Nations (the UN Global Compact and the UN Guiding Principles on Business and Human Rights) and European Union initiatives.
- The external focus of CSR: dialogue with and enforcement by external stakeholders.
- The CSR management toolbox for the embedding of CSR norms in the company's organisation and operations through a legal lens: strategy, policy, due diligence, training, compliance, enforcement and conflict management.

Course objectives

Students will obtain a general understanding of the concept of CSR and its role and position in international business and law and regulation. They will become familiar with the relation of CSR, with the main relevant legal fields and management techniques to embed CSR in the company's organisation both from a legal and operational perspective. They will also obtain an understanding of the role, views and action possibilities of civil society to discipline corporations and to hold them accountable. Through this course students will acquire up-to-date knowledge and an understanding of the links between democracy, human rights, sustainable development and the consequences of globalization of business.

By making use of various case studies and a paper assignment, students will learn how to analyse the potential consequences of globalisation for the operation of companies and will learn how these consequences can be addressed by means of private and/or public regulation. They will learn how to compare the various solutions used in practice, apply these to specific cases and assess them on their merits.

Prerequisites

A basic understanding of international law, human rights law and corporate law are required.

Recommended reading

The literature will mainly be based on a compilation of articles. The following handbooks can be consulted on the topic but do not constitute the required reading for this course.

- McBarnet, Voiculescu and Campbell, *The New Corporate Accountability*, Cambridge University Press (2009) (recommended)
- Kerr, Landa and Pitts (ed), *Corporate Social Responsibility, A legal Analysis*, Lexis Nexis, Toronto (2009) (recommended)
- Bryan Horrigan, *Corporate Social Responsibility in the 21st Century- Debates, Models and Practices Across Government, Law and Business* Edward Elgar (2010); (recommended)
- John G. Ruggie, *Just Business, Multinational Corporations and Human Rights*, W.W. Norton & Company, New York (2013) (recommended)
- P.T. Muchlinski, *Multinationals and the Law* (Oxford University Press, 2007) and (Lexis Nexis Canada,

2009) (recommended).

LAW4037

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

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

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

- Malcolm D. Evans (ed.), *International Law*, Oxford, Oxford: University Press, 2014 (4th edition).
- Blackstone's *International Law Documents*, Oxford: Oxford University Press, 2013 (11th edition).

IER4021

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Elective courses

Master Globalisation and Law electives

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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[G. van Dijck](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

verzuim en ingebrekestellingl. Consumentenkoopm. Conformiteitn. Productenaansprakelijkh eid

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: . - 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). . 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; - concrete versus abstracte schadebegroting; - de (beperkte) kring van gerechtigden. Ten slotte komt een enkel aangrenzend voor schadeclaims relevante deelgebied in het blok 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 is de afgelopen jaren onder meer aandacht besteed aan het leerstuk van de proportionele aansprakelijkheid (incl. kans schade) en de lotgevallen van het wetsvoorstel verruiming schadevergoeding bij letsel en overlijden).

Recommended reading

Literatuur: Het blokboek bevat een uitgebreid overzicht van relevante literatuur en jurisprudentie. Tot de basisliteratuur worden gerekend: - Asser-Hartkamp/Sieburgh 6-II, Verbintenissenrecht. De verbintenis in het algemeen, tweede gedeelte, 14e druk, Kluwer, Deventer 2013; - Asser-Hartkamp/Sieburgh 6-IV, Verbintenissenrecht. Verbintenis uit de wet, 14e druk, Kluwer, Deventer 2015; - J. Spier c.s., Verbintenissen uit de wet en Schadevergoeding, 7e druk, Kluwer, Deventer 2015.

PRI4008

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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:

- Door docent verstrekte teksten.

MET4001

Period 5

16 Apr 2018

15 Jun 2018

[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). Given the increasing mobility and internationalisation of the child and of families, it is also a specialist topic.

Family Law in Europe will be considered from two perspectives. First, we discuss and analyse the influence of human rights law, notably articles 8 and 12 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 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.

The national differences in substantive family law can be bridged by private international law. The second perspective of this course is thus the rules on private international law in family matters. The process of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law is given particular attention. 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;
- 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; and
- (EU) citizenship.

Students are encouraged to study their domestic legal system.

There will be seven tutorials and six 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 they are 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

M.N. Wells-Greco

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.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of the historical development of property law in Europe.
- Fundamental comparative knowledge of leading values and principles, underlying policies and policy choices, fundamental concepts and basic rules.
- Basic knowledge as to the various harmonization attempts (with a focus on the European Union, but also worldwide) in the area of property law.
- Basic knowledge of 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

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

Ondernemingsrecht

Full course description

In dit blok staan de interne en externe aspecten van de ondernemingsgewijze bedrijvigheid centraal. 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. In dit blok wordt binnen het terrein van het vennootschapsrecht indringend gefocust op twee leerstukken, te weten het concernrecht en het gebied van fusie en overnames, in de praktijk aangeduid als 'Mergers and Acquisitions (M&A)'.

Course objectives

Het doel van dit blok is de deelnemers inzicht te bieden in de regelgeving en de praktijk van deze twee maatschappelijk uiterst relevante leerstukken binnen het Europees en internationaal ondernemingsrecht. De behandeling van de verschillende aandachtsgebieden vindt in groepsbijeenkomsten plaats op basis van een uitdagende casusposities. Naast deze groepsbijeenkomsten en de werkcolleges zal een aantal colleges worden gegeven door wetenschappers en praktijkjuristen waarbij het accent ligt op actuele ontwikkelingen in wetgeving en rechtspraak.

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

- Asser/Maeijer 2-III, Vertegenwoordiging en rechtspersoon, De naamloze en besloten vennootschap, bewerkt door J.M.M. Maeijer, Deventer: W.E.J. Tjeenk Willink, laatste druk; - S.M. Bartman & A.F.M. Dorresteyn, Van het concern, laatste druk; - P. van Schilfgaarde, Van de BV en NV, bewerkt door J.

