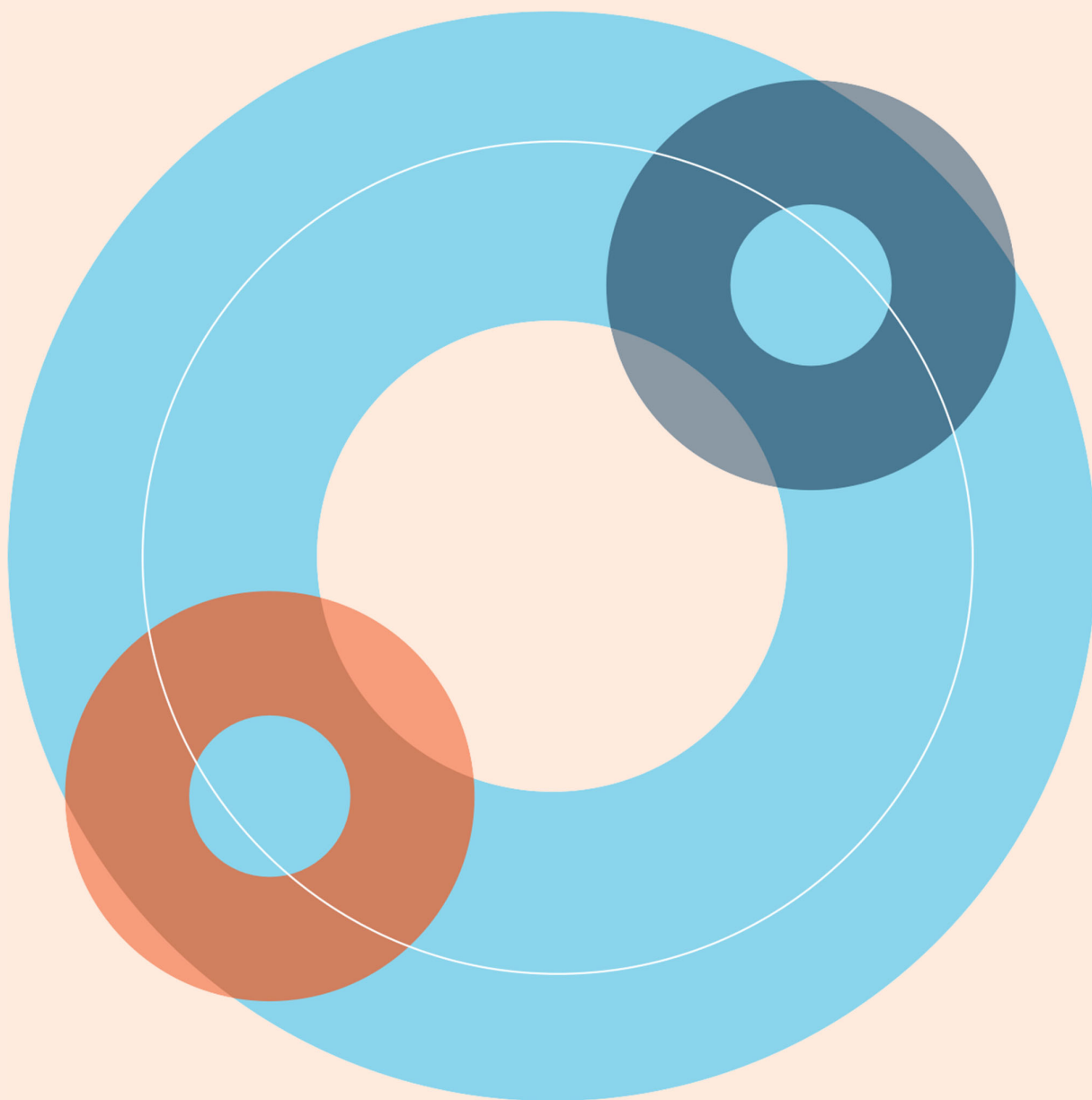

Faculty of Law Self-evaluation

Research Assessment 2016 - 2021



Foreword

This self-evaluation of the Faculty of Law of Maastricht University was prepared for the sake of the Research Assessment 2022. In this report, the Faculty reflects on its aims, strategy and achievements during the period 2016-2021, as well as its aims and strategy for the future. The Assessment Committee of independent experts has been asked to evaluate the Faculty's research in light of its aims and strategy, in line with the Strategy Evaluation Protocol 2021-2027 of UNL, KNAW and NWO. The focus of this assessment is thus on the Faculty's strategic aims and the strategies it has developed to achieve these aims.

The Assessment Committee is invited to assess the performance of the Faculty according to three main assessment criteria presented by the SEP 2021-2027: research quality, societal relevance and viability. Among all relevant aspects, the Committee is invited to pay special attention to academic culture, PhD policy and training, human resources policy and Open Science, in concert with the three main assessment criteria. The Faculty welcomes recommendations in order to improve its strategy and the quality of its research.

The research mission and strategy of the Faculty are set out in the strategic programme Creative Community Law@UM 2018-2022 (Annex 1), and in the Research Strategy 2015-2021 (Annex 2). The Faculty adheres to four core values: Community, Innovation and profile, Inclusivity and Learning. In short, the Faculty aims to truly be a creative academic community.

Research at the Faculty specialises in the role of law in a Europeanising and globalising society. This profile is implemented in one common Faculty research programme and brought to life in research institutes and research groups, as well as in interfaculty institutes. New research themes within the confines of the programme are proposed from the bottom-up. The Faculty aims to create an open, inclusive and diverse environment conducive to producing high quality research that is original and creative, and to create impact, both academically and societally. It seeks to offer an attractive career perspective to talented researchers and to maintain a good number of high-quality PhD-defences. It stimulates staff to develop their own research agenda and launch original and innovative research initiatives. The Faculty fosters cooperation between researchers and groups across institutes, fields of law and disciplines. The policy actions taken to achieve these aims are reported in this document.

The previous research assessment dates to 2016-2017, when the Committee Besselink submitted its Research Review Faculty of Law 2009-2015 (Annex 3). Overall, the report of the Committee Besselink assessed research at the Faculty as 'very good' on all three criteria applicable in the review: quality of the research, societal relevance and vitality. It did point out a few issues that, in the Committee's opinion, required further attention, relating mainly to the organisational research structure, the allocation of research time especially for young researchers and the criteria for quality assessment.

With respect to the organisational structure of research at the Faculty, the Committee praised the combination of bottom-up development with 'top-down' guidance in the form of the (then newly introduced) Faculty research programme 2016-2021 *Integration of and interaction between legal orders* (Annex 4). It concluded that individual researchers had no trouble finding their academic home, though the organisational structure may at first look somewhat complex to the outsider, and further expressed the hope that the newly introduced programme would not smother innovative

ideas that seemed to fall outside the programme and that it would foster rather than repress, and steer rather than command.

Since the Besselink report, the central role of the institutes and research groups as hubs in Faculty research has continued to increase. For the previous research assessment 2009-2015 the departments were still taken as the starting points for the description and analysis of the Faculty's research, while in the meantime, the institutes had become the true academic home of researchers at the Faculty with respect to research, more so than the departments. The institutes and research groups are, accordingly, central in this report. The Faculty programme merely serves to adjust, rather than steer research conducted individually and in teams in the institutes and research groups, and to prevent compartmentalisation. It is used to foster cooperation across research units, mainly by way of funding collaborative project.

The Board feels that that the Faculty programme and the organisational structure serve to foster a vibrant academic culture, to facilitate staff in doing high quality research and increase the visibility of the Faculty's research. It believes that the current combination of a bottom-up culture and soft guidance under the Faculty programme works well to achieve these goals.

The second challenge identified by the Committee Besselink concerned the allocation of research time especially for young researchers. Since then, the Faculty has revised its HR policy as well as the criteria for promotion, also in light of the Recognition and Rewards programme. The existing policy that the division between research and teaching can vary between members of a team and over time has been made more explicit. More attention is paid to the young generation of researchers, and several measures have been developed to award them additional research time.

Third, the Besselink Committee pointed to an apparent lack of clarity on the standards of research quality applied in the Faculty. Two main actions have been developed since then. First, the Faculty continues to prefer qualitative criteria are chosen over metrics, in line with the DORA principles and the Recognition and Rewards programme UM subscribes to. Much effort is invested in achieving clarity for the individual researcher, and to make explicit mutual expectations in personal development plans agreed between scholars, their line manager and administrative managers. Second, the Faculty Board has launched a Faculty-wide debate on research quality. By way of example, the Faculty's 2019 'research festival' featured a panel on 'What is good research', an open seminar was organised on the 'sense and nonsense of journal metrics in the assessment of legal academic research', and a memo 'What is good research' was discussed in Faculty meetings, in the Science Committee and among directors of the research institutes and research groups (see Annex 5). The requirements posed to PhD research have been the subject of discussion of several peer-to-peer sessions of PhD supervisors.

In 2019, the Faculty Board asked a small external review committee, composed of Professors Willem Van Genugten and Xandra Kramer to conduct a mid-term review covering the years 2016-2019, to check whether the Faculty was 'on the right track' (Annex 6).

The Mid-term Review Committee advised the Faculty Board to make quality criteria more explicit, though it warned against a closed, bureaucratic system of quality measurement. The Committee welcomed the steps towards the debate on research quality that was then underway and advised to link these Faculty discussions to national and international initiatives, Recognition and Rewards

and DORA. That advice has been picked up as is reflected in the debates that have been held on research quality, the further clarification of promotion criteria, and the further development of personal development plans in line with Recognition and Rewards.

The Mid-term Committee highly appreciated the organisation of research at the Faculty. For the Committee it was clear that the combination of bottom-up and relatively light top-down steering works well and is highly appreciated in the workplace. The Committee believed that this approach is also successful due to the accessibility of the Faculty Board and its members, short communication lines, and an open and constructive atmosphere in the Faculty. It therefore advised the Faculty to continue working along these lines.

With respect to the Graduate School, the Committee praised the high-quality basic training programme offered to the PhD candidates and the new policies introduced to improve the monitoring of PhD trajectories. It expressed two concerns, relating to the support system for PhD researchers, and to external PhD researchers. The Committee pointed out that it was not always clear to PhD researchers who they should go to first if they encounter a problem (though they had reported that they were well aware of the different support functions in place). The information has been adapted in the meantime, while mental well-being of the PhD researchers and the quality of the support system remain high on the agenda of the Graduate School. With respect to external PhD researchers, the Committee advised to embed them better in the Faculty and the Graduate School. Several actions have been taken in the meantime: external PhD researchers are interviewed by the Science Committee at the beginning of their trajectory; they follow the training programme offered by the Graduate School in an online format; research institutes and research groups are asked to involve them in their activities, and social events of the Graduate School now also incidentally take place online, so that external PhD researchers can join.

This Self-assessment spans the period 2016-2021 and thus also covers the years of the COVID-19 pandemic. It goes without saying that the pandemic has had a huge impact on the lives of scholars, teachers, support staff and students at the Faculty. Teaching was moved online virtually overnight, conferences and seminars were first cancelled and later organised in Zoom and its likes, field trips were cancelled or postponed, interviews could not be conducted, and libraries crucial for legal historical research were closed. Researchers had to take on care duties, while others suffered from loneliness, sometimes far away from their families and friends. Almost all felt the effects of the pandemic on their mental health.

During the pandemic, student and staff well-being and safety was the first concern of the Faculty Board. Faculty Zoom sessions were held to maintain the sense of community the Faculty Board cherishes, and to allow staff to 'meet' and share personal stories. Supervisors were called upon to stay in close contact with their supervisees. The Graduate School organised online social events, as well as mindfulness trainings, which were later opened to the entire Faculty community. From the very beginning of the pandemic, the message was repeated and again that that performance agreements would be adapted, that delays would be taken into account and that extensions would be granted. The PhD Delays Committee continues to accept requests for extension and will remain in place as long as is needed to allow PhD researchers who have experienced delays due to COVID to be granted extensions. Invitations for annual interviews are still accompanied with a booklet drafted by Female Empowerment UM (FEM), reminding us of the impact of COVID on staff, their

progress and output. Mental health and well-being of staff and students remain high on the agenda of the Faculty Board.

This Self-evaluation is structured as follows. The first section introduces the reader to the Faculty. Section Two sets out the Faculty's mission and strategic aims of the past six years, and the Faculty's strategy is laid out in Section Three. Section Four presents the Faculty's achievements of the past six years. It is divided into two parts: the first part covers the Faculty as a whole, while the second contains the reports of the research institutes and research groups. Each of these reports follows the same pattern, starting with a short description of the profile and research agenda of the institute or research group. It then explains how research is organised at the institute or research group, before showcasing the key publications and achievements of the period under review. Finally, Section Five contains the SWOT analysis and reflects on the Faculty's research strategy for the future.

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List of abbreviations

BAC	Benoemingsadviescommissie (Faculty Appointment Committee)
BISS	The Brightlands Institute for Smart Society
CERIM	Centre for European Research in Maastricht
CESL	China-EU School of Law
CRC	Centro for Contract Research
DACS	Department of Advanced Computing Sciences
DKE	Department of Knowledge Engineering
ECPC	European Centre on Privacy and Cybersecurity
ERC	European Research Council
FASoS	Faculty of Arts and Social Sciences
FB	Faculty Board
FHML	Faculty of Health, Medicine and Life Sciences
FPN	Faculty of Psychology and Neuroscience
GDPR	General Data Protection Regulation
GLaw-Net	The Globalisation and Law Network
ICGI	Institute for Corporate Law, Governance and Innovation Policies
IDS	Institute of Data Science
IGIR	Institute for Globalisation and International Regulation
INSOL	International Association of Restructuring, Insolvency & Bankruptcy Professionals
ITEM	Institute for Transnational and Euregional Cross-Border Cooperation and Mobility
KCIS	Knowledge Centre for International Staff
KNAW	Koninklijke Nederlandse Akademie van Wetenschappen (Royal Netherlands Academy of Arts and Sciences)
LEO	Law Events Office
MACHH	Maastricht Centre for Arts and Culture, Conservation and Heritage
Macimide	Maastricht Centre for Citizenship, Migration and Development
MCEL	Maastricht Centre for European Law
MCfHR	Maastricht Centre for Human Rights
MCT	Maastricht Centre for Taxation
M-EPLI	Maastricht European Private Law Institute
METRO	Maastrichts Europees instituut voor Transnationaal Rechtswetenschappelijk Onderzoek (Maastricht Institute for Transnational Legal Research)
MJ	Maastricht Journal of European and Comparative Law
MMI	Maastricht Montesquieu Institute

List of abbreviations

MUSIC	Maastricht University Science in Court
MWoE	Maastricht, Working on Europe
NEIMED	Nederlands Expertise en Innovatiecentrum Maatschappelijke Effecten Demografische krimp (Netherlands Expertise and Innovation Centre Societal Effects of Demographic Decline)
NWO	Nederlandse Organisatie voor Wetenschappelijk Onderzoek (Dutch Research Council)
RSO	Research Support Office
SBE	School of Business and Economics
SSH	Social Sciences and Humanities
UM	Maastricht University
UU	Utrecht University
UvA	University of Amsterdam

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1. Introduction: presentation of the Faculty

1.1. Overview – main characteristics

The Faculty of Law was created in 1981. Currently, over 3,400 students (including over 1000 master's students) are enrolled in Faculty of Law programmes. The Faculty has around 225 fte academic staff, including 75 PhD candidates, plus 126 external PhD researchers (see Annex 7). It offers three bachelor's programmes (Dutch Law, Tax Law, and European Law School), four master programmes taught in Dutch (Nederlands Recht, Fiscaal Recht, Recht en Arbeid and Forensica, Criminologie en Strafrechtspleging), six master's programmes taught in English (International and European Tax Law, European Law School, Forensics, Criminology and Law, Globalisation and Law, International Laws) as well as two advanced master's (Intellectual Property Law and Knowledge Management and Privacy, Cybersecurity and Data Management). The Faculty also significantly contributes to the bachelor's law programmes at Hasselt University (UHasselt, BE), as well as the bachelor's programmes European Studies and University College of the Faculty of Arts and Social Sciences (FASoS) and in the interfaculty bachelor Global Studies of Maastricht University. Education at the Faculty has an international outlook: all bachelor's and master's programmes devote ample attention to European and international law, as well as to comparative law. The international profile is also reflected in the composition of the student and staff bodies: currently, 54% of the students and 53% of academic staff (including PhD researchers) are non-Dutch. Given this international character, the Faculty uses both English and Dutch in its teaching and research. In terms of student population and staff, the UM Faculty of Law is clearly the most internationalised law Faculty in the Netherlands.

Research is closely connected with education, and the same international profile is hence visible in the research conducted at the Faculty, with its special attention to Europeanisation, globalisation and digitisation, from a European, international and comparative law perspective. This profile is reflected in the Faculty-wide research programme *Integration of and Interaction Between Legal Orders* (2016-2021) covering the period under review. It is aligned with the university-level priority research theme 'Europe and a Globalising World', and to a lesser extent, 'Quality of Life'. Research under the Faculty programme is centred on the role of law in increasingly Europeanised and globalised societies and examines institutional and substantive developments in the processes of Europeanisation and globalisation as well as the changing role of the national legal order therein.

The Faculty research programme originally consisted of four so-called pillars within which researchers from different traditional fields of law work together on themes: Global Justice, Institutional Transformations, Globalising Markets, Cross-Border Cooperation and Mobility. In line with the bottom-up approach to research development and its firm belief in curiosity driven research, the Faculty allows for flexibility, and adapts to new developments if needed and if there is sufficient capacity for new themes. In this vein, a fifth pillar on Law and Technology was added to the Faculty programme in 2019, in order to do justice to research initiatives developed on the ground by individual researchers and in various institutes, in response to societal developments.

In the academic year 2021-2022 the Faculty research programme was revised in a bottom-up process (more on this later), and the new programme Dynamics between Legal Orders (2022-2027) will be launched during the research festival in the autumn of 2022.

The Faculty is home to the *Maastricht Journal of European and Comparative Law* (MJ), which celebrated its 25th anniversary in 2018. The journal, published by Sage has a strong reputation in the fields of comparative and European law. Its editorial board consists of (former) Faculty members. It publishes six issues per year, containing articles, case notes, legal debates, legal developments and commentaries by leading academics and professionals in the areas of European and comparative law and covers areas of interest in both European law and comparative law. It is unique in its breadth of coverage which includes all major areas of law. The MJ applies double-blind peer review and treats UM authors in the same manner as external authors. The MJ truly reflects the international and European profile of the Faculty, as well as its focus on integration of and interaction between legal orders.

Since 2018, the Faculty publishes a book series in association with Boom Juridisch and Eleven International Publishing: the *Maastricht Law Series*. This book series, that replaces the *Ius Commune Europaeum* series, publishes monographs, PhD theses, and edited volumes on comparative, European and International law of authors from within and outside of the Faculty. The *Maastricht Law Series* is peer-reviewed. The editorial committee consists of members of the Faculty.

The Faculty's research mission and strategy is set out in the strategic programme *Creative Community Law@UM 2018-2022*, and in the *Research Strategy 2015-2021*. The Faculty has a distinct research profile that specialises in the role of law in a Europeanising and globalising society. This profile is implemented in one common Faculty research programme and brought to life through a domain-specific application in research institutes and research groups, as well as in interfaculty institutes. New research themes within the confines of the programme are proposed from the bottom-up. The Faculty aims to create an open, inclusive and diverse environment conducive to producing high quality research that is original and creative, and to create impact, both academically and societally. It seeks to offer an attractive career perspective to talented researchers and to maintain a good number of high-quality PhD-defences. It stimulates staff to develop their own research agenda and launch original and innovative research initiatives. The Faculty fosters cooperation between researchers and groups across institutes, fields of law and disciplines.

1.2. Organisation

1.2.1. One Faculty, nine research institutes, three research groups

The Faculty strives to be one open, inclusive and diverse academic community. There is one Faculty Research Programme, which is mainly implemented in the research institutes and research groups, which each address (some of the) challenges set out in the programme from their own specific perspective and expertise. These institutes and groups form the day-to-day 'academic home' of researchers.

Some of the *research institutes* are closely related to traditional legal disciplines, while others are more thematic and characterised by interdisciplinary approaches, bridging legal sub-fields as well as legal science and other disciplines. The research programmes of the various institutes are drawn up against the background of the overarching Faculty research programme and further shape it. They set out how each institute aims to implement the programme.

The following research institutes have been established (in alphabetical order):

- Institute for Corporate Law, Governance and Innovation Policies (ICGI)
- Institute for Globalisation and International Regulation (IGIR)
- Maastricht Centre for European Law (MCEL)
- Maastricht Centre for Human Rights (MCfHR)
- Maastricht Centre for Taxation (MCT)
- Maastricht European Private Law Institute (M-EPLI)
- Maastricht Institute for Transnational Legal Research (METRO)
- Maastricht Institute for Criminal Sciences (MICS)
- Maastricht Montesquieu Institute (MMI)

In order to prevent compartmentalisation and fragmentation, the Faculty incentivises collaboration between and across the various institutes via the so-called collaborative projects (see further below under 3.1.3).

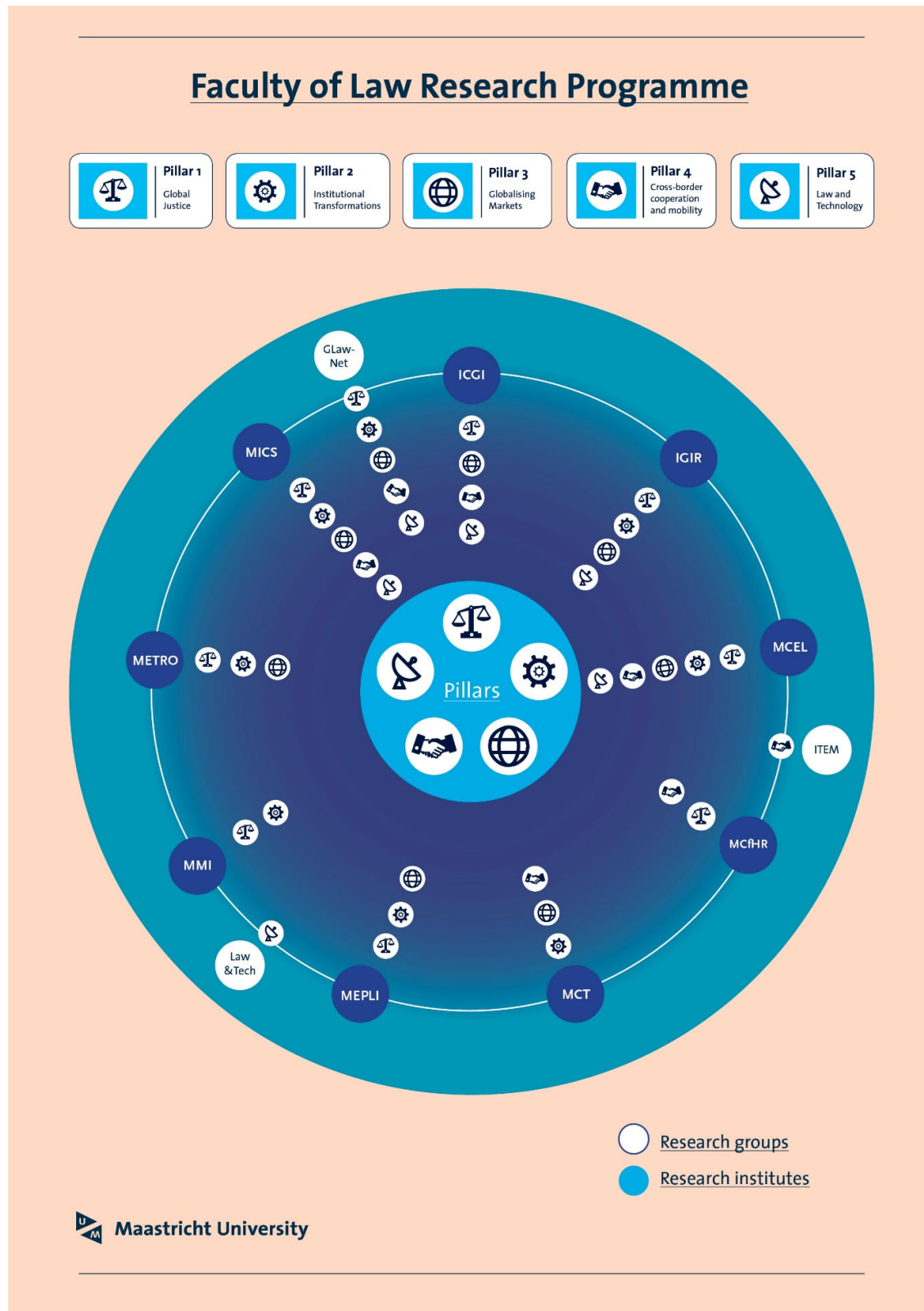
Collaboration around common research themes has also been given a new impetus in three *research groups*, which have been established more recently with internal and external funding: ITEM, GLaw-Net and the Law and Tech Lab. These groups bring together researchers from various institutes to work on common research themes, while remaining members of their respective research institutes. They do not follow the division in traditional legal fields and are explicitly intended to bridge legal fields, cooperate with other disciplines, or make the results of Faculty research available to the outside world.

The Institute for Transnational and Euregional Cross-Border Cooperation and Mobility (ITEM) was established in 2015 in the context of 'Kennis-As Limburg' (Limburg knowledge axis), an investment programme in which the provincial authorities work together with knowledge institutions in the region, including the Province of Limburg, the municipality of Maastricht, the Euregio Maas-Rijn, Zuyd Hogeschool and NEIMED.

The other two research groups were established in 2019 in the context of the [Sectorplan Law](#):

- The Globalisation and Law Network (GLaw-Net)
- The Law and Tech Lab.

Figure 1: Faculty of Law Research Programme and institutes



The Faculty research profile is not only strongly focused on cooperation between various research units within the Faculty, but also with other UM faculties. Interdisciplinary collaboration is institutionalised in several interfaculty institutes, most prominently:

- Maastricht Centre for Citizenship, Migration and Development (Macimide)
- Centre for European Research in Maastricht (CERiM)
- Maastricht Centre for Arts and Culture, Conservation and Heritage (MACHH)

These initiatives were initially co-financed by the Executive Board of Maastricht University. While UM funding has ended, these institutions continue to be meeting places for scholars from the participating faculties and disciplines.

