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Compulsory courses

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

Faculty of Law

Advanced European Law

Full course description

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

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

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

Course objectives

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

Recommended reading

- Main textbook: C Barnard & S Peers (eds.), *European Union Law* (OUP 2020)
- Other literature indicated in the syllabus

IER4006

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Bonelli](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Final paper

Faculty of Law

European Competition Law

Full course description

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

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

Course objectives

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

1. gain a thorough knowledge of the relevant legal principles derived from these sources and application thereof to real life cases;
2. reflect on the purpose(s) of EU competition law, its place in the legal framework for the internal market of the European Union and its interface with the legal systems of the Member States
3. examine and appraise the role of each of the actors in EU competition law both at EU level and

national level;

4. identify, discuss and evaluate new developments in the case law of the EU courts or national courts applying EU law, and the administrative practice of the European Commission and national competition authorities applying EU law.
5. for all of the foregoing: suggest and defend, orally and in writing, options for change after critical assesment

Prerequisites

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

Recommended reading

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

IER4009

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W. Devroe](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper, Written exam

Keywords:

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

Specialisation courses

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

Faculty of Law

European Labour and Social Security Law

Full course description

This course involves the social aspects of the European Union: free movement of workers, coordination of social security schemes, prohibitions of discrimination on grounds such as gender, race and sexual orientation, health & safety at the workplace, fundamental employee rights with

regard to individual and collective action, employees rights in the event of transfer of undertakings or insolvency of employers, the role of social partners and European collective agreements, and the social policy chapters in the Treaties of Rome, Maastricht, Amsterdam and Nice. The course also explains how social legislation is made within the EU and how it relates to the four freedoms of the EU.

Course objectives

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

Prerequisites

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

Recommended reading

Barnard, EU Law, handbook

PUB4007

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

European Property Law

Full course description

This is a course on the property law emanating from both positive and negative European integration. After a brief comparative introduction the focus will be on substantive European

property law (including private international law) and its various forms. We will focus, more particularly, on the impact of societal challenges such as sustainability and new technologies on European and global property law.

Course objectives

Upon completion of the course, students are able to:

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

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. Akkermans](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

European Migration Law and Citizenship

Full course description

This course provides an advanced conceptual understanding of the content, workings, and shortcomings of EU law in migration, asylum, external border control, return, and visa policies, as well as of the law of statelessness and citizenship from a comparative and transnational perspective. It also focuses on the interaction of EU law in these fields with international refugee, migration, and human rights law.

The course covers the core issues in asylum law, refugee law, and human rights law that define the scope of international protection and the rights of forced migrants. It critically assesses legal migration regulation in the EU, with a focus on labour migration, family reunification, and integration. It appraises the development of the visa and external border control policies and their intersection with EU's asylum and return policies. Apart from the constitutional dimension, the course delves into the policies' administrative governance, focusing on key elements such as the role of EU agencies in policy formation and implementation. Finally, the course analyses the legal requirements for acquisition and loss of nationality from a comparative and transnational perspective, as well as the legal framework surrounding statelessness.

Lectures will be interactive and involve the close analysis of legal texts, discussion of points of interpretation and debate, as well as more general scholarly discussion. The general discussion will often focus on interdisciplinary readings, framing the legal issues in more political and theoretical terms. The weekly tutorials will focus on critical legal perspectives or practical legal skills exercises and will provide a space for clarification and follow-up on the issues covered by the lectures. Legal skills exercises will involve analysing treaty provisions or case law, or solving a short problem question. Students will also be required to take part in Refugee Law Moot Court.

Formative Assessments

The formative assessments will consist of legal problem solving exercises, the refugee law moot court, and legal argumentation and debate in class.

Summative Assessments

The course is assessed by means of two written assignments, one more heavily geared towards legal problem solving and the second an essay type assignment. For the essay, students have the possibility to select from a wide array of proposed topics covering all areas studied during the course. It is expected that the essay will contain own argumentation and critical reflection on the subject matter.

Course objectives

By the end of the course students will:

1. acquire a critical understanding of the content, workings, and shortcomings of EU law on migration and asylum;
2. gain a deeper understanding on the interrelationship between EU law on migration and asylum, international refugee and migration law, and international and regional human rights law;
3. analyse and evaluate case-law of the Court of Justice of the European Union and the European Court of Human Rights on migration and asylum;
4. develop the skills of legal analysis, argumentation, problem solving, creative thinking and critical reflection.

Prerequisites

It is an advantage if students have followed a course on EU constitutional/institutional law

Recommended reading

Below are suggested general Handbooks and textbooks for the course. Detailed thematic readings per week will be provided through the virtual learning environment.

- Evangelia (Lilian) Tsourdi and Philippe De Bruycker, Research Handbook on EU Migration and Asylum Law (Edward Elgar 2022)
- Daniel Thym and Kay Hailbronner, EU Immigration and Asylum Law: Article by Article Commentary (Hart Publishing/Beck, 3rd edn 2022)
- Cathryn Costello, Michelle Foster, and Jane McAdam (eds) Oxford Handbook of International Refugee Law (Oxford University Press 2021)
- Steve Peers, EU Justice and Home Affairs Law: Volume II: EU Immigration and Asylum Law (OUP, 4th edn 2016)
- Vincent Chetail and Celine Bauloz, Research Handbook on International Law and Migration (Edward Elgar 2014)

IER4001

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

- [E. Tsourdi](#)

Teaching methods:

PBL, Lecture(s), Work in subgroups

Assessment methods:

Assignment

Keywords:

EU Migration and Asylum Law, Citizenship and Statelessness, Refugee Protection, Labour

Migration, Family Reunification, External Border Control, Visa Policy, Return Policy

Faculty of Law

European Data Protection and Privacy Law

Full course description

Privacy and data protection are the fundamental rights that have gained salience not only as values protected within the European multi-level human rights protection system, but also as rights and obligations that provide framework for activities of entities using data as a basis for their economic activities (as if it were, in a slightly dated and over-used terms, 'new oil'). This means that data protection as a discipline is complementary to data management and lies at the intersection with other major disciplines of law, both applying to private and public actors. What is more, it seems that the regulatory paradigm underlying GDPR has become a blueprint not only for data protection laws worldwide, but also for the legislative attempts to ensure ethical and fundamental rights compliant development of new technologies. The Digital Services Act or the proposal for the future AI Regulation only herald European Union's 'Digital Decade' (<https://digital-strategy.ec.europa.eu/en/policies/digital-compass>) importance of which has been underlined by the radical change of our work-and lifestyles during the past years' Covid-19 pandemics and through the employment of cyberwarfare in the course of 2022 Russian-Ukrainian war.

With the above in mind, during European Privacy and Data Protection Law course we will explore the European privacy and data protection system presenting it against the inter-disciplinary background and, subsequently, in the context of international and comparative law.

The course will begin with exploration of the GDPR-based architecture of data protection from three perspectives:

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

In preparation for the course students are offered a brief introductory module on Canvas providing the background information on the intersection of law, technology and economics.

Method

The course is based on the mix of lectures and tutorials delivered in the spirit of problem-based methodology.

Lectures offered by course coordinator will be complemented by guest lectures delivered by University of Maastricht and European Centre on Privacy and Cybersecurity (ECPC) scholars offering a variety of perspectives on the topic of the course.

Course objectives

The aims of this course are to acquire:

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

Prerequisites

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

In addition, understanding of basics of data-based technology will assist students in understanding

the implications of data protection related challenges and consequences of not addressing them. In order to aid students in obtaining knowledge on the area, Module 0 of the course is offered to them in Canvas environment.

Recommended reading

- E. Kosta, R. Leens and I. Kamara, Research Handbook on EU Data Protection Law (Edward Elgar, 2022), ebook
- Fundamental Rights Agency, Handbook on European data protection law (FRA, 2018) available at <<https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law>>

(Available for free, can be ordered in a print version via the European Commission bookstore)

- B. Rainery, E. Wicks and C. Ovey, Jacobs, White and Ovey - The European Convention on Human Rights (OUP 2017), Chapter 16: Protecting private life, the home and correspondence
- Fragments of C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, 2020, ebook).