Winter, Deventer: Kluwer, laatste druk.

PRI4007

Period 1

4 Sep 2017

27 Oct 2017

[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, SPE.

Faculty of Law

Verdieping Strafprocesrecht

Full course description

Het blok Verdieping strafprocesrecht is een keuzeblok binnen de Master Nederlands Recht en een verplicht onderdeel voor de studenten die in de Master Nederlands Recht het Profiel Strafrecht willen volgen. Doel van het blok is een verdieping en verbreding van de in de bachelor opgedane kennis van het strafprocesrecht. In dit blok worden ontwikkelingen in het strafprocesrecht belicht vanuit mensenrechtelijk oogpunt, met name vanuit het Europees Verdrag tot bescherming van de Rechten van de Mens (EVRM). Het belang van deze benadering van het strafprocesrecht vanuit een grondrechtenperspectief neemt toe naarmate die grondrechten onder druk komen te staan, ondermeer in het kader van de bestrijding van georganiseerde misdaad en terrorisme. Daarnaast heeft de rechtstreekse werking van het EVRM een grote invloed op de nationale rechtspraak. Centraal in het blok staan de eisen die vanuit mensenrechtenverdragen worden gesteld aan strafrechtelijke procedures en de wijze waarop uitspraken van het Europees Hof voor de Rechten van de Mens (EHRM) inzake deze eisen doorwerken in de nationale strafrechtspleging. De onderwerpen die aan de orde komen, zijn gegroepeerd rond een aantal voor het strafrecht relevante mensenrechten, met name: - artikel 3 EVRM (verbod van foltering) en het (gewelddadig) optreden van de politie bij arrestaties; - artikel 5 EVRM (recht op vrijheid en veiligheid) en de vrijheidsbeneming van verdachten, - - artikel 6 EVRM (recht op een eerlijk proces) waaronder de onschuldpresumptie, de redelijke termijn en de rechten van de verdediging; - artikel 8 EVRM (recht op eerbiediging van privé-familie- en gezinsleven) en de toepassing van bijzondere opsporingsbevoegdheden en dwangmiddelen die inbreuk plegen op de privacy. Verder wordt een aantal bijzondere strafrechtelijke procedures bestudeerd, zoals de herziening in strafzaken naar aanleiding van een veroordeling in

Straatsburg, de ontnemingsprocedure, en de procedure inzake vergoeding wegens onterechte ondergane voorlopige hechtenis.

Course objectives

- inzicht in de invloed die het EVRM uitoefent op het Nederlandse strafprocesrecht; - inzicht in de gebieden waar het EVRM weinig of geen invloed heeft/kan hebben; - Inzicht in de wisselwerking tussen nationaal recht en mensenrechtenverdragen en nationale gerechtelijke instanties en het EHRM - kennis van belangrijke arresten van het EHRM waarin een schending van art. 3, 5, 6 en 8 EVRM in strafrechtelijke procedures aan de orde werd gesteld en van de belangrijkste basisprincipes die uit deze jurisprudentie kunnen worden afgeleid; - kennis van belangrijke arresten van de HR in strafzaken waarin een schending van art.3, 5, 6 en 8 EVRM aan de orde werd gesteld en waarin de Nederlandse praktijk getoetst werd aan het EVRM; - ontwikkeling van een kritische houding ten aanzien van de bestudeerde problematiek.

Recommended reading

G.J.M. Corstens, Het Nederlands strafprocesrecht, Deventer, Kluwer, laatste druk; P. van Dijk en G.J.H. van Hoof, Theory and Practice of the European Convention on HumanRights, The Hague, Kluwer Law International, laatste druk, of D.J. Harris, M. O'Boyle and C. Warbrick, Law of the European Convention on Human Rights, London, Butterworths, laatste druk, of A.W. Heringa e.a., EVRM, Rechtspraak en Commentaar, Den Haag, SDU Uitgevers, losbladig; A.E. Harteveld, B.F. Keulen en H.G.M. Krabbe, Het EVRM en het Nederlandse strafprocesrecht, Deventer, Kluwer, laatste druk; T. Barkhuysen, M.L. van Emmerik en E.R. Rieter, Procederen over mensenrechten onder het EVRM, het IVBPR en andere VN-verdragen, Nijmegen, Ars Aequi Libri, laatste druk. Voorts diverse artikelen uit vaktijdschriften die betrekking hebben op de deelonderwerpen, en in het bijzonder (recente) jurisprudentie, zowel van de Hoge Raad als van het EHRM.

CRI4002

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[A.H. Klip](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

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

CRI4003

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

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 2

30 Oct 2017

22 Dec 2017

[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

Insolventierecht

Full course description

In het blok Insolventierecht wordt uitgebreid kennis gemaakt met de juridische aspecten van de twee meest voorkomende insolventieprocedures: het faillissement en de schuldsanering natuurlijke personen. De surseance van betaling komt slechts zijdelings aan bod, mede omdat die in de praktijk niet goed functioneert. In insolventieprocedures komen problemen uit vele rechtsgebieden tegelijkertijd aan de orde. De afwikkeling daarvan is een juridisch complexe aangelegenheid, omdat juist dan moet blijken welk van de conflicterende belangen van de verschillende betrokkenen het sterkst is. Het is dan ook noodzakelijk om de juridische positie van alle rechtssubjecten die bij een insolventie procedure betrokken zijn grondig te kunnen analyseren. Op hoofdpunten komen de volgende onderwerpen aan bod: - De hoofdbeginselen en het verloop van de faillissementsprocedure; - De actoren in de faillissementsprocedure; - Voortzetting en doorstart van een onderneming na faillissement; - De positie van de fiscus in faillissement; - Bestuurdersaansprakelijkheid; - Het materiële insolventierecht met nadruk op belangrijke leerstukken als de actio Pauliana en verrekening; - Grensoverschrijdend insolventierecht; - De hoofdbeginselen en het verloop van de schuldsanering.