In 2019, a new forum for cooperation on research concerning European integration was launched. This initiative, [Maastricht, Working on Europe](#) (MWoE), is a joint venture between the UM, the Province of Limburg and the municipality of Maastricht. Maastricht, Working on Europe publishes several calls every year facilitating research cooperation between researchers from the participating UM faculties.

Most recently, researchers at the faculties of Law, Health, Medicine and Life Sciences (FHML), Psychology and Neuroscience (FPN) and the Academic Hospital Maastricht (MUMC+) established the Maastricht University Science in Court ([MSiC](#)) initiative.

Another example of interdisciplinary cooperation between members of the Faculty and researchers in other UM faculties is the cooperation between the Law and Tech Lab and the Department of Advanced Computing Sciences (DACS, a recent merger between the Institute of Data Science (IDS) and the Department of Knowledge Engineering (DKE)). There are also many peer-to-peer links between scholars of the Faculty and researchers at other faculties, mainly FASoS and SBE.

Finally, several Faculty members participate in Brightlands, an open innovation community connecting researchers, entrepreneurs, and students in the border regions. It has four campuses in the province of Limburg, in which Maastricht University plays a key role. Brightlands focuses on sustainability, health, and digitalisation. The Faculty participates for example in the The Brightlands Institute for Smart Society (BISS), the Campus Greenport Venlo and the Smart Services Campus.

Of course, researchers also work together with colleagues in the Netherlands and abroad in the context of various networks. Some of the more established examples of such research collaboration are the Ius Commune Research School (with the UM Faculty of Law coordinating the school, which also includes the University of Amsterdam (UvA), Utrecht University (UU) and KU Leuven) as well as the Netherlands Network for Human Rights Research. These research networks play an important role in the training of PhD researchers and allow them to connect to expand their horizons and connect with both junior and senior researchers outside of the Faculty.

For teaching and for administrative reasons, academic staff is also organised in six *departments* (Private Law, Public Law, Criminal Law, International and European Law, Foundations and Methods of Law and Tax Law). These departments are also responsible for implementing the Faculty's HR policy. Yet, for research purposes, the research institutes and research groups form the academic communities where the academic debate takes place on a daily basis, where the Faculty research

programme is fine-tuned and where quality control takes place. Staff members may participate in more than one institute or group depending on their own research profile.

1.2.2. Management

The Faculty Board is ultimately responsible for the Faculty's research policy. The vice-dean for research is responsible for the portfolio 'research'. The vice-dean is also director of the Graduate School. The board is implementing the strategic programme Creative Community Law@UM 2018-2022. Table 1 shows the current composition of the Faculty Board.

Table 1: Composition of the Faculty Board, 2022-2023 (current composition)

Dean	Prof. Jan Smits
Vice-dean of education	Dr. Sjoerd Claessens
Vice-dean of research and director of the graduate school	Prof. Monica Claes
Student adviser	Meggie Lentjes
Student auditor	Otto Heijboer
Managing director (adviser)	Brahim Ait Mellouk
Secretary	Frederiek Lommen

1.2.3. The Maastricht Graduate School of Law

All PhD candidates are members of the Graduate School of Law. The Graduate School aims to provide a stimulating environment for legal research to predoc researchers. It offers a basic and tailor-made training to PhD researchers and to the students of the Master's Honours Research Track, a selected group of talented master students with a special interest in legal research. It aims to create a safe, inclusive, and supportive community for all PhD researchers.

The Graduate School is headed by a small team, consisting of the Director (the vice-dean for research), the coordinator, the so-called methodologists who offer the basic training and the administrator. The team meets regularly to constantly evaluate the programme, monitor concerns of the PhD researchers, and discuss new policies. The team also has monthly meetings with the PhD representatives, who are chosen by the PhD candidates among them.

The Graduate School offers financial and administrative support to the lively PhD community, for instance, by funding the writing boot-camp (organised by the PhD representatives) and assisting the organisation of research meetings which the PhD community initiate.

1.2.4. Science Committee

The Science Committee is an advisory organ of the Faculty, advising the board on the Faculty's general research strategy and policy. It supervises the selection procedure for PhD researchers appointed within the Faculty (the so-called internal round) and assesses research proposals submitted by scholarship PhD candidates, PhD candidates on a double or joint degree programme, and, since 2021, external PhD candidates. It decides on the allocation of funds for collaborative projects.

The Science Committee is composed of senior researchers with a proven track record in research as well as a PhD representative. Table 2 gives an overview of the current composition of the Science Committee.

The Science Committee meets once every month. The vice-dean for research joins every meeting for a brief exchange. The vice-dean for research and the chair of the Science Committee regularly meet to discuss research-related matters.

Table 2: Science Committee composition, 2022-2023 (current composition)

Chair	Prof. Marta Pertegás Sender*
Member	Prof. Suzan van der Aa Dr. Marijn Chamon Prof. Gijs van Dijck Prof. Bram van Hofstraeten Anna de Jong (PhD representative) Prof. Liesbeth Lijnzaad Prof. Niels Philipsen Prof. Ronald Pierik Prof. Marjon Weerepas
Secretary	Patrick van Eijs

** Preceded by Fons Coomans (1 September 2017 – 1 September 2022) and Ellen Vos (until 1 September 2017).*

1.2.5. Support: Team Research and Law Events Office (LEO)

Research support is organised as follows:

- a policy advisor for research (0.9 fte) provides support on research policy issues and is the Science Committee's executive secretary
- a grant adviser (0.8 fte) provides guidance on finding appropriate funding schemes and on writing grant proposals
- a contract research consultant (0.9 fte) takes care of the financial aspects (budgeting, planning, and reporting) of externally financed research projects
- a research secretary (0.2 fte) administers PURE
- a secretary of the graduate school (0.5 fte) tends to daily graduate school matters
- one member of the department of marketing and communication (0,8 fte) is dedicated to science communication and edits the law blogs
- a data steward (0.4 fte) provides support on data management
- an information manager (0.4 fte) tends to privacy (GDPR) research aspects
- the Law Events Office (LEO) (7.1 fte) provides support for the organisation of events and assists in promoting them.

The growing interest in other ways of doing research than the more traditional doctrinal legal research, the need for external funding and the further development of the PhD training in the Graduate School have led to recognition of the need to improve expertise in research methodology and to improve the methodological skills of researchers. Accordingly, in 2015 the Faculty appointed two experts in methodology (0.4 fte each). These so-called methodologists train PhD researchers on research methodology and are available to provide advice to academic members of staff, for

instance, when they prepare grant proposals. One of these methodologists is an expert in interdisciplinary and empirical research, the other focuses on doctrinal, comparative and theoretical research.

At UM central level, three centres of expertise offer support for researchers.

- The Research Support Office (RSO) facilitates acquisition and management of external research funding at Maastricht University. It does so by pooling the expertise available in UM faculties and departments, developing, and implementing funding policy and monitoring and optimising institutional-level grant support processes.
- The Contract Research Centre (CRC) facilitates management of external research funding, more often executed in knowledge networks with external partners. It does so by pooling the expertise available in UM faculties and departments on finance, fiscal and legal matters, administrative organisation, etc.
- The Knowledge Centre for International Staff (KCIS) assists incoming and outgoing international staff with their move to Maastricht or abroad.

2. Mission and strategic aims

2.1. Mission and research profile

2.1.1. Mission

Mission and strategic aims The Faculty of Law is a young and innovative Faculty in the heart of Europe, with an open, inclusive and diverse academic community striving for distinctive and high-quality legal research and education in both Dutch and English and offering a stimulating study and work environment for talented students and staff. By educating and training students and professionals for national and international careers in law, and by doing both fundamental and practice-oriented research, the Faculty aims to add value to society.

The Faculty is based on four core values: community; innovation and profile; inclusivity and learning. The Faculty aims to form one academic community that attaches special value to cooperation between students and staff, between academic and support staff, between University and society and within teaching and research programmes. It aims to build a distinctive profile in both teaching and research. This profile lies both in relating research and teaching programmes to societal trends (such as Europeanisation, globalisation and digitisation) and in developing innovative research and teaching. Incentivising grassroots initiatives and bottom-up experiments are essential for constant innovation and connecting the law to other academic fields. The Faculty aims to offer a stimulating environment for students and staff working to achieve our mission, while adhering to our core values. Mutual respect and transparency are leading. Although the Faculty fosters a culture of high ambition and performance, aptitude without attitude is part of its DNA. Intensive contact between staff, diversity, and an attractive building contribute not only to a welcoming atmosphere, but also to learning intercultural and intercollegiate skills. Staff and students aim for continuous professional and personal development. Staff operates in an environment in which constructive feedback is assured, best practices are shared, and creativity is stimulated. The leadership culture is one of trust and creating space for people to thrive. The four core values contribute to further developing the creative academic community the Faculty aims to be.

The Faculty aims to offer a stimulating environment that encourages researchers to produce impact academically, to engage in innovative and creative research, to engage with academic audiences in The Netherlands and abroad, and to publish high-quality research that has impact. The Faculty also encourages researchers individually or collectively to create societal impact.

2.1.2. Research profile: the Faculty Research Programme

The Faculty Research Programme *Integration of and Interaction between Legal Orders* was drawn up in 2016, to span the period 2016-2021. Within the overall theme, four sub-themes were identified, the so-called pillars. A fifth pillar was later added in order to accommodate the fast development of new research initiatives in the Faculty relating to technological innovation and the societal challenges it entails.

The research programme is implemented in the institutes, which frame their own research programmes in the light of the overarching Faculty Programme. Each of these research programmes sets out how the institute will contribute to the Faculty Programme, in light of their specific expertise.

One of the premises of the programme is the continuing process of economic and political integration that is taking place in today's society, both at the European and the global level. This integration is partly the result of a worldwide expansion of trade, production, technology, media and transport. The European Union is a prime example of how economic and political integration works in practice, while also being an excellent illustration of the challenges that accompany such integration. These challenges include finding the appropriate balance between uniformity and diversity, optimally shaping the institutions and instruments to achieve integration, and providing effective means to address the negative effects of integration, such as environmental damage and organised crime. The term integration also covers disintegration, and the term interaction also covers collision. After all, society is increasingly confronted by conflicts between different sets of norms caused by phenomena such as (in the context of the European Union) the rise of multilevel law making and migration. These conflicts can be seen at different levels of governance. Within Europe, there is a continuous struggle between the national and the European legal orders that both claim to provide the ultimate source of sovereignty. At the national level, there is an ever-growing number of conflicts between state-enforced norms and norms of religious communities. In addition, private regulation (including codes of conduct) is becoming more prominent. The declining role of the nation state also raises questions about the role of social norms. These developments are of great relevance to legal scholarship. Legal scholars excel in mapping and explaining both integration processes (in which the law tends to play a highly important role) and interaction between conflicting legal orders. What is more, legal scholars are able to make normative statements about the desirability of these developments and about how to influence them through law making. At the same time, it has to be recognised that the law is only one of the instruments in the toolbox available to policy makers and executors of policy. The main societal challenges need to be addressed on different levels, by different actors and through different tools and disciplines. An integrated, multidisciplinary approach, in which problems and solutions are studied from multiple perspectives, is necessary. This is why the research programme advocates studying the aforementioned developments not only within the traditional subfields of the law (private law, criminal law, constitutional law, European law, tax law, environmental law, etc.), but also across disciplinary boundaries with the inclusion of other subfields and disciplines in the research design. Although the research programme has a strong international focus, it does not exclude nationally oriented research.

The research programme is based on five pillars. These pillars all emphasise various aspects of integration and interaction and include both of these relevant issues in relation to substantive and procedural law.

Pillar 1. Global justice

The way in which legal rules and instruments can contribute to interaction and integration between orders, and especially legal orders, raises on the one hand instrumental questions regarding the adequacy of the interdependencies between the various legal orders and on the other hand questions concerning the optimal way in which a mix of legal rules can contribute to interaction and integration.

However, fundamental questions can also be raised about the nature of the integration and about the social and distributional consequences, not only of integration itself, but also of the effects of

different legal rules for bringing about this interaction and integration. Crucial questions also arise with respect to the actors involved and the division of duties between them.

Within a traditional constitutional perspective, it relates to the Trias Politica, but more generally, to the question how the processes of interaction and integration can take place while at the same time respecting the democratic nature and the legitimacy of decision-making processes. Questions related to the fairness, distribution and legitimacy of the interaction and integration should therefore be equally central to the programme. It is precisely these that are studied under the heading of 'global justice'.

Pillar 2. Institutional transformations

Today, the interdependencies between national legal orders, the need for and requirements of European integration, increasing globalisation and its impact on law, and the concern for international peace and security are confronting national, European, and international legal orders with intricate problems.

Various crises have pointed up the inability of available legal and political instruments to sufficiently address the needs and concerns of citizens, regulators and businesses, ultimately leading to an accountability and legitimacy deficit more generally. The research in this pillar thus studies the shaping of the future progress of integration and new modes of governances.

Pillar 3. Globalising markets

Increasing Europeanisation and globalisation of markets, together with efforts to remedy their negative effects, is one of the main driving forces behind legal integration and convergence. This is clearly the case in the European Union, which has at its core the future development of the internal market through law.

At a global level too, there is the question of how integration of markets must be facilitated or curtailed by the law, and how access to markets is best provided for. The question is to what extent interaction is able to accommodate the development of global markets in the best possible way, paying attention to both commercial interests and the interests of weaker parties.

Pillar 4. Cross-border cooperation and mobility

Cross-border mobility, international provision of services, improvement of the investment and business climate, sustainable development, and protection of the environment, as well as the need to protect society against crime and insecurity are some of the main priorities of the European Union and beyond. These priorities presuppose that public and private organisations cooperate across borders.

Cross-border cooperation is not only challenging and multi-faceted, but complicated due to differences in rules, jurisdictions, legal cultures and so on. In the process of cooperation, legal and social orders may be integrated or harmonised, but the interaction may also lead to conflict and strain.

Pillar 5. Law and technology

The digital society begs new questions about how innovative technologies interact with law and justice. This interaction between law and technology essentially goes in two directions: Technology for Law, and Law for Technology.

First, disruptive technologies are changing the way in which legal research is conducted, how lawyers work, and what legal services are offered. Technology can also increase access to law and justice in society. It can assist citizens and businesses in understanding their legal position (e.g., legal chat bots), meeting their legal obligations (e.g., smart contracts), safeguarding their legal rights, and preventing and resolving legal disputes (e.g., online dispute resolution). This perspective can be summarised as 'Technology for Law'.

Second, the digital transformation of society may demand rethinking laws and policy making. The transformative process brought by information and communication technology has resulted in a global data economy that transcends national borders. This is the 'Law for Technology' perspective.

2.1.3. Research profile: the Sectorplan

The 2018 SSH Sectorplan is a national initiative which invests an additional €10 million per year in university research in the social sciences and humanities and gives substance to the ambitions expressed in the 2017 coalition agreement 'Confidence in the future'. The UM Faculty of Law has selected the themes *Transformative impact of globalisation on legal systems* (Transformatieve werking van globaliseren in het recht) and *Digital legal studies* from among the seven focal points mentioned in the Sectorplan for Law.

The Sectorplan has given rise to the formation of two new research groups in the Faculty: *GLaw-Net*, which is concerned with the impact of globalisation on legal systems, and the *Law and Tech Lab*, focusing on digital legal studies. These research groups bring together researchers from several existing centres and institutes around a common theme and have allowed the appointment of additional assistant professors and PhD researchers. The groups are headed by young professors, who have thus been given the opportunity to each build a new research group. GLaw-Net is headed by Professor Mariolina Elia Antonio, while Professor Gijs van Dijck leads the Law and Tech Lab.

Together with matching on the part of the Faculty and joint appointments with other faculties (in the case of the Law and Tech Lab) the Sectorplan has allowed the Faculty to hire six PhDs and three post-doc researchers to contribute to the implementation of the programmes of the research groups. In addition, research time (15%) was awarded, on a competitive basis, to eleven assistant professors by way of a reduction of teaching tasks. These investments have made it possible to achieve critical mass to generate viable and energetic new research groups. Yet rather than forming entirely insulated units, these research groups have been firmly embedded in the departments and closely connected to the institutes. Their research mission has been inserted into the Faculty research programme.

The 2022 mid-term review of the Sectorplan has been very positive. The review committee celebrates the innovation and increasing coherence in research this relatively small investment has brought about.

2.2. Strategic aims

The Faculty Research Strategy for the period 2015- 2021 was adopted in 2015. The main points of the policy relate to a focus on the quality of research, reinforcing the connection between teaching and research, increasing success in external funding, and paying close attention to the integrity of research. The Faculty Strategic Programme (Creative Community Law@UM, 2018-2022) builds on this strategy. It emphasises the importance of a vibrant research culture in which staff is stimulated to conduct high quality research, and in which sufficient time for curiosity-driven research is secured. The 2018 Strategic programme formulates the following goals: to create an environment conducive to attracting and keeping talent; to offer an attractive career perspective to talented post-docs; to stimulate staff to develop their own research agenda and to foster original and creative research; to foster cooperation between researchers and groups; to maintain the current number of high quality PhD-defences; and to increase the societal impact, accessibility and visibility of (inter)-faculty research.

The strategic aims are here discussed in turn. To allow for a better reading, some of the aims mentioned above have been re-arranged and/or have been merged.

2.2.1. Create a vibrant and open research culture that is conducive to high quality research

The Faculty fosters a research climate in which curiosity-driven research is cherished, where the academic debate is open, inclusive and inspiring, and where staff is stimulated to conduct high level research and develop strong research profiles. The Faculty fosters original and creative research and supports a rich variety of approaches to law, including both mono- and interdisciplinary work, and fundamental research as well as work aimed at legal professionals, policy makers and society more generally. It promotes an open and vibrant academic community in which scholars feel free to share their ideas.

The Faculty strongly believes that researchers thrive best when they are given space to develop their own research lines, pursue curiosity driven research and when they feel stimulated to do so. The Faculty accordingly takes a bottom-up approach to the programming of research. The Faculty Research programme and the programmes of the institutes are drafted bottom-up, as will be described further below and is only meant to guide, not constrain researchers. Within the sea of opportunities offered in these programmes (and beyond), each researcher is invited to develop their own research profile and research agenda. Research projects are initiated from the bottom-up, starting with the individual researcher, the institutes and research groups.

The aim of creating such culture informs the organisation of the Faculty, its HR policy, the evaluation of research (both at individual and group level), and the distribution of research funding. It also explains why the Faculty does *not* have some of the practices that exist in other faculties in The Netherlands and abroad. Thus, the Faculty does not work with a system of points to be accumulated depending on the type of research or length of publication, and values quality over quantity. Institutes and research groups do not compete for funding but are stimulated to join forces and cooperate. The Faculty attaches great importance to community building and fosters a Faculty-wide academic debate across legal fields and research units.

2.2.2. Create an environment conducive to attracting and keeping talent

The creative community that the Faculty wants to be is highly dependent on the ability to attract and keep talent: people are the Faculty's main asset and its competitive advantage. The Faculty wants to be an attractive employer capable of competing with other academic institutions in the Netherlands and abroad. This requires a stimulating and collegial work environment, good facilities, possibilities for professional and personal development and a clear policy in recruitment, training, facilitation and promotion.

The goal of the staff policy is to foster a culture of high ambition and performance, to stimulate staff to work on what they are best at, and to attract and retain people that fit the profile of the Faculty. The Faculty aims for an acceptable workload and a healthy work-life balance. It stimulates a balanced and diverse composition of staff, which is diverse in functions, gender, nationality, age, cultural background, professional experience and views, as this contributes to the innovative and open community the Faculty wishes to be. Staff should feel supported in designing their career.

Good academic citizenship is stimulated.

2.2.3. Invest in the future generation: the Maastricht Graduate School of Law

The Maastricht Graduate School of Law is home to all PhD researchers conducting PhD research at the Faculty, and also offers a Research Honours Programme to its Master's students.

The Graduate School offers training to the PhD candidates and provides a safe home to early career scholars, allowing them to exchange ideas and test their skills in a safe environment.

2.2.4. A healthy approach to external funding

All members of the scientific staff in the Faculty have research time, based on regular government funding (the so-called first stream). For the more traditional functions (UD, UHD, HL) this is (at least) 35%. This research time is not distributed competitively and there is no system of points depending on personal or group achievements.

Until recently, there was a strong focus on earning power, given the financial situation of the Faculty and universities in the Netherlands in general. However, the downsides of such approach became evident: the success rates for external funding (especially competitive grants such as NWO and ERC) are rather low, as is the return on investment – both in terms of the time spent by the researchers and the cost for the Faculty and support staff. The mental pressure on individual researchers is high, and there is a risk that researchers give in to perverse incentives, e.g., by choosing research that earns funding over research that is academically and/or societally more valuable.

Therefore, and thanks to the improvement of its financial situation over the past years, the Faculty has been able to change its policy with respect to external funding. The acquisition of external funding is no longer a condition for promotion for the individual researcher or a condition for an institute to continue to exist, but a means to increase one's research time, to establish a research group, or hire additional staff. Accordingly, the Faculty strongly promotes a selective approach to external funding. Applying for external funding is not compulsory, and funding should only be sought when it suits the academic development of the applicant or benefits the profile or reputation of the

research unit or the Faculty. The content of the relevant research should be sufficiently in line with the research mission formulated by the Faculty, and whether the scientific independence of the researcher is sufficiently guaranteed. The Netherlands Code of Conduct for Scientific Integrity is hereby leading. This is assessed by the dean (see e.g. annex 8).

Smaller grants are available within the Faculty for researchers to organise workshops and conduct research visits, or indeed, to be awarded additional time to develop a research proposal.

In the same vein, the rules on incentives for external funding have been adapted. In the past, successful applicants of research projects above €10,000 received a bonus of 5% of the contract's value (with a maximum of €5,000) that could be spent on research activities. In the new system, incentives are awarded to applicants who have reached the final stage of the selection procedure for individual grants, e.g., the interview round in NWO or ERC. They receive an incentive of €5,000 on their personal research budget (PAO account) to develop their proposal into a publishable article or prepare re-submission.

2.2.5. Attention for research integrity

Academic integrity is high on the Faculty's agenda. The Faculty considers it vital that that staff is aware of the principles of research integrity and that there are opportunities for open debate on good and responsible academic practice within (and outside) the Faculty. Members of the academic staff receive a copy of the Netherlands Code of Conduct for Research Integrity at the start of their contract. The Faculty promotes discussion about responsible academic practice within the Faculty. Since 2018 all Faculty-wide research meetings feature a session on research integrity. A (senior) researcher presents a number of dilemma's and moderates the discussion among the attendees. This fosters awareness of the Netherlands Code of Conduct for Research Integrity. The aim of these discussions is to create a climate in which integrity issues are recognized and openly debated.

2.2.6. A strong connection between research and education

The Faculty's research policy is closely linked to policies in the fields of education and staff development. All tenured research staff is involved in teaching, both in terms of executing teaching and developing and coordinating courses. Depending on their tailor-made agreements in the context of their personal development, their managerial duties and teaching reduction granted in the context of the Sectorplan, external funding or staff members generally participate in two or three course periods.

The responsibility for the organization of teaching capacity lies with the heads of department, who seek to ensure that staff is involved in courses which are closely related to their expertise, where possible, in order to ensure that research informs courses, as is appropriate in a university. At the same time, given the teaching profile of the Faculty and the principles of PBL, staff often collaborates in teaching teams with researchers from other institutes and research groups. Indeed, courses offered at the Faculty, especially in the bachelor phase usually combine several sub-fields of law, and thus bring together expertise from these fields. These meetings in the context of teaching often instigate cooperation in research, thus bridging the confines of institutes and research groups.

2.2.7. Open Science: Increasing societal impact, accessibility, and visibility

Maastricht University fully endorses the principles of [Open Science](#), and aims to make scientific knowledge openly available, accessible and reusable for everyone, to increase scientific collaborations and sharing of information for the benefits of science and society.

For the Faculty of Law, this implies that research addressed to legal professionals, stakeholders and society as a whole is valued and supported. Here too, the Faculty takes a balanced approach, taking account of the specifics of diverse fields of law, and diversity among the staff. To put it differently, creating societal impact and conducting practice-oriented research is valued (and not frowned upon), while it is not required of every individual researcher.

In terms of Open Access or Open Scholarship, UM offers its staff support to make science ‘as open as possible, as closed as necessary’. It seeks to make research more transparent, controllable, faster, more efficient, reproducible, and more sustainable, so that academics around the world, policymakers, legal professionals such as practicing lawyers, civil servants and judges, civil society organisations, companies, and other organisations can benefit from easy access to scientific research. Open Science can contribute to making science more visible, in the broadest sense of the word. Important spearheads of UM's Open Science policy are FAIR data use and Open Access. UM also approaches Recognition and Rewards as an element of Open Science.

At the same time, the Faculty is well aware of the challenges and dangers related to Open Science: the declining trust in science and the ensuing potential danger for individual researchers who participate in public debate and self-censure but also the perverse incentives that may lead researchers to oversell research output.

3. Strategy

3.1. A vibrant and open research culture conducive to produce high quality research

3.1.1. A vibrant and open academic climate...

The Faculty aims to provide a vibrant academic climate, where talent can thrive, where new ideas can grow, and where innovative research initiatives are welcomed and stimulated.

The organisation of the Faculty reflects this aim. Researchers find their 'academic home' in the research centres and groups, where they meet regularly and where a lively exchange of ideas takes place. There is a rich offer of workshops, with institutes and research groups organising regular research events, both internally and externally. These events are advertised in the electronic Faculty Journal, on the website and on the screens in the coffee corners.

The institutes have a small annual budget, which can, for instance, be used to invite guest speakers. Funding for research events is also available via the Research Fund, under the collaborative projects scheme, as well as via SWOL and Maastricht, Working on Europe. The research support office offers assistance in the organisation of larger events.

The Faculty aims to create a strong sense of community, also beyond the confines of their respective institutes and centres. The housing plan does not follow the department and institute structure, and hence, researchers meet colleagues from other institutes and centres on a daily basis. People meet in the new Common Room and in the coffee-corners equipped with information boards which are meant to inform and function as conversation starters. Staff members also meet members of other institutes and groups in their departments, in the context of teaching, and during Faculty (research) events. Cooperation between and across institutes and groups is incentivized.