Mandatory legal sources:

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

IER4026

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [K.I. Podstawa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final take home exam

Faculty of Law

Family Law in Europe

Full course description

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

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

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

The following topics will be considered:

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

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

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

Course objectives

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

Prerequisites

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

PRI4009

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

- [P.M. Kruiniger - van Maanen](#)
- [B. Jennekens](#)

Teaching methods:

PBL

Assessment methods:

Written exam

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 non-EU countries such as the UK and Delaware. 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 (Such as France and The Netherlands). 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 employees within limited liability companies, the position and functioning of company groups and the functioning of capital markets, in particular with a view to company takeovers. This course can serve as a foundation for a deepening of knowledge of the internal functioning of limited liability companies which can be acquired in the course Corporate Governance. It allows students to understand the environment in which companies have to operate in a globalizing world and complements courses such as corporate social responsibility allowing students to look at issues regarding stakeholder protection and sustainable business conduct from a company law perspective.

Course objectives

- One of the goals is to identify and understand the interaction between federal regulation and (member) state law in the area of company law within the EU as well as in the US and to learn students how to apply various principles underlying company law in various parts of the world to specific cases and compare the various solutions.
- The goal of this course is furthermore to further develop knowledge of company law (acquired at Bachelor level) 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 and decision-makers. These positions and the regulatory approaches to safeguarding these positions are discussed in an interactive manner.
- Students will be able to analyse and evaluate various company law solutions provided in different systems, apply them to cases suggesting solutions.
- Students will learn how to defend certain positions related to the role of the board, the position of employees, shareholders and other stakeholders in a corporate context.
- Students will acquire knowledge with regard to company law systems and the skills to identify company law solutions allowing them to further study national company laws in an autonomous way.
- Students will be able to examine different approaches to the division of power, the protection of employees and other stakeholders within companies allowing them to suggest solutions for future problems or to engage in further independent research in this area.

Prerequisites

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

Recommended reading

Reference list with literature combined with handbooks on European and Comparative company law:
A. Cahn and D.C. Donald, Comparative Company Law, Cambridge University Press 2018 and
Dorresteyn and Olaerts, EU Corporate Law, Kluwer International 2022.

PRI4004

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Olaerts](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Company law

Faculty of Law

State Aid and Public Procurement

Full course description

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

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

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

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

studying the link between these area of law is of high importance.

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

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

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

1. The course will situate State aid not only as part of EU competition law but will also deal with the economic rationale of State aid. Regional aid, the limits of State aid and procedural aspects of State aid will be discussed. Students will be provided with an understanding of EU legislation and case law on State aid and special attention will be provided to the balancing test.
2. Public procurement will be identified as an element of the construction of the internal market. The different steps and aspects of procurement procedures will be discussed in light of the 2014 legislative package. The notion of contracting authorities will be explained and emphasis will be put on the relationship of sustainability, innovation and public procurement. Enforcement issues will be covered as well.
3. Competition law, including State aid law, and public procurement law should be looked at as related fields of law. As public authorities generally pay money to economic operators that are selected by a procurement procedure, the risk exists that compensation paid will be qualified as State aid. While the EU legislative framework on public procurement aims to avoid distortions of competition, one should be wary that public procurement procedures are not used to circumvent State aid rules. The course hence focuses on the link between State aid law and public procurement. The course also zooms in on the link between public procurement and another branch of competition law, namely article 101 TFEU which forbids collusion by members of a cartel. It will be discussed whether transparency requirements in public procurement procedures may facilitate collusion and impair free competition.

Course objectives

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

The course aims to provide students with:

- in-depth knowledge and up-to-date knowledge of State aid law and public procurement law
- excellent understanding of their interaction

Master European Law School, specialisation European Business Law #####

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

Recommended reading

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

IER4014

Period 5

17 Apr 2023

16 Jun 2023

[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

Elective courses

Master European Law School electives

Faculty of Law

International Trade Law

Full course description

This course, a compulsory course in the International Trade and Investment Law track of the Globalisation and Law Masters, deals with the rules regulating economic globalisation and international trade. It covers core aspects of the institutional and substantive law of the World Trade Organization (WTO). The WTO, established in 1995, is at the forefront of the multilateral effort to manage economic globalisation and governs the trade relations between its 164 Members. 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 history, objectives, structure, functions, decision-making and membership of the WTO, and the current reform discussion); • Dispute settlement in the WTO; • Principles of non-discrimination (on the obligations of most-favoured- nation treatment and national treatment); • Rules on market access (on tariff barriers and non-tariff barriers to trade in goods and services); and • Trade liberalisation versus other societal values (on general public policy exceptions and security exceptions). The course is built around a number of true-to-life international trade problems that form the basis for tutorial assignments.

Teaching methods

- Lectures with Q&A sessions
- Tutorials

Course objectives

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

Prerequisites

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

Recommended reading

The textbook used in this course is VAN DEN BOSSCHE, P. and ZDOUC, W., The Law and Policy of the World Trade Organization, 5th Edition (Cambridge University Press, 2021). This book is available as e-book via the University Library or can be bought at the Studystore, Maastricht or via Amazon. Furthermore, it is convenient for students to have a copy of The WTO Agreements: The Marrakesh Agreement establishing the World Trade Organization and its Annexes (Cambridge University Press, 2017). However, students can also find the relevant WTO legal texts on the WTO website (www.wto.org) and can use the digital version of these texts. Students are advised to consult the WTO website and the website of DG Trade of the European Commission (www.europa.eu.int), regularly, for information on the latest developments. The websites of major international newspapers, such as The Financial Times (www.ft.com) are also excellent sources of information.

IER4002

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law; WTO

Faculty of Law

Rechtspsychologie en Forensisch Bewijs

Full course description

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

Course objectives

1. De student begrijpt de rechtspsychologische concepten en inzichten en kan deze in eigen

woorden toelichten;

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

Recommended reading

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

MET4008

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [M.R. Vanderhallen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

Opsporingsonderzoek, verhoor, bewijs, herkenningsprocedures, strafrecht

Faculty of Law

Forensische Accountancy

Full course description

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

frauduleuze rapportages kunnen worden opgespoord. Ook wordt stilgestaan bij de recente boekhoudschandalen en de gevolgen hiervan voor wet- en regelgeving.

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

Course objectives

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

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

Recommended reading

Literatuur (verplicht):

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

CRI4013

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Presentation, Assignment, Written exam

Keywords:

Accountants Forensische Accountants Fraude Interne Controle Opsporingstechnieken van fraude

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

Jurisprudentie voor (forensische) accountants

Faculty of Law

Corporate Social Responsibility

Full course description

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

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

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

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

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

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

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

The course is compulsory for all students enrolled in the Master Globalization and Law, as it touches upon a subject that is at the intersection between the legal regulation of corporate and commercial activity, international human rights law and international economic law. The course thus asks students of each of the tracks to think about international business activity and their regulation in

the interest of society in a different way than what their respective focus of study suggests. For students enrolled in the corporate and commercial law track the course aims to contextualize the social dimension of business activity; for students focusing primarily on human rights law the aim is to better understand the prospects and limits of integrating companies as actors into international (human rights) law; for students of international economic law this course should lead to identifying the societal implications of global trade activities and their related regulation.

Course objectives

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

- understand the concept of CSR, its origin, its substantive content, its legal dimensions and the relevance of the concept for the debate on globalization and law.
- understand and critically analyse national laws applicable to companies, specifically company, tort, and contract law, in relation to the social responsibility.
- understand and critically analyse the impact of private international law on the legal regulation of companies.
- understand the shift in corporate organization towards globally operating corporate groups, supply-chains and value chains and the related changes for corporate liability in human rights, tort and contract law.
- understand the different regulatory techniques currently employed in law to foster corporate adoption of CSR, such as reporting and due diligence laws, and further access to remedy for those affected by corporate human rights violations.
- understand and critically analyse the international legal dimension of CSR, in particular the role and place of companies in international law, the regulation of business responsibility for human rights (business and human rights) and sustainability in international soft and hard law.
- understand the relation between national and international law-making regarding the social responsibility of corporations and the interaction between law-making and enforcement on an international and national level.
- understand and critically analyse the merits and weaknesses of private regulation for CSR and understand the legal effects that private regulation of CSR has.

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

Prerequisites

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

Recommended reading

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

Master European Law School, specialisation European Business Law #####
course.

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

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

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

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

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

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

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

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

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

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

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

LAW4037

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

- [A. Beckers](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Take home exam

Keywords:

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

Faculty of Law

Evidence

Full course description

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

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

Course objectives

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

Prerequisites

basic knowledge of criminal procedure

Recommended reading

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

CRI4021

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [A.H. Klip](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

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

Faculty of Law

OM en Rechtshandhaving

Full course description

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

actuele ontwikkelingen niet onbesproken blijven. In de onderwijsgroepen wordt alle stof besproken aan de hand van concrete, aan de praktijk ontleende, casus. Naast de onderwijsgroepen zijn er ook hoorcolleges. Deze worden door verschillende gastsprekers verzorgd.