Course objectives

Doel van het blok is om inzicht te geven in de hiervoor beschreven materie en de student daardoor in staat te stellen om de diverse problemen in een insolventieprocedure te onderkennen en die zelfstandig en adequaat tot een oplossing te brengen.

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

A.M.J. van Buchem-Spapens en Th.A. Pouw, Faillissement, surseance van betaling en schuldsanering, Monografieën Privaatrecht 2, Kluwer Deventer, 9e druk, 2013. N.J. Polak, Insolventierecht, bewerkt door M. Pannevis, Kluwer Deventer, 13e druk, 2014 (verschijningsdatum: omstreeks eind september 2014).

PRI4010

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[S. Renssen](#)

Teaching methods:

Lecture(s), Assignment(s), PBL

Assessment methods:

Written exam

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, 2015 jurisprudentie en zo nodig overige literatuur, met name tijdschriftartikelen

PUB4018

Period 2

30 Oct 2017

22 Dec 2017

[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, behoefteigheid en bijstand, ziekte, verzuimbeleid en re-integratie, langdurige, arbeidsongeschiktheid, WIA, WGA en IVA, eigen risicodragen

Faculty of Law

Verdieping Sociale Zekerheid

Full course description

In het blok Verdieping sociale zekerheid staan sociale zekerheidsrechtelijke onderwerpen die summier, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Sociale zekerheid

centraal. Zo worden vraagstukken in Europeesrechtelijk of rechtsvergelijkend perspectief geplaatst en is er aandacht voor procesrecht, de positie van de gemeenten en voor ontwikkelingen in de sociale zekerheid. De rode draad casus uit blok 1 wordt weer opgepakt. Opdrachten worden vooral in studiegroepjes van maximaal 4 personen uitgevoerd. Een aantal malen zal echter een individuele inbreng worden vereist. De gemeente Maastricht fungeert als belangrijk opdrachtgever in dit blok. Ook geven gastdocenten onderwijs (college en/of onderwijsgroepen) in procesrechtelijke aspecten van het socialezekerheidsrecht en vindt er een (voorbereid) bezoek aan de rechtbank plaats.

Course objectives

Het blok vormt een verdieping op en verbreding van het parallel lopende blok sociale zekerheid. De student heeft kennis van en inzicht in de verschillende onderwerpen die in het blok aan de orde komen (Basiswaarden in de sociale zekerheid, werkloosheid en bijstand, waaronder speciale aandacht voor de drie D's, ziekte en arbeidsongeschiktheid, bestuursprocesrecht). Hij kan zelfstandig alle noodzakelijke en relevante literatuur, jurisprudentie en overige informatie opzoeken en naar waarde beoordelen. Hij bezit de vaardigheid om zijn kennis op heldere wijze zowel schriftelijk als mondeling over te dragen. 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 op abstract en concreet niveau rechtsvergelijkende vraagstukken benaderen. Hij kan in teamverband werken en is in staat een reflectie te geven op eigen gedrag en dat van anderen. Hij kan schriftelijk processtukken opstellen en deze mondeling uitdragen.

Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

Recommended reading

Literatuur: in overleg met de tutor

PUB4001

Period 2

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Portfolio

Keywords:

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

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

5 Feb 2018

6 Apr 2018

[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

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[F.B.J. Grapperhaus](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Gezondheidsrecht

Full course description

In het blok Gezondheidsrecht komen verschillende aspecten van de gezondheidszorg en het gezondheidsrecht aan de orde. Het accent ligt bij die onderwerpen die, behalve voor de algemene (curatieve) relatie hulpverlener – patiënt/cliënt, van belang zijn voor de relatie tussen een (zieke) werknemer, diens werkgever, de bedrijfsarts (arbodienst) en de verzekeringsarts (UWV). De thema's die worden belicht, houden verband met de situatie van 'ziek zijn' (met als eerste vraag: wanneer is sprake van 'ziekte?') en onderwerpen die daarmee samenhangen. Zowel preventie van ziekte als geneeskundige behandeling en begeleiding bij ziekte krijgen aandacht. In de eerste helft van het blok wordt ingegaan op de beginselen die een belangrijke plaats innemen in het Gezondheidsrecht, op de rol van grondrechten en op de systematiek en inhoud van het Gezondheidsrecht. Hiernaast komt de organisatie van de gezondheidszorg aan de orde, met een toespitsing op de bedrijfsgezondheidszorg. Verder worden de toegang tot en de kwaliteit van de zorg uitgebreid belicht. De invalshoek is hierbij vooral publiekrechtelijk. In de tweede helft van het blok volgt, vanuit veelal privaatrechtelijk perspectief, een bespreking van de wetgeving inzake de geneeskundige behandelingsovereenkomst (afdeling 7.7.5 BW). Nadat dit onderwerp eerst in algemene zin is belicht, wordt het – meer specifiek – bezien voor de relatie tussen de bedrijfs- en de verzekeringsarts en de (zieke) werknemer en daarbij betrokken derden, zoals de huisarts en/of de medisch specialist bij wie de (zieke) werknemer in behandeling is. Vervolgens wordt ingegaan op de handhaving van de rechten van de patiënt. In dit verband komen de klacht- en geschillenbehandeling, het tuchtrecht en de civiele aansprakelijkheidsprocedure in kort bestek aan de orde. Ook hier staat eerst de algemene (curatieve) situatie centraal, om daarna de rechtshandhaving op het terrein van de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde te bekijken. Een afzonderlijke plaats is in het blok ingeruimd voor het recht van de patiënt/(zieke) werknemer op geheimhouding van zijn medische gegevens. Bij de informatieuitwisseling tussen de werkgever, werknemer, bedrijfsarts/arbodienst, curatieve sector (huisarts, medisch specialist), verzekeringsarts/UWV en andere betrokkenen speelt het privacyaspect een belangrijke rol. Juridisch gezien is deze materie nogal complex; zij doet de nodige vragen rijzen en kan lastige dilemma's doen ontstaan. Het blok wordt afgesloten met een onderdeel dat is gewijd