In order to foster an open, inclusive and lively academic debate also beyond the confines of the institutes and research groups, Faculty research meetings are organised three times every year. These events as a rule feature short presentations by Faculty members intended to inform the community of ongoing or finished research projects as well as debates on common challenges, for instance academic integrity dilemmas and information updates, e.g., on Open Science and Open Access.

In 2019, a Research Festival was organised for the first time, featuring academic speed dating, panel discussions, showcases and poster presentations. COVID prevented a smooth start of a new annual tradition, but the second Festival finally did take place in May 2022. The third edition will be held in November 2022.

The Faculty combines a bottom-up culture with a somewhat more steering approach through an overall research programme. The research agenda is largely determined in the workplace: by the individual researchers, in the institutes and research groups. The Faculty strongly believes that this is the best way to feed academic creativity and foster curiosity-driven research. At the same time, the Faculty is well aware that the bottom-up approach comes at the risk of fragmentation and compartmentalisation, which could have a chilling effect on creativity and result in complacency. Accordingly, the Faculty encourages collaboration across fields of law and institutes and stimulates

research initiatives beyond the boundaries of each institute, providing funding for collaborative projects.

The institutes do not only set their own research agenda; together they also contribute to a common Faculty research programme. This, in turn, increases the sense of belonging to the vibrant academic community the Faculty aims to be. The first Faculty research programme was drafted in 2016. In 2022, the Faculty evaluated the 2016-2021 research programme and drafted a new programme. This was done in a collaborative process in which the entire Faculty was invited to participate. The evaluation took place in a Faculty-wide research meeting, in the Science Committee and the meeting of directors of the institutes and research groups. In a second stage, volunteers and representatives of the institutes and research groups formed a writing group that drafted the new programme. The draft was then discussed in the Science committee and by the directors of the institutes and research groups. It was then adopted by the Faculty Board. The Faculty research programme 'steers rather than commands' and is not meant to impose an exclusive research agenda.

3.1.2. ...conductive to produce research of high quality

3.1.2.1. On quality

The Faculty aims to produce research of high quality and values quality over quantity when assessing research and research output. This means that metrics (such as the number of publications, number of pages, H-index, citation scores, Almetrics) play little or no role in the evaluation of research. This raises the question how the quality of research can be assessed without recourse to such quantitative indicators, as the Besselink Assessment Committee (2017) and the Van Genugten Midterm Committee (2020) have also pointed out.

Since the Report of the Midterm Committee, a Faculty-wide debate has been conducted on the issue of quality and quality indicators. The debate was conducted on the basis of a 2021 memo of the vice dean, which was discussed in the Science Committee, in a meeting of full professors, in a meeting with directors of the institutes, and in a Faculty-wide research meeting.

These discussions showed that there is wide agreement that the quality of research cannot be assessed on the basis of metrics alone; that what counts as excellent research in one domain of the law may differ from the next; that it would accordingly not be helpful to draft lists of 'A-journals'; and that there are various ways in which academic reputation and academic impact – which assumedly reflect quality – can be assessed, including invitations to give keynote speeches, membership of editorial boards, membership of learned societies, invitations to join research projects. In addition, it was emphasised that in the legal discipline, there is room, or even a need for many different types of research: fundamental and more applied research; theoretical research and research aimed to produce societal relevance; mono- and interdisciplinary work, individual and teamwork, and that these different types of research demand different types of research outputs and outlets.

Yet, it also emerged from these discussions that implicitly, there is a fair level of consensus about what constitutes good research and what makes a good researcher. Crucial in this respect are originality, creativity, innovation, the ability to develop beyond the initial PhD, initiative, capacity to respond to societal and academic developments, and focus.

3.1.2.2. Quality: what is expected?

It also emerged from the discussions that in light of the above, especially young researchers ask for certainty on what is expected of them in terms of the quality of their research. Given the absence of uniform quality standards, the quality of each researcher's work is to be assessed in a tailor-made fashion, taking into account the stage of their career, their career path, the field(s) they are working in, the extent to which the field is internationalised, and the type of research they conduct. Accordingly, every researcher is stimulated to develop their own personal development plan and research lines, and to discuss these with their line manager. The development plans also relate the research plans to the teaching tasks and managerial duties, which may vary in time (in line with the Recognition and Reward programme).

3.1.2.3. Quality control

The Faculty takes a pluralistic approach to the evaluation of the quality of research and of research output. Research plans, publication strategies and research output are evaluated on an individual basis in the annual evaluations and assessments of the individual researchers. The responsibility lies primarily with the researcher, their line manager and their administrative manager, the head of department or the Dean (in the case of full professors). The performance of individual researchers in each department is also discussed annually in the so-called annual rounds, between the Dean, the head of department and the HR consultant. Research quality is also monitored by the directors of the research institutes.

Researchers are encouraged to discuss their research and research ideas in the institutes and research groups, and to choose one or more mentors.

3.1.3. Stimulating research ideas: the Faculty Research Fund

Researchers can apply for financial support from a Faculty fund aimed to stimulate research initiatives. Three types of support are available. First, funding is available for all kind of research initiatives, such as the organization of research seminars, (joint) publications, or the preparation of research proposals. Secondly, young researchers may apply for research grants (up to €3,000) from the Faculty's Research Fund (Annex 9), for activities that serve to strengthen their CV and expand their network, for instance, to attend a conference or to spend some research time abroad. The financial support allows them to free up teaching time, in agreement with their head of department. Finally, a part of the Fund is labelled for so-called collaborative projects: joint research ventures led by researchers from at least two different institutes, research groups, other UM faculties or other research partners. Researchers are thus encouraged to, beside their work in their own research unit, break away from the confines of their institute or discipline and collaborate more with others both within and outside the Faculty.

3.2. Attracting and keeping talent: HR policy

3.2.1. HR policy

The creative community that the Faculty wishes to be is highly dependent on its potential to attract and keep talent: people are the Faculty's competitive advantage. The Faculty wants to be an attractive employer capable of competing with other academic institutions in the Netherlands and

abroad. This requires a vibrant research culture and a stimulating and collegial work environment, good facilities, possibilities for professional and personal development and a clear policy in recruitment, training, facilitation, and promotion.

The Faculty aims for a balanced and diverse workforce. It seeks to have around 80% permanent staff and about 20% of the staff in temporary contracts, mostly in order to accommodate fluctuating needs in teaching capacity. Consistent with the Faculty's core value that work be done in a team as much as possible, and in order to ensure a close link between research and teaching, each member of the academic staff has both teaching (a minimum of 20%) and research responsibilities (a minimum of 10%). The Faculty strives to keep the workload acceptable. Much attention has been given over the past years to reduce teaching tasks, e.g. by appointing additional teachers and by granting teaching reduction to Assistant Professors (in the context of the Sectorplan), and to provide for teaching free periods.

The recruitment and promotion criteria for permanent appointment and promotion have been revised in 2018, with a view to making them more transparent, to reflect the new policy on external funding, and to allow for more differentiation in career paths and tasks.

Appointments and promotions are made in a transparent manner, and do not depend on the decision of one person. Vacancies are filled through open recruitment, and selection committees are composed in a diverse and inclusive manner. The criteria for appointment and promotion are clearly set out. Promotions to Assistant Professor 1 and Associate Professor are decided upon by the Faculty Board, upon request of the head of department and upon the advice of the Appointments Advisory Committee (BAC, *Benoemingsadviescommissie*).

A great deal of attention is given to the staff's professional and personal development.

The HR policy is currently under revision, in light of the tight labour market and the new Collective Labour Agreement for Dutch Universities 2022 aimed at reducing temporary contracts, and in order to realize the ambitions of the Recognition and Rewards programme. The new HR policy will establish alternative career paths and will focus even more on clarifying what is expected of staff members in the fields of teaching, research, leadership, creating impact and academic citizenship. This also fits in with the previously indicated need to come up with more precise criteria for assessing the quality of research.

3.2.2. Well-being

The Faculty is well aware of the current challenges relating to well-being in academia, and is committed to secure the health and mental wellbeing of its staff, to the extent that these factors may be impacted by work. The Faculty aims to provide for an open and safe climate, in which staff can share their concerns, and discuss issues related to their well-being with line managers, heads of department, mentors or HR officers, who can provide further information on where staff members can go with questions about mental health.

The experience with COVID has shown that openness concerning well-being is much appreciated, and that sharing personal stories creates a culture of openness. The regular Faculty-wide zoom meetings, held regularly during lock-down and while access to the Faculty building was restricted, always featured personal stories of staff members sharing how they were affected by the measures.

Since then, the impact of COVID is a fixed topic of all annual interviews, and invitations for these interviews contain the leaflet 'Lessons from COVID-19'. The positive experience has led the Faculty to decide to make the topic of mental health part of all annual interviews.

Much attention is also paid to peer-to-peer support: PhD researchers have developed a buddy-system, and several departments work with buddies or mentors for new staff members. The Graduate School organises regular mindfulness trainings, which were very successful and were opened to all staff during the COVID crisis.

A 2022 survey has shown that mental health and well-being require permanent attention. The Faculty is accordingly drafting a mental health policy. It includes a training for line managers to deal with mental health issues in their teams, investing in culture changes (such as not working on the weekend and/or mail-free periods). The Fall 2022 research festival will feature a session on 'academic failure'.

3.3. Investing in the future generations: PhD policy and training

3.3.1. The Graduate School

All PhD candidates are part of the Graduate School of Law. The Graduate School aims to offer a stimulating environment for legal research. It offers a basic and tailor-made training to resident PhD researchers and to the students of the Master's Honours Research Track, a selected group of talented master students with a special interest in legal research.

The Graduate School is headed by a team, consisting of the Director (the vice-dean for research), a coordinator, the so-called methodologists who offer the basic training and an administrator. The team meets regularly in order to constantly evaluate the programme, monitor concerns of the PhD researchers and discuss new policies. The team also has monthly meetings with the PhD representatives, chosen by the PhD candidates among them.

The Graduate School offers financial and administrative support to the lively PhD community, for instance, by funding the writing bootcamp (which was organised for the first time in 2019 at the initiative of the PhD researchers and will be repeated) and assisting the organisation of research meetings which the PhD community initiate.

In addition, most PhD researchers are also members of the Ius Commune Research School or of the Netherlands Network for Human Rights Research, or, where appropriate, of the networks provided by the respective ITNs in which the Faculty participate, and follow the trainings offered there. So, most PhD researchers participate in both the training offered by the Graduate School and one (sometimes even two) of the other training programmes.

Together, the Graduate School, the Ius Commune Research School, the Netherlands Network for Human Rights Research and the ITN's offer a solid training programme, giving ample opportunity to PhD researchers to be introduced to academic research, to test their ideas and receive feedback from peers and from others than their supervisory team.

3.3.2. Selection and admission

Over the past years, the Faculty has been able to finance three to five 4-year PhD positions per year. These candidates are selected in the so-called annual round. The call for the annual round is widely advertised in and outside of the Faculty and attracts both internal and external candidates (usually around 25). An initial selection takes place at the level of potential promotor(s), as each professor (and since 2019-2020, since they have been granted *ius promovendi*, each UHD) is only allowed to support one candidate. The selection is further done by a jury consisting of members of the Science Committee, complemented, where appropriate, with staff members who do not participate in the round with a candidate. In the composition of the selection committee, due attention is paid to the diversity of the various fields of law. After a written selection round, the candidates are invited for an interview.

All PhD candidates pass a selection procedure. Candidates who have not been selected in the annual round (i.e. scholarship PhD researchers, or PhD candidates on joint and double degrees) are screened by the Science Committee. Since 2021, also external PhD candidates (non-resident and self-financed) are screened. They participate in an online version of the basic course for PhD students.

At the start of their project, all PhD candidates receive a welcome package, containing useful information on the staff of the Graduate School, the facilities offered to them, and the training programme.

3.3.3. Supervision and quality assurance

Supervision and quality assurance are in the first place the responsibility of the supervisors, in accordance with UM PhD Regulations. Nevertheless, the Faculty has over the past years taken a number of initiatives to improve the monitoring of the progress of PhD projects and, perhaps more importantly, of the quality of the supervision. Responsibility for the quality of the training of PhD researchers and PhD supervision is now much more shared than it used to be. In addition to the PhD supervisors, (the director of) the Graduate School and peers have a role in assuring the quality of PhD research.

First, a new procedure for the monitoring of progress of PhD projects (Annex 10) has been introduced. All resident PhD researchers are assigned an independent reviewer who monitors progress, paying special attention to the relationship between the candidate and the supervisory team. Towards the end of the first year of the project, the independent reviewer assesses the project's chances of success on the basis of a progress report drafted by the candidate and a meeting with the candidate. The independent reviewer then drafts a report, assessing the progress made, suggesting changes to the supervisory team if necessary, and recommending whether the project should be continued or not. This report will be taken into account when the 'go/no-go' decision is taken after one year. In case of disagreement (between the supervisor(s) and the candidate or between the supervisory team and the independent reviewer, the director of the Graduate School intervenes.

The independent reviewer conducts a brief interview with the candidate after the second and third, and if needed after the fourth year, focusing mainly on the supervision relationship.

Second, a Code of Conduct (Annex 11) has been drafted, listing guidelines both for the supervisees and supervisors. The Code has been sent to all supervisors and supervisees. The Code and a 'Golden Rules' card with ten golden rules for the supervisee and ten golden rules for the supervisory team are included in the welcome package for all new PhD candidates. (Annex 12) .

Third, peer review sessions are held between supervisors, discussing challenges of good supervision and sharing best practices. All supervisors are expected to attend at least one session every two years. Attendance is registered and is part of the annual interview of all supervisors (in the case of professors, with the Dean). These peer review sessions (*interviewbijeenkomsten*) are led by one supervisor acting as facilitator, on a rotating basis. The sessions have been organised since 2019. The first experiences have been promising: the sessions tend to be highly appreciated by participants. Many supervisors attend more sessions than formally required.

In line with UM policy, the Faculty is looking into the development of training courses for incoming supervisors. At this stage, supervisors are trained 'on the job', so to speak. In accordance with the UM PhD regulations, all PhD candidates have at least two supervisors. The Faculty aims to involve younger scholars as co-promotor, to allow them to gain experience in supervision.

Finally, all PhD candidates can consult the PhD confidential advisor.

3.3.4. Training and facilities

The training offered by the Graduate School to PhD candidates provides for one compulsory course, 'The Art of Doing Research', as well as a rich menu of optional courses and trainings, so as to allow PhD candidates and their supervisory teams to tailor-make their PhD training. The 'menu' is divided in four sections: (1) general skills, including 'Academic Writing in English' and presentation skills; (2) research methods; (3) legal research and (4) career development (Annex 13).

The course 'The Art of Doing Research' is offered to all resident first year PhD candidates, and is taught by a team of 2 or 3 young scholars. Special attention is paid to research methodology. The course consists of three parts: (1) developing a research question; (2) research ethics and integrity and (3) research methods. The Graduate School is currently preparing an online version of the course, which will make it possible to make the course compulsory also for non-resident PhD candidates.

In addition, most PhD candidates participate in one of the training programmes offered by the Ius Commune Research School (Annex 14), the 'Netherlands Network for Human Rights Research' (Annex 15), or, where appropriate, the training programmes offered by the respective ITNs in which the Faculty participates.

Finally, PhD candidates can use their so-called 'personal budget' of €2,500 to follow additional training which is not offered by the Graduate School or the research schools.

The Graduate School is always open to suggestions of the PhD researchers themselves, who are actively invited to propose new trainings. One example is an event on 'Life after the PhD', that was organised at the request of the PhD representatives.

3.3.5. Well-being and social activities

The Graduate School fosters a welcoming and safe environment and attaches great importance to the well-being of its PhD community. The Graduate School regularly organises get-togethers and drinks. Mindfulness trainings are offered on a bi-weekly basis.

Incoming PhD candidates are invited to participate in a buddy system programme led by the PhD representatives: each PhD candidate who so wishes, is assigned a more senior PhD researcher to help newcomers find their way in the Faculty. The PhD representatives organise weekly luncheons (with or without paper presentations) and have also taken the initiative to organise an annual 'writing boot-camp'.

The institutes and research groups are asked to give the PhD candidates ample opportunity to present their work and receive feedback from others than their supervisory team, and to give them an academic home. All resident PhD candidates are members of a department.

3.4. A healthy approach to external funding

The 2015 Research Policy expressed the aim to increase the Faculty's share in external funding. During the period under review, that policy has been adapted and the Faculty has become more selective in choosing funding schemes to invest in, and in selecting possible candidates for submission. Acquiring external funding is no longer a condition for promotion. External funding should only be sought when the funding scheme, project or tender matches the research line and/or profile of the researcher, institute or Faculty and is likely to create academic or societal impact.

Researchers make independent choices on whether they want to submit proposals and with which funding agency, together with their line managers and heads of department. When the decision is made to apply for external funding, to develop a proposal for external funding, submit a tender or join a consortium, support is available to assist in preparing a submission. The grant advisor and the contract research consultant advise on the development of the proposal and the budget, while applicants are encouraged to discuss their research ideas with peers, with mentors and in their research groups and institutes.

In addition, young researchers are invited to participate in training programmes for individual grants, to help them prepare in an early stage.

A new research funding advisor was appointed in 2021, to further implement the new policy make the funding process more effective. The new advisor is building a grant writing culture based on collaboration, intellectual entrepreneurialism, and sharing of expertise, e.g. by organising campfire sessions, engaging with researchers and intensifying communication, e.g. with a newsletter. In 2022, 2 ERC candidates out of 3 have moved on to the second phase. In the summer of 2022, several applications made under a variety of programmes, including DG JUST, Horizon Europe, Skłodowska-Curie, Jean Monnet, and the Norwegian Research Council, appeared successful.

The Faculty uses researchconnect to inform researchers of funding opportunities.

3.5. Integrity & ethics

3.5.1. Research integrity

Academic integrity is high on the Faculty's agenda, and awareness is rising. All members of the academic staff receive a copy of the Netherlands Code of Conduct for Research Integrity at the start of their contract. The Faculty considers it vital to provide opportunities for open debate on good and responsible academic practice in the Faculty. Since 2017 all Faculty-wide research meetings feature a session on research integrity. A (senior) researcher presents several dilemmas and moderates the discussion among the attendees. The aim of these discussions is to create a climate in which integrity issues are recognised and openly debated. These are excellent opportunities to foster awareness of the Netherlands Code of Conduct for Research Integrity.

Academic integrity is part of 'The Art of Doing Research', the compulsory course for all PhD candidates, as well as of the compulsory training offered by UM since 2021. It also features on the programme of the Master's Honours Research Track. In 2019 the UM University Library launched a Similarity Check Service which helps researchers to prevent sloppy referencing or plagiarism in academic papers. Every UM-affiliated researcher can use the service. According to the Regulations for obtaining a PhD at Maastricht University the PhD supervisor ensures that the thesis is checked for plagiarism before it is presented to the Assessment Committee. The similarity check service can be used to this end.

Since 2020, the Regulations for obtaining the doctoral degree of Maastricht University stipulate a promise of the doctor to work in accordance with the principles of scientific integrity at all times, and to be careful and honest, transparent, independent and responsible. The promise is given during the ceremony, prior to the award of the doctorate.

A UM Platform for Research Ethics and Integrity (Platform REI) was established in 2017 with a view to stimulating the debate on research ethics and integrity, foster exchange of best practices between faculties, and organise events on relevant topics. The Platform awards grants for projects submitted by UM staff (preferably in cooperation with students) on initiatives related to research ethics and scientific integrity. The Platform meets at least twice per year.

In case of questions or complaints concerning scientific integrity, the UM counsellors on scientific integrity are the primary contact persons. The counsellors mediate in the complaint and aim to reach a solution. If this is not possible, they will guide the complainant in filing the complaint with the UM Committee on Scientific Integrity. PhD candidates who have questions or complaints concerning scientific integrity can also contact the confidential advisor at their Faculty, before contacting the UM counsellors on scientific integrity. The Committee for Scientific Integrity advises the Executive Board on complaints filed regarding scientific integrity. The [Regulation for Scientific Integrity](#) defines what constitutes a violation of scientific integrity and the procedure for submitting a complaint. The Committee for Scientific Integrity advises the Executive Board on complaints filed regarding scientific integrity. The Regulation for Scientific Integrity defines what constitutes a violation of scientific integrity and the procedure for submitting a complaint.

3.5.2. Research ethics

When it comes to research ethics, the Faculty participates in the ERCIC, the Ethics Review Committee Inner City faculties (ERCIC). ERCIC is composed of two members of each of the three participating faculties (FASoS, LAW, SBE). ERCIC encourages researchers to submit their research protocols involving human participants or personally identifiable data for ethical review before the start of research activities. Review by ERCIC takes place on a voluntary basis but may be required by funding agencies or the Dean.

Submissions from researchers of the Faculty of Law have increased over the past years. This shows an increasing awareness of the need to comply with the highest ethical standards. In 2021 the Committee was consulted 10 times by members of the Faculty of Law. In the first half of 2022, the commission has already given its advice 19 times.

3.6. Research and education

3.6.1. Vision on education and research

In order to ensure a close link between research and teaching, each member of the academic staff has both teaching (a minimum of 20%) and research tasks (a minimum of 10%). The standard teaching task of assistant professors, associate professors and full professors is 65%, but the actual teaching task depends on their other tasks (e.g. management duties or committee membership, research tasks in the context of externally funded projects) or other individual agreements in the framework of personal and professional development. Hence, the actual teaching task may fluctuate between researchers and over time. Internal PhD researchers teach 20% of their time.

The responsibility for division of teaching tasks is in the hands of the heads of department and the teaching coordinators of each department. In the allocation of tasks, due attention is paid to an equal division of tasks, as well as of the research interests of individual researchers.

Programme directors and course coordinators are responsible for the content of the courses. They thus ensure that research outcomes are incorporated in courses. Teaching materials are updated annually, to ensure that research output finds its way into teaching.

Researchers may propose new courses, building on their research. The actual introduction of new courses requires the approval of the relevant director of studies, the education committee, and ultimately of the Faculty Board.

Finally, it should be mentioned that the UM education philosophy, based on PBL (problem-based learning) and CCCS (contextual, constructive, collaborative and self-directed) is conducive to ensuring close links between research and education.

Several scholars of the Faculty have written textbooks to be used in the Faculty's programme and are also used in other universities in the Netherlands and beyond. Examples include Jan M. Smits, *Advanced Introduction to Private Law* (Edward Elgar, 2016); Johannes Keiler and David Roef, *Comparative Concepts of Criminal Law* (Intersentia, 2019, 3rd edition); Andrea Broderick and Delia Ferri, *International and European Disability Law and Policy Text, Cases and Materials* (CUP, 2019); Marta Pertegás Sender and Michael Bogdan, *Concise Introduction to EU Private International Law*

(Europa Law Publishing, 2019, 4th ed); A.W. Heringa, *Constitutions Compared* (Intersentia, 2021, 6th edition); A Klip, *European Criminal Law* (Intersentia, 2021, 4th edition); Jan M. Smits, *Contract Law. A Comparative Introduction* (Edward Elgar, 2021, 3rd edition); Peter van den Bossche and Denise Prevost, *Essentials of WTO Law* (CUP, 2021, 2nd revised edition); A.W. Heringa, L.F.M. Verhey & W. van der Woude, *Staatsrecht* (Kluwer, 2022, 14th fully revised and updated edition) and Chris Backes and Mariolina Eliantonio, *Cases, Materials and Text on Judicial Review of Administrative Action* (Bloomsbury, 2019). The latter volume was published in the context of the *Ius Commune Casebook* project, based at the Faculty.

3.6.2. Honours programmes

The Faculty offers its most talented and motivated students a number of possibilities to gain more in-depth knowledge by completing their study programme with an additional honours programme. These programmes offer students at both bachelor and master level the opportunity to work together with researchers and allows researchers to include students in their projects. All programmes have a selection procedure based on grades, motivation and academic interest.

At bachelor level, the Faculty of Law offers an *honours programme* providing its students with an open and supportive learning environment in which they work closely with members of the academic staff to develop their personal leadership, professional and academic skills.

Maastricht Research Based Learning, *MaRBLe*, is UM's excellence programme for talented and motivated 3rd year bachelor students. MaRBLe brings multidisciplinary scientific research to the bachelor phase. Based on the concept of Research Based Learning (RBL), MaRBLe aims to introduce UM's most talented and motivated students to research. In MaRBLe, students get the unique opportunity to gain hands-on experience with various aspects of academic research.

The *European Corporate Finance Law Excellence Course* allows both bachelor and master's students with a special interest in corporate finance.

To its ambitious master's students, the Faculty offers the *Master's Honours Research Track*, which runs in parallel to the regular master's programmes. This programme is embedded in the Maastricht Graduate School of Law and allows selected master's students to acquire a profound basis in research methodology and to apply this knowledge in their master's thesis on a topic of their choice. Through the Honours Research Track Programme, students prepare themselves for a future PhD or academic career.

Several research institutes offer students the opportunity to work closely with their researchers, e.g., by offering student traineeships or by grouping bringing together master's students writing their thesis on a common theme.

All these programmes also allow researchers to scout young research talent, and reversely, allow students to explore academia.

3.6.3. Professional education

The Faculty also provides research-based professional teaching. The course offer is coordinated by the newly established Law.next, which also offers the possibility to develop tailor-made in-company trainings.

Another example of such close intertwinement between research and professional teaching is the European Centre on Privacy and Cybersecurity (ECPC), which offers a complete track of regular practice-oriented training courses, online modules, conferences and seminars in the field of data-protection and cybersecurity. Depending on their needs, professionals can create their own learning path to become a certified data protection professional or continue and obtain a professional diploma. Researchers from various institutes and research groups participate in ECPC.

In September 2022, ECPC launched a professional master's programme in Privacy, Cybersecurity, Data Management and Leadership, which focuses on the legal and technological aspects of EU and global data protection and cybersecurity issues, the ethical and business understanding of data usage practices, combined with a broader skillset comprising management and leadership skills, communication skills and related soft skills.