Course objectives

- kennis van het ontstaan van de huidige organisatie van het OM - kennis van ontwikkelingen in de organisatie van het OM - kennis van de taken van het OM en de richting van het strafrechtelijke beleid - kennis van de strafrechtsketen en de positie en taken van het OM in de keten - kennis van actuele ontwikkelingen die relevant zijn voor de veranderende rol van het OM in de rechtshandhaving - kennis van de rol van het OM bij de internationale samenwerking en de oprichting van het Europees OM

Prerequisites

Kennis van het straf(proces)recht op bachelorniveau

Recommended reading

Reader

LAW4041

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinators:

- [L.M.W. Peters](#)
- L.M.C. Meijjs

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Oral exam, Written exam

Keywords:

Strafproces Opsporing Rechtshandhaving Openbaar Ministerie Strafrechtelijk beleid

Faculty of Law

Global Tax Policy and Governance

Full course description

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

Students of this course will research and discuss questions like:

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

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

Programmes

LLM International and European Tax Law (compulsory)

LLM Fiscaal Recht (elective)

LLM Globalisation and Law (elective)

LLM European Law School (elective)

LLM International Laws (elective)

LLM Rechtsgeleerdheid (elective)

Exchange Students

Students from other Faculties and Schools

Assessment methods:

Paper (to be written during a regular exam time slot), presentations, participation.

Course objectives

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

Prerequisites

Basic knowledge of tax law recommended, but not required.

Recommended reading

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

TAX4014

Period 2

31 Oct 2022

23 Dec 2022

[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, Written exam

Faculty of Law

European and National Constitutional Law

Full course description

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

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

The course has therefore a vertical approach (EU - Member States) as well as a horizontal perspective, looking into the impacts and practices of a few (selected) national constitutional systems. The course focuses on the present state of affairs (e.g. what are the present powers of national parliaments vis-à-vis EU law making) but also allows plenty of room to relate to recent developments and state of discussions about the optimal or desired balance between the EU and its Member States. Furthermore, we will deal with recent events and steps in the integration process or national developments, such as the rule of law challenges posed by Hungary and Poland to the EU, the reaction of the German Constitutional Court to the European Central Bank financial measures and the debate regarding the Next Generation European Union (NGEU) Fund.

The aim of this course is to study national constitutional law in its relations to EU law, with their

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

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

In this seven weeks course we can go only so far in providing tools and insight in different domains of multi-layered government; it is not the purpose to investigate in detail areas such as the banking union, or competition law, or other domains of the law, but we will trace the phenomenon of multi-level government and the various ways of interaction between the EU and states and their effects on national constitutional law and the exercise of powers by national branches of government. This year we will focus on seven areas whereas it is evident the potential for cooperation (or conflict) between the EU and the Member States. We will particularly investigate the magnitude of these convergences (or clashes) and their constituent elements in the area of (1) the development of a supranational normative power and the establishment of autonomous institutional order; (2) the growing of an fully-fledged EU economic union; (3) the monetary governance as example of integration of States through the law; (4) the relationship between the EU and Members States jurisdictions; (5) the rule of law crises and the threat to EU values; (6) the human rights status of health in Europe and the trilateral relation States-EU-CoE; (7) the current relationship between EU and Member States in a multi-level legal order. 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 and towards a political union.

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

This course builds upon the other preceding courses in the master European Law School, such as Advanced European Law and Fundamental Rights, and it aims to offer different perspectives in the interaction between the different levels of the multi-level system. Furthermore, we do expect all students to possess knowledge of constitutional legal concepts and of their own constitutional system and the basis functioning of the EU law. In case you have started the ELS program in the beginning of 2022 (and this course is actually one of your first courses in the master ELS program, we do recommend acquainting yourself of the necessary knowledge of (institutional) EU law. We also recommend you strongly to follow the relevant news about EU developments and relevant discussions and papers and documents. The sites of the Commission, Council, and Parliament

contain extensive information on all relevant issues and topics. And possibly the same applies for the sites of parliaments and governments in your home country.

Course objectives

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

Prerequisites

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

Recommended reading

The book on all subjects of this course is still in construction and we hope to have handbook ready for February 2023. Otherwise, all the chapters will be made available on the Student Portal. For a comparative understanding of constitutional systems as to ministerial accountability, application of EU law, etc., we recommend Aalt Willem Heringa, *Constitutions Compared* (6th Eds., 2022).

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

We have indicated the relevant materials on a weekly basis, mostly by inserting the link to the relevant document, article or source. When the links do not work directly, copy and paste them on your browsers. These are easily downloadable or may be found in the university library. We assume that all students prepare themselves properly by reading the prescribed materials and preparing themselves for the tutorials and for discussion.

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [F. Peirone](#)

Teaching methods:

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

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

International Dispute Settlement

Full course description

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

Recommended reading

- J. Merrills, Eric De Brabandere, International Dispute Settlement (7th edn, CUP, 2022)
- G. Hernandez, International Law (OUP, 2019).

IER4008

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J. Vidmar](#)

Teaching methods:

Lecture(s), PBL, Assignment(s)

Assessment methods:

Assignment, Written exam

Faculty of Law

Verdieping Strafprocesrecht

Full course description

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

Course objectives

Na afronding van dit blok:

- Heeft de student verdiepende en actuele kennis van de kernthema's van het Nederlandse strafprocesrecht; De student kan deze kennis toepassen op casusniveau.
- Is de student in staat de Nederlandse strafprocesrechtelijke rechtspraak (in verhouding tot EU en EVRM-recht) te analyseren
- Is de student in staat een kritisch en gefundeerd (normatief) oordeel te geven over de bestudeerde problematiek.

Prerequisites

Strafprocesrecht uit de bachelor recht (1.2 en 2.5)

Recommended reading

- G.J.M. Corstens(bewerkt door M.J. Borgers & T. Kooijmans), Het Nederlands Strafprocesrecht(10edruk), Deventer: Wolters Kluwer 2021.
- Overige literatuur beschikbaar via CANVAS

CRI4002

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. van der Aa](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

Strafprocesrecht, mensenrechten

Faculty of Law

International Human Rights Law

Full course description

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

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

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 and secondary sources (treaties, judgments, Views, General Comments, resolutions, press reports etc.), and other selected readings and on-line sources.

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

first tutorial meeting and lecture.

This course is a specialization 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.

Assessment methods

The assessment consists of two parts.

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

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

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

Course objectives

- Students understand how the human rights track (specialization) they have chosen relates to, and interacts with the other tracks of the Globalisation & Law Master program.
- Students understand the underlying theoretical notions of international human rights law, such as universality, non-discrimination and enforcement.
- Students understand the typical features of international human rights law compared to other branches of public international law.
- Students have knowledge of and understand at an advanced level international human rights standards and monitoring mechanisms (especially those developed within the framework of international organizations) and are able to apply these to specific present-day cases and situations in a global society.
- Students have knowledge of the possibilities, limitations and challenges of applying human rights in practice by different actors (governments, courts, NGOs, individuals, international organizations).
- Students learn and apply skills relating to the UN human rights state reporting procedure to a real country situation.

Prerequisites

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

Recommended reading

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

IER4012

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.A. Sellin](#)

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam, Assignment, Participation

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:

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

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

Course objectives

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

- Understand and critically reflect upon EU intellectual property as an instrument for fostering industrial innovation and human creativity (Section I);
- Appreciate and apply the basic treaties and principles relating to intellectual property, with a focus on the areas of copyright, trademarks, patents, and (unfair) competition, and explain their different rationales (Sections I-VII);
- Become conversant with the substantive provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, and the legal and policy implications of an intellectual property agreement within an international trade law system (Sections I and VII);
- Explore current legal and policy issues concerning TRIPS under consideration in the WTO and other international forums, especially from the perspective of regional integration and developing economies (Sections I-VI);
- Identify and articulate the current developments and issues that are at the centre of current discussions and negotiations for the further development or modification of the international intellectual property system, such as technology transfer and public health (Section I) and access to essential medicine; (Section VII) and Contemplate and articulate how the emergence of big data and Artificial Intelligence (AI) calls for a re-think on the existing IP and regulatory framework, and what can be the best possible legal framework – both within the domestic and international multi-stakeholder environment – that can successfully digitally transition the global economy, and foster innovation and enhance public trust in AI (Section V and VI);
- Have knowledge and insight of the EU regimes for trademarks, patents, copyright, and design, in particular of the aspects of acquisition of rights, scope of protection and infringement (Sections II-VI);
- Have a firm grasp of the international institutions and actors in the field of intellectual property, and the multilevel engagement that they have from multilateral, regional, national and domestic perspectives (Sections I-VII);
- Solve cases regarding all of the intellectual property rights listed above (Sections I-VII);
- Orally argue a case concerning any of the intellectual property rights listed above (Section VII).