aan het zorgverzekeringsstelsel. Het accent ligt hier bij de Zorgverzekeringswet en aanverwante regelgeving. Hoewel het blok hoofdzakelijk het huidige Nederlandse recht behandelt (en ontwikkelingen daarin), heeft het tevens oog voor hetgeen op Europees niveau gebeurt. In toenemende mate is (het beleid inzake) de gezondheidszorg ook een aandachtsgebied van de Europese Unie. Onderwerpen zoals de 'grensoverschrijdende' patiënt en de 'grensoverschrijdende' hulpverlener, e-health en 'grensoverschrijdende' privacyaspecten (denk onder meer aan spoedeisende zorg in een andere dan de eigen EU-lidstaat, waarbij de beschikbaarheid van gezondheidsgegevens uit het medisch dossier vaak van groot belang is) houden behalve de lidstaten zelf ook de EU bezig. Daarom is, met name in week 1, ook een Europeesrechtelijk element in het blok opgenomen.

Course objectives

Het verwerven van kennis van, en inzicht in, het systeem en de inhoud van het Gezondheidsrecht in algemene zin. Hiernaast, meer specifiek, het verwerven van kennis van, en inzicht in, gezondheidsrechtelijke leerstukken die gerelateerd zijn aan het arbeids- en het sociale zekerheidsrecht, in het bijzonder: juridische aspecten van de beroepsuitoefening door de bedrijfs- en de verzekeringsarts.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Leerboek Gezondheidsrecht, derde druk, Houten: Bohn Stafleu van Loghum, 2013. Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Hiernaast wordt gebruik gemaakt van een literatuurklapper en een jurisprudentieklapper. Nadere informatie over de te gebruiken wetgeving, literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst verstrekt door de tutor.

LAW4001

Period 4

5 Feb 2018

6 Apr 2018

[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

Verdediging en Rechtsmiddelen in Strafzaken

Full course description

Positie van de verdediging in het strafproces (zie blokboek) 1. Afbakening: taak en rol opvatting van de strafrechtadvocaat – gedragsregels – statuut – kaderbesluit minimumgaranties – verschillende procedures (strafrechtelijk, tuchtrechtelijk – materieel en procedureel) 2. Effectieve verdediging: het recht op rechtsbijstand – equality of arms – effectieve verdediging (kernbegrippen) – het instrumentarium (privileges en processuele bevoegdheden) – verdedigingsbelang / belang van het onderzoek – misbruik van procesrecht – toevoegingproblematiek 3. Voor de zitting I (opsporingsfase): opsporing en (gerechtelijk) vooronderzoek – dwangmiddelen en opsporingsbevoegdheden – rechtsmiddelen tegen de toepassing van dwangmiddelen en opsporingsbevoegdheden 4. Voor de zitting II (gedetineerde verdachte): vrij verkeer – beperkingen – onthouding stukken – rechtsmiddelen tegen de toepassing van vrijheidsbenemende dwangmiddelen 5. Voor de zitting III: consultatierecht – raadsman bij verhoor – audiovisuele registratie van verhoren – tegenstrijdige belangen 6. Zitting: gemachtigde raadsman – zittingsincidenten – getuigen / deskundigen – verweren – pleidooi / pleitnota – instellen appèl – afschrift oproeping aan raadsman 7. Na de zitting: gewone rechtsmiddelen – schadevergoeding en vergoeding van gemaakte kosten (art. 89, 591 en 591a Sv) – buitengewone rechtsmiddelen – procedure EHRM

Course objectives

De eindtermen van dit blok kunnen als volgt worden samengevat. Doelstelling is het verhogen van kennis van en verschaffen van inzicht in: - het straf(proces)recht en de procedurele waarborgen die het strafproces de verdachte biedt; - de taak en de rol van de verdediging in het strafproces; - 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; - beroepsethische dilemma's en de verhouding met de andere professionele deelnemers aan het strafproces, de officier van justitie en de rechter; - de mogelijkheden van de verdachte om beslissingen van de strafrechter voor te leggen aan andere rechterlijke autoriteiten en de hierbij behorende juridisch-technische problemen en strategische overwegingen; - de gedragsregels en het tuchtrecht voor advocaten (in strafzaken).

Recommended reading

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

CRI4009

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

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

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging, rechtsmiddelen

Faculty of Law

Verdieping Gezondheidsrecht

Full course description

Het blok Verdieping gezondheidsrecht stelt een aantal thema's aan de orde die, mede gezien de actualiteit, een belangrijk plaats innemen in het gezondheidsrecht en de beoefening daarvan in de rechtspraktijk. Het eerste deel van het blok besteedt aandacht aan het functioneren van zorginstellingen en hun bestuur. Aan de orde komen onder meer de toelating van zorginstellingen (Wet toelating zorginstellingen), de taken en verantwoordelijkheden van Raden van Bestuur (RvB) en Raden van Toezicht (RvT) en de positie van cliëntenraden. Ook wordt ingegaan op juridische (gezondheidsrechtelijke) aspecten van samenwerking en fusies van zorginstellingen en op de relatie tot derde partijen, zoals zorgverzekeraars. Dit 'governance' gedeelte wordt gevolgd door een onderdeel waarin de rechtspositie van zorgverleners, in het bijzonder medisch specialisten (en hun maatschap of andere samenwerkingsvorm), centraal staat. Ingegaan wordt op hun juridische relatie tot het ziekenhuis (samenwerkingsovereenkomst, dienstverband), evenals - in samenhang daarmee - op de ontwikkelingen rond de integrale bekostiging van medisch-specialistische zorg (per 1 januari 2015) en de gevolgen daarvan voor de rechtspositie van medisch specialisten. Verder wordt stilgestaan bij het disfunctioneren van medisch specialisten: wanneer is hiervan sprake, welke verantwoordheden rusten alsdan op collegae-artsen, de RvB en bijvoorbeeld de Inspectie voor de Gezondheidszorg? Welke mogelijkheden tot ingrijpen staan hen ter beschikking? Hierbij komt ook (de rechtspraak van) het Scheidsgerecht voor de Gezondheidszorg aan de orde. De aandacht verlegt zich vervolgens naar de patiënt/cliënt zelf: welke rechten (en plichten) komen aan hem toe en wat is zijn rechtspositie bij medische fouten? In dit verband komen de hoofdlijnen van het medisch aansprakelijkheidsrecht aan de orde. Dit onderdeel van het blok is mede rechtsvergelijkend van aard; in het bijzonder het recht van België en Duitsland zal fungeren als vergelijkingsmaatstaf voor het Nederlandse recht. De resterende weken van het blok zijn Europeesrechtelijk van aard. De rol van de Europese Unie op het gebied van de gezondheidszorg wordt hierin belicht. Evenals in de andere onderdelen van het blok wordt mede stilgestaan bij nieuwe ontwikkelingen in de wet- en regelgeving, de literatuur en de rechtspraak.