3.7. Open Science

3.7.1. 'Science that matters': on creating impact

The Faculty takes a broad stance on 'impact', which it understands as including both (purely) academic impact and societal impact. The Faculty accordingly values different types of research, from theoretical work to work that is more practice oriented. However, the Faculty does not demand that all researchers equally ensure that their work has direct societal impact, reaches policy makers or is divulged to non-academic audiences. Creating impact is a team effort.

Under the UM Regulations for obtaining the doctoral degree, PhD candidates are asked to include an 'impact paragraph' of 500 to 2,000 words consisting of a reflection, in layman's terms, on the scientific impact of the results of the research described in the thesis, as well as, if applicable, the societal impact anticipated or already achieved.

Most institutes and research groups regularly conduct research directly addressed to or at the request of national and European institutions or translate their research in policy briefs or publications for larger audiences. ITEM deserves special mention here. ITEM is a centre of expertise operating at the crossroads of research, counselling, knowledge exchange, and training activities in the domain of cross-border mobility and cooperation. The Faculty provides support for the submission and implementation of tenders (e.g. from Ministries, the Province, the European Commission, the European Parliament, and the European Central Bank), and it values professional publications targeted directly at stakeholders and society at large.

Since 2018, academic staff can apply for so-called small grants to prepare policy briefs in the context of Maastricht, Working on Europe, a joint venture of UM, the municipality of Maastricht and the province of Limburg. Studio Europa Maastricht (SEM) aims to position Maastricht as a meeting place for citizen dialogue and debate and establish a Centre of Excellence for research on Europe and

European integration. Its mission is to stimulate active, critical debate with citizen engagement at its core.

In 2021, The Maastricht Centre for Human Rights obtained a grant from the Royal Netherlands Academy of Sciences (KNAW) strengthen communication about human rights research process and outcomes to society. [The grant](#) is meant in particular to make research more accessible to the general public by means of pod-casts and video's.

To support awareness and helping our staff to find their way a website '[How to promote your research](#)' was created.

3.7.2. Research communication

The strategic programme Creative Community Law@UM 2018-2022 points to the importance of an effective research communication strategy. A designated research communication officer works closely together with the institutes, to help them communicate research on the website, via social media and other appropriate channels. Each institute has appointed a member to serve as liaison with the research communication officer.

In 2020, the Faculty first published an [annual report](#), highlighting and showcasing the Faculty's achievements, including research: *Maastricht Law: Faculty in Focus. Maastricht Faculty of Law Highlights*. The [second edition](#) was published in 2021.

Since 2017, the Faculty has its own blog, Law Blogs Maastricht, in order to share legal expertise, and to make research findings and contributions to topical debates available to a general readership of lawyers and law students, non-lawyers, the press and civil society. In addition to blogs on current issues, the webpage posts short video clips and highlights publications by staff members. The blog editor actively scouts staff members working on topical issues. The blog sometimes cross posts to and from other blogs.

The Law Events Office helps promote research events.

3.7.3. Law.next

Impact is also created via training and education. The Faculty's post-academic education has been much appreciated for years, both by participants and the Faculty. Recently, partly prompted by the COVID crisis, the programme was radically revised and rebranded LAW.next. LAW.next brings together all post-academic initiatives under one flag. It offers a face-to-face, hybrid and on-demand programme, in Maastricht and in Brussels. The target audience is broad and includes practicing lawyers, civil servants at all levels of governance, the health sector, policymakers, executives, or privacy and cybersecurity specialists.

Special mention should be made here of ECPC, which provides professional training and education in the field of privacy and cybersecurity, building on the expertise of Faculty researchers and together with visiting fellows.

3.7.4. Open Access

The Faculty embraces the concept of open access to further strengthen the connections with academic peers, students and societal partners. In terms of policy, the Faculty draws on UM initiatives, such as investing in APC deals with publishers, opening up all publications that are available (including uncle author versions) via our repository PURE (green OA) and encouraging using platforms, e.g. ORCID. To find opportunities for Open Access publishing, researchers can use online guidance offered by the Library (journal browser and individual advice offered by experts of the UM Library). On Faculty level, the focus is on creating awareness on Open Access and on publishing strategies, for example by regular presentations at Faculty wide meetings. The Faculty provides financial support via the Research Fund.

The Faculty has contributed to the design of a pilot to support the publication of OA books via the Open Access Book Fund. The Faculty Books Series allows for OA publication on quite generous terms.

3.7.5. Data management

FAIR data management (Findable, Accessible, Interoperable, Reusable) is an unmistakable pillar of Open Science. The UM has embraced the FAIR principles and aims to be a FAIR University by 2023. The Faculty of Law recognises the importance of research data management (RDM) from the start of relevant projects and of properly managing research data in the dynamic phase of the project. Actions to increase the FAIRness of data in the Faculty are set out in an action plan (see Annex 16). This plan is concerned with the storage of data and compliance with GDPR regulations and with communication and creating awareness.

Currently, the emphasis is mainly on making the data findable (F) and accessible (A). The focus is on the registration and storage of all datasets underlying publications by PhD candidates and all datasets resulting from externally funded research projects. This will be further developed in the coming period.

Providing individual support and advice are at the core of the Faculty RDM policy. In addition, the Faculty Board seeks to raise awareness at research meetings, through articles in the Faculty Journal, via direct mails to PhD candidates and researchers with external funding, providing them with a checklist which allows the RDM officer to give tailor-made advice. A manual and templates have been developed. Nine [golden rules](#) for good RDM have been published online.

As a next step, the Faculty is considering to make the checklist mandatory and to invest in the monitoring of the progress of research projects which are subject to RDM.

4. Research at the Faculty of Law: 2016-2021

4.1. The Faculty

4.1.1. Academic impact: output

Table 3: Overview of the relevant research output of the Faculty 2016-2021

	2016	2017	2018	2019	2020	2021
Refereed articles	118	138	164	147	164	138
Non-refereed articles	30	27	45	44	45	40
Books	8	5	9	12	10	10
Book chapters	144	130	132	165	155	125
PhD thesis	18	27	22	21	28	14
Book editing	30	27	28	37	22	32
Professional publications	226	215	209	210	154	158
Publications aimed at the general public	29	18	14	27	22	41
Other research output	60	43	38	42	63	53

The numbers are presented here with the caveat that it is presumed that COVID has had an impact on the productivity of (many) researchers, and that this makes it very difficult to draw any meaningful conclusions on the evolution of publishing at the Faculty over time in the period under review.

Some conclusions can however be drawn. First, the great variety in types of publications reflects the publication culture within the Faculty. Many different types of publications are valued, as they reflect the many different subfields of law represented in the Faculty with their diverging publications cultures as well as the different types of audiences (academic, professional and societal) are catered for.

Secondly, the figures reflect the importance of (edited) books in legal science. To a large extent, these books are not available in Open Access.

A third observation is that the number of publications seems rather stable notwithstanding the struggle to protect research time the Faculty and individual researchers face, and notwithstanding COVID.

More important than the quantity of the research is its actual academic impact. Academic impact is notoriously difficult to measure. In line with the DORA principles, the Faculty refrains from using H-indexes, citation scores or Altmetrics, and prefers a more qualitative approach. The Faculty also does not work with lists of A-journals or 'top-publishers', as these vary from one subfield to the next, and do not account for the diversity of research outputs the Faculty values. This is not to say that no attention is paid to the choice of publication outlets. Within each subfield, there are (often implicit) common understandings of which journals, editors and publishing houses reflect (to a certain extent) the level of research quality. Yet, publication strategies are defined at the individual level, and in the context of institutes and research groups.

4.1.2. Academic impact: Prizes and awards, academic distinctions, membership of learned societies and competitive grants

Indicators that may be used to evaluate the academic quality of research are signs of recognition by peers, reflected in the use of academic work beyond the 'usual' referencing; invitations to give invited (keynote) lectures or to join research projects; in memberships of learned societies, or memberships of editorial or advisory boards of journals, juries of national or European funding bodies, or indeed prizes and awards. In what follows only a few examples are given. More information can be found in Sections 4.2 and 4.3 which report on achievements of the research institutes and research groups. Annex 17 provides an overview of obtained competitive grants. Annex 18 shows how much money the faculty acquired during the period 2016-2021.

Many researchers working at the Faculty enjoy a strong academic reputation, both in the Netherlands and internationally. This is reflected in signs of recognition, including prizes and awards granted to individual researchers.

Thus, Dr Samantha Renssen (ICGI) won the 2016 Ian Strang Founders Award granted by INSOL, for the best international paper on insolvency law. Dr Andrea Broderick (MCfHR) was awarded the Edmond Hustinx Prize for Science 2018 of Maastricht University (€15.000,-), a prize awarded on behalf of the Edmond Hustinx Foundation to a young and promising researcher. Also in 2018, Dr Robert Horselenberg (MICS) won the Mid-career Award granted by the European Association for Psychology and Law. Dr Anna Pivaty (MICS) won the 2018 Young Scholar Competition for the best Research Article of the European Journal of Crime, Criminal Law and Criminal Justice. Elvira Loibl received an honorable mention for her PhD thesis in relation to the Moddermanprijs Criminal Sciences 2019 (and was nominated for the Willem Nagelprijs 2022). Dr Vigjilenca Abazi was the recipient of an Early Career Award of the KNAW in 2020. Dr Matteo Bonelli (MCEL) won the Erasmus Dissertation Prize in 2020.

Three full professors of the Faculty are members of the KNAW: Michael Faure, Jan Smits and André Klip.

Several Faculty members have been (recurring) visiting professors at excellent universities and institutions, including Ellen Vos and Merijn Chamon (College of Europe); Lilian Tsourdi and Carlo Colombo (Sciences Po, Paris); Mariolina Elia Antonio (University of Florence); Michael Faure (Université Catholique de Louvain); Fons Coomans (University of Cape Town); Marta Pertegás (University of Johannesburg). Bram Akkermans held 2017 Chair TPR Wisselleerstoel (*Tijdschrift voor Privaatrecht* visiting professorship) at KULeuven.

The Faculty hosts one ERC Starting Grantee, Donna Yates (MICS), who is implementing the project 'Trafficking transformations: objects as agents in transnational criminal networks' together with 2 PhD researchers based in Maastricht. One NWO-VIDI project was concluded in the period under review: What's in a Name? Challenging Early Modern Ideal-Types of Private Partnerships in the Low Countries (17th-18th Centuries) ran from 2017-2021 under the lead of Bram van Hofstraeten (MEPLI), together with two PhD researchers. Vigjilenca Abazi (MCEL) obtained a NWO-VENI research grant in 2018, for a project on EU Whistleblowing: Empowering Voices of Public Interest. Lilian Tsourdi (MCEL) obtained a NWO-VENI research grant in 2019, for a project on Policy Implementation and Solidarity through EU funding. Both were also successful in the NWO-Hestia – Impulse for Refugees

in Science in 2020. These grants allow researchers who had to flee their homeland due to war or another threatening situation the chance to join ongoing Dutch research projects so they can expand their network and increase their knowledge and skills. Monika Leszczyńska (M-EPLI and Law&Tech) was awarded a Marie Skłodowska-Curie Individual Fellowship for FreeDigital: 'The impact of "free" digital offers on individual behavior and its implications for consumer and data protection laws' in 2019. Diane Fromage (MCEL) obtained a Marie Skłodowska-Curie Individual Fellowship to conduct research at Sciences Po in Paris in 2020 (in 2022 she was appointed professor of European law at the University of Salzburg). Sascha Hardt and AW Heringa (MMI) were awarded a Staatsman Thorbecke Fund project by the KNAW on Populism and Democracy in 2018. Maarten Stremler (MMI) and Monica Claes (MCEL) were awarded the Staatsman Thorbecke Fund of the KNAW for a project on the methodology of constitutional legal research in 2021.

The Faculty coordinated one Marie Skłodowska-Curie Innovative Training Network MSCA ITN (EIPIN Innovation Society, headed by Kamperman Sanders and Anke Moerland, both IGIR), and participates in another (DARE, UM coordinator Lisa Waddington. MCfHR and MCEL), while two other ITNs (DREAM and TRANSMIC) were finalised in the period under review. The Faculty coordinated a consortium of 11 universities and research centres executing the project Reconciling sScience, Innovation and Precaution through Engagement of Stakeholders (RECIPES), granted under H2020 Research and Innovation action. The project was led by Ellen Vos (MCEL) and Kristel De Smedt (METRO). The Faculty also participated in a number of H2020 Societal Challenges projects. Faculty members have also been successful in attracting funding under Erasmus+ (e.g. Jean Monnet Network SoLaR led by Mariolina Eliantonio (GLaw-Net and MCEL), Jean Monnet Project NOVA led by Andrea Ott (MCEL) and Jean Monnet Project Corporate Mobility in the EU headed by Marcus Meyer and Thomas Biermeyer (ICGI); as well as a Jean Monnet Module on European Corporate Finance (Thomas Biermeyer, ICGI) and a Jean Monnet Module on IP in the Digital Single Market (Ana Ramalho, IGIR). Fons Coomans and Dr Marieke Hopman obtained an NWO/WOTRO grant (2019-2023) for a project entitled Invisible children: a rights-based approach to development for children living in unrecognized states.

Invitations for keynote lectures abound, and it would be impossible to mention them all. To name just a few: Raymond Luja (MCT) acted as General Rapporteur at the 2018 FIDE Congress held in Estoril, on Taxation, State aid and distortions of competition. Anna Beckers (ICGI and MEPLI) was invited to give a specialised course on Human Rights in Corporate and Contract Governance at the 2017 Academy of European Law, Summer School on Human Rights of the EUI. Bruno De Witte (MCEL) gave the general course on The EU's Constitution and European public policies: the law as tool and constraint in the 2020 edition of the same summer school, as well as a specialised course in the 2018 edition, while Mariolina Eliantonio (GLaw-Net and MCEL) acted as course convenor and gave a specialised course in the 2022 edition. Michael Faure and Marjan Peeters (METRO) were keynote speakers at the 18th IUCN Academy of Environmental Law 2021. Hans Nelen (MICS) gave a keynote lecture 'Klokkenluiden of Klikken' at the IFFC-Dag van de Fraude-onderzoeker in 2018. Dr. Roland Moerland (MCfHR) was a key note speaker during the 27th commemoration of the Genocide Against the Tutsi, Kibuka 27, at the Peace Palace, The Hague in 2021.

Numerous Faculty researchers serve on editorial boards and advisory boards on national and international journals. In addition to the Maastricht Journal, which is exclusively composed of (former) Faculty researchers, these journals include the European Constitutional Law Review (EUConst), Nederlands Juristenblad (NJB), Review of European Administrative Law (REALaw),

European Journal of Risk Regulation, Tijdschrift voor Privaatrecht (TPR), Zeitschrift für europäisches Privatrecht (ZEuP), European Property Law Journal (EPLJ), Weekblad voor Privaatrecht, Notariaat en Registratie (WPNR), European Journal on Crime, Criminal Law and Criminal Justice, European Human Rights Law Review, the Revista Española de Derecho Europeo and the Revista de Llangua I Dret, AV&S (Aansprakelijkheid, Verzekering en Schadevergoeding), European Environmental Law Review, Journal for Digital Legal History, Law and Method, Weekblad fiscaal recht, International Journal of Refugee Law, European Journal of Social Security, Legal Issues of Economic Integration, Intereconomics, and the European State Aid Law Quarterly.

Several researchers have served on NWO panels (Anne Pieter van der Mei, Hans Nelen, Monica Claes, Rainer Prokisch) or Horizon 2020 panels (Bram Akkermans). Monica Claes acted as Chair of the ERC CoG SH2 Panel in 2021 and was a member of the same Panel in 2019, 2017 and 2015. She is also a founding member of the board of the AERG (the Association of ERC Grantees) and acts as co-chair of the Tafel Recht en Bestuur of NWO, a body that advises the NWO Social Sciences and Humanities (SSH) Domain Board. Several researchers serve on KNAW panels, including as chair of the Domain Jury GMW (Michael Faure) and as chair of the Cross-Disciplinary Domain Jury (Jan Smits) or in assessment panels of Dutch and foreign law faculties

4.1.3. PhD programme and the Maastricht Graduate School of Law

Table 4 gives an overview of the number of PhD defences. It shows that on average more than 20 PhD theses are defended every year. About one third of these are external PhD candidates. The Faculty naturally places value on a high number of PhD defences but does not want to concentrate solely on quantitative targets. Equally important indicators of success are the quality of dissertations, the academic training of researchers and the presence of a healthy academic climate. In 2021, the number of defences was lower than that in the previous years. The COVID crisis played an important role in this. Research has been delayed or defences have been postponed because a ceremony on site is preferred. PhD candidates who have experienced delays have been supported and 19 PhD researchers have had their contract extended under the UM PhD delay policy. The number of PhD defences is expected to rise again in 2022.

Table 4: Graduate School: PhD defences

	2016	2017	2018	2019	2020	2021
Employee	7	9	11	9	12	3
Scholarship	4	9	3	5	3	2
Externally financed	0	2	3	2	4	1
External	7	7	5	5	9	7
Total	18	27	22	21	28	14

Table 5 shows the influx and completion rates. The table shows that the dropout-rate is rather high (26%), and less than 30% manages to complete the research within 5 years. Table 6 shows that especially external candidates drop out, while the drop-out rate for resident candidates is only 6%. Accordingly, the Faculty has changed its policy with respect to external PhD candidates. Since 2021 external candidates start as 'prospective PhD candidates' and must have their project approved by the Science Committee. The training module 'The Art of Doing Research' (offered online) has become compulsory for this group of PhD candidates, and they are invited to attend all other trainings offered by the Graduate School free of charge. Supervisors and institutes are invited to

involve the external candidates closer in their research activities. Finally, since COVID and the good experience with online social moments (online coffee) has been extended, so as to allow external candidates to participate in the PhD community.

The reasons for the delays in PhD trajectories vary (e.g. pregnancy and maternity leave, illness, additional teaching or contract research, problems in collecting data or simply that the intended research cannot be completed in the time set for it). Although a 100% completion rate within four years may not be realistic, the Faculty aims to reduce the average duration of PhD-research. The newly introduced Graduate School policies focusing on the monitoring of PhD projects by an independent reviewer (now advisor), the Code of Conduct and the peer-to-peer sessions with supervisors, as well as attention to a stimulating environment and a strong sense of community should help to speed up PhD trajectories. Since they were only introduced recently, and COVID intervened, the effects of the measures cannot yet be assessed.

Decreasing the duration of PhD trajectories is an aim of the Sectorplan SSH. The Dutch Law Faculties collaborate to setup policy frameworks. The UM Faculty of Law is already well up to speed on the measures proposed in the context of the Sectorplan, and debates on the requirements of PhD research, based on the assumption, shared in the legal field (and by the survey), that the ambitions are often overly high and the manuscripts too long. In addition, a memo on PhDs based on articles has been drafted and shared with PhD candidates and supervisors. The new form for the Training and Supervision Plans specifically asks about the format of the thesis, to force candidates and supervisors to at least discuss the option.

Table 5: Graduate School: Enrolment and success rates

Enrolment				Success rates															
Starting year	Enrolment (male / female)		Total (M+F)	Graduated in year 4 or earlier		Graduated in year 5 or earlier		Graduated in year 6 or earlier		Graduated in year 7 or earlier		Graduated in year 8 or later		Not yet finished		Dis-continued		Gaduated in cohort	
	M	F		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2013	26	23	49	17	35	6	12	4	8	1	2	1	2	11	22	9	18	29	59
2014	27	18	45	9	20	2	4	5	11	4	9	0	0	7	16	18	40	20	44
2015	27	19	46	11	24	6	13	4	9	1	2	0	0	15	33	9	20	22	48
2016	19	23	42	7	17	8	19	0	0	0	0	0	0	17	40	10	24	15	36
2017	25	20	45	5	11	2	4	0	0	0	0	0	0	25	56	13	29	7	16
2018	17	18	35	4	11	0	0	0	0	0	0	0	0	21	60	10	29	4	11
Total	141	121	262	53	20	24	9	13	5	6	2	1	0	96	37	69	26	97	51

Table 6: Graduate School: Enrolment and success rates, employed PhD candidates and scholarship PhD candidates at Faculty of Law

Enrolment				Success rates															
Starting year	Enrolment (male / female)		Total (M+F)	Graduated in year 4 or earlier		Graduated in year 5 or earlier		Graduated in year 6 or earlier		Graduated in year 7 or earlier		Graduated in year 8 or later		Not yet finished		Dis-continued		Gaduated in cohort	
	M	F		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2013	7	9	16	3	19	5	31	3	19	1	6	0	0	4	25	0	0	12	75
2014	6	7	13	3	23	2	15	3	23	2	15	0	0	2	15	1	8	10	77
2015	5	9	14	4	29	3	21	1	7	0	0	0	0	4	29	2	14	8	57
2016	4	11	15	0	0	5	33	0	0	0	0	0	0	9	60	1	7	5	33
2017	6	9	15	2	13	1	7	0	0	0	0	0	0	12	80	1	0	3	20
2018	0	9	9	1	11	0	0	0	0	0	0	0	0	7	78	1	11	1	11
Total	28	54	82	13	16	16	20	7	9	3	4	0	0	38	46	5	6	39	48

Several PhD researchers have won prizes for their dissertation, or for other work published during the course of their PhD research.

Dr Hannah Brodersen (PhD, 2020, MICS) won the 2016 Biannual Prize for the Most Outstanding Contribution to the European Journal of Crime, Criminal Law and Criminal Justice 2014/2015. Dr Alexander Hoogenboom (ITEM and MCEL) won 'first place' in the European Law Faculties Association 2016 doctoral thesis competition on European law. MCT researcher Druv Sanghavi's 'The Proposed Tiebreaker Rule in OECD/G20 BEPS Action 6: A critical examination of the possible motives and means, and a potential alternative', published in the Bulletin for International Taxation was awarded the 2017 Young IFA Network Scientific Award by the President of the International Fiscal Association. The dissertation of Elvira Loibl received an honorable mention in relation to the Moddermanprijs Criminal Sciences 2019 (and was nominated for the Willem Nagelprijs 2022). Dr Dilek Kurban (MCEL) was awarded the Erasmus Dissertation Prize 2019, and was awarded a Special Mention by the 2021 International Society of Public Law (ICON.S) Book Prize Committee for the book published on the basis of the thesis. Dr Matteo Bonelli (MCEL) won the Erasmus Dissertation Prize in 2020.

Several researchers who were awarded their PhD thesis during 2016-2021 have managed to publish their PhD theses with excellent publishers. Examples include Frank J.G. Nellen, *Information Asymmetries in EU VAT* (Kluwer Law International, 2017); Antonia Waltermann, *Reconstructing Sovereignty* (Springer, 2019); Dilek Kurban, *Limits of Supranational Justice: The European Court of Human Rights and Turkey's Kurdish Conflict* (CUP, 2020); Sabrina Röttger-Wirtz, *The interplay of global standards and EU pharmaceutical regulation: The International Council for Harmonisation* (Hart Publishing, 2021); Paul Dermine, *The New Economic Governance of the Eurozone. A Rule of Law Analysis* (CUP, 2022); Sejla Imamovic, *The Architecture of Fundamental Rights in the European Union* (Hart Publishing, 2022).

In terms of societal impact, Dr Marieke Hopman (MCfHR) was awarded the 2017 UM Action Research Award at the occasion of the opening of the Academic Year, under the title 'Can academics change the world'. She also co-founded Maastricht Platform for Community-Engaged Research (MPCER), and participated in the Faces of Science project of [Kennislink](#).

4.1.4. Open Science: societal impact

As has been explained, the Faculty takes a broad perspective on societal impact. It invites researchers to actively pursue societal impact but does not demand that all researchers do so. It is a team effort.

There are many examples of research projects that have directly or indirectly created societal impact: researchers have contributed to research directly addressed at stakeholders, legal professionals, European and national institutions and the public at large.

Special mention can be made here of the work of ITEM. The ITEM Annual Conferences bring together academic, stakeholders and policymakers, to discuss current issues on cross-border cooperation, based on research conducted by ITEM members. These annual conferences are organized in cooperation with for example the Committee of the Regions, Province Overijssel, and Province Zeeland. In addition, ITEM is part of the Academic Network on EU Citizenship, on request

of DG JUST. Its Cross-border Impact Assessment was mentioned as ‘best-practice’ by DG REGIO in its Communication on Boosting growth and cohesion in EU border regions.

Another institute that is very active in creating societal impact is MMI. MMI researchers regularly contribute to the *Hofvijver*, the monthly edition of the Montesquieu Institute publishing reflections, opinions, columns and background on current events in The Hague and Brussels. They often participate in public events reaching out to the stakeholders and the general public. Another example is the Peter Elverding Chair for Sustainable Business, Culture and Corporate Regulation. This Chair, jointly held by Mieke Olaerts (ICGI) and Rob Bauer of the School of Business and Economics is instrumental in helping companies and European governments with innovative ideas to make long-term decisions that contribute to a prosperous and sustainable society.

Several Faculty members have been appointed to positions that allow them to put their academic expertise in practice. These appointments are clear signs of recognition of institutions and stakeholders of the expertise of the relevant Faculty members. The professional expertise which they develop in practice may in turn benefit researchers. Thus, Saskia Klosse (MCEL) is a member of the Sociaal-Economische Raad (SER) of the Netherlands. Taru Spronken (MICS, until 2021) is Advocate General of the Supreme Court of the Netherlands (Hoge Raad) since 2013. Ton Hartlief was appointed Advocate General at the Supreme Court in 2016. Maja Brkan was appointed as judge of the General Court of the European Union in 2021. Several researchers are also part-time judges.