Recommended reading

- Christie/Gare, Blackstone's Statutes on Intellectual Property (latest edition, Oxford University Press)
- WIPO
- WIPO, WIPO Intellectual Property Handbook: Policy, Law and Use (2004, WIPO, Geneva) available at <https://www.wipo.int/about-ip/en/iprm/>
 - Kur, A. (2019), European Intellectual Property Law, 2nd Edition, (Edward Elgar Publishing)

IER4033

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Faculty of Law

Verdediging in Strafzaken

Full course description

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

Course objectives

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

Prerequisites

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

Recommended reading

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

CRI4009

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

Strafproces, verdediging

Faculty of Law

International Commercial Law

Full course description

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

The primary focus is on international treaties and European measures that impact on international commercial transactions, but some consideration of national systems cannot be avoided. After all, national courts must apply the international conventions, which can give rise to questions concerning uniformity in the application of international provisions. Furthermore, not all issues relating to international business transactions are dealt with by international or European measures, and therefore recourse must be had to the applicable national law. At the same time, it is important to also consider the private regulatory regimes set up in particular sectors. Trade associations often create model contracts that deal with the specific issues in that trade. Throughout the course we will therefore look at the interaction between these various levels of regulation of international

commercial transactions.

In addition to studying the law, we will also consider a number of related topics or themes, for example the effectiveness of measures intended to unify commercial law, the limitation of party autonomy in certain commercial contracts, the different levels of unification and the variety of actors involved in creating unifying commercial law.

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

Course objectives

Knowledge and understanding

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

Making Judgments

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

Communication

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

Learning Skills

- You will develop the techniques legal experts need as regards the gathering, selecting, analyzing, interpreting and synthesizing information from primary sources of EU, international and national law (treaties, legislation, case law) as well as second sources (textbooks, law journals, etc.)
- You will deliver a legally sound, well-researched paper on complex legal issues in the context

of International Commercial Law

- You will develop your ability to work both independently and in group settings.
- You will develop your ability to approach the law with an open-minded but critical and scientific attitude.

Recommended reading

Reading materials and resources via Student Portal

PRI4002

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J. Israël](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final take home exam, Assignment

Keywords:

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

Faculty of Law

Verdieping Materieel Strafrecht

Full course description

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

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

rechtsvergelijkend behandeld en andere worden geplaatst in de juiste internationale of Europese context.

Course objectives

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

Prerequisites

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

Recommended reading

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

CRI4005

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [J. Keiler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

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

Faculty of Law

Criminological Perspectives

Full course description

The course Criminological Perspectives will introduce students to the field of crime, crime causation and crime control. More specifically, the course will provide a better understanding of: 1) The assumptions our scientific knowledge of crime (development) is based upon; 2) Various explanations of crime from different disciplines and on various levels; 3) Possibilities to apply and integrate criminological theories; 4) The rationale behind the contemporary response to crime.

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

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

Course objectives

Upon completion of this course, the student must:

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

CRI4017

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Crime causation and crime control

Faculty of Law

Public International Law

Full course description

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

Course objectives

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

Prerequisites

An introductory course in public international law.

Recommended reading

- Gleider Hernández, International Law (2nd edn, OUP, 2022).

IER4021

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J. Vidmar](#)

Teaching methods:

PBL, Lecture(s), Assignment(s)

Assessment methods:

Written exam

Faculty of Law

Law and Economics

Full course description

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

Course objectives

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

Students will be able to recognize policy tradeoffs between efficiency and other values, such as fairness, non-discrimination, environmental protection and protection of weaker parties.

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

Prerequisites

None

Recommended reading

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

LAW4006
Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [N.J. Philipsen](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Advanced International Trade Law

Full course description

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

This course addresses the following themes:

- *Trade and sustainability* (on the interface between trade and sustainability concerns, and between WTO law and international environmental law)
- *Economic policy exceptions* (on the WTO rules that govern safeguard measures and preferential trade agreements);
- *Rules on anti-dumping measures* (on the WTO rules governing the permissible response to dumping as a form of unfair trade);
- *Rules on subsidies and countervailing duties* (on the WTO rules governing subsidisation, and the permissible response to subsidisation as a form of unfair trade);
- *Rules on technical barriers to trade* (on WTO rules governing technical regulations, standards, and conformity assessment procedures);
- *Rules on sanitary and phytosanitary measures* (on WTO rules governing national food-safety measures and measures to protect against health risks from pests or diseases); and

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

Course objectives

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

Prerequisites

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

- [International Trade Law](#)

Recommended reading

- The textbook used in this course is Van den Bossche, P. & Zdouc W., The Law and Policy of the World Trade Organization, 5th Edition (Cambridge University Press, 2021).
- Furthermore, it is convenient for students to have a copy of The WTO Agreements. The Marrakesh Agreement establishing the World Trade Organization and its Annexes (Cambridge University Press, 2017). However, students can also find the relevant WTO legal texts on the WTO website (www.wto.org) and can use a printout of these texts.
- Finally, additional mandatory reading will be made known on Canvas, where appropriate.

IER4025

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M.D. Prévost](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International trade law, WTO

Onrechtmatige Daad en Schadevergoeding

Full course description

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

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

Verder wordt aandacht besteed aan:

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

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

Course objectives

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

- de bronnen van het aansprakelijkheids- en schadevergoedingsrecht, namelijk wetgeving, jurisprudentie, en literatuur, te bestuderen en daarbij verworven kennis en inzicht toe te passen;
- diverse grondslagen voor aansprakelijkheid te herkennen in een feitencomplex en op basis van deze grondslagen gestructureerd te onderbouwen of er aansprakelijkheid is;
- indien er aansprakelijkheid is: aan te geven hoe ver deze reikt;
- de haalbaarheid van een aansprakelijkstelling en schadevergoeding te toetsen;
- het systeem van particuliere en sociale verzekering in verhouding tot aansprakelijkheid en schadevergoeding uit te leggen en toe te passen;
- discussie te voeren over actuele thema's in het aansprakelijkheidsrecht (o.a. shock- en affectieschade, immateriële schadevergoeding, werkgeversaansprakelijkheid) onder verwijzing naar jurisprudentie en politieke ontwikkelingen;
- een oordeel te vormen over een aansprakelijkheidsrechtelijk probleem en dit oordeel duidelijk,

Recommended reading

Literatuur:

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

Tot de basisliteratuur worden gerekend:

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

PRI4008

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Hartlief](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Verdieping Sociale Zekerheid

Full course description

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

Course objectives

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

Prerequisites

Kennis van het blok sociale zekerheid wordt bekend verondersteld

Recommended reading

Literatuur: enkele hoofdstukken uit Boek Klose/Vonk & andere literatuur (zoals bijvoorbeeld actuele rapporten; online beschikbaar)

PUB4001

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

Ontwikkelingen in en systemen van sociale zekerheid, ziekte en arbeidsongeschiktheid, ouderdom, vangnetten in de Nederlandse sociale zekerheid, werknemersstelsels en stelsels voor zelfstandigen, Europees recht

Faculty of Law

Verdieping Gezondheidsrecht

Full course description

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

Aandacht wordt allereerst besteed aan de organen die (bestuurlijk) verantwoordelijk zijn voor het leveren van goede zorg aan cliënten/patiënten. Denk aan hun taken met betrekking tot beleidsvorming en -uitvoering op het gebied van kwaliteit en veiligheid van zorg, samenwerking met andere zorginstellingen, zorginkoop, huisvesting en allerlei personele en financiële zaken. Aan de orde komen de Raad van Bestuur en de Raad van Toezicht en daarnaast - in het kader van medezeggenschap en bestuurlijke checks and balances - de cliëntenraad.

Ook de rechtspositie van medisch specialisten wordt gezien. Welke rechtsrelatie hebben zij met het ziekenhuis waarin zij werkzaam zijn? Wat is een Medisch Specialistisch Bedrijf (MSB) en hoe is dat in het grotere geheel van het ziekenhuis gepositioneerd? Van belang is ook: wie heeft welke verantwoordelijkheden in het geval van (mogelijk) disfunctioneren van medisch specialisten, en welke gevolgen kunnen of moeten aan disfunctioneren worden verbonden?