Course objectives

Het verdiepend, en met aandacht voor het verwerven van vaardigheden (uitwerken van opdrachten, verrichten van rechtsvergelijkend en Europeesrechtelijk onderzoek, schrijven van een paper, samenwerken in groepsverband), opdoen van kennis van en inzicht in een aantal belangrijke gezondheidsrechtelijke leerstukken.

Prerequisites

Het blok kan separaat worden gevolgd, maar gezien de basis die het blok Gezondheidsrecht legt met betrekking tot de algemene gezondheidsrechtelijke leerstukken en aspecten, verdient het de voorkeur om het blok te combineren met dit laatste blok.

Recommended reading

Engberts, D.P. en Kalkman-Bogerd, L.E., Gezondheidsrecht, derde herziene druk, Houten: Bohn Stafleu van Loghum, 2013. Leenen, H.J.J., Dute, J.C.J., Gevers, J.K.M., Legemaate, J., Groot, G.R.J. de, Gelpke, M.E. en Jong, E.C.J. de, Handboek gezondheidsrecht, zesde druk, Den Haag: Boom Juridische uitgevers, 2014. Kastelein, W.R. en Legemaate, J. (red.), Sdu Wettenverzameling Gezondheidsrecht 2015-2016, Den Haag: Sdu Uitgevers, 2015. Nadere informatie omtrent de te gebruiken literatuur en rechtspraak wordt tijdens de eerste onderwijsbijeenkomst door de tutor verstrekt.

LAW4002

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[M.M. ten Hoopen](#)

Teaching methods:

PBL, Lecture(s), Paper(s)

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

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, hebben zij 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 en welke positie neemt zij in als contractspartner? De tweede helft van het blok zoomt in op een aantal specifieke onderwerpen, waaronder gronduitgifte, gebiedsontwikkeling via publiek-private samenwerking, aanbesteding, publiek domein en de

vrijwarende werking van vergunningen. Minstens drie colleges worden verzorgd door externe sprekers, werkzaam in de advocatuur en bij de Gemeente Maastricht.

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 gaat bewegen. De vervlechting heeft grote consequenties voor het juridische instrumentarium dat in deze rechtsverhouding werkt. De student leert dit te herkennen en toe te passen in concrete casus. 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 rechtspraak.

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

Scheltema M. en Scheltema M.W., *Gemeenschappelijk recht*, Deventer: Kluwer 2013 (derde druk). Daarnaast gebruiken wij een reader en een jurisprudentiemap.

PUB4012

Period 5

16 Apr 2018

15 Jun 2018

[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

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 (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 het legaliteit, het feitsbegrip, opzet en schuld, daderschap en deelneming en de strafuitsluitingsgronden, alsmede de specifieke problemen die zich daarbij kunnen voordoen.

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, 5e druk 2012 Reader met aanvullende literatuur en rechtspraak

CRI4005

Period 5

16 Apr 2018

15 Jun 2018

[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

Rechtspsychologie en 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 het feitelijke bewijs.

Recommended reading

Reizen met mijn Rechter; Vincent plast op de grond; Dubieuze zaken; The populair policeman

MET4008

Period 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Rechtspsychologie; Geursorteerproef; Confrontaties; Psychiatrische stoornissen; Valse bekentenissen

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. 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 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. . . Onderwerpen: 1: Forensische Accountancy: elementaire begrippen, relatie met fraude en terreinafbakening 2: Financial Accounting: noodzakelijke basisbegrippen, zoals - Scheiding tussen eigendom en management - Belangrijkste financiële verslagen (balans, resultatenrekening en kasstroomoverzicht) - Accrual Accounting en cash flow accounting 3. Fraudepreventie: Wat is Internal Control en hoe wordt dit toegepast bij organisaties. 4. Controletechnieken bij fraudebestrijding: - Taken en bevoegdheden van accountants bij fraudebestrijding - Fraudepreventie vanuit Interne Controle perspectief 5. De Forensisch Accountant en de wet- en regelgeving, waar hij aan moet 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

Recommended reading

Literatuur: Reader met artikelen

CRI4013

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Presentation, Assignment

Faculty of Law

Goederenrecht (Master)

Full course description

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

Course objectives

Dit blok richt zich op de volgende doelen: - In staat zijn om hedendaagse goederenrechtelijke

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

Recommended reading

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

PRI4011

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[W. Loof](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

onroerende zaken, notariaat, Zekerheden, I.p.r..

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

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

Ondernemingsrecht; arbeidsrecht, collectieve geschillen

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.

Course objectives

At the end of the course the student is able:

- To get acquainted with a criminal file;
- To be able to distil the problems of the case;
- To be able to search for literature and give presentations about them;
- To obtain knowledge about common theories in legal psychology and to apply these theories in real cases.