Many researchers have been invited to expert meetings by various European and national institutions. Examples include Anna Beckers (ICGI) who was invited to a legal expert meeting by the Ministry of Foreign Affairs on legislative plans on due diligence, and by the SER on the National Action Plan on Business and Human Rights. Vigjilenca Abazi (MCEL) was invited to share her expertise on whistleblowing at the European Parliament. Bruno De Witte, Paul Dermine and Diane Fromage (all MCEL) were invited to contribute to the ECB Legal Conference 2021. Monica Claes (MCEL) was invited to speak at the High-Level Hearing on ‘Rule of Law within the Union’ organized by the European Political Strategy Centre of the European Commission in 2019, to advise the Commission on its strategy to address rule of law challenges in the EU. Lisa Waddington and Andrea Broderick (MCfHR and MCEL) have conducted contract research on several occasions between 2016 and 2021 for the European Commission and the European Parliament, and drafted policy documents and recommendations for the Petitions Committee of the European Parliament. Lisa Waddington (MCfHR) was the senior expert for non-discrimination on the ground of disability in the European Network of Legal Experts in Gender Equality and Non-Discrimination (2015-2018) and continues in that role for the period 2019-2023. Several MICS researchers participated in research projects funded by DG JUST. Marta Pertegás (MEPLI) was appointed as member of the European Commission Expert Group for the Modernisation of EU Civil Justice (2018-2019).

Michael Faure (METRO) participated in a Round Table in the Lower House, at the occasion of the 2021 floodings in the Netherlands. He also drafted a position paper to advise the government on insurance against natural hazard. Mention can also be made of the 2016 report ‘Aansprakelijkheid voor het laten werken met Chrome-6’ (Liability for letting people work with Chrome-6), led by METRO and involving several researchers of the Faculty, commissioned by the National Institute for Public Health and the Environment, RIVM. Monica Claes, AW Heringa, Maarten Stremmer and Marijn van der Sluis (MMI and MCEL) drafted a report on the institutional aspects of constitutional review in a comparative perspective, commissioned by the Ministry of the Interior, at the request of the

Upper House. Several MICS researchers were involved in seven research projects, requested and financed by the Research and Documentation Centre of the Dutch ministry of Justice (WODC).

In terms of citizen science, mention should be UM's Studium Generale, which offers a programme of lectures, debates and talk shows, lecture series, film-, theatre, and poetry nights to a general audience. Many researchers of the Faculty have over the years contributed to the programme. Mention can be made here of the recurring lecture series on Human Rights, featuring a host of MCfHR and MCEL researchers. The Faculty garden is one of the regular locations of PAS, the annual Pleasure, Arts and Science Festival, organised at the start of the academic year by UM and Studium Generale, and always includes legal researchers presenting their research to an audience of interested citizens.

4.1.5. HR policy

The Faculty HR policy builds on the core values of the Faculty: community, innovation and profile, inclusivity, and learning. Equality, diversity, and inclusiveness are key. Academic citizenship is cherished.

The HR policy has been revised twice over the past years in order to adapt it to the current Faculty Board's strategic choices and policy preference, and in light of the Reward and Recognition Programme. The main lines of the new policy have already been mentioned: There is room for the diverse career paths, the criteria for appointment and promotion have been adapted (e.g., the financial targets have been omitted) and clarified, and the annual interviews are conducted on the basis of personal development plans. Much effort has been put in fleshing out and communicating the criteria and in explaining the procedure for promotion, especially to newly appointed assistant professors. The Faculty board has met several times with the Assistant Professors. The criteria are also regularly discussed in the Management Team, with the heads of department, in order to ensure that the procedures and criteria are equally understood and applied across the Faculty.

In the period 2016-2021, the actual workload in terms of teaching for individual staff members has decreased, mainly thanks to the hiring of additional teaching staff. More attention is further paid to mental health and mental well-being.

For PhD researchers, much has been invested in monitoring PhD projects, with the introduction of the independent reviewer (now advisor), the Code of Conduct, the intervision among supervisors, and the involvement of the director of the Graduate School in the go/no-go moment of scholarship PhDs. External PhD researchers have been closer involved in the PhD community. Most importantly, perhaps, all these actions have contributed to creating a culture where PhDs do not solely depend on their supervisors and can seek support elsewhere. Mental health of PhD researchers is high on the agenda, is openly discussed and actions are tried and tested to prevent illness or drop-out.

Of course, COVID has had an enormous impact on researchers and on the Faculty as a whole. During the lockdowns, a lot has been asked of staff: teaching was moved online virtually overnight, projects were adapted to find alternatives for field research or library visits etc. The Faculty has attempted to support staff as much as possible both practically (office equipment) and emotionally. Supervisors were called upon the stay in close contact with their supervisees (often living far away from their families and friends abroad). Faculty zoom meetings were held on a regular basis, to keep staff informed, to share personal stories and to maintain the sense of community the Faculty cherishes.

Institutes, research groups and departments, and the Graduate School moved online, to allow for the continuation of the academic debate and to organise shared 'online coffee' moments. From the very beginning, the message was repeated that the Faculty would do its utmost to prevent COVID affecting career progress in tenure tracks, research projects and PhD trajectories.

For temporary research staff -post-docs and PhD researchers- a 'COVID delay policy' was developed at UM centrally and implemented at the Faculty, to allow researchers who had suffered delays due to COVID to extend their contracts (see annex 19 and 20). PhD researchers and researchers on temporary contracts can apply for an extension with the delays committee (consisting of the dean, the vice-dean for research and a HR consultant). They are asked to explain how COVID has affected their progress, which may include closing of libraries, impact on mental health, caretaker duties or stress. The system is still in place and will remain in place as long as there are PhD researchers who have worked on their projects during the COVID years.

For tenure trackers, it has been made clear from the beginning both to them, their line managers and heads of department and to the BAC (Benoemingsadviescommissie (Faculty Appointment Committee) that due account should be had to the impact of COVID, and that agreements may have to be adapted. In order to keep this in mind, all invitations to annual interviews are accompanied with a document reminding of the impact of COVID. COVID, and by extension mental health more generally, is a set issue on the agenda for the interviews.

4.1.6. Academic culture

Over the past years, the Faculty has further consolidated its position as a European University, where researchers study the role of law in a globalising world, with a special focus on comparative, European and national law. It offers an open, inclusive, and vibrant environment that is conducive to produce original, creative and high-quality research. Mutual respect and transparency are leading, and academic citizenship is cherished and rewarded. Although the Faculty fosters a culture of high ambition and performance, aptitude without attitude is part of its DNA.

Perhaps the best indicator of this profile of the Faculty is its ability to attract and keep talented young scholars, to produce innovative and creative research and develop new research initiatives on a daily basis.

This is further developed and exemplified in the following section, featuring the achievements of each of the research institutes and research groups. They are presented in alphabetical order, following a shared format.

4.2. The research institutes

4.2.1. Institute for Corporate Law, Governance and Innovation Policies (ICGI)

4.2.1.1. Profile

ICGI is the Institute for Corporate Law, Governance and Innovation Policies. The research area of ICGI is corporate law and governance in a broad sense. ICGI strives to be an excellent institute for academic research as well as an outstanding breeding ground for academics and students in their efforts to further develop their insights into corporate law and governance. ICGI carries out research activities, enables cooperation between researchers from different disciplines and organises conferences. ICGI members also participate in providing high-quality education and disseminating their research findings in this way. Current developments in corporate law and in corporate governance are central to ICGI's endeavours.

ICGI's research focuses on the relation between social changes and the corporation and its regulatory environment. In its research, ICGI looks beyond the black box of the corporation and researches the role of the main corporate actors, including the board, shareholders as well as the role of public and private regulation in relation to corporations. ICGI researchers examine how social changes can influence not only the content of corporate regulation, but also the tools that can be used to regulate the corporate environment, the protection of stakeholders and the decision-making power within the corporation. Societal changes, such as the global financial crisis, the COVID-19 crisis and the climate change crisis, but also changing ideas in society regarding the role and goal of corporations, inevitably have an influence on the corporation and its main actors such as shareholders, managing directors, supervisory board members and other stakeholders. This changing environment influences corporate rules as well as the role of regulators at various levels. With regard to the latter one can think of the European legislature, the national legislature as well as other types of regulation such as self-regulation and soft law. The research of ICGI focusses on the abovementioned decision-makers, their role within the company and the influence of social changes on their role and the role of stakeholders: how is their position affected by these changes and how can their position be safeguarded both in a national and a cross-border context?

In its approach, ICGI is characterised by its comparative and European research and its ambition to enhance interdisciplinary research in this area. The latter is also reflected in the Elverding chair, a co-chair shared between the Faculty of Law (Professor Mieke Olaerts) and the School of Business and Economics (Professor Rob Bauer) on Sustainable Business, Culture and Corporate Regulation. The research that is conducted on this topic and within the ambit of this chair also touches on the core of ICGI's research. Furthermore, ICGI seeks to engage with corporate practice and legal education in order to safeguard the societal relevance and dissemination of its research.

4.2.1.2. Research programme

ICGI's research is embedded in the Faculty's research programme and fits within the overall theme of *integration of and interaction* between legal orders: within our research we look at what the role of the law is and can be for future regulation of companies. We also look at the impact of globalisation on the way in which the legal and regulatory environments surrounding corporate operations should and can be organised, challenging the traditional function of the law and looking into the impact of other forms of regulation. This implies also looking at the role of various actors in

shaping corporate regulation and the different levels at which corporate regulation can take place: EU, national level, by means of public-private initiatives etc. ICGI has four main research lines. These research lines each in turn relate to one or more research pillars of the Faculty of Law.

Research Line 1 *Company groups and global networks*

(Led by Professor Mieke Olaerts and Dr Anna Beckers)

This research line focuses on the regulation of company groups and global networks. In a globalising world, providers of goods and services often operate in groups or global networks, using the same name and creating an image of unity. Their activities are complex to regulate as legal rules often only apply to individual companies forming part of a group or network. Stakeholders may be affected by their operations and regulators are increasingly looking for tools to ensure a responsibility of the group or network as a whole for certain important societal interests that transcend the legal entity that forms part of the group or network. This development raises several questions, such as: in which situations should the group or network be seen as an economic unity? What legal or regulatory tools can be used to regulate group and network relations? What are the consequences of these developments for the internal governance of company groups and networks, i.e. the role of the board, shareholders and other stakeholders? This research line focuses on how these issues can be addressed and how company groups and global networks can be regulated. Of particular interest in this research line is also the connection of groups/supply-chains to the overall research at ICGI on the relation between the corporation and its social and natural environment. Accordingly, the research questions regarding the ascription of responsibility in corporate groups and supply-chains also covers the issue of environmental and social responsibility of companies. The research line fits within the Faculty research pillar on *Global Justice* as part of the research concerns the potential transboundary liability of enterprises and supply chains for activities carried out by subsidiaries or members in the supply chain abroad. This research line furthermore contributes to the research pillar on *Globalising Markets* as research within that area looks at the potential ways to regulate company groups which also involves harmonisation at the European level as well as regulation at the national level and the interaction between these two.

Research Line 2 *Companies in financial distress: Possibilities and pitfalls*

(Led by Dr Samantha Renssen)

This research line focuses on restructuring possibilities for companies in financial distress, and on liquidation procedures for unviable companies. The overall aim is to find a balance between time-consuming and cost-effective restructuring and liquidation methods and guarantees ensuring creditor protection and preventing fraud. This is reflected by the output in the form of books about new insolvency laws and articles about restructuring and turbo liquidation. The research is conducted on both a national as well as a European level, and also contains a comparison with the law of Aruba. Research in this research line implements the Faculty's research pillar on *Cross Border Cooperation and Mobility Research* in the following way: The differences between the European national rules regarding restructuring and liquidation cause an investment barrier. The divergences between the national systems are studied and we analyse cross-border cooperation and the harmonisation of the laws on companies in financial distress. It also constitutes a further elaboration of the research pillar on *Globalising Markets* as it addresses issues of company law harmonisation and the potential need for European tools on corporate restructuring and dissolution of companies in financial distress.

Research Line 3 *The dynamics between shareholders and boards in the changing paradigm of corporate law*

(Led by Professor Bastiaan Kemp and Professor Olaerts)

In this research line we focus on reviewing the dynamics and tensions between shareholders and boards under corporate law in changing societies and ii. aiming to formulate potential instruments to (re)solve the tension. The research focuses both on the present corporate governance paradigm, in which shareholders and directors are interacting when exercising their powers, and on current and potential future corporate governance regulations that could influence the way in which these actors interact, keeping in mind the general trend towards more stakeholder focus and sustainability as part of corporate governance. The research includes empirical studies of the current corporate governance of listed companies and the doctrine behind this corporate governance, but also puts forward the question in what way future corporate governance could be structured to enhance and safeguard stakeholder interests. Hence, this research line is also closely linked to the Elverding Chair, which focuses specifically on sustainable business, culture and corporate regulation. This research line contributes to the Faculty's research on *Globalising Markets* because it focuses – among others – on the globalising capital markets, as a result of which multinational companies typically have an international shareholder base. Access to the global capital markets can be very beneficial for companies, but also introduces certain challenges. An international shareholder base means that shareholders might expect a certain internationally acclaimed corporate governance regime, which is not necessarily (fully) included in national law. This leads to tension between developments protecting national or European interests and efforts to stimulate globalisation on a transnational level.

Research Line 4 *Cross border mobility*

(Led by Dr Thomas Biermeyer)

This research line focuses on cross-border transactions and their impact on stakeholders. It combines empirical legal research methods analysing such cross-border transactions with data science methods to be able to describe *where* cross-border corporate mobility takes place in the European Union ('EU') and the European Economic Area ('EEA') and *which* characteristics cross-border transactions exhibit, *what* their impact is on stakeholders and *why* these transactions are done. By making use of data science the focus is on the extraction and visualisation of cross-border company data. This research line fits within the research pillar on *Globalising Markets* as it addresses issues of company law harmonisation and the potential need for European Tools on corporate mobility and stakeholder protection. It also contributes to the pillar on Law and Technology by combining data extraction, analysis and visualisation methods with (empirical) legal research.

4.2.1.3. Organisation

ICGI is headed by its management team, consisting of Professor Mieke Olaerts as academic director, Professor Bastiaan Kemp as vice-academic director and Lucia Jeremiašová as assistant. Each of the research lines is headed by one or more senior researchers, who lead the research line and involve other ICGI members whose research also falls within that research line. The research lines are not isolated from each other. Collaboration between the research lines exists and is encouraged. The ICGI team consists of 18 members and a variable number of student assistants. ICGI cooperates closely with corporate practice and has two partner firms: Thuis Partners (Maastricht/Heerlen) and DVDW (Rotterdam / The Hague). Members' meetings take place on a monthly basis where team

members discuss their research, are updated about ICGI events and ideas for new events and collaborations are discussed. Members of ICGI also present their research in research meetings of other institutes in order to disseminate research ideas and foster collaboration within the Faculty. In this respect there is close collaboration with M-EPLI and METRO. Every year ICGI organises several events to disseminate its research further, such as conferences and workshops. There are also yearly recurring events in which ICGI members are involved and present their research such as: the yearly 'dag van de Limburgse commissaris', student conferences, the Ius Commune workshop company law and an annual event organised under the heading of the Elverding Chair. ICGI members furthermore also engage in joint publications and book projects.

4.2.1.4. Key publications

Kemp, B. (2021). *Naar een werkbaar en realistisch model voor stakeholder governance en de rol van aandeelhouders daarin* (oratie).

In this inaugural lecture, Bastiaan builds on various publications and lectures over the years regarding the development of stakeholder governance and – in particular – the position of shareholders within this corporate governance. Bastiaan uses law and economics doctrine to see whether insights can be gained into how the company and the relationship with the board of directors and shareholders should be structured. These publications constitute output from the third research line, that focuses on the changing dynamics in corporate law between the shareholders and the board.

Bauer, R; Bauer T, Olaerts, M.& Van Aartsen, C. (2021). *Sustainability embedding practices in Dutch listed companies*, Research report 2021.

This report is the result of research conducted by the Elverding Chairs and a group of researchers commissioned by Eumedion, the corporate governance forum represents the interests of institutional investors in the field of corporate governance and sustainability. The research examines why and how sustainability is embedded by Dutch listed companies. It paints a picture of the state of the art in company sustainability embedding for 2020 with a focus on the roles of the management and supervisory boards given their prominence in many strategic decisions on sustainability. The research is based on both desk research and interviews with 88 interviewees. The research constitutes interdisciplinary research between the School of Business and Economics and the Faculty of Law of Maastricht University. It fits within the third research line.

Olaerts, M., Rammeloo, S., Renssen, S., SteinsBisschop, B.T.M., Kemp, B. & Wolf, R. (2020). 'The Netherlands'. In Vicari and Shall (Eds.), *Company Laws of the EU* (pp. 1280-1455), Beck, Hart, Nomos.

This publication contains a chapter on various aspects of Dutch company law on topics varying from corporate governance in public and private companies to company groups and restructurings. It is the result of a team effort in a book that aims to map the company laws of Europe and is important for company law from a comparative perspective. It also provides us which outreach within the EU in this respect.

Renssen, S. (2017). *De herijking van het faillissementsrecht: De pijler fraudebestrijding*. (Recht en Praktijk, No. 8, Insolventierecht). Deventer: Wolters Kluwer, Renssen, S. (2019). *De herijking van het faillissementsrecht. De pijler modernisering*. (Recht en Praktijk, No. 12, Insolventierecht). Deventer: Kluwer 2019 and Renssen, S (2021). *De herijking van het faillissementsrecht: De WHOA* (Recht en Praktijk, No. 17, Insolventierecht). Wolters Kluwer.

The financial crisis has led to a large number of initiatives to amend Dutch bankruptcy law in order to minimise economic and social losses when companies are insolvent. These books published by Samantha Renssen are part of her research to review and discuss the recent and ongoing changes in Dutch bankruptcy law which is part of the second research line described above. The publications have been included in the 'Serie Recht en Praktijk Insolventierecht' by Kluwer.

Meyer, M. & Biermeyer, T. (2019). *Cross-border corporate mobility in the EU: Empirical findings 2019* (Vol. II).

The freedom of establishment for companies to move and conduct business EU-wide is one of the fundamental freedoms introduced by the Rome Treaty. Whilst freedom of movement across the EU, i.e. corporate mobility, has been continuously on the agenda of the EU policymakers, one important point has been missing: solid empirical evidence as to the state of corporate mobility in the EU. This report has been one of the corner stones of the empirical research on corporate mobility within the EU and – for the first time – highlights trends and key aspects of cross-border company mobility, such as a steady increase in company mobility, based on a dataset of 13 years of company mobility. This constitutes output from the fourth research line. It falls within the ambit of the fourth researchline.

Beckers, A (2021). 'Globale Wertschöpfungsketten: Theorie und Dogmatik unternehmensbezogener Pflichten', *Zeitschrift für die gesamte Privatrechtswissenschaft*, 7(2), 220-251.

This article analysis, through a doctrinal lens, the concept of corporate supply-chain responsibility and its integration into national company law. Its basis is an analysis of recent sustainability legislation from which the supply-chain dimension is distilled. The main argument of the article is to identify in the evolving legislation two forms of corporate supply-chain obligations: reporting and due diligence legislation. These duties are analysed in-depth with a view to their embedding in national law and their effect on corporate behaviour and subsequently related to the question of corporate liability for the supply-chain. The article is written in German and is a contribution to the German legislative debate. However, with its conceptual approach on supply-chain responsibility, it is of broader interest for the general debate on corporations and supply-chains. It is currently in the process of being translated into French (special issue of the *Revue internationale de droit économique*, RIDE) and falls within the ambit of the first research line.

4.2.1.5. Key achievements

Sustainability embedding practices in Dutch listed companies, Research commissioned by Eumedion

In 2020-2021 the Elverding chairs and several members of the ICGI (Mieke Olaerts and Constantijn van Aartsen) were awarded a research grant by Eumedion to conduct research into the sustainability embedding practices of Dutch listed companies. Eumedion is a Dutch representative of Institutional Investors. The results of the research were presented at the Eumedion conference at the end of 2021. The research constitutes interdisciplinary research between the School of Business and

Economics and the Faculty of Law of Maastricht University. The research report is mentioned above under key publications.

The European Green Deal and the Future of the Modern Corporation on 9 October 2020 (online)

The Elverding Chairholders organized and moderated an online webinar and debate session dedicated to the European Green Deal and the future role of modern corporations. The event had to take place online due to Covid-measures in force at the time. The event brought together EU policy makers, practitioners and academics to discuss the European green deal and how corporation can be run in the future. Speakers were: Diederik Samsom (Chief of Cabinet for Frans Timmermans, EU) and John Kay (St John's College, Oxford). Panel members: Marlies van Wijhe (CEO Koninklijke Van Wijhe Verf B.V.), Hein Schumacher (CEO Royal Friesland Campina NV), Dimitri de Vreeze (Co-CEO and member of the Managing Board Royal DSM N.V.). It is part of the third research line.

Concluding conference 'Cross-border Corporate Mobility in Europe: Harnessing empirical data to explore the impact of corporate mobility in Europe', 26 September 2019 (Brussels, Belgium) (organised by Thomas Biermeyer and Marcus Meyer including contributions by ICGI members Stephan Rammeloo, Mieke Olaerts and Steef Bartman)

This concluding conference of the Jean Monnet project (EAC/A03/2016) on Cross-Border Corporate Mobility in the EU brought together representatives of the European Parliament, practitioners as well as academics from different countries to discuss the findings of ICGI empirical research into cross-border company mobility and the consequences for future regulation of this topic within the EU. We presented the empirical findings on 13 years of company mobility, the impact of legislative change and trends and key aspects identified. This is a dissemination of the fourth research line mentioned above.

Conference Agency Theory in the 21st century, held in Maastricht on 25 October 2019 (organised by Constantijn van Aartsen and Damla Bos)

During this conference an interdisciplinary and international range of speakers was invited to reflect on the role and future of agency theory in their respective disciplines. The underlying assumptions, theoretical foundations, increasing sphere of influence and consequent impacts were explored. Important takeaways were that too much focus has been placed on law and economics theory and insufficient attention was given to the way in which corporations actually function. The changing paradigm for the corporation and its influence on the relationship between shareholders and boards was highlighted as well. These developments fit well within the third research line as described above.

Launch of the Elverding Chair (organised by Mieke Olaerts and Rob Bauer)

In 2019 Mieke Olaerts and Rob Bauer (of the School of Business and Economics) were awarded a joint endowed chair called the Elverding Chair on Sustainable Business, Culture and Corporate Regulation. The chair is sponsored by a number of companies and aims to foster an interdisciplinary approach to the field of study. It allows us to bring together insight from the legal field with regard to corporate regulation on the one hand and finance on the other. It allows for the appointment of staff members with an interdisciplinary background helping us to grow further in this area and to have an outreach to the business community as well as to the local community by organising events

under this heading. An example of this is the Studium Generale event that was held in March 2019 as a launch for this chair.

Dag van de Limburgse commissaris (organised by ICGI, Thuis Partners and Delfin with contribution by Mieke Olaerts)

Every year the ICGI takes part in organising as well as presenting at the Dag van de Limburgse commissaris. This is a conference organised together with two other partners where we discuss with a broader audience the findings of our research specifically with regard to the role of Supervisors. It enables an outreach and a dissemination to both the local community, corporate practice and a specific group of professionals: supervisors and their advisors. The event was paused due to covid the next conference is scheduled for October 2022.

4.2.2. Institute for Globalisation and International Regulation (IGIR)

4.2.2.1. Profile

The Institute for Globalisation and International Regulation (IGIR) is an interdisciplinary research institute, based at the Faculty of Law. Its mission is to conduct research, to offer courses and seminars and to advise on the role of international regulation in addressing problems and challenges resulting from the process of economic globalisation.

IGIR's research examines the policy, economic, and legal structures and processes through which the international economic system is regulated, focusing on the role that emerging economies such as India, China and Brazil play in the re-ordering of international regulation. To that end, IGIR collaborates with partners in emerging economies and recruits members and PhD candidates from these regions.

4.2.2.2. Research programme

IGIR researchers focus on the concept of 'Trust in Trade', which serves as an overarching focal point to address the regulation of Global Markets and the role that national, regional and international actors and institutions play in this regard.

The rise of economic nationalism signals the erosion of trust in international trade and the rules that govern it. For stakeholders to trust the international economic law (IEL) regime, it is crucial that it takes sufficient account of their interests and appropriately balances them in case of conflict. This trust is under pressure, as is evident in difficulties faced in law making/reform, implementation, and enforcement of law. This overarching theme aims to suggest ways to restore trust in trade.

IGIR's overarching research theme 'Trust in Trade' is closely aligned with the Faculty's research programme *Integration of and Interaction between Legal Orders* in that it examines the challenges accompanying economic integration and the space for national regulatory autonomy within the international economic order.

Broken down over the research pillars, IGIR research is primarily effectuated within *Globalising Markets*, while also contributing towards the *Global Justice*, *Institutional Transformations*, and *Law and Technology* pillars.

IGIR works on three research streams in the field of international economic law:

- International and European Intellectual Property Law and Knowledge Management
- International and European Trade and Investment Law; and a joint research stream
- International and European Economic Law and Policy

Research line 1 International and European Intellectual Property Law and Knowledge Management

IGIR's intellectual property research group is a uniquely deep and broad group of multidisciplinary researchers working on intellectual property, innovation and knowledge management.¹ Their

¹ Participating researchers in this research stream: Anselm Kamperman Sanders, Dick van Engelen, Meir Pugatch, David Townend, Christopher Heath, Cees Mulder, Anke Moerland, Kalpana Tyagi, and PhD researchers: Maurizio Crupi,

research focus lies on international, European and comparative intellectual property research and analysis, with an emphasis on contrasting and comparing rationales, examining implementations of different forms of IP, and conducting evaluations of the goals and effectiveness of innovation and IP policy. Here the impact of UN and multilateral actors such as the World Intellectual Property Organization, the World Trade Organization, and the European Patent Office play a direct role in assessing the European Union's intellectual property policy and its impact on the EU legal order and its subsequent external sphere and the national systems of the Member States. This has resulted in contributions to EU policies and authored studies on pharmaceutical patents, biotechnology patents, trade secrets, IP enforcement (ACTA), industrial designs, competition and standards, and copyright in the digital single market.

The research questions that are central to this research stream are:

- How does intellectual property contribute to fostering innovation?
- What role does intellectual property play in the Fourth Industrial Revolution? How can intellectual property benefit all parts of society equally, fostering sustainable development? It focusses on the elements that are necessary to maintain and foster 'Trust in Trade'.
- Questions of 'precautionism', e.g. patentability of seeds, biotechnology and pharmaceutical products.
- Technological developments and standard setting in technology markets.