Bij de bespreking van deze onderwerpen zullen steeds actuele thema's en ontwikkelingen worden betrokken. Een voorbeeld vormt de vraag of alle medisch specialisten in loondienst van het ziekenhuis moeten komen, of dat ook ruimte moet blijven bestaan voor zelfstandig ondernemerschap. Ook wordt aandacht besteed aan recente wijzigingen in de wet- en regelgeving op het terrein van bestuur, toezicht en medezeggenschap en de gevolgen daarvan voor de rechtspraktijk.

Verder komen ook de patiënten/cliënten zélf aan bod. Hun rechtspositie wordt, verdiepend ten opzichte van het onderwijs in het blok Gezondheidsrecht, gezien in rechtsvergelijkend perspectief.

Om het beeld compleet te maken, wordt eveneens ingegaan op de rol en de rechtspositie van zorgverzekeraars. Hoe functioneert het stelsel van zorgverzekering in ons land? Wat is de rechtsrelatie tussen de zorgverzekeraars, zorgaanbieders en verzekerden (patiënten/cliënten), en welke aanspraken en verplichtingen vloeien daaruit voort?

Het Nederlandse zorgverzekeringsrecht vormt een basis voor het laatste onderdeel blok: de Europese Unie en de gezondheidszorg. Centraal in dit onderdeel staat de rol van de Europese Unie op het terrein van de gezondheidszorg en het grensoverschrijdende patiëntenverkeer.

Course objectives

Het opdoen van kennis van, en inzicht in, gezondheidsrechtelijke aspecten van het functioneren van zorginstellingen. In het bijzonder: het functioneren van Raden van Bestuur, Raden van Toezicht en cliëntenraden en de (rechts)relaties met externe partijen zoals zorgverzekeraars.

Daarnaast ook: het opdoen van kennis van, en inzicht in, de rechtspositie van medisch specialisten en de rechtsgevolgen in geval van mogelijk disfunctioneren.

Voorts: het opdoen van kennis van, en inzicht in, de rechtspositie van patiënten/cliënten (rechtsvergelijkend), de vergoeding van de aan hen verleende zorg (Nederlands

Master European Law School, specialisation European Business Law #####
zorgverzekeringsstelsel) en de rol van de EU op het terrein van de gezondheidszorg.

Prerequisites

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

Recommended reading

- Leenen, H.J.J. e.a., Handboek Gezondheidsrecht, achtste druk, Den Haag: Boom Juridische uitgevers 2020.
- Legemaate, J. en Kastelein, W.R. (red.), Sdu Wettenverzameling Gezondheidsrecht 2022-2023, Den Haag: Sdu Uitgevers 2022.

Nadere informatie over de te gebruiken wetgeving, literatuur en jurisprudentie wordt via de online leeromgeving Canvas en tijdens de eerste onderwijsbijeenkomst verstrekt.

LAW4002

Period 5

17 Apr 2023

16 Jun 2023

[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

Human Rights and Human Development

Full course description

Human rights and human development analyzes the different efforts that have been made to re-conceptualize economic relations between developed and developing countries in terms of rights and

obligations. Topics covered include: (1) the capabilities approach of Sen and Nussbaum as a theoretical framework for thinking about development; (2) the NIEO program sponsored by the Non Aligned Movement in the UN General Assembly; (3) the Millennium Development Goals and the Sustainable Development Goals; (4) the exploration of abuses in development programs as well as exploitative economic practices such as “land grabbing” and modern forms of slavery; (5) the effort to quantify and measure progress in human rights through indicators, including the recent SERF index. This course is interdisciplinary in nature and explores the limited hard law and soft law that exists in the field of human development with the aid of extra-legal perspectives. It also provides students with opportunities to engage with the mechanics and difficulties of measuring human rights achievement.

Course objectives

By the end of the course students should be able:

- To understand the theoretical background underlying the linkage between human rights and development
- To critically understand the history of the notion of development, as it has changed from the NIEO program into the modern SDG paradigm.
- To be able to evaluate complex fact patterns or policy programs from the perspective of human development.
- To demonstrate their knowledge by presenting complex information to an audience.
- To understand the tradeoffs that go into different empirical measures of human rights achievement and to analyze and evaluate the strengths and weaknesses of different proposals for indicators.
- To integrate existing legal knowledge and skills in a wider interdisciplinary conceptual framework.

Prerequisites

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

Recommended reading

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

IER4004

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

Lecture(s), PBL, Presentation(s)

Assessment methods:

Presentation, Written exam

Keywords:

International law, Human Rights, Human Development, Capabilities Approach

Faculty of Law

Advanced Criminal Procedure

Full course description

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

Course objectives

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

Prerequisites

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

Recommended reading

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

CRI4024

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [C. Peristeridou](#)

Teaching methods:

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

Assessment methods:

Written exam, Assignment

Keywords:

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

Faculty of Law

Criminalistiek en Forensisch DNA

Full course description

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

Course objectives

Na afronding van dit blok wordt de student geacht:

- De basisbegrippen van verschillende forensische technische methoden te kunnen begrijpen en toepassen.
- Hypotheses en onderzoeksvragen voor criminalistisch onderzoek “Bayesiaans” correct te kunnen formuleren.
- De juistheid van onderzoeksvragen en opgestelde hypothesen te kunnen beoordelen en bias risico's, alternatieve interpretaties en voorbarige aannames te kunnen herkennen;
- De correctheid van diverse bewijs theorieën en de bewijswaarde gebaseerd op onderzoeksresultaten te kunnen toetsen.
- Prosecutors (aanklager) en defence (verdediging) fallacies te kunnen herkennen;
- Het onderscheid te kunnen maken tussen bron- en activiteitsniveau bij het onderzoek aan forensische sporen;
- Het verschil in de bewijswaarde van macro- en micro-sporen te kunnen waarderen;
- De essenties van forensisch biologisch onderzoek en de evaluatie en interpretatie van DNA-profielen te kennen;
- De waarde van referentiedatabases voor vergelijkend onderzoek te herkennen;
- Adequate kennis te hebben van de relevante wetgeving aangaande het inzetten van deskundigen in strafzaken.

Prerequisites

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

Recommended reading

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

CRI4025

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [R. Hofmann](#)

Teaching methods:

Lecture(s), PBL, Skills

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

The Law of the Economic and Monetary Union

Full course description

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

Course objectives

Goals

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

Course objectives

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

Prerequisites

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

Recommended reading

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

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

IER4020

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [P. Nicolaides](#)

Teaching methods:

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

Assessment methods:

Written exam, Assignment

Keywords:

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

Faculty of Law

Law of the Sea

Full course description

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

Humankind depends on the oceans for survival in many different ways. Oceans provide food, and provide a framework for navigation as well as trade including tourism. Oceans play an important role in economic development, and at times are key locations for international conflict (such as the South China Sea).

The course on law of the sea will focus on environmental aspects, but equally on sovereignty and jurisdiction as key concepts of international law. Also issues such as law enforcement at sea, strategic and military questions and indeed human rights concerns related to migration will be addressed.

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

Assessment methods

Assignment and written exam

Writing an annotation of a judgment on a contemporary Law of the Sea case in week 5 of the course (= 1/3 of the final mark)

Written examination at the end of the course (= 2/3 of the final mark)

Course objectives

Students will gain an in-depth knowledge and understanding of the Law of the Sea as the legal system governing the use of the Oceans. Taking the UN Convention on the Law of the Sea as a starting point, substantive norms as well as dispute settlement will be covered.

Towards the end, the course will focus on applying the law of the sea to contemporary problems ('plastic soup', migration crisis, military use of the oceans etc.). Students should be able to recognize and analyze the legal aspects in contemporary oceans' problems and to individually formulate legally correct responses to such problems.

The examination consists of two separate parts: writing an annotation (case note) about a recent law of the sea case, and a written exam that will cover all of the law of the sea that has been covered in the course. The annotation will focus on understanding caselaw and demonstrating the insights into the law of the sea the student has gained during the course. The exam will provide the student with the possibility to demonstrate the scope and depth of the knowledge acquired.