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 1

4 Sep 2017

27 Oct 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[R. Horselenberg](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 1

4 Sep 2017

27 Oct 2017

[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

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 lectures 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 2

30 Oct 2017

22 Dec 2017

[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 criminology studies violations of rules and ethics (deviant behavior) by legitimate organisations (e.g. corporations, governments, etc.) and their management. Lately, organisational crime seems to attract an increased amount of attention – which can partly be attributed to the ‘global financial meltdown’. 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.) During the last part of the course, we discuss the policy implications of our previous analysis in terms of what an appropriate reaction to organisational criminological phenomena could entail. Here, we discuss various different

legal regimes (civil, criminal, compliance, etc.) and their accompanying measures and sanctions (supervision, monetary fines, etc.) 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

This course aims to integrate knowledge and insights from a variety of relevant academic disciplines. The approach is thus multi-disciplinary. By looking at the phenomenon of organisational crime from different viewpoints, we not only want to stimulate knowledge gathering but we also want to generate reflection and a critical scholarly attitude. The overall learning objective is that at the end of this course the acquired knowledge will enable students to critically analyze (current) cases by themselves.

Prerequisites

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

Recommended reading

Handbook

CRI4020

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Assignment(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

Evidence

Full course description

The course deals with key notions of (procedural) criminal law and investigative measures in criminal matters, relating to the gathering, admissibility, exclusion and use of information and evidence in criminal in a range of (European) domestic systems and the competencies of possible related competent authorities (police, prosecutors, investigating judges, judges, courts, victims, private investigators, intelligence services).

A wide variety of investigative or information and evidence gathering measures passes in review during tutorials and lectures, such as the obtaining of existing objects, documents and data (through freezing, (house) search, seizure; from databases; of classified information; from private third parties (like banks, telecom or IT providers, carriers)), interrogations and witness/victim or expert hearings or confrontations (where conducted through telephone or videoconferencing; of children; of anonymous witnesses or collaborators with justice), forensic investigation and expert evidence (including if DNA-based), intrusive/coercive/covert investigative techniques (telecom interception, bank account monitoring, controlled delivery, covert investigation, etc.) and cooperation in joint investigation teams (JITs).

Given the rapidly expanding internationalization of domestic cases, the course will also explore cross-border cooperation between competent (law enforcement and judicial) authorities of EU (and other Council of Europe (CoE)) member states in view of securing evidence admissibility across borders (which has been framed as a post-Lisbon goal), while also duly respecting the legal position of the suspect, accused, defendant or the victim.

Students will be invited to approach cooperation complexities from different domestic systems (of choice) as well as from an EU (criminal policy) perspective. On a cross-border level, discussions will be centered primarily around EU and CoE cooperation realities, both in the sphere of law enforcement (police/customs) and judicial information exchange and cooperation in criminal matters. For the latter, both mutual legal assistance (MLA) and mutual recognition based approaches will pass in review. Transatlantic information exchange and the gathering and use of evidence (both of the EU and the EU member states with the USA) will be studied as a selected issue, given the relevance thereof from a comparative/net-widening legal perspective.

Course objectives

- students understand, apply and comment on information and evidence law at domestic level (in their member state of origin and/or an EU member state of choice)
- students understand and apply essential police and judicial cooperation mechanisms in criminal matters in the EU (and the CoE)
- students reflect in a critical-scientific manner
- students autonomously consult, analyse and process relevant legal and scientific sources in English
- students adequately report in English, both orally and in writing, about the subject matter

Recommended reading

- G. Vermeulen, Free Gathering and Movement of Evidence in Criminal Matters in the EU : Thinking Beyond Borders, Striving for Balance, in Search of Coherence. Antwerpen, Belgium ; Apeldoorn, The Netherlands: Maklu, 2011, 51 p.

CRI4021

Period 5

16 Apr 2018

15 Jun 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[G.F. Vermeulen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Participation

Keywords:

Evidence, Information, gathering, admissibility, cooperation in criminal matters, mutual legal assistance, MLA, EU, Council of Europe, police, judge, court, prosecutor, judicial

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 2

30 Oct 2017

22 Dec 2017

[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

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

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 legal approaches to deal with climate change. This course addresses the role of European law in protecting human health and the natural environment against the (potentially) damaging effects of pollution. It focuses on transboundary problems which cannot be solved by fragmented national legal frameworks within individual states. In particular the global problem of climate change and the need for sustainable energy will be taken as a central focus during the course: the EU has tried to establish itself as a global leader by having adopted a vast package of secondary legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation.

The course covers:

- EU competences for environmental decision-making;
- the interplay between international environmental law and EU environmental law;
- environmental (legal) principles of EU law;
- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for NGOs and potential victims;

- regulatory instruments for steering the 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;
- is capable to examine whether member states have discretion to adopt more stringent environmental rules or may set specific procedural standards.
- can apply his/her knowledge on true-life environmental cases (particularly climate change);
- can develop a critical analysis (both orally and on paper) of concrete 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

Two readers will be provided, one with environmental legal texts, and another one with literature. In addition, an e-reader is provided through the library. Furthermore, the course book refers – with links - to useful documents and articles.

LAW4042

Period 1

4 Sep 2017

27 Oct 2017

[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, Human Rights and the environment, Procedural rights and the environment, Interplay between international and EU environmental law, Regulatory instruments / emissions trading, Enforcement: liability for environmental pollution, Multilevel regulation: the role of national environmental law, Climate Law

Faculty of Law

Issues of European Integration

Full course description

The aim of this optional course is to reflect upon the methods, successes and failures of legal integration in the field of European private law. In each of the seven weeks, one specific field of law (such as contract law, tort law, property law and the law of inheritance) is looked at and discussed on basis of common questions. These questions include what is the reason for integration in this field (including questions of legal competence for harmonisation), whether integration is possible, how it is realised and to what extent it is successful.