These research questions primarily implement research in the pillar *Globalising Markets*, addressing *inter alia* questions as to whether intellectual property rights obstacles to legitimate trade and in the pillar *Law and Technology*, addressing *inter alia* innovation in the fourth industrial revolution covering 3D-printing and the use of artificial intelligence in science and the creative arts.

Research line 2 International and European Trade and Investment Law

IGIR's international trade and investment research group focuses on the challenges posed by the limiting effect of international rules regarding trade liberalisation and investment protection on the sovereign autonomy of states to pursue important societal objectives.² Not only the substantive obligations contained in the international trade and investment regimes but also the institutional arrangements through which these obligations are developed and enforced can have significant implications for the regulatory autonomy of States. Societal concern on these issues is evident from the intense public debate on the mega-regional trade and investment agreements currently being negotiated or recently concluded, such as the Canada – EU Trade Agreement (CETA), which aim at an unprecedented level of economic integration and regulatory coordination. It is also evident from societal support for unilateral and protectionist trade policies as reflected in Brexit and the US Trump administration's actions to undermine the rules-based multilateral trade order. The research stream explores how to appropriately balance the economic objectives of the international trade

Clara Ducimetière, Nicollò Galli, Matthijs Geuze, Kamini Goddard, Krishnamani Jayaraman, Naina Khanna, Xi Lin, Tian Lu, Zoe Miller, Unyime Morgan, Yannis Skulikaris, Abiy Solomon, Bart van Wezenbeek, Xiao Wang.

² Participating researchers in this research stream: Iveta Alexovicova, Wolfgang Giernalczyk, Denise Prevost; and PhD researchers: Senai Andemariam, Azernoosh Bazafkan, Joao Benevides Demasi, Adriana Casafont Ortiz, Gian Franco Chianale, Svetlana Chobanova, Jens Hillebrand Pohl, Natalia de Lima Figueiredo, Michelle Kristy, Ciro Leal, Leonardo Macedo, Eliza Malathouni, Emma Moulds, Martin Munu; Nishara Mendis; Thiago Nogueira, Michael Ogwezy, Chitra Radhakishun, Frank Sina, Christian Vidal Leon, Chunlei Zhao.

and investment regimes with important societal objectives, including the promotion of sustainable development.

This research stream primarily contributes to the pillar *Globalising Markets* and examines how legal rules and institutions regulate and manage economic globalisation to address its negative effects, and explores what is needed to restore trust in the international economic order, while preserving regulatory autonomy to protect societal values through legitimate regulatory distinctions under WTO law.

Research line 3 International and European Economic Policy and Regulation

Research stream 3 covers the intersection between the two research streams described above, focusing on the policy and regulatory dimension of ‘Trust in Trade’ that is common to all research that is undertaken within IGIR.³ At the law-making level, trust in the institutions and the output they produce depends on whether, and in what form, stakeholders can have an input. At the implementation and compliance level, trust stems from the quality of rules, their ability to serve the intended purpose and appropriately balance conflicting interests of stakeholders. At the enforcement level, trust is a determining factor for its effectiveness, and it is based on legitimacy, procedural safeguards, costs and efficiency.

Ever since intellectual property is no longer merely an issue of domestic cultural and industrial policy, but also an issue of European and (after the 1995 TRIPS Agreement) international trade policy and regulation. Research streams 1 and 2 converge around issues such as regulatory risks, non-tariff barriers, national security, ‘precautionism’, etc.

This research stream contributes to the pillar *Global Justice* by exploring the mechanisms whereby states pursue their environmental, public health and human rights responsibilities extra-territorially. Examples of this research address the use by the European Union of its market power to extend the reach of its sustainable development objectives to third countries, by means of trade and sustainable development chapters in its ‘new generation’ free trade agreements. Within this context, IGIR participates in the consortium for the EU’s H2020 project [Making Agricultural Trade Sustainable](#).

Within the pillar of *Institutional Transformations*, this research stream examines how institutions and legal instruments may shape the future progress of economic integration. Examples of this research focus on trade and sustainable development chapters in the EU’s free trade agreements, which examine the rise of new institutional actors, such as civil society dialogues, and new compliance mechanisms in international economic relations, as well as by the contributions to the European Parliament study on the Anti-Counterfeiting Trade Agreement.

In addition, (PhD) research on international trade rules for e-commerce contributes to the *Law and Technology* pillar of the Faculty research agenda by examining the regulation of the global data economy and its implications for enterprises in African countries.

³ All researchers mentioned in footnotes 4 and 5 jointly.

4.2.2.3. Organisation

IGIR is led by Prof. A. Kamperman Sanders and Dr A. Moerland. Together they form the IGIR management. Furthermore, there are 47 members and 19 associate members, including the six Early Stage Researchers who will defend their PhD at Maastricht University as part of the H2020 [EIPIN-Innovation Society European Joint Doctorate](#). IGIR organises monthly research seminars in which primarily PhD candidates can present their research to peers, staff and students. The academic debate is also stimulated by IGIR blog posts, which appear on the IGIR website and are shared via social media.

IGIR participates in the Ius Commune network by organising and contributing to one or two workshops at the annual conferences. IGIR collaborates with the World Trade Institute in Bern in tendering for project grants, and in providing training abroad. Furthermore, IGIR collaborates with the European IP Institutes Network (EIPIN) for joint doctoral supervision and projects, and with the Institute for European Studies of Macau (IEEM) for the organisation of annual seminars and workshops in Macau and Hong Kong.

4.2.2.4. Key publications

Prévost, D., Alexovicová, I. & Hillebrand Pohl, J. (Eds.) (2019). *Restoring 'Trust in Trade'*, Hart Publishing.

This edited Liber Amicorum pays tribute to the work and contribution of IGIR fellow Peter Van den Bossche to the evolution and understanding of WTO law as a rules-based system eliciting trust. It addresses thematically the overarching question of how to restore trust in trade, and in particular in the rules-based international trading system, from a legal perspective, focusing on the following three sub-themes: (1) how to ensure a robust institutional framework that promotes rational dialogue over power politics, (2) how to safeguard the integrity, effectiveness, impartiality and fairness of trade dispute settlement, and (3) how to nurture the evolution of substantive international rules that appropriately balance trade and non-trade interests and ensure that the benefits of trade are truly inclusive. This publication thereby contributes to IGIR's overarching theme of 'Trust in Trade', as well as to the research streams 2 and 3. It fits within the Faculty research pillar on Globalising Markets, by examining how legal rules and institutions that regulate and manage economic globalisation can be reformed in order to restore trust in the international economic order.

Heath, C. & Kamperman Sanders, A. (Eds.) (2019). *Intellectual Property and International Dispute Resolution*. Kluwer Law International.

Investor dispute tribunals, as provided for in many bilateral and multilateral trade agreements, are suspected of in-transparency, because proceedings are not public, of unequal treatment, because they give foreign investors a right of action where domestic investors would have none, and of undermining democracy, because they allow democratically enacted laws to be challenged with no possibility of appeal. This book examines the extent to which challenges against domestic legislation based on an alleged direct or indirect expropriation of intellectual property rights may be justified. It also the regulatory sovereignty states have to address issues such as public health and other societal concerns. In addition, the book explores alternative dispute resolution mechanisms. This publication thereby contributes to IGIR's overarching theme of 'Trust in Trade', as well as to its

research streams 1 and 3. It fits within the Faculty research pillar on Global Justice and Globalising Markets.

European Intellectual Property Institutes Network Series aligned with the EJD H2020 project: 1) Drexl, J. & Kamperman Sanders, A. (Eds.), (2019). *The Innovation Society and Intellectual Property* (European Intellectual Property Institutes Network Series), Edward Elgar; and 2) Kamperman Sanders, A. & Moerland A. (Eds.), (2021). *Intellectual Property as a Complex Adaptive System – The Role of IP in the Innovation Society* (European Intellectual Property Institutes Network Series), Edward Elgar.

These volumes are part of the EIPIN Series that is aligned with the EJD H2020 project and thus precursors to the PhD publications that are to follow. Intellectual property (IP) rights impact innovation in diverse ways. These books critically analyse whether additional rights beyond patents, trademarks and copyrights are needed to promote innovation. Featuring contributions from thought-leaders in the field of IP, the series examine the check and balances that already exist in the IP system to safeguard innovation and questions to what extent existing IP regimes are capable of catering to new paradigms of innovation and creativity. These publications thereby contribute to IGIR's overarching theme of 'Trust in Trade', as well as to its research streams 1 and 3. It fits within the Faculty research pillar on Globalising Markets and Law and Technology.

Prévost, D. & Alexovicová, I. (2019). 'Mind the compliance gap: Enforceability of sustainability provisions in EU FTAs', *International Journal of Public Law and Policy*, 6(3), 236-269.

This publication examines whether the incorporation of 'trade and sustainable development' (TSD) chapters in the EU's free trade agreements deliver on their promise of using the EU's trade power to effectively promote the protection of the environment and improved working conditions in third countries. In particular, it critically assesses the capacity of the EU's 'promotional approach', based on dialogue and cooperation, to close the compliance gap between the TSD provisions and their implementation and argues that this approach holds greater promise for real improvements in labour and environmental standards than a sanctions-based enforcement system. However, it posits that, to be effective, and thereby restore societal trust, this approach must be supported by effective mechanisms for transparency, institutionalised dialogue and accountability. This publication thereby contributes to IGIR's overarching theme of 'Trust in Trade', as well as to the research streams 2 and 3. It fits within the Faculty research pillar on Global Justice by exploring the mechanisms whereby states pursue their environmental and human rights responsibilities extra-territorially; as well as the pillar Institutional Transformations by examining the rise of new institutional actors, such as civil society dialogues, and new compliance mechanisms in international economic relations.

Heath, C., Kamperman Sanders, A. & Moerland, A. (Eds.) (2018). *Intellectual Property as Obstacles to Legitimate Trade?*, Kluwer Law International.

This book helps to understand one of the underlying rationales of the TRIPS Agreement in light of some of the most pertinent IP issues. The WTO/TRIPS Agreement for the first time put IP rights in the context of trade rules, such as when does the exercise of IP rights become an unjustified burden to legitimate trade? Cases have arisen where IP rights are conferred, used, or enforced in a manner that arguably impedes trade, both in domestic and international contexts. The contributions shed new light on the underlying rationales of the TRIPS Agreement and provides insight on how to assess whether the protection and enforcement of certain IP rights in particular situations should be

classified as trade barriers and how a desirable balance between the exercise of IP rights and the demands of legitimate trade can be obtained. This publication thereby contributes to IGIR's overarching theme of 'Trust in Trade', as well as to its research streams 1 and 3. It fits within the Faculty research pillar on Globalising Markets and Global Justice.

Prévost, D. (2016). 'States' regulatory autonomy to protect societal values through legitimate regulatory distinctions: finding the balance in the WTO Agreement on Technical Barriers to Trade through adjudication', in L. Choukroune (Ed.), *Judging the State in International Trade and Investment Law* (pp. 53-74). Springer Press.

This contribution examines some of the most controversial trade disputes in which public policy regulation has been challenged before the adjudicatory bodies of the WTO, showcasing the crucial role of adjudication in achieving an appropriate balance between the regulatory autonomy of States to protect important societal values on the one hand and trade liberalisation on the other. It examines the innovative interpretation through which the WTO Appellate Body averted the risk of unacceptable limitations on the policy space of states created by a badly drafted non-discrimination provision, and critically assesses the uneasy fit between this interpretative approach and the limited mandate of the adjudicatory bodies of the WTO. This publication thereby contributes to IGIR's overarching theme of 'Trust in Trade', as well as to research streams 2 and 3. It fits within the Faculty research pillar on Globalising Markets, by examining how the interpretation of legal rules by adjudicatory institutions ensures that the regulation of economic globalisation does not come at the cost of other societal values, and thereby restores trust in the international economic order.

4.2.2.5. Key achievements

The H2020 [European Joint Doctorate EIPIN Innovation Society](#) with a value €3.865.882 ran from 2017 to 2021. The project management was in the hands of Maastricht University, with A. Moerland and A. Kamperman Sanders acting as project coordinators. The prime purpose of the project was the training and the joint supervision of 15 PhD candidates. The academic partners in the project comprised: Maastricht University (IGIR) (coordinator), Queen Mary University of London (QMIPRI), University of Alicante, University of Augsburg/ Max Planck Institute for Innovation and Competition, Université de Strasbourg (CEIPI), while partnering with various innovative industry branch organisations and corporations and two EU Agencies, namely the European Intellectual Property Office and the Community Plant Variety Office.

The Erasmus+ Grant related to the EU Education, Audiovisual and Culture Executive Agency (EACEA), entitled [China Intellectual Property Management Network](#) (CIPNet) – Project # 586103-EPP-1-2017, with a value of €934.382, – ran for 36 months until 14-10-2020. Its purpose was to train trainers on intellectual property and effective technology transfer. At the EU side Jagiellonian University acted as coordinator with the University of Alicante and Maastricht University (Professors A. Kamperman Sanders, D. van Engelen, and M. Pugatch) contributing. The Chinese beneficiaries were the Beijing Institute of Technology, Renmin University of China, Lingnan Normal University, Kankai University, Southwest University, Xijing University, East China University of Political Science and Law, and associated partners SIPO, MOE, and MOST.

The inter Eurregio project [Terra Mosana](#), funded by European Regional Development Fund ran from 2018 until 2021, and Dr. Anke Moerland and Prof. A. Kamperman Sanders participated in this project through MACCH to supply the necessary contents on copyright in relation to cultural preservation.

The project's academic partners were: Liège Université (coordinator), Katholieke Universiteit Leuven, Maastricht University, Maastricht Centre for Arts and Culture, Conservation and Heritage (MACCH), RWTH Aachen University – Visual Computing Institute (VCI), Media Computing Group (MCG), and the beneficiary partners were: Ville de Liège, Stad Tongeren, Gemeente Leopoldsburg, Agence Wallonne du Patrimoine (AWAP), Gemeente Maastricht, Stadt Aachen – Kulturbetrieb der Stadt Aachen, Fachbereich Route Charlemagne, Provincie Limburg (B) – Provinciaal Centrum voor Cultureel Erfgoed, Museum Zitadelle Jülich.

The European Union's Horizon 2020 research and innovation programme: [Making Agricultural Trade Sustainable](#) (MATS) – grant agreement # 101000751 is currently still running. MATS aims to identify key leverage points for changes in agricultural trade policy that foster the positive and reduce the negative impacts of trade on sustainable development and human rights. Particular attention is paid to SDG1 No Poverty, SDG2 Zero Hunger and SDG3 Good Health and Well-being, as well as SDG6 Clean Water, SDG13 Climate Action and SDG15 Life on Land. Focus is on improving the governance, design and implementation of trade practices, regimes and policies at national, EU, African and global levels. In implementation, MATS develops and pilots new tools for a systemic analysis, and assessment, of the interactions between agricultural trade, investments, sustainability and development. Partners are: University of Helsinki (coordinator); KnowlEdge Srl; Southern and Eastern Africa Trade Information and Negotiations Institute; Research Centre on Animal Production, Department of Economics and Engineering; SCiO P.C.; Technical University of Madrid; Transnational Institute; The Economic and Social Research Foundation; Oxfam Solidarité – Oxfam Solidariteit; Fraunhofer Institute for Systems and Innovation Research ISI; Agricultural University of Athens, Department of Agricultural Economics and Rural Development; North-West University; Universität Bern, World Trade Institute; Maastricht University, Faculty of Law (IGIR).

As a farewell to Professor Peter van den Bossche, IGIR organised the '[Restoring Trust in Trade](#)', Conference on 17 December 2018 in Maastricht. The conference proceedings resulted in a book with the same title published with Hart Publishing.

IGIR has been instrumental in organising the Annual Macau Intellectual Property Seminar Series. This endeavour is still ongoing, but during the reporting period resulted in a number of successful conferences and books. In 2019 '[The First 25 Years and the Future of the TRIPS Agreement](#)', Macau Intellectual Property Seminar, 4-5 November. In 2018 '[Intellectual Property and the 4th Industrial Revolution: A Data-driven Economy](#)', Macau Intellectual Property Seminar, 5-6 November 2018. In 2017 '[IP Rights: Obstacles or IP Opportunities to Legitimate Trade?](#)', Macau Intellectual Property Seminar, 6-7 November 2017, and in 2016 '[Intellectual Property – Of Pharmaceuticals, Tobacco, Commodities and Other Matters](#)', Macau Intellectual Property Seminar, 28-29 November 2016.

Pillar Globalising Markets: European Intellectual Property Institutes Network - Innovation Society (EIPIN-IS)

For many years IGIR brings together experts working on international economic law and regulation. One particular research line focusing on intellectual property law and innovation policies drew the attention of the European Intellectual Property Office (EUIPO), which expressed an interest in receiving research-driven intellectual property policies. EUIPO also came on board as project partner for the joint doctorate under the Horizon 2020 Marie Skłodowska Curie Action ITN-EJD.

EIPIN-Innovation Society is a comprehensive project at the forefront of multidisciplinary research, examining the role of intellectual property (IP) as a complex adaptive system in innovation. The project was initiated and coordinated by Anke Moerland and Anselm Kamperman Sanders with the partners in the longstanding European Intellectual Property Institutes Network (EIPIN), a consortium of leading research and training centres in the area of intellectual property. All members of the IGIR intellectual property team were involved in the project.

The ambition of the project is to enhance Europe's capacity to foster innovation-based sustainable economic growth globally. The research findings provide political leaders and stakeholders reliable conclusions and recommendations in the form of doctoral IP research on how to deal with the adaptive complexities of innovation cycles that secure economic benefits and uphold justice in the innovation society.

Fifteen Early-Stage Researchers (ESRs) joining the project benefited from an extensive training programme that involved deepening knowledge of the complexities of innovation and the role of IP in it, as well as applying research methods relevant for studies in the field of innovation from various disciplines, in particular legal but also socio-economic methods. They were trained to present their research findings on several topics of great societal interest, and to guide inventors and entrepreneurs through the lifecycle of IP-intensive assets that takes human creativity into the marketplace.

The involvement of industry associations representing numerous undertakings provides great access to non-academic actors. ESRs present at Maastricht University were able to benefit from the close distance to several industry and business associations, as well as non-governmental actors located in the vicinity of Maastricht, Brussels and Leiden. They could carry out internships with them for periods between 1 to 6-months, thereby getting acquainted with private practices and societal concerns regarding knowledge creation and sharing with relevant stakeholders in various sectors of the economy.

The programme leads to the award of a joint or double doctoral degree. Four ESRs have already successfully defended their joint doctorate degrees at partner universities. Three PhD defences are planned at UM for the autumn of 2022, as joint degrees with the University of Augsburg, Queen Mary University of London, and the University of Alicante respectively. All PhD theses will be published in the EIPIN book series.

IGIR fellows benefitted from the presence of EIPIN-IS researchers in Maastricht. All ESRs in Maastricht presented their research once or twice during IGIR lunch seminars. This allowed ESRs to progress in their research ideas and IGIR fellows to learn about the project objectives and broader perspectives.

The EIPIN-Innovation Society network organised eight international conferences, two of which were organized in Maastricht. Participants included project members, as well as staff and students of the Faculty. Particularly students in the master programme Intellectual Property and Knowledge Management (IPKM) made use of this opportunity and got inspired by the possibility of carrying out research at doctoral level in various EU countries.

One such conference co-organized with the ESRs in Maastricht led to the publication of an edited volume on *Intellectual Property as a Complex Adaptive System*, edited by Kamperman Sanders and Moerland (Edward Elgar, 2021). ESRs provided considerable input in the selection of contributors and topics. The book examines the role of Intellectual Property (IP) as a complex adaptive system in innovation and the lifecycle of IP intensive assets. Discussing recent innovation trends, it places emphasis on how different forms of intellectual property law can facilitate these trends. Inventors and entrepreneurs are guided through the lifecycle of IP intensive assets that commercialise human creativity.

Utilising a range of sector specific, interdisciplinary and actor-focused approaches, each contribution offers suggestions on how Europe's capacity to foster innovation-based sustainable economic growth can be enhanced on a global scale.

The EIPIN-IS project was concluded in the summer of 2021, but the training programme is set to continue with the support of the European Intellectual Property Innovation Network (EIPIN) Foundation, which was set up as a non-profit foundation under Dutch law and aims to continue the training and conference offerings to the benefit of junior researchers in the field of intellectual property wherever they may be supervised.

4.2.3. Maastricht Centre for European Law (MCEL)

4.2.3.1. Profile

The Maastricht Centre for European law (MCEL) studies the law of the European Union in its constitutional and political context, with a specific focus on the tension between, on the one hand, uniformity and centralisation at the European level and, on the other hand, differentiation and autonomy of Member States. The research programme of the Centre analyses the European integration process from both an institutional and substantive perspective in a global context. MCEL research covers most areas of EU law.

4.2.3.2. Research programme

MCEL's research is an integral part of the Faculty's research programme and relates to both the 'integration' and 'interaction' poles of that programme. It deals with the different dimensions of the legal integration process that takes place in the context of the European Union, and it pays due attention to the interactions, on the one hand between the EU legal order and public international law, and on the other hand between EU law and the national legal systems of its Member States. There is thus a natural fit between the research agenda of MCEL and that of the Law Faculty as a whole. More specifically, the research of MCEL members relates to all five pillars of the Faculty's research programme, with some prevalence for the pillar *Institutional Transformations*.

In line with these pillars, the research within MCEL is bundled into the following five research lines.

Research line 1 The Rule of Law and Fundamental Rights

MCEL's research line *The Rule of Law and Fundamental Rights* falls under the Faculty's pillar *Global Justice*. The main focus of this research line is the ever-developing constitutional law of the European Union. Research at MCEL in this research line deals with the disregard of the rule of law and the problem of independence of the judiciary by various countries in the EU, such as Poland and Hungary (Bonelli, Claes). In the framework of the research on constitutional aspects of the EU legal order, special attention is given to the protection of fundamental rights in the EU, in particular to the Union's anti-discrimination policy (Brkan, Broderick, Claes, De Witte, Imamovic, Waddington); and the protection of the environment in EU substantive and procedural law (Peeters and Eliantonio).

Research line 2 European Integration and Globalisation

MCEL's research line *European Integration and Globalisation* corresponds to the Faculty's pillar *Institutional Transformations*. Within this research line, MCEL covers most of the institutional law of the European Union, as well as the relation between EU law, international law and national law. The question of the interplay between the EU and national law is multi-faceted. Within this research area, MCEL scholars study the relationship and the interaction between national and European actors as well as questions of legitimacy and democratic accountability in the context of the multi-level constitution of Europe. Close attention goes to the issues of national constitutional identities of Member States, to the way in which national legal systems react to the EU law doctrines of primacy and direct effect, the way in which the EU seeks to ensure respect of common European values in all its Member States and the relation between EU law and national constitutional law

(Claes, Bonelli, Van der Sluis) as well as the influence of European integration on national social and labour law (Klosse, Meyer, Van der Mei).

MCEL also studies the EU's principle of institutional balance and examines issues of competences (Chamon, De Witte, Vos). The Centre has an ongoing interest in questions of flexibility and differentiation between the Member States in the evolution of EU law, in particular in the context of the Eurozone (De Witte, Ott, Vos). Moreover, the research at the Centre focuses on the institutional transformations brought about by the development of new modes of governance and regulation. These methods have both challenged the traditional hierarchical structure of EU law and provided new roles for institutions such as courts and parliaments. Several members of MCEL deal with EU administrative law, with an emphasis on the challenges for accountability and judicial protection raised by the development of EU/national shared administration, in particular due to the expansion of the role of EU agencies, and the increasing resort to soft law (Chamon, Eliantonio, Ott, Volpato, Vos).

Another focus within this line of research is the external action of the EU. The research carried out at the Centre aims to contribute to the study of the EU in a global setting by analysing the fundamental principles of EU external relations, and the role of the institutions involved in it, but also by focusing on EU enlargement and European neighbourhood policy and tackling new governance structures in EU external relations law. The research pays special attention to questions of coherence between different fields of EU external relations as well as to recent developments in this field (Ott, Chamon, De Witte).

Research line 3 Internal Market, Environmental and Health Policies

MCEL's research line *Internal Market, Environmental and Health Policies* fits with the Faculty's pillar *Global Markets*. MCEL conducts research both in the more traditional and core areas of EU economic law and in areas of economic law dealing with the regulation of issues of modern science and high-end technologies. On the one hand, MCEL research engages with the legal issues concerning fundamental freedoms and the question of how the European legislator and the European courts balance economic and trade interests with non-economic interests such as the protection of health and safety, consumers or the environment (De Witte, Peeters, Röttger-Wirtz, Vos). Public procurement and banking regulation are specific areas of interest, as well as the evolution of EU state aid law and the development of enforcement mechanisms for EU competition law (Colombo, Devroe, Nicolaides, Schoenmaekers). On the other hand, research at the Centre also deals with the role of the EU concerning science, health and environmental risks and new technologies. The question of how to deal with risks and uncertainties has become a dominant concern for the EU. MCEL aims to understand the role of science and knowledge in the regulation of uncertain risks. The focus is in particular on EU regulation of food, genetically modified organisms (GMOs) and pharmaceuticals (Vos, Volpato, Röttger-Wirtz).

Research line 4 European Citizenship, Migration and Social Policies

MCEL's research line *European Citizenship, Migration and Social Policies* fits with the Faculty's pillar *Cross-border Cooperation and Mobility*. The enhancement of the free movement of EU citizens and the gradual development of a common migration policy is one of the salient features of the evolution of the EU in recent years. Developments in EU free movement have redefined the outer limits of EU law and have made EU citizenship into a cornerstone of the entire integration process,

directing attention to the rights attached to this status as well as how it can be obtained, i.e. the design of nationality laws of the Member States. MCEL's research also targets particular issues in this domain such as the mutual recognition of diplomas, cross-border access to health care and to social security benefits, and the free movement of students and other economically inactive persons. MCEL members are also actively engaged in studying the EU's asylum and borders policy, as well as the EU's employment law and the protection of the social rights of workers and other citizens. The researchers covering these themes include Schneider, Klosse, Van der Mei, Melin and Tsourdi.