Prerequisites

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

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

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

Recommended reading

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

IER4024

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [E. Lijnzaad](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

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

Faculty of Law

European Data Protection and Privacy Law

Full course description

Privacy and data protection are the fundamental rights that have gained salience not only as values protected within the European multi-level human rights protection system, but also as rights and obligations that provide framework for activities of entities using data as a basis for their economic

activities (as if it were, in a slightly dated and over-used terms, 'new oil'). This means that data protection as a discipline is complementary to data management and lies at the intersection with other major disciplines of law, both applying to private and public actors. What is more, it seems that the regulatory paradigm underlying GDPR has become a blueprint not only for data protection laws worldwide, but also for the legislative attempts to ensure ethical and fundamental rights compliant development of new technologies. The Digital Services Act or the proposal for the future AI Regulation only herald European Union's 'Digital Decade' (<https://digital-strategy.ec.europa.eu/en/policies/digital-compass>) importance of which has been underlined by the radical change of our work-and lifestyles during the past years' Covid-19 pandemics and through the employment of cyberwarfare in the course of 2022 Russian-Ukrainian war.

With the above in mind, during European Privacy and Data Protection Law course we will explore the European privacy and data protection system presenting it against the inter-disciplinary background and, subsequently, in the context of international and comparative law.

The course will begin with exploration of the GDPR-based architecture of data protection from three perspectives:

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

In preparation for the course students are offered a brief introductory module on Canvas providing the background information on the intersection of law, technology and economics.

Method

The course is based on the mix of lectures and tutorials delivered in the spirit of problem-based methodology.

Lectures offered by course coordinator will be complemented by guest lectures delivered by University of Maastricht and European Centre on Privacy and Cybersecurity (ECPC) scholars offering a variety of perspectives on the topic of the course.

Course objectives

The aims of this course are to acquire:

- Basic knowledge of European privacy and data protection law and the way it positions itself vis-à-vis other legal systems and disciplines;
- Fundamental knowledge of the architecture of the European Union data protection laws, in particular, the General Data Protection Regulation (Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data) and the Directive on Data Protection for Prevention of Criminal Offences (Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or

prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data);

- The awareness of the interplay of the European Union data protection rules with other fundamental rights and legal instruments;
- Knowledge and understanding of the basic construction of the ECHR based protection of the right to private and family life;
- Understanding of core notions of EU privacy and data protection law, such as data subject, data controller and processor, accountability, legal bases for data processing, explicit consent, sensitive data, data protection impact assessment, anonymisation and pseudonimization, rights of data subjects, including the right to be forgotten, enforcement and fines;
- Awareness of the variety of rights and obligations stemming from the GDPR, but affecting not only individuals' experience and execution of the right to data protection and privacy, but also the organisation of enterprises and the function of public authorities in this context.
- Awareness of the functioning of GDPR regulatory paradigm and methodologies of compliance stemming from it.
- Awareness of the impact of GDPR on other areas of technology regulation.
- Skills to ensure compliance ranging from the adapting of existing tools to engaging in discussion across disciplines in order to obtain a full privacy-related picture of organization's activities.

Prerequisites

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

In addition, understanding of basics of data-based technology will assist students in understanding the implications of data protection related challenges and consequences of not addressing them. In order to aid students in obtaining knowledge on the area, Module 0 of the course is offered to them in Canvas environment.

Recommended reading

- E. Kosta, R. Leens and I. Kamara, Research Handbook on EU Data Protection Law (Edward Elgar, 2022), ebook
- Fundamental Rights Agency, Handbook on European data protection law (FRA, 2018) available at <<https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law>>

(Available for free, can be ordered in a print version via the European Commission bookstore)

- B. Rainery, E. Wicks and C. Ovey, Jacobs, White and Ovey - The European Convention on Human Rights (OUP 2017), Chapter 16: Protecting private life, the home and correspondence
- Fragments of C. Kuner, L.A. Bygrave, and C. Docksey, Commentary on the EU General Data Protection Regulation (Oxford University Press, 2020, ebook).

Mandatory legal sources:

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

the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1

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

IER4026

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [K.I. Podstawa](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final take home exam

Faculty of Law

The Good Lawyer

Full course description

A lawyer fulfils an important task representing the interests of the client and upholding the rule of law, inside as well as outside of the courtroom. But whereas in the past the 'ethical behaviour of the attorney' was considered a given, it is now a topic of debate and often, for concern. In this course

legal ethics will be approached from a critical point of view. Students will not only get acquainted with the role of the lawyer within the legal system but also with the theoretical foundation necessary for interpreting this role. In addition, we will look at the rules and regulations of the lawyer's professional ethics and we will consider solutions for 'real life' ethical dilemmas.

Course objectives

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

Prerequisites

None

MET4063

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. Böhler](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final paper

Keywords:

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

Faculty of Law

Criminalistics and Forensic DNA

Full course description

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

Course objectives

Students should be able to:

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

Recommended reading

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

CRI4026

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [R. Hofmann](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Assignment

Keywords:

Criminalistics, Forensic Evidence, DNA, Investigations, Bayes theorem, Fallacies and Bias.

Faculty of Law

Rechtshandeling en Overeenkomst

Full course description

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

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

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

Course objectives

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

Recommended reading

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

PRI4001

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [T. Jonkers](#)

Teaching methods:

PBL

Assessment methods:

Oral exam, Assignment

Keywords:

Algemene voorwaarden Exonerationbedingen Derdenwerking van exonerationen Niet-nakoming: toerekening, verzuim en ingebrekestelling Consumentenkoop Conformiteit

Faculty of Law

Arbeidsrecht

Full course description

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

Course objectives

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

Recommended reading

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

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

PUB4014

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [J. Withaar](#)

Teaching methods:

PBL

Assessment methods:

Written exam

Keywords:

arbeidsovereenkomst, einde van de arbeidsovereenkomst, collectief arbeidsrecht

Faculty of Law

Verdieping Arbeidsrecht

Full course description

In het blok Verdieping arbeidsrecht staan arbeidsrechtelijke onderwerpen centraal die, niet of vanuit een ander perspectief aan de orde zijn geweest in het blok Arbeidsrecht. De onderwerpen worden aan de hand van verschillende taken en opdrachten behandeld. Onderwerpen die aan bod komen zijn bijvoorbeeld het werknemersbegrip en het gezagsbegrip nu en in de toekomst, grondrechten (denk aan non-discriminatie en vrijheid van meningsuiting), internationale en Europeesrechtelijke invloeden op het Nederlandse arbeidsrecht, in het bijzonder met betrekking tot non-discriminatie en collectieve rechten zoals het recht op collectief onderhandelen, collectieve actie en problemen aangaande mededingingsrecht.

Course objectives

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

Prerequisites

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

Recommended reading

- Loonstra en Zondag (bewerkt door A.R. Houweling e.a.), Arbeidsrechtelijke themata, Boom 2022;
- Kluwer Arbeidswetgeving 2022/23

PUB4015

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [N. Gundt](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Written exam

Keywords:

Werknemersbegrip, reikwijdte arbeidsrecht, grondrechten collectief arbeidsrecht

Faculty of Law

Bewijs in Strafzaken

Full course description

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

betrekking tot getuigenbewijs en deskundigenbewijs • onrechtmatig verkregen bewijs • wettig bewijs • verantwoording van het bewijsoordeel met betrekking tot de relevantie en betrouwbaarheid van bewijs

Course objectives

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

Prerequisites

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

Recommended reading

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

CRI4003

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Capita Selecta Criminologie

Full course description

Het vak Capita Selecta Criminologie moet inzicht te bieden in 1) de aannames waarop onze wetenschappelijke kennis over criminaliteit is gestoeld 2) de verschillende verklaringen van criminaliteit vanuit verschillende disciplines en op verschillende niveaus, en 3) de mogelijkheden om

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

Course objectives

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

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

Recommended reading

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

CRI4004

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Assignment

Faculty of Law

Sociale Zekerheid

Full course description

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

Course objectives

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

Prerequisites

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

Recommended reading

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

PUB4018

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [S. Klosse](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

European Criminal Law

Full course description

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

Course objectives

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

Prerequisites

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

Recommended reading

- Literature: -André Klip, European Criminal Law: An Integrative Approach, Intersentia, fourth edition, Cambridge-Antwerpen 2021;
- André Klip, Materials on European Criminal Law, Intersentia, fourth edition Cambridge-Antwerpen 2022

- Reader with additional literature and case law, as announced in the course book

CRI4007

Period 4

6 Feb 2023

7 Apr 2023

[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, rights of the accused

Faculty of Law

Gezondheidsrecht

Full course description

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

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

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

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

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

Bij de genoemde onderwerpen vindt vanuit het algemene gezondheidsrecht steeds een toespitsing plaats op de bedrijfsgezondheidszorg en de verzekeringsgeneeskunde. Dit maakt het mogelijk om een goed inzicht te verwerven in (praktijk)kwesties met zowel een arbeids- en sociaal verzekeringsrechtelijke als een gezondheidsrechtelijke component. In hoeverre kan een werkgever een werknemer bijvoorbeeld verplichten tot 'gezonder' gedrag, zoals sportbeoefening, met het oog op duurzame inzetbaarheid? En welke bijzonderheden kent het beroepsgeheim van de bedrijfs- en de verzekeringsarts, in het spanningsveld van de belangen die spelen in de (rechts)verhouding tussen de werkgever, werknemer, re-integratiebedrijf en ander betrokkenen?