Unlike it was the case in previous years, this year's course focuses on the broad field of private law only. Special attention is paid to the role of legal actors in the making of private law, which means that the activities of the (European and national) legislatures, the courts and academics in the integration process are considered. Students choosing this course should be willing to read a fair amount of also theoretical writings and be prepared to play an active role in class.

Course objectives

This course aims to discuss European integration in an integrated way, building upon the knowledge that students already have about specific legal fields. It analyses these fields with a view to the role of legal actors involved in the integration process. This will also make students reflect upon their own present or future role in the process of Europeanisation. In the process they will gain extensive comparative knowledge of the main fields of private law.

Prerequisites

Basic knowledge of private law

Recommended reading

To be announced

PRI4014

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

[J.M. Smits](#)

[B. Akkermans](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Presentation, Final paper

Keywords:

Harmonisation of private law; European integration

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 in relation to illegally obtained evidence and cross-examination; 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, 3rd. Ed., Oxford University Press, 2014
- 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

30 Oct 2017

22 Dec 2017

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

[C. Peristeridou](#)

Teaching methods:

PBL, Lecture(s), Assignment(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 technisch bewijs in strafzaken. Veel nadruk ligt in dit blok op DNA, en daarnaast op redeneren over bewijs (Bayesiaanse statistiek) en op problemen met vertekening (bias) in onderzoeksuitkomsten.

Course objectives

Het bijbrengen van begrip voor forensisch DNA-onderzoek en van een kritische houding in het waarderen van technisch-forensisch bewijs.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

[J.M. Nelen](#)

Teaching methods:

Training(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Criminalistics and Forensic DNA

Full course description

Criminalistics deals with technical evidence in criminal cases. The course is aimed at enabling students to recognise and formulate 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.

Course objectives

students should be able to:

- demonstrate a basic understanding of several areas of technical forensic research;
- formulate hypotheses and research questions 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-, and
- selected texts in the reader of the course

CRI4026

Period 4

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Keywords:

Criminalistics, Forensic Evidence, DNA, Likelihood Ratio, bias

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 ontwikkelingen. In het blok wordt zoveel mogelijk aangesloten op de actuele discussies. De behandelde thema's worden jaarlijks dan ook voor deel aangepast. Aan de orde komen: - Het besluitbegrip als centraal element van het bestuursrecht en als toegangspoort naar de bestuursrechter; in hoeverre voldoet die notie nog en welke alternatieven zijn denkbaar? - Van besluittoetsing naar definitieve geschilbeslechting; het veranderende karakter van het bestuursrechtelijk geding en de bestuursrechtelijke rechtsbescherming - Versnelling van bestuursrechtelijke procedures - Finale geschilbeslechting; literatuur, rechtspraak en wetgever lijken als katalysator te werken in de ontwikkeling naar een veranderende bestuursrechtspraak waarin geschillen finaal worden beslecht - Overheid en schadevergoeding - Rechterlijke organisatie en rechtseenheid, inclusief de discussie over de mogelijke vormen van integratie van de hoogste bestuursrechters. De gekozen thema's worden benaderd vanuit niet alleen een meer theoretische invalshoek maar 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. Het vak bereidt uitstekend voor op togaberoepen en wordt ook 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

PUB4020

Period 1

4 Sep 2017

27 Oct 2017

[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; omvang geding; definitieve geschilbeslechting; overheidsaansprakelijkheid en nadeelcompensatie; versnelling bestuursrechtelijke procedures; 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. Dit blok beschouwt de realiteit van het staatsrecht dat immers 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 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. 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 bij voorbeeld 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 is voor iedere jurist van het heden en de toekomst cruciaal. De taal van dit blok is Nederlands, zij het dat veel literatuur Engelstalig is. Maar het omgaan daarmee is nu eenmaal ook een vaardigheid die nationale juristen zich eigen moeten maken, juist door die internationale en Europese verwevenheid. Onderhandelingen in Brussel, inzicht in de internationale en Europese context, kennis van het Europese begrippenkader (European semester, fiscal compact bij voorbeeld) en van relevante regels en besluiten zijn gebaat bij een kennis van juridisch 'Euro' legal English.

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 bij voorbeeld 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.

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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam

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

Welke (grond)rechten heeft een obligatiehouder van een bank die genationaliseerd wordt? Hoe is de democratische legitimatie van de AIVD geregeld? Hoe ver mag de politie en/of de burgemeester gaan bij het sluiten van drugsbanden? Hoe is het toezicht en de regulering geregeld van tal van belangrijke sectoren van door agentschappen, toezichthouders, en lagere overheden? Deze en vele andere vragen staan centraal in het blok Marktregulering, toezicht en decentralisatie. 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 Marktregulering, toezicht en decentralisatie 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 en tot het reguleren van marktsectoren, zoals de financiële sector, de zorgsector, banken en bedrijven. 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 (grond)rechtsbescherming zijn in het geding? Aan de hand van een aantal sprekende en actuele kwesties zullen deze vragen ten aanzien van verschillende overheidsentiteiten worden behandeld. Daarbij kan worden gedacht aan de nationalisatie van banken, maar ook aan de organisatie en de beteugeling van de macht van: - toezichthoudende zelfstandige bestuursorganen - de politie - verschillende veiligheidsdiensten (waaronder de AIVD) - gemeenten en provincies. Bijzondere aandacht zal verder worden besteed aan de handhaving van de openbare orde door gemeentelijke overheidsorganen. Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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. Besturen vindt plaats door een veelheid van instanties die een veelheid aan taken en bevoegdheden hebben, waarbij soms bestuur, regelgeving en bestraffing door elkaar lopen en door een en dezelfde instantie worden uitgeoefend. Kortom een speurtocht door en langs instanties en bevoegdheden.