Research line 5 *Privacy, Data Protection and Digital Transformation*

MCEL's research line *Privacy, Data Protection and Digital Transformation* fits with the Faculty's pillar *Law and Technology*. This line of research focuses on EU law approaches towards well established and more recent digital technologies, including the internet, social media, artificial intelligence, internet of things, smart cities and other cutting-edge data-driven technologies. The Centre's research examines legal challenges relating to these technologies from two perspectives. First, researchers critically examine the existing European law in this field and propose regulatory solutions for matters not yet addressed by EU law. This includes the study of the current and proposed EU legislative instruments as well as their relationship with the increasing body of soft law measures that aims to respond to the inability of regulation to keep up with the fast-paced technological development. Questions of legal requirements of transparency and explainability, human oversight, data protection and data management as well as accountability related to new technologies are thus addressed.

In addition, the Centre studies the threats that new technologies can pose to EU fundamental rights. Digital technologies call into question the traditional theoretical framework of EU fundamental rights protection. In particular, the traditional vertical application of EU fundamental rights can result in a lack of protection of the right holders from acts of private technological companies. Moreover, the deployment of artificially intelligent systems for profiling and automated decision-making can have an adverse impact on numerous rights, notably freedom of expression, non-discrimination, privacy and data protection, fair trial and freedom of elections. The Centre's research aims to unpack these dangers not only from a constitutional perspective, but also from the perspective of the impact that EU measures can have on the design of technology. The role of EU law in protecting data privacy, regulating official secrecy, artificial intelligence and 'fake news' are dealt with by Abazi, Brkan, Kranenborg and Podstawa, among others.

4.2.3.3. Organisation

MCEL currently has 48 members, belonging mostly to the department of International & European Law and, to a lesser extent, to the department of Public Law. It has two Directors (Ellen Vos and Bruno de Witte) and further members of the 'MCEL team' who take responsibility for particular tasks.

MCEL attaches high importance to community building. To this end, it organises two types of regular meetings for its members, each of which takes place on a monthly basis during academic term time: (i) the MCEL Seminar series, which consists of research presentations by reputable external speakers on questions of EU law, and (ii) the MCEL Forum, in which members of the Centre present their own (draft) research papers. In addition, the Centre organises an annual academic opening event in

September of each year, in the form of a half-day workshop with external speakers (both academics and practitioners) on a subject of current interest in EU law, herewith connecting with the larger academic community, whilst reaching out to practice.

The organisation of other conferences and workshops is left to the initiative of individual members of the Centre. In addition, MCEL organises annual sessions at which members communicate and discuss their research plans and activities. This exchange of information is aimed at identifying a common theme for projects or conferences to be organised in the next academic year and to coordinate applications for research funding. Since MCEL comprises a large number of excellent researchers in many fields of EU law, the Centre does not direct the research activities of its members but lets initiatives develop from bottom-up, albeit within the framework of the overall research profile delineated above. In practice, almost all research activities initiated by members of the Centre are collaborative in nature, involving other MCEL members (as well, of course, as other researchers from the Faculty of Law or beyond).

MCEL produces an electronic Newsletter twice a year, as well as an Annual Report of its activities. These documents are posted on the MCEL website and are also sent by email attachment to a large number of academic contacts across the world. MCEL reaches out to and collaborates with other faculties within Maastricht University, foremost within the UM's interfaculty Centre for European Research in Maastricht (CERiM) and other faculties of law in the Netherlands through the Ius Commune Research network. Various members of MCEL are members of national, European and international academic networks.

4.2.3.4. Key publications

Abazi, V. (2019). *Official secrets and oversight in the EU – Law and practices of classified information*. Oxford University Press.

This monograph maps a new field of EU law, namely the EU's regulatory framework of official secrets. Vigenca Abazi examines the legal rules but also (through a large number of interviews) the practice of official secrets and classified information in the EU. The book analyses the rules on access to official secrets by citizens, and the oversight mechanisms by the EU's parliamentary and judicial bodies. From a normative perspective, the book addresses the dilemma of how to ensure the secrecy necessary for the EU's security policies whilst at the same time ensuring the openness needed for democratic processes and the protection of fundamental rights.

Bonelli, M. & Claes, M. (2018). 'Judicial Serendipity: how Portuguese judges came to the rescue of the Polish judiciary', *European Constitutional Law Review*, 14(3).

This article by MCEL members Matteo Bonelli and Monica Claes discusses a surprising and ground-breaking development in the case law of the Court of Justice of the EU. The 'Portuguese judges' judgment transformed a case that seemed to be about judicial review of austerity measures into a decision on the organisation of the European judicial system. The article shows how the Court, thanks to some curious steps in its reasoning, builds a constitutional bridge from the euro crisis to the rule-of-law crisis, and makes of judicial independence a requirement for all national courts operating in the European Union (especially, in the current situation, for Polish courts).

Brkan, M. (2017). 'The Court of Justice of the EU, privacy and data protection: Judge-made law as a leitmotif in fundamental rights protection'. In M. Brkan & E. Psychogiopoulou (Eds.), *Courts, Privacy and Data Protection in the Digital Environment* (pp. 10-31). Edward Elgar.

Maja Brkan wrote this chapter as part of a volume which she edited together with Evangelia Psychogiopoulou (a former MCEL member, now working in Athens), based on a workshop which they organised at the Brussels campus of Maastricht University. The volume as a whole is mainly of a comparative law nature, with chapters dealing with the constitutional case law of a number of European countries. Maja Brkan's chapter tackles the case law of the CJEU. She points to the Court's struggle to delimit the fundamental right to privacy from the fundamental right to data protection (which are separately mentioned in the EU Charter of Rights) and its, not always convincing, efforts to balance those rights against competing fundamental rights, such as the right to information.

De Witte, B. (2021). 'The European Union's Covid-19 recovery plan: the legal engineering of an economic policy shift'. *Common Market Law Review*, 635-681.

This article discusses the legal aspects of the EU's NGEU programme (also known as the post-Covid recovery plan), with special attention to the legal bases chosen for the elements of the programme, and the role of the various institutions in the adoption of the plan. The article then discusses the impact of the programme on the EU's institutional balance and the controversial question of its compatibility with EU constitutional law (on which the article takes an affirmative view).

De Witte, B., Ott, A. & Vos, E. (Eds.) (2017). *Between flexibility and disintegration – The trajectory of differentiation in EU law*, Edward Elgar.

This volume builds on a conference organised in Maastricht in 2015. It is edited by three MCEL members. It takes stock of the current state of differentiated integration in the EU, as this has now become a defining feature of the EU's constitutional system. The overall question underlying the project is whether differentiated integration serves the EU integration process and its core values by introducing flexibility in the complex EU machinery, or whether the multiple forms of differentiated integration threaten to lead to the disintegration of the Union. With this, the volume builds on the research done in MCEL since 2001 when the editors published the edited volume 'The Many Faces of Differentiation'.

The volume contains chapters by MCEL members Bruno De Witte (on the general framework), Andrea Ott (on differentiation through accession of new Member States), Ellen Vos (on national derogations to internal market measures), and Anne-Pieter van der Mei (with Maartje de Visser) on flexibility in the protection of fundamental rights.

Elia Antonio, M. (2018). 'Soft law in environmental matters and the role of the European Courts: too much or too little of it?', *Yearbook of European Law*, 496-524.

Soft law is a well-known phenomenon in EU law. The analysis carried out in this article reveals that, notwithstanding the abundant use of soft law in the field of environmental protection, soft law is hardly referred to by the EU Courts. This stands in sharp contrast with the Court's practice in, for example, competition and state aid cases. Whilst providing for some explanations for this practice, the article invites the EU courts to discuss the soft law documents which might be relevant for the case at stake and to state reasons where the Courts deviate from the guidance given in these documents.

Ott, A. (2016). 'The European Parliament's role in EU treaty-making', *Maastricht Journal of European and Comparative Law*, 23, 1009-1039.

The Lisbon Treaty expanded the role of the European Parliament in EU treaty-making, basically granting it the power to approve EU treaties in all the policy fields in which co-decision applies for 'internal' law-making. The article analyses the law and practice of the EP's role in the different phases of treaty-making and shows how the institutional practice is shaped by inter-institutional agreements, bilateral arrangements, the EP's own resolutions, and frequent judgments of the Court of Justice re-setting the institutional balance in external relations.

Peeters, M. & Eliantonio, M. (Eds.) (2020). *Research handbook on EU environmental law*. Edward Elgar Publishing (Series of Research handbooks in European law).

This leading state-of-the-art handbook on EU environmental law, counting 550 pages, was edited by two MCEL members, who also contributed the introduction and the concluding chapter of the book. MCEL members Annalisa Volpato and Ellen Vos jointly authored the chapter on the role of agencies in EU environmental governance.

Röttger-Wirtz, S. (2021). *The interplay of global standards and EU pharmaceutical regulation: The International Council for Harmonisation*. Hart Publishing.

This monograph, based on a PhD dissertation defended at Maastricht University, analyses and questions the operation and role of global pharmaceutical standard-setting and its impact on EU risk regulation for pharmaceutical products.

Vos, E. (2016). EU agencies and independence. In D. Ritleng (Ed.), *Independence and legitimacy in the institutional system of the European Union* (pp. 206-227). Oxford University Press.

This chapter discusses the paradoxical situation in which the creation of EU agencies has been welcomed as a solution to various crises of legitimacy in EU law and policy-making, whilst today the EU agencies themselves form a problem for the EU's legitimacy, in particular because of problems relating to their independence. The analysis made in the Chapter highlights that the agencies' independence very much depends on the specific context in which they operate and legal requirements placed on agencies. The chapter argues that the legal concept of independence is not absolute but relative. It thus confirms the myth of complete independence of EU agencies. It highlights the need to reflect upon the question of how to guarantee agencies' independence while acknowledging at the same time that they are part of the composite executive power at EU level.

4.2.3.5. Key achievements

EU FP7 ITN project TRANSMIC

TRANSMIC is the acronym of 'Transnational Migration, Citizenship and the Circulation of Rights and Responsibilities'. This was an Initial Training Network (ITN), funded by the EU's FP7 research programme, running between 2014 and 2018. The interdisciplinary consortium of 8 universities and research centres was led by Maastricht University and coordinated by MCEL member Hildegard Schneider. The project sought to contribute to the understanding of transnational migration and the legal component focused on the 'mobility of migrant rights'. Among other things, this project led to 3 PhD defences at the Faculty of Law in Maastricht: Chun Luk (on the notion of quasi-citizenship in the context of return migration), Pauline Melin (on the external dimension of the EU's

social security coordination) and Zvezda Vankova (on circular migration to the EU, and the rights of circular migrants in Bulgaria and Poland).

European Network of Legal Experts in Gender Equality and Non-Discrimination

MCEL member Lisa Waddington was the senior expert for non-discrimination on the ground of disability in the European Network of Legal Experts in Gender Equality and Non-Discrimination (2015-2018) and continues in that role for the period 2019-2023. In that capacity, she authored or co-authored a number of [thematic reports](#) (circa 100-150 pages) published in paper format and online at; including: L. Waddington & A. Broderick, 'Disability law and reasonable accommodation beyond employment' (April 2016) and L. Waddington & A. Broderick, 'Combatting disability discrimination and realising equality: A comparison of the UNCPRD and EU equality and non-discrimination law' (October 2018). Co-author Andrea Broderick is also a member of MCEL.

The European Union Law book project

In 2016-2017 several MCEL members worked on the successor of what was formerly known as Kapteyn & Verloren van Themaat, *The Law of the European Union and the European Communities*. This textbook *European Union Law* was published in 2018 by Kluwer. It is a joint effort of a number of EU law scholars based in the Netherlands. Bruno De Witte (member of MCEL) is one of the editors of this volume, and it includes seven chapters written by members of MCEL: *Structure and Evolution of Union Law* (Bruno De Witte), *Fundamental Rights* (Monica Claes), *Sources of European Union Law* (Bruno De Witte with Ben Smulders), *Free Movement of Workers* (Anne Pieter van der Mei), *Public Procurement* (Sarah Schoenmaekers), *Intellectual Property* (Ana Ramalho), *Health Law and Policy* (Anne Pieter van der Mei and Ellen Vos).

TARN conference on the external dimension of EU agencies and bodies, 27-28 June 2017

The Academic Research Network on Agencification of EU Executive Governance (TARN) with leading academics studying EU agencies was awarded EU funding under the Jean Monnet Programme (2015-2018). Maastricht University leads the TARN network and MCEL member Ellen Vos is its coordinator. Ellen Vos co-organised a multi- and interdisciplinary conference on the external dimension of EU agencies and bodies on 27-28 June 2017. The conference discussed the external dimension of agencies in several fields. MCEL members Andrea Ott and Merijn Chamon contributed to this conference. This led to a book publication in 2019 edited by H. Hofmann, E. Vos & M. Chamon (Eds.), *The External Dimension of EU Agencies and Bodies. Law and Policy*, Edward Elgar. This book was launched at the conference on EU agencies as *Inbetweeners? The relation between EU Agencies and Member States* that was organised by MCEL members Merijn Chamon, Mariolina Eliantonio and Ellen Vos on 4-5 December 2019.

Workshop and special issue on Accountability of the European Central Bank

MCEL members Diane Fromage and Phedon Nicolaides organised in May 2018 a conference on 'The ECB's Accountability in a Multilevel European Order'. This led to the publication of a special issue of the *Maastricht Journal of European and Comparative Law*, 2019, No. 1, which includes three articles by MCEL members: D. Fromage, 'Guaranteeing the ECB's democratic accountability in the post-Banking Union era: An ever more difficult task'; Paul Dermine, 'Out of the comfort zone? The ECB's financial assistance, independence and accountability'; Phedon Nicolaides, 'Accountability of the ECB's supervisory activities (SSM): Evolving and responsive'.

EU H2020 project on the precautionary principle and innovation

In 2018, the project Reconciling sScience, Innovation and Precaution through Engagement of Stakeholders (RECIPES) was awarded funding by the EU in the context of H2020. The project aims to analyse how the precautionary principle is applied, improve its future application through participatory methods and reconcile precaution and innovation. RECIPES is carried out by an interdisciplinary consortium of 11 universities and research centres and is led by Maastricht University and coordinated by MCEL member Ellen Vos. Ellen Vos and Kristel De Smedt are lead authors of the report taking stock of the implementation of the precautionary principle since 2000 (see <<https://recipes-project.eu/results>>). The project runs from 2019-2022.

Jean Monnet project Innovating and Transforming the European Union NOVA-EU

MCEL's Jean Monnet project Innovating and Transforming the European Union (NOVA-EU) aimed at stimulating discussion and enhance research on four key challenges that heavily impact the European Union's governance structure, regulatory framework, identity and, most importantly, its future. It received funding from the EU for the years 2019-2021 under the Jean Monnet programme. The project was coordinated by MCEL member Andrea Ott. It brought together MCEL and international experts to do research on four key challenges: Digitalisation, Ethics and EU Fundamental Rights, Migration and EU Borders, Social and Sustainable Europe and its external reach, EU Rule of Law and Democracy. These four challenges were discussed in four workshops organised by MCEL members Brkan, Bonelli, Chamon, Claes, Schneider, Ott, Tsourdi and Peeters, and at a final conference that took place in Maastricht in December 2021. Papers presented at the workshops were published (or will be published in the near future) as special sections in academic journals.

Workshop and special issue on Effective judicial protection in EU law

MCEL member Mariolina Eliantonio and Elise Muir (formerly at MCEL, now professor of EU law in Leuven) convened a workshop at the 2018 annual conference of the Ius Commune research school on the theme of the effective application of EU law. Revised versions of the workshop papers were published as a special issue 2019/2 of the Review of European Administrative Law. It includes contributions by MCEL members Bonelli (on effective judicial protection as a constitutional principle of EU law), Eliantonio (on effective judicial protection in EU environmental law) and Tsourdi (on the right to an effective remedy in EU asylum law). It concludes with an essay by the workshop conveners Eliantonio and Muir, 'The principle of effectiveness: under strain?'

NWO VENI grant for Vigilencia Abazi

MCEL member Vigilencia Abazi obtained in 2018 an NWO VENI grant for the project 'Empowering Public Interest Voice: Integrating Whistleblowing in the European Union'. The project runs from February 2019 until October 2021. In the wake of the adoption, by the EU, of a whistleblowing directive, the project aims at an integrated analysis of the phenomenon of whistleblowing, drawing from international, EU and national norms, and incorporating the perspective of stakeholders. The research normatively assesses laws and practices, so as to advance the current regulatory approach to whistleblowing. She also obtained in 2020 a 'NWO Hestia – Impulse for Refugees in Science' grant which allowed Arif Aksu (a refugee scholar) to be associated to her VENI project with a research line on whistleblowing in the areas of public health, privacy protection and anti-corruption.

NWO VENI grant for Lilian Tsourdi

Lilian Tsourdi obtained in 2019 an NWO VENI grant for the project 'Financial Governance: Policy Implementation and Solidarity through EU Funding', implemented at the Law Faculty/MCEL since September 2019. European Union funding in the field of migration aims at contributing to effective implementation and inter-state solidarity of the EU's migration policy, but it does not sufficiently achieve those aims. The project uses a combination of legal and empirical analysis in order to offer a better understanding of the conditions for a better use of EU funding mechanisms and will formulate proposals for reform. It will use EU cohesion funding as a comparative benchmark. She also obtained in 2020 a 'NWO Hestia – Impulse for Refugees in Science' grant which allowed Nasrat Sayed (a refugee scholar) to be associated to her VENI project by means of a research project on EU funding for non-EU countries in the domain of migration management.

Pillar Institutional Transformations: EU Agencies in a Globalising World

Both MCEL and GLaw-Net research lines include a strong interest in EU agencies in a globalizing world. This includes both looking – internally – at the role of EU agencies in the EU multi-level system of administrative governance and – externally – at how EU agencies act as global actors outside the EU legal system. MCEL researchers study delegation of powers and the relationship and the interaction between national and European actors with respect to questions of legitimacy and democratic accountability, while GLaw-Net has a strong focus on the issue of how to ensure a sufficient degree of legitimacy and judicial protection in a globalizing world.

This common research interest in EU agencies as institutional actors in the EU and global landscape on the one hand, and the legitimacy and accountability challenges posed by globalisation and Europeanisation, on the other hand, prompted collaboration and resulted in several joint research projects between MCEL and GLaw-Net.

Building on an established research focus on EU agencies and strongly embedded in The Academic Research Network on EU Agencies and Institutional Innovations (TARN), set up and coordinated by MCEL, a first joint conference was organized in Maastricht in December 2019, co-funded by SWOL and the Faculty Research Fund. The focus was on the role of EU agencies as in-betweeners, more specifically on the role and position of EU agencies between EU and national authorities, conferring them both a special and a sometimes uneasy position in the EU system of governance. MCEL and GLaw-Net researchers together with invited speakers examined how EU agencies interact with national counterparts and revealed complex and composite procedures. Various papers were published as TARN working papers. MCEL and GLaw-Net members Mariolina Eliantonio and Ellen Vos together with Michelle Everson (Birkbeck College London) are working to organise a second author workshop at the beginning of 2024 after which they intend to publish the articles in a special issue of an international peer reviewed journal.

Building on the insights of this conference, a second research event was organized in September 2020 concerning a specific review mechanism foreseen for several agencies: Boards of Appeal of EU agencies. The event -funded by the Faculty Research Fund, SWOL and the Sectorplan- focused on examining the mechanism per se, its compliance with certain fundamental tenets of the EU legal system, as well as understanding the ‘nature’ of these bodies, which provide a hybrid forum sitting between an administrative review body and court. The second research event was the first of its kind to comprehensively tackle the phenomenon of Boards of Appeal. MCEL and G-Law-Net members Merijn Chamon, Annalisa Volpato and Mariolina Eliantonio edited the book that has been published with Oxford University Press, 2022.

The third research event built on the second one and tackled the way in which decisions of EU agencies are judicially reviewed by the Court of Justice of the European Union. This event was organised in June 2022 with funding from the Faculty Research Fund and the Sectorplan, and aimed at examining which decisions of the agencies are judicially reviewable before the European courts, the intensity through which the court control especially those decisions which are the product of complex scientific assessments and how judicial review before the European courts interacts with that carried out by the national courts as well as that carried out by the Boards of Appeal. It has the ambition to comprehensively examine the way in which EU agencies and their decisions feature before the European Courts. MCEL and GLaw-Net members Annalisa Volpato and Mariolina Eliantonio, together with scholars from Luxembourg University, are working towards a publication with Oxford University Press.

The agency research of MCEL and GLaw-Net has also contributed to the public debate on whether and how EU agencies improve the lives of EU citizens and how citizens may or should be engaged in their activities. [A debate, organised by MCEL and GLaw-Net member Ellen Vos](#), was held on 6 December 2019 in Lumière in Maastricht, bringing together directors of various agencies, a representative of a European consumer organization and a member of the European Court of Auditors, engaging in a discussion with a broad audience.

Ellen Vos and several MCEL and GLaw-Net members co-authored several reports for the European Parliament on the control over EU agencies by the European Parliament: [EU Agencies, Common Approach and Parliamentary Scrutiny](#); [conflicts of interests within EU agencies](#) and [the profile and governance of the proposed European Labour Authority](#).

4.2.4. Maastricht Centre for Human Rights (MCfHR)

4.2.4.1. Profile

The Maastricht Centre for Human Rights brings together researchers with different backgrounds from law and social sciences, who conduct human rights research along two thematic research lines: Globalisation and human rights on the one hand, and criminal law and criminology in an international and comparative context, on the other hand. According to its Mission Statement, the Centre aims to be at the cutting edge of global human rights research themes. The Centre favours research themes that contribute to a fair society within the context of processes of globalisation and that raise fundamental questions about human rights (as opposed to mere technicalities). Research conducted by members of the Centre takes a normative approach, reflecting an integrated view of both economic, social and cultural rights, as well as civil and political rights. Within this context close attention is given to gender and disability issues. Since its establishment in 1993, the Centre is well-known for its research on clarifying different aspects of the normative content of economic, social and cultural rights. One example is the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2011).

Human rights research carried out within the Centre is partly of an interdisciplinary nature, with a particular focus on public international law, sociology, anthropology, health sciences, comparative criminal law and criminology. Research on the latter two areas deals with the role of defendants in criminal proceedings, and victims in the aftermath of atrocities with a focus on the protection of their human rights.

4.2.4.2. Research programme

The overall research perspective: integration and interaction between legal orders in human rights research

Research conducted under the umbrella of the Centre, by individual members and collectively, is inspired by developments in society of a global nature, which are then studied from different angles (legal and social sciences). An example is research by Westendorp on the land rights of women. Such a topic raises questions of the applicability of human rights standards in different social, economic and cultural contexts and countries/regions. This is related to the interaction and integration between different types of legal orders (such as local customary rules) and social and cultural norms about the position of women in society. From a human rights perspective, it is interesting and relevant to research the hierarchy and conflict of norms and rules within a particular cultural setting and to relate these to international human rights standards accepted by the state. This is related to Global Justice, one of the pillars of the Faculty's research programme, and in particular the idea of the universal character of human rights.

Another example of the integration and interaction between legal orders from a global justice perspective is the growing importance internationally of the UN Convention on the Rights of Persons with Disabilities and its impact on domestic legal systems and regional legal systems (the EU and the European Convention on Human Rights), but also vice versa, as exemplified in the research carried out by Waddington and Broderick.

Finally, issues of integration and interaction between legal orders from a global justice perspective present themselves in research on the question whether the actions and omissions of States abroad give rise to human rights obligations of states that go beyond their own territory and consequently have an extraterritorial scope of application. This also touches upon the universality of human rights. Examples include research on access to essential medicines (patents – right to health; right to enjoy the benefits of scientific progress) by Sellin and on trends towards global commercialisation of educational services (right to education) by Coomans.

When new research initiatives are developed there is always a prior assessment about whether, and if so, in what manner these relate to the Faculty's Research Programme. This applies for new PhD-projects, applications for external research funding, bigger conferences and ad hoc seminars. An example is an NWO/WOTRO programme grant obtained by Hopman and Coomans about research on development rights of children in unrecognized states as a contribution to achieving the Sustainable Development Goals worldwide. In addition, we look for overarching themes that are suitable for doing research from different legal angles and other disciplines. Examples are a conference on Populism, Democracy and Human Rights; a conference on the (In)Effectiveness of Human Rights; a big on-line AHRI conference on Human Rights Strategies and a collaborative seminar on Female Genital Mutilation versus Female Genital Cosmetic Surgery. The fact that members of the Centre belong to different departments and faculties helps in achieving this cross-boundary and interdisciplinary dimension of research.

The research lines

The research activities of members of the Centre contribute to two pillars of the Faculty's research programme: Global Justice and Cross-border Cooperation and Mobility. Most of the individual and collective research activities by members of the Centre is informed by the Global Justice pillar.

Research line 1 Globalisation and human rights

This research line aims at operationalising the Global Justice pillar in concrete research projects. Human rights research in this area is guided by the following questions: How can the law (*lex lata* and *lex ferenda*) contribute to a society in which human rights are respected and protected against threats as a result of processes of economic globalisation (trade and investments), and cultural globalisation (exporting of Western norms and values)? Can human rights norms play a role in mitigating the negative effects of processes of globalisation? Research by members on different aspects of economic, social and cultural rights have addressed these questions.

These questions are for example guiding for the research of Westendorp on the land rights of women; Arosemena on the relationship between human rights and human development; Sellin, Broderick and Waddington, who research on disability, global health issues and the rights of marginalised groups; Hopman on development rights of children from the perspective of local, national and international norms; and Coomans on the human rights of future generations.

Research line 2 Criminal law and criminology in an international and comparative context

Research conducted within this line relates to international crimes and their adjudication domestically and internationally, which raises legal and criminological questions from the perspective of global justice. Examples include research on issues of transitional justice (Moerland) and the legitimacy of international criminal tribunals at the domestic level (Boost).

In the area of regional cross-border crime and European criminal law, the focus is on the development of a special European legal regime from a comparative perspective. This type of research is informed by the pillar on Cross-border Cooperation and Mobility of the Faculty's research programme in the sense of the interaction between various systems in the field of crime prevention and crime control which may lead to new forms of cooperation and integrated approaches at the national, European and international level. Special attention is given to the European process of optimising procedural safeguards for suspects and defendants in criminal proceedings (research by De Vocht and Ter Vrugt).