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

Course objectives

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

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

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

Recommended reading

Verplicht:

- Leenen, H.J.J. e.a., Handboek gezondheidsrecht, achtste druk, Den Haag: Boom juridisch 2020 (UB; E-Book).
- Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2022-2023, Den Haag: Sdu Uitgevers, 2022.
- Blokspecifieke literatuur- en jurisprudentie.

Aanbevolen:

- Wijne, R.P., De geneeskundige behandelingsovereenkomst, Monografieën BW Deel B87, tweede druk, Deventer: Kluwer 2021.
- Wijne, R.P., De Wet kwaliteit, klachten en geschillen zorg. Een korte introductie, Den Haag: Boom juridisch 2021.

Master European Law School, specialisation European Business Law #####

Nadere informatie over de te gebruiken wetgeving, literatuur en jurisprudentie wordt via de online leeromgeving Canvas en tijdens de eerste onderwijsbijeenkomst verstrekt.

LAW4001

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Portfolio, Written exam

Keywords:

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

Faculty of Law

External Relations of the European Union

Full course description

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

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

Course objectives

Successful participants:

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

Prerequisites

EU Institutional law

Recommended reading

To be announced

IER4003

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [R.A. Ott](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Faculty of Law

Overheid en Privaatrecht

Full course description

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

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

Lesmethoden:

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

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

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

Toetsvormen:

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

Course objectives

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

Prerequisites

Voor het volwaardig kunnen volgen en afronden van het masterblok Overheid en Privaatrecht is een juridische bachelorvooropleiding vereist. De eindtermen uit de bachelorblokken Staats- en

bestuurs(proces)recht en Verbintenissenrecht vormen dan ook het startpunt voor dit vak.

Recommended reading

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

PUB4012

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Comparative Corporate Governance

Full course description

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

Course objectives

Students are able to:

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

Prerequisites

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

Recommended reading

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

PRI4012

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [B. Kemp](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Final paper

Keywords:

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

Faculty of Law

International Investment Law

Full course description

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

This course addresses all main issues covered by international investment law: • origins and nature (on international investment as an economic and social phenomenon, on the development of international investment law against the relevant political and economic background, and on its relationship with public international law); • sources (focusing on international investment agreements); • scope (focusing on the concept of 'investment' and 'investor'); • settlement of investment disputes (on the state-to-state dispute resolution and on the extremely controversial investor-state dispute settlement system), and • main standards of investment protection (on expropriation, fair and equitable treatment, full protection and security, non-discrimination and some other common substantive standards of protection of foreign investments).

Course objectives

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

Prerequisites

Basic knowledge of public international law is recommended.

Recommended reading

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

IER4015

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [I. Alexovicova](#)

Teaching methods:

Lecture(s), PBL, Work in subgroups

Assessment methods:

Final paper, Written exam

Keywords:

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

Faculty of Law

International Commercial Dispute Resolution

Full course description

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

Course objectives

Acquiring knowledge (level: Master) in respect of resolving commercial disputes with a cross-border

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

Prerequisites

Recommended reading

Cf. descriptions in course book.

IER5016

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

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

Faculty of Law

International Criminal Law

Full course description

The object of this course is to provide an introduction into International Criminal Law as a field of law which imposes responsibilities - and criminal accountability - directly on individuals and punishes violations of specific prohibitions through international judicial mechanisms. After having a look at the emergence of international criminal law, the course will focus on the jurisdictional regime and admissibility issues before the International Criminal Court: How is the jurisdictional

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

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

Course objectives

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

Prerequisites

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

Recommended reading

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

CRI4023

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [R.M. Heemskerk](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Final paper

Keywords:

International criminal law / international criminal courts and tribunals / international crimes / individual, responsibility and command responsibility / national prosecutions / transitional justice
Faculty of Law

International Humanitarian Law

Full course description

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

Course objectives

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

Prerequisites

None

Recommended reading

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

IER4022

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [W.C. Muller](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam, Assignment

Keywords:

Public international law - armed conflict - humanitarian law

Faculty of Law

Psychology and Law

Full course description

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

Course objectives

At the end of the course the student is able:

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

Prerequisites

None

Recommended reading

- Lassiter & Meissner (2010). Police interrogations and false confessions: Current research, practice, and policy recommendations. Washington, DC: American Psychological Association.
- Toglia, Read, Ross, & Lindsay (Eds.), (2007). Handbook of eyewitness psychology: Volume I:

Memory for events. Mahwah, NJ: Erlbaum Associates.

- Lindsay, Ross, Read, & Toglia (Eds.), (2007). Handbook of eyewitness psychology: Volume II: Memory for people. Mahwah, NJ: Erlbaum Associates.

CRI4015

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M.R. Vanderhallen](#)

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Portfolio

Keywords:

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

Faculty of Law

Forensic Psychopathology

Full course description

Forensic psychopathology plays an important role in criminal law. This course 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 assess 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);
- Discriminating real mental disorders from feigned psychopathology;
- Applying the obtained knowledge by critically examining the putative link between psychopathology and criminal behavior in true court cases.

Prerequisites

None

Recommended reading

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

CRI4016

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [M. Jelicic](#)

Teaching methods:

PBL

Assessment methods:

Written exam, Assignment

Keywords:

Offenders, criminal responsibility, mental disorders.

Faculty of Law

European Environmental Law

Full course description

Environmental law's reason of existence is to try to reduce pollution and to find solutions for restoring environmental damage caused by human activities. Main part consists of regulatory approaches to deal with various transboundary and global environmental problems. This course addresses the role of EU law in protecting human health and the natural environment against the damaging effects of pollution. The global problem of climate change and the regulatory responses to this by the EU serve as the leading case study. The EU has tried to establish itself as a global leader to fight climate change and has adopted an impressive package of legislation addressing greenhouse gas emissions, with a prominent role for market-based regulation in order to reach efficient outcomes. The overall aim of EU's legal intervention is to achieve climate neutrality by 2050 at the latest, but how can that be reached, and what implementation challenges have to be overcome? The course will identify what specific responsibilities rest on Member States in this respect. Meanwhile, Environmental nongovernmental organisations (ENGOS) have got important and strong legal rights, including access to information and access to justice, which will be discussed in view of how they effectively can be used. Furthermore, environmental litigation is on the rise, and the course will discuss leading cases, particularly in the field of climate change.

The course covers:

- EU competences for environmental decision-making;
- the interplay between international environmental law and EU environmental law; particular attention will go to international climate treaty law and international regulation of environmental

procedural rights, and how this impacts EU law;

- human rights (ECHR) and the environment, sustainable development and the right of future generations, and procedural rights for environmental organisations and potential victims;
- regulatory instruments for reducing the polluting behaviour of industries, with attention to the market-based instrument known as “emissions trading” but also to governance approaches employed by the EU.
- enforcement of environmental law in view of EU secondary legislation establishing liability of polluters.
- recent trends of (unprecedented) climate litigation

Teaching methods

A mix of tutorials (problem-based learning), knowledge clips and lectures / collective meetings with discussion time. Please note that further announcements about on-line teaching for this course will be made through Canvas.

Assessment methods

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

Most likely, this examination will take place in an electronic manner. Further announcements will be made in due time.

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

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

Specific information about the exam will be posted on Canvas.