Course objectives

Achter deze op het eerste gezicht bonte verzameling van beleidsterreinen gaat een aantal algemene, staatsrechtelijke beginselen en waarborgen schuil. Doel van dit blok is studenten inzicht te verschaffen in deze 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

Wordt nader bekend gemaakt.

PUB4022

Period 5

16 Apr 2018

15 Jun 2018

[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

International Maritime Law Arbitration Moot

Court

LAW4056

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

6.0

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

30 Oct 2017

22 Dec 2017

[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

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 do not always suffice. Issues of ageing and the environment have also become more prominent in recent times.

- Students of this course will research and discuss questions like:
- Given the globalization of commercial activity and digital trade, how should we tax multi-national corporations?
- Should governments compete over taxes or should they cooperate?
- 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 roles do taxes play in light of budgetary and financial stability?
- 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 articles (free or paid student subscription to the (International) New York Times, the Economist and/or the Financial Times recommended)
- Parts of J. Stiglitz, The Price of Inequality, 2013 (subject to change)
- Various reports and articles available on-line (exact literature to be decided)

TAX4014

Period 2

30 Oct 2017

22 Dec 2017

[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 mastercourse is a compulsory course in the public law track of the European Law School master programme and an elective for students in the other track of ELS, and for students in the master Globalisation and Law, International Laws and Nederlands recht (Dutch Law). The course focuses on the relationships between EU law and domestic constitutional law and for the latter part in a comparative setting. The course is not a purely or exclusively legal one, but also devotes quite some attention to political processes and developments, since these cannot and should not be ignored.

We will seek to discuss and analyse 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 democracies and how to assess the option of dual legitimacy. The course has therefore a vertical approach (EU- national member-states), as well as a horizontal perspective, looking into the impacts and practices in a few national constitutional systems. The course focuses on the present state of affairs (what are the present powers of national parliaments vis- a- vis EU law making, for instance) but allows also plenty of room to relate to topical discussion papers and state of discussions about the optimal or desired balances between EU and member states. It is also evident that we will try furthermore to include recent events and steps in the integration process or national developments, such as national or elections for the EP, rule of law issues in Poland, or the Brexit.

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 policymaking 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. Not only on one level (EU or state) but also in collaboration between levels and between EU and states. The goal of this course is to show actual developments in domestic constitutional law and its relation to European constitutional law. This course furthermore shows the interaction between national and European constitutional law and its multi-layered aspects. It is therefore relevant to know who is/are involved and how decisions relate to one another. And this is the case in rulemaking, and their execution and implementation of rules and policies. The new Single Supervisory Mechanism (SSM) for the European banking supervision is one of the examples where two systems of supervision do exist: one for major banks and one for the other banks; the former to be exercised by the ECB and the latter by the national authorities. However the states are not free in their supervision, but have to apply EU rules and operate under the ECB oversight.

Modern lawyers cannot in many domains operate without insight in the interaction of EU competences and national authorities' powers. 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-week 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. We will focus on the phenomenon of multi-layered legal systems; on the process of law-making and the role of national parliaments in implementing EU directives or trying to block EU law making (the so called yellow card), and also the role of national parliaments in holding their ministers and governments accountable for their input in EU decision-making. Furthermore we will devote attention to national budgetary law-making and the European Semester and the requirements posed by EU rules for

national budgets and their enforcement. 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 more focus, or towards a political union and more transparency. Finally we will focus on the courts and their role in the application and enforcement of EU law as well as on human rights where courts do play their role and which is a nice example of the interplay between different courts (national, EU and European Convention of Human Rights) and different human rights documents (Constitutions, Charter, European Convention).

Course objectives

Students will have a thorough understanding of the interaction between EU and national (constitutional) law.

Prerequisites

This course builds upon the other preceding courses in the master European Law School, such as advanced European Law and Fundamental Rights. Furthermore we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system as well as a sound political interest. In case you have started the ELS program in the beginning of 2017 (and this course is actually one of your first courses in the master ELS program), we do recommend to acquaint yourself of the necessary knowledge of (institutional) EU law. We do also recommend strongly to follow the relevant news about EU integration 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

Unfortunately there is not one book on all subjects of this course. Many of the issues are recent and current, which means that we will have to cope with policy documents and only a few academic articles. For that reason we intend to have a small syllabus ready and will have compiled materials for the various parts of this course. We are aware however that 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 post these materials on 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. These are easily downloadable or may be found in the university library. When not, we have made it available in a paper-reader. 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

5 Feb 2018

6 Apr 2018

[Print course description](#)

ECTS credits:

6.0

Coordinator:

[A.W. Heringa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam, Presentation

Keywords:

Legitimacy, multi layered democracy, sovereignty, internationalization/globalization/Europeanisation, rule of law, banking union, economic union, fundamental rights protection, European Semester

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 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. European rules 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. This kind of dilemmas of free trade versus protection of human health and the environment raises the mighty problem of how to integrate scientific expertise into decision-making and confronts the EU with legal, political and practical problems, which are inherent to the very specific nature of risk regulation, the very characteristics of the EU's transnational structure 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 an in-depth and critical understanding of both the theoretical and practical aspects of EU internal market regulation.
- Interactive 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 and assess specific cases at hand, whilst enhancing their practical and oral skills.
- By means of a paper students will identify a particular problem in the field of the internal market law and governance and will formulate a specific research question, analyse this problem 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

30 Oct 2017

22 Dec 2017

[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

ELSA Moot Court Competition on WTO Law

LAW4057

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

[I. Alexovicova](#)

Internships

Master Globalisation and Law internship

Faculty of Law

Master internship GAL (6)

LAW4570

Year

1 Sep 2017

31 Aug 2018

[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 internship GAL (12)

LAW4571

Year

1 Sep 2017

31 Aug 2018

[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 Globalisation and Law

Faculty of Law

Master Thesis Globalisation and Law

LAW4075

Year

1 Sep 2017

31 Aug 2018

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Teaching methods:

PBL

Assessment methods:

Written exam