4.2.4.3. Organisation

The Centre comprises 17 senior members and 16 junior members, coming from different Departments (International and European Law, Criminal Law and Criminology, Private Law). They contribute to the work of the Centre through publications, presentations at seminars and conferences. The Centre currently hosts 14 PhD-students, who are either employed by the University, receive a scholarship or are external PhD-candidates. Six professors from different Departments are affiliated with the Centre. In addition, two Emeritus Professors are members of the Centre (Van Boven and Flinterman). During the reporting period, nine PhD theses on human rights topics have been successfully defended under the aegis of the Centre.

The Centre is governed by a Board composed of seven members. It meets four times a year to discuss new research initiatives, conferences, research meetings and make decisions related to day-to-day business. During the reporting period the Director of the Centre was Professor Fons Coomans.

The Centre publishes a Newsletter twice a year.

Under the umbrella of the Centre conferences are organised every year, ranging from smaller (closed) meetings to bigger open conferences. In addition, the Centre hosts regular luncheon meetings during which members, including PhD-researchers, can present their research and receive feedback. These so-called 'Pick Our Brains' sessions provide an opportunity for young researchers to present their work, get comments, but also the possibility to raise questions with which they have been struggling.

Furthermore, lectures for students and staff are given by guest speakers, for example the annual Theo van Boven lecture. The Centre is a member of national and international research networks, such as the Netherlands Network for Human Rights Research (NNHRR), the Association of Human Rights Institutes (AHRI), the European Inter-University Centre for Human Rights and Democratisation (EIUC), the Consortium on Extraterritorial Human Rights Obligations (ETO Consortium), the Human Rights of Future Generations Research Initiative and the International Association of Penal Law.

4.2.4.4. Key publications

Westendorp, I. (Ed.) (2016). *Legal Aspect of Land Rights and the Use of Land in Asia, Africa and Europe*. Intersentia.

This edited volume focuses on one of the most important economic rights and one of the most basic human needs from a multi-cultural perspective. It shows the connection between land and a plethora of other human rights, such as food, housing, water, employment, a clean and healthy environment, and participation in decision-making. In the book particular attention is given to the land rights of women.

Boost, C., Broderick, A., Coomans, F. & Moerland R. (Eds.) (2021), *Myth or Lived Reality – On the (In)Effectiveness of Human Rights*. Springer/Asser Press.

This edited volume brings together various contributions on what human rights mean in practice from the perspective of their effectiveness. It includes a theoretical chapter on mapping existing research on effectiveness on human rights, followed by sections on the effectiveness of institutions and processes in international human rights law; a section on the effectiveness of human rights monitoring and implementation at the domestic level; and finally a section on what effectiveness means at the individual level by looking at experiences from key actors. Most of the contributions collected in this volume have been presented at the Annual Research Day of the Netherlands Network of Human Rights Research organised by the Maastricht Centre for Human Rights in 2019.

Waddington, L. & Lawson, A. (Eds.) (2018). *The UN Convention on the Rights of Persons with Disabilities in Practice: A Comparative Analysis of the Role of Courts*. Oxford University Press.

This ground-breaking edited volume is the first sustained comparative international law analysis of the CRPD, and illuminates the intersection between human rights law, disability law, and international law through an examination of the role of courts. In October 2018, Professors Waddington and Lawson and Dr Broderick organised an international conference on the theme of the book at Maastricht University, at which many of the authors spoke.

Moerland, R. (2020). 'Individuals as Bystanders to Atrocity Crimes'. In: B. Holá, H. Nyseth Brehm & M. Weerdesteijn (Eds.), *The Oxford Handbook of Atrocity Crimes* (pp. 303-328). Oxford University Press.

This is a contribution for the first comprehensive handbook on atrocity crimes, such as war crimes, crimes against humanity, and genocide. It brings together authoritative contributions by the leading experts and integrates research from different fields from across the social sciences and humanities including law and criminology. The contribution focuses on individual bystanders to atrocity crimes and aims to provide a critical overview of the most relevant criminological and legal research on the subject. The analysis shows that bystander passivity has crime-enabling and facilitative implications raising questions about moral and legal responsibility. Given the state of the field of bystander research several lacunae remain and therefore the contribution proposes relevant avenues for future research.

Moerland, R., Nelen, H. & Willems, J. (Eds.) (2016). *Denialism and Human Rights*. Intersentia.

This edited volume concerns the social, economic, cultural and political structures in societies that provide denialist defence mechanisms that causes and/or facilitate human rights violations because

the true nature of the problems remains fully or partly unacknowledged and as a result appropriate action remains absent. It provides inter- and multidisciplinary dimensions and is a good example of close collaboration between members of the Centre in the area of international human rights law, criminal law, criminology and other social sciences.

Broderick, A. & Ferri, D. (2019). *International and European Disability Law and Policy, Text, Cases and Materials*. Cambridge University Press.

The textbook provides a comprehensive overview of the international legal and policy framework on disability, including regional systems for the protection of disability rights. By including chapters on the European Union, (EU) and the Council of Europe (CoE), the Inter-American and the African systems as well as on the protection of the rights of people with disabilities in Asia, the textbook aims to achieve a global focus. This is strengthened by the addition of case studies and examples of good practice from different countries around the world. Apart from its primary objective, namely to inform the studies of university students, the textbook is also intended to be a comprehensive guide to the field of international and European disability law and policy for practitioners, policy-makers and non-governmental actors. Notably, the textbook includes special pedagogical features, flow charts and diagrams, as well as summaries and activities.

4.2.4.5. Key achievements

Dr. Fabián Raimondo obtained a grant for conducting a NUFFIC Orange Knowledge Programme Tailor Made Training (Ref. TMT.19/00029). This training course aims at training Human Rights Defenders in the Law and Practice of the International Criminal Court (amount of the grant: €63.700 for the period from 1 July 2019 to 30 June 2020). This training activity was organised for the benefit of the Guinean Organisation of Human Rights and took place in the Netherlands in October 2019 and Guinea in January 2020. This training activity served to disseminate research on international criminal law conducted by Fabián Raimondo during the preceding years.

Professor Hans Nelen, Dr. Anna Pivaty and Dr. Dorris de Vocht obtained a grant for the EmpRise Project: Right to Silence and Related Rights in Pre-Trial Suspects Interrogations in the EU – Legal and Empirical Study and Promoting Best Practices (2018-2020) in cooperation with Antwerp University, Leuven University and Dublin City University, funded by DG Justice of the European Commission.

Professor Fons Coomans and Dr. Marieke Hopman obtained an NWO/WOTRO grant (2019-2023) for a project entitled Invisible children: a rights-based approach to development for children living in unrecognized states (€500.000). Although the Sustainable Development Goals are supposed to apply to all children equally, one group of children have remained largely invisible to the international community, namely: children living in unrecognised states. Since the goal of the UN is to provide access to justice for all, and to build effective and inclusive institutions at all levels, the main question is: How can development of children living in unrecognised states be better realised, using a rights-based approach? The purpose of the NWO/WOTRO grant is to use scientific knowledge for tackling societal problems in developing countries with the involvement of local stakeholders.

In 2021 The Centre obtained a grant of €10.000,- from the Royal Netherlands Academy of Sciences (KNAW) to strengthen communication about human rights research process and outcomes to society. The grant is meant in particular to make research more accessible to the general public by

means of pod-casts and video's. In this way members of the Centre, in particular PhD-students and early career researchers, have been stimulated to embark upon new paths of science communication and strengthen their research visibility. The project has been led by Sarah Thin (PhD-researcher) and Frie Hoekstra (research communication officer). The results are accessible on-line on <www.maastrichtuniversity.nl/lets-talk-human-rights>.

Dr. Andrea Broderick was awarded the Edmond Hustinx Prize for Science 2018 of Maastricht University (€15.000,-). The Edmond Hustinx Prize for science is awarded by Maastricht University on behalf of the Edmond Hustinx Foundation to a young, promising researcher. Dr Broderick built an excellent reputation in the field of disability law and the law of equal treatment more in general.

Marie Curie ITN 2011-2015, DARE (Disability Advocacy Research in Europe) Maastricht University is hosting three Early Stage Researchers in the context of this ITN. Professor Lisa Waddington is the Principal Investigator. The total funding for the Network is over €4.000.000. Approximately €800.000,- was awarded to Maastricht University for the period 2019-2023. The goal of the DARE programme is to train a new generation of researchers in the field of disability rights, by embedding them in the top universities in this field, with exposure to key civil society organisations working at grassroots level to secure the rights of persons with disabilities. Three PhD-researchers have been involved in this project.

4.2.5. Maastricht Centre for Taxation (MCT)

4.2.5.1. Profile

In 2011 the Maastricht Centre for Taxation (MCT) was set up as an interdisciplinary research and educational institute integrating tax-related research and education at the Faculty of Law and the School of Business and Economics (SBE). Its mission is to facilitate interdisciplinary tax research at UM in order to contribute to research-based education in the area of international & European tax law, where it strives to be one of the leading Universities in Europe. The MCT is based at the Faculty of Law.

4.2.5.2. Research programme

The MCT focusses on two main research lines that clearly combine research and education efforts. The Faculty's research theme Integration and Interaction between Legal Orders is well served by the common denominator of all our research efforts: dealing with conflicting national tax systems and the need for international coordination. Most but not all pillars are covered by MCT research as will be explained below.

Research line 1 Taxation of cross-border employment and pensions

This line of research focuses on cross-border employment of workers (including expats) and cross-border activities of self-employed persons. Research addresses both the tax issues as well as issues of collection of social security contributions these persons may be confronted with, including the COVID-19 aftermath that led to increased working from home. This research is not limited to active employment situations but also includes retirement (pension payments) and the problems that may occur when a person who moved across borders passes away.

Questions on cross-border taxation of natural persons have an important impact on society and migration, not only for the Maastricht EU region at large, but also far beyond. Research areas covered within this theme are wage taxes, income taxes, social security, gift taxes, estate and inheritance taxes, bilateral tax treaties and European tax law, as well as related civil law areas such as the law of succession. In essence, tax-related migration issues are covered by this research area as far as natural persons are concerned.

The pillar *Cross-Border Cooperation and Mobility* is clearly served by the first research line, as it focuses on tax (and social security) consequences for international mobility of individuals in particular.

The senior staff involved in the research on cross-border employment and pensions are Prof. Dr. Rainer Prokisch (tax treaties, international employment), Prof. Dr. Anouk Bollen (pensions) and Prof. Dr. Marjon Weerepas (cross-border employment and social security). There were 3 internal and 1 external PhD candidates working in this area at the end of the reporting period.

Research line 2 Cross-border business and tax competition

Within this line the emphasis is on tax competition and international trade and services at large. MCT researchers address issues of (both acceptable and harmful) tax competition and coordination in Europe and beyond. This involves such subjects as measures to counter tax avoidance and the

relationship between tax and international trade, also with respect to digital services. Apart from legal and ethical issues in respect to taxation and avoidance of taxation, the MCT focuses on relationships between the EU and third countries (both developed and developing countries, Latin America in particular). With respect to disclosure of tax information between governments, both within the EU and in a transatlantic setting, tax law and national disclosure laws tend to interact as well. This raises issues of privacy and transparency, an area that has been the topic of research as well.

Given its societal relevance, intra-EU and extra-EU tax competition has played a prominent role in Maastricht tax research from the 1990's onwards, efforts that were intensified in 2011 with the establishment of this specific research line within the MCT. Since the OECD, the G20 and the EU all took extensive initiatives in this area (the G20/OECD base erosion and profit shifting (BEPS) project, the EU proposals for directives on the disclosure of tax rulings and tax restructuring (DAC6), the introduction of minimum anti-tax avoidance standards (ATAD) and the EU's state aid task force on tax rulings). In some of these areas, fiscal state aid in particular, the MCT has been a frontrunner in legal research.

Research areas covered within this line are corporate taxation (of multinationals), source taxation of interest, dividends and royalties, value added taxation as well as (model) tax treaties and European Union law (in particular the fundamental freedoms, state aid law and tax-related Directives). In September 2019 customs law was added as an area of future research (and education) as it complements our efforts in relation to international tax & trade.

MCT's efforts dealing with multinational businesses and the way they operate in an increasingly global economy contribute directly to the Faculty's pillar Globalising Markets. In recent years the MCT focused in particular on developing countries and the way international developments with regard to addressing tax avoidance by multinationals address their needs. The interests of these countries may not be fully aligned to that of developed countries that dominate the G8 and the OECD, especially in the context of attracting foreign investment and dealing with the transition to a digital economy. As to avoid a 'Western bias' here the MCT made sure that staff also includes several members from mainly Latin-American countries.

The pillar *Institutional Transformations* is served more indirectly, as we see the EU and the OECD setting up (semi) legislative actions. Multilateral instruments, changing hundreds of bilateral treaties at once, and informal supervision systems via peer pressure affect the fiscal sovereignty of countries in the context of defining and addressing tax avoidance.

The senior staff involved in the research on cross-border business are Prof. Dr. Ad van Doesum (VAT), Prof. Dr. Hans van den Hurk (European corporate taxation), Prof. Dr. Raymond Luja (comparative tax law and state aid) and Prof. Dr. Rainer Prokisch (tax treaties). Also Dr. Esperanza Buitrago Diaz (international tax law/developing countries), Dr. Jasper Korving (European tax law), Dr. Frank Nellen (VAT/customs law) and Dr. Fernando Souza de Man (international tax law/developing countries) work in this field. There were 2 internal and 10 external PhD candidates working in this area at the end of the reporting period.

Exploring a third research line: Technology & Taxation

Mid-2019 the MCT extended its expertise in the field of technology & taxation, in line with educational efforts related to tax technology and computational analysis. Dr. Marcel Schaper ran point on this as a senior member of staff, also being involved in the start-up phase of the Law & Tech Lab. The initial intention was to develop this into a separate research line, but given the interaction with the two existing research lines it will be integrated instead. Related research contributed to our Faculty's newest pillar Law and Technology. Future plans aim to address the adaptation of domestic tax systems and international taxing rights to profits made by robots and artificial intelligence (AI).

Overlapping research

As international trade, business and employment go hand in hand, research conducted may address issues from both research lines simultaneously. Members of staff may therefore be involved across research lines. International law, European law and national law closely interact in the domain of taxation, therefore research may take national law as its primary focus.

4.2.5.3. Organisation

Professor Luja has been the (co-)Director of the MCT on behalf of the Faculty of Law during the reporting period. All staff members of the Department of Tax Law are members of the MCT, as are some members of the SBE that teach tax-related courses. Not all of them are involved in research. For the purpose of this report, we will only address research, done within the MCT by those with an appointment at the Faculty of Law or otherwise involved in writing a PhD there. This includes an internationally quite diverse staff from 10 different countries with a mixed background, within either law (tax law, Dutch law, European law and/or notary law), fiscal economics and/or business administration.

At the end of 2021 the number of MCT members from the Faculty of Law involved in research consisted of 18, representing 8.75 fte in research time. This number includes 5 internal PhD candidates (next to >10 external PhD candidates who are currently part of the MCT).

Research meetings are set up in a way that external participants can be invited, in order to stimulate interaction amongst academics and between academics, governments and senior practitioners who long for serious debate. For this reason the MCT has set up different series of annually returning events, like the Global Tax Policy Conferences, the Maastrichtse Fiscale, the Pension Seminar Series and the Procedural Tax Law Seminar Series, next to MCT members organising and participating in meetings organised under the flag of ITEM.

Topics included, for instance, 'Taxing Cross-Border Inheritances and the Impact of the New EU Regulation in Matters of Succession' (2016), 'The OECD and UN approaches towards the Multi-Lateral Instrument and Unitary Taxation in the EU' (2017), 'Cross-Border Tax Inspections' (2018), 'Abuse of Law, General Anti-Avoidance Rules and Mandatory Disclosure' (2019) and 'Tax Avoidance versus Evasion: Moving Boundaries' (2021, in Dutch). Within the context of the Ius Commune Research School, the MCT organised workshops on Transparency Issues in Trade and Business (2016, together with IGIR) and State Aid, Corporate Tax Evasion and the Digital Economy (2019).

4.2.5.4. Key publications

Van Doesum, A., van Kesteren, H. & van Norden, G.J. (2016). *Fundamentals of EU VAT law*. Kluwer Law International. (A second edition also appeared during the reporting period: Van Doesum, A., van Kesteren, H., Nellen, F. & Cornielje, S. (2020).)

This book is one of the few books in English on the application of EU Value Added Taxes and its implementation written from an EU perspective. It has gained a status as one of the leading handbooks and study books in the field in quite a short time. The book is a good example of the indirect tax part of the MCT's activities (including both VAT and customs) and it is a co-publication with researchers from Tilburg University.

Sanghavi, D. (2016). 'The Proposed Tiebreaker Rule in OECD/G20 BEPS Action 6: A critical examination of the possible motives and means, and a potential alternative', *Bulletin for International Taxation*, 70(9), 520-525.

This article was awarded the 2017 Young IFA Network Scientific Award by the President of the International Fiscal Association. It focuses on the adaptation of tax treaties to the outcome of the leading international efforts to fight corporate tax avoidance, the so-called OECD and G/20's Base Erosion and Profit Shifting (BEPS) project. It proposes to actually split taxation between countries, if the place of effective management of a legal entity is not wholly situated in one state and cannot be settled by common agreement.

Commissie Grenswerkers van de Vereniging voor Belastingwetenschap, Weerepas, M.J.G.A.M. (2017). *Grenswerkers in Europa: Een onderzoek naar fiscale, sociaalverzekerings- en pensioenaspecten van grensoverschrijdend werken* (Geschriften van de Vereniging voor Belastingwetenschap, Vol. 257). Wolters Kluwer.

This report, edited and in part written by MCT member Marjon Weerepas who chaired a special committee, created a lot of stir at the Dutch parliament and increased awareness at the political level to include an analysis of effects of national legislation at border areas as part of the legislative process. It also led to follow-ups by both press and parliament when dealing with cross-border workers who had to work from home during the COVID-19 pandemic in 2020 and 2021.

Luja, R. (2018). *Taxation, State Aid and Distortions of Competition: General Report Topic II – FIDE Conference 2018* (XXVIII FIDE Congress – Volume II). Almedina.

Professor Luja acted as general rapporteur for the Fédération Internationale pour le Droit Européen on a topic that drew a lot of international public attention in recent years. One of the main comparative findings was that there is no uniform interpretation of the 'at arm's length' principle referred to by the Commission in various state aid disputes, as EU Member States differ in the status they award under national rules to OECD transfer pricing guidelines meant to harmonise the application of said principle.

Prokisch, R. (2021), Artikel 15. Einkünfte aus unselbständiger Arbeit / Artikel 16, Aufsichtsrats- und Verwaltungsratsvergütungen, in: Vogel/Lehner, *Doppelbesteuerungsabkommen*, 7th fully revised edition, C.H. Beck Verlag.

This contribution is part of what has been the leading handbook in German and International Tax Treaty interpretation for many years and it is a much cited resource in Germany as well as far abroad.

4.2.5.5. Key achievements

Young IFA Network Scientific Award 2019

This award for the best international tax publication written by members (below the age of 35) of the International Fiscal Association, the largest tax organisation in the world, was given to Dr Dhruv Sanghavi. (See 'Key publications'.)

CIAT Partnership & CIAT International Network Conference

In 2017 MCT researchers Esperanz Buitrago Diaz, Painer Prokisch and Fernando Souza de Man engaged in a unique partnership with CIAT in an effort to create more uniformity within Latin America with respect to understanding and interpreting international tax treaties and newly develop standards on tax good governance designed and promoted by the OECD and the G20 primarily with developed countries in mind. This project was supported by subsidies from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Related to this, the MCT hosted the CIAT International Tax Network Conference with support of GIZ and Eurosocal+ at the UM's Brussels Campus in 2019, welcoming 20 countries from the Americas, the Caribbean and Africa next to international organisations like the OECD, OXFAM and Tax Justice Network.

Project 'Gestion multilateral de riesgos en casos transnacionales de erosion intencional de la base gravable' ('Multilateral risk management in transnational cases where the tax base was intentionally eroded')

From 2017 to 2021 the MCT engaged in a unique cooperation with the Inter-American Centre of Tax Administrations (CIAT). CIAT facilitated access to cases from various countries dealing with tax avoidance for comparative analysis. This led to a report addressing similarities and differences in the interpretation of anti-abuse standards between various Latin-American countries. Based on best-practices and analysed conflicts with international tax treaty standards tax authorities across the continent benefitted from lessons learned. This contribution is part of what has been the leading handbook in German and International Tax Treaty interpretation for many years and it is a much cited resource in Germany as well as far abroad. A public version of the report is scheduled to be released by the end of 2022.

Grant Fund Tax & Technology

In 2019 the MCT received a multi-year subsidy (€245k) from the Fund Tax & Technology to promote research & education in this field in a joint effort with Tilburg University and the Vrije Universiteit Amsterdam.

4.2.6. Maastricht European Private Law Institute (M-EPLI)

4.2.6.1. Profile

M-EPLI's mission is to inspire, support and coordinate research endeavours of its members as well as to facilitate collaboration and joint funding acquisition in the area of European and transnational private law. This is done at two levels: (i) a general programmatic approach and (ii) a set of specific activities and organizational solutions. The first level is achieved through defining a research program that, on the one hand, attracts researchers from our Faculty currently conducting or interested in pursuing projects in this area, and on the other hand, has a steering function by initiating and inspiring further projects in the identified research area.

The specific activities and solutions designed to foster the cutting-edge research of M-EPLI members include M-EPLI talks, a M-EPLI interns team, and M-EPLI Roundtables. As described below, the in principle biweekly talks and biannual roundtables allow for interaction and debate among the members and external participants, while M-EPLI interns actively contribute to the institute's activities at large (linkage with education, communication, assistance with research projects, etc.).

All of this is accompanied by communication activities (such as blog posts, Twitter and Facebook posts) that are designed to assist M-EPLI members disseminate news about their most recent research projects and achievements.

4.2.6.2. Research programme

From its inception in 2010, research at M-EPLI was concerned with understanding the transformations of private law as a result of Europeanisation and globalization and how, in consequence, European private law can be conceived of in terms of its organization, structure and the actors that are involved in its making and enforcement. From 2010 until 2016, M-EPLI's research programme was directed towards better understanding of the private law in a European and global environment and formulating the normative consequences that follow from this. Research at M-EPLI was therefore focused on the following question: 'how does Europeanisation and globalisation affect the design, the description and the functioning of private law and what are the normative consequences that follow from this?' To specify this research programme, three research lines were identified, namely (i) convergence and divergence in European private law, (ii) a European legal method and (iii) changing conceptions of private law in Europe including the role of private actors as law-makers.

In 2016 M-EPLI adopted a new research programme. Building on the previous programme, M-EPLI's research programme has moved forward to encompass the more detailed study of the context in which European private law operates, how this context transforms private law, and how, conversely, private law impacts and influences these new developments. To that end, M-EPLI's central and current research focus is the investigation of the main challenges that European private law faces under globalization and digitalization. As a result, the overarching research question of M-EPLI is: What are the challenges for European private law in an age of globalization and digitalization; how do these challenges transform private law; how does private law impact these new developments, and when, why and how should private law set boundaries for these developments?

Work on these research questions implements the Faculty-wide research programme on 'Integration and interaction between legal orders', which analyses the continuing process of economic and political integration in a European and global society and the need of the law to address this process of supranational and transnational integration. M-EPLI's focus is on the external challenges towards private law under globalization and Europeanisation – namely digitalization, new social expectations towards the role of the law and a new legal role of private actors – and the possibilities and limits of private law to integrate such developments in its existing structures.

M-EPLI's research programme defines European private law broadly. It includes the analysis of national private laws from a comparative perspective, European private law as harmonized or unified rules (such as uniform commercial law, EU law on consumer protection or EU competition law), new forms of private law-making, such as self-regulation and co-regulation as well as a historical perspective on private law.

Due to its specific empirical and normative focus, M-EPLI's research is also capable of better explaining the relation between private law and new social developments. M-EPLI researchers provide normative statements about the desirability of these developments and how to influence them through law making.

The following sub-paragraphs describe the four core research lines of M-EPLI and its linkages to the Faculty research programme.

1. Private law, sustainability & global justice

M-EPLI's research line on the relation between private law and global justice with a specific focus on questions related to sustainability contributes to the Faculty research pillar 1 on *Global Justice*.

Globalization has not only liberalized trade across borders, it has also led to increasing calls to consider the interests of a globalized society. Private law as the central area of the law that facilitates and regulates the conduct of private actors has not been spared from these claims. The most prominent challenges that private law is facing in this regard are the need to incorporate the claims for sustainable development and environmental protection, and to be oriented towards the objectives of global justice (including the protection of human rights). Regarding these challenges, M-EPLI researchers focus specifically on the impact of global policy frameworks on sustainability, such as the UN Sustainable Development Goals, and other global goals, on the various areas of private law.

2. Digitalization and the changing infrastructure for private law

With its research line on digitalization and its impact on private law, M-EPLI actively contributes both to Faculty research pillar 3 on *Globalising Markets* and research pillar 5 on *Law and Technology*.

Indeed, one of the drastic societal transformations in recent times has been the speed with which new technologies have been developed, adopted and relied upon. Digitalization encompasses a variety of phenomena that range from the increase of a new type of business enterprises (i.e. the platform economy), revolution in the use of technologies for the formation and enforcement of private law relations (i.e. software agents, smart contracts, blockchain, online dispute resolution) to the prominence of data protection questions and their overlap with core private law concepts. M-EPLI's research on digitalization seeks to better understand the character of these new technological

developments and to discuss possible impacts on the field of private law. In this respect, M-EPLI researchers are discussing the possible role of private law in facilitating and regulating these new technologies.

3. The role of private actors in regulation and law-making

This M-EPLI's research line on the institutional role of private actors as legal subjects, law makers and regulators is imbedded in the Faculty's research pillar 2 on *Institutional Transformations*.

One of the transformations within private law thinking that M-EPLI has put the focus on is the role of different private and public actors in the process of private law-making and law enforcement. This research line looks in particular at how private actors, such as consumers, businesses and private organisations, are involved in the regulation and law-making and what their role as private actors implies for our conception of the legitimacy