Course objectives

The main objectives of this course are that the student:

- acquires knowledge of the main characteristics, developments, strengths and weaknesses of European environmental law, with special attention to EU climate law serving as a case-study;
- 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 able to distinguish several substantive and procedural rights relevant for environmental protection, , and is capable of identifying legal strategies using these rights for improving

environmental protection;

- is able to explain the core regulatory instruments to achieve climate neutrality in the EU, and is able to identify implementation challenges

- is able to develop a critical analysis of specific environmental law developments, in particular governmental policies, regulatory approaches and civil-society action, and court decisions

Prerequisites

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

Recommended reading

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

LAW4042

Period 1

5 Sep 2022

28 Oct 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL, Lecture(s)

Assessment methods:

Written exam, Presentation

Keywords:

EU competences & principles for environmental decision-making

Faculty of Law

Verdieping Bestuurs(proces)recht

Full course description

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

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

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

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

Course objectives

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

Prerequisites

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

Recommended reading

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

PUB4020

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

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

Teaching methods:

Lecture(s), Presentation(s), PBL

Assessment methods:

Written exam, Presentation

Keywords:

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

Faculty of Law

Europees en Nationaal Constitutioneel Recht

Full course description

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

Het vak laat zien dat het Nederlandse staatsrecht in toenemende mate onder invloed staat van het Europees recht. De blik is op het Nederlandse staatsrecht, maar met een Europese bril. Daarbij komen verschillende onderdelen van het Nederlandse staatsrecht aan bod, zoals het functioneren van de wetgevende macht, uitvoerende macht en de rechterlijke macht, de begrotingsprocedure, decentrale overheden, grondrechten. Recente ontwikkelingen op deze gebieden worden geanalyseerd aan de hand van staatsrechtelijke en Europeesrechtelijk literatuur. Studenten krijgen zo kennis van concrete onderdelen van het staatsrecht en raken ook bekend met ontwikkelingen in de literatuur.

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

Instructietaal

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

Leerdoelen van het vak:

1. De student heeft kennis van de verschillende vormen van juridische interactie tussen Europees

en nationaal constitutioneel recht.

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

Prerequisites

Afgeronde bachelor recht

Basiskennis van het nationale staatsrecht en van het Europese recht wordt verondersteld

Recommended reading

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

Het voorgeschreven boek is:

A.W. Heringa

Europees Nederlands Staatsrecht - Het Nederlandse staatsrecht beïnvloed door internationaal en Europees recht

PUB4021

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [M. van der Sluis](#)

Teaching methods:

PBL, Lecture(s), Presentation(s)

Assessment methods:

Final paper, Oral exam, Written exam, Presentation

Keywords:

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

Faculty of Law

European Fundamental Rights Law

Full course description

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

Course objectives

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

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

Prerequisites

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

Recommended reading

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

IER4016

Period 2

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Oral exam

Keywords:

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

Faculty of Law

Human Rights of Women

Full course description

Worldwide women experience difficulties in fulfilling their human rights. Culture, tradition and stereotypical ideas influence women's position in society. This course aims to look at the human rights of women from the perspective of the principles of non-discrimination and equality. 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 and the dilemma between universality and cultural diversity may determine the de facto equality of men and women. In addition, the course will also address 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.

The tutorial group sessions in this course are devoted to problem-based and discussion tasks. In addition, there will be lectures and/or recorded knowledge clip(s).

- Final (written) exam with open questions, accounting for 50% of the grade of the course.
- A mid-term assignment, in the form of a written and oral contribution, such as (but not necessarily) a mid-term paper and a presentation or participation in a debate. The mid-term assignment will be graded and count for 50% of the final grade for the course.
- In the event of a resit exam, the student will be given a take-home exam.

Course objectives

Generally: To provide an in-depth study 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.

Specifically:

- The student has an in-depth understanding of women's rights from the perspective of international human rights law.

- The student is able to effectively use the Women's Convention and other relevant international and regional human right treaties. The student can identify, critically assess and apply the Women's Convention's normative standards, including state obligations, and procedural mechanisms.
- 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.

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 (or more recent version);

Reading materials provided on the Student Portal.

IER4019

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

- [J.A. Sellin](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Take home exam, Presentation, Assignment, Written exam

Keywords:

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

Faculty of Law

Internal Market Law and Governance

Full course description

Internal Market Law and Governance is an advanced course in EU law. Building upon the knowledge gained in general courses on EU law, it deals with the free movement of goods on the EU's internal market and EU law and governance structures; issues that are closely intertwined. The European integration process is ever more challenged with the dilemma of allowing free trade and furthering economic integration and protecting non-trade concerns such as human health and safety and the environment that potentially hinder trade. EU law therefore needs to deal with the question as to

how to make sure that on the one hand products can freely circulate on the EU's internal market and on the other, that these products are not dangerous to human health and safety and the environment. To address this question, European rules often put a focus on science in their attempt to ensure that measures adopted by Member States are inspired by genuine non-trade rather than protectionist motives and intentions. Based on the case law of the European Court of Justice on free movement of goods, this course will discuss the legislative and non-legislative acts issued by the EU institutions and agencies to create and manage the internal market. This course combines both institutional and substantive EU law.

Course objectives

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

31 Oct 2022

23 Dec 2022

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Final paper, Written exam

Keywords:

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

Advocaat en Ethos

Full course description

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

Course objectives

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

Prerequisites

Geen

MET4013

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

Dutch

Coordinator:

- [B. Böhrer](#)

Teaching methods:

Lecture(s), PBL

Assessment methods:

Assignment, Final paper

Keywords:

Medische Aansprakelijkheid

Full course description

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

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

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

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

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

Course objectives

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

Prerequisites

Basiskennis (bachelorniveau) privaatrecht, in het bijzonder aansprakelijkheidsrecht en schadevergoeding.

Recommended reading

- Wijne, R.P., Medische aansprakelijkheid, tweede druk, Nijmegen: Ars Aequi Libri 2019.
- Legemaate, J. en Kastelein, W.R., Sdu Wettenverzameling Gezondheidsrecht 2022-2023, Den Haag: Sdu Uitgevers 2022.
- Literatuur- en jurisprudentieklapper.

Aanbevolen:

- Wijne, R.P., De geneeskundige behandelingsovereenkomst, Monografieën BW Deel B87, tweede druk, Deventer: Kluwer 2021.

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

PUB4024

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Customs Law

Full course description

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

Course objectives

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

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

Prerequisites

None

Recommended reading

S. Armella, 'EU Customs Code'

TAX4027

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Assessment methods:

Written exam

Keywords:

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

Faculty of Law

Advanced Customs Law

Full course description

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

Course objectives

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

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

- Give - in English - an informed opinion on the legislation and case law relevant to the various topics discussed;
- Creatively and critically deal with the topics covered by this course, be able to show the points of failure of existing legislation (and/or case law) and to offer solutions to resolve these issues;
- Describe, understand, explain and be able to interpret (geo)political influences on the taxation of international supply chains;
- Describe, understand, explain and be able to apply the concepts of various tax instruments (e.g., VAT, excises, customs duties) in the context of international supply chain taxation;
- Describe, understand, explain control frameworks, including the concepts of the Authorized Economic Operator, processes and control and risk management;
- Describe and understand the impact of technology in the field of customs law with respect to automation of processes, the exchange and evaluation of information and supply chain security;
- Describe, understand, explain non-fiscal aspects of customs law, such as anti-dumping, economic sanctions and export controls;
- Solve complex real-life cases from a theoretical and practical point of view;
- Describe, understand and explain the interplay between various customs law systems applicable in a global context.

Prerequisites

Customs Law

Recommended reading

To be announced.

TAX4028

Period 5

17 Apr 2023

16 Jun 2023

[Print course description](#)

ECTS credits:

6.0

Coordinator:

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

Teaching methods:

Lecture(s), PBL

Keywords:

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

Faculty of Law

Organisational Crime

Full course description

Organisational Crime is an elective, specifically designed for students of the master Forensics,

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

Course objectives

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

Capacity:

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

Area of Substantive Knowledge:

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

Prerequisites

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

Recommended reading

E-reader

CRI4020

Period 4

6 Feb 2023

7 Apr 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinator:

- [J.M. Nelen](#)

Teaching methods:

PBL, Lecture(s), Project-Centered Learning

Assessment methods:

Assignment, Final paper

Keywords:

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

Master European Law School additional

Internships

Master European Law School internship

Faculty of Law

Master's internship European law school

LAW4565

Year

1 Sep 2022

31 Aug 2023

[Print course description](#)

ECTS credits:

6.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Faculty of Law

Master's internship European law school

LAW4566

Year

1 Sep 2022

31 Aug 2023

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinators:

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

Teaching methods:

PBL

Assessment methods:

Written exam

Thesis

Master thesis European Law School

Faculty of Law

Master Thesis European Law School

Course objectives

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

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

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

The student demonstrates knowledge and understanding and is able to contribute to the

Master European Law School, specialisation European Business Law #####

development and/or application of original ideas, either within an academic or a professional context.

In this context, the student demonstrates in particular that(s)he has the required competences for substantiating and solving problems in the field.

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

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

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

LAW4065

Year

1 Sep 2022

31 Aug 2023

[Print course description](#)

ECTS credits:

12.0

Instruction language:

English

Coordinator:

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

Teaching methods:

PBL

Assessment methods:

Written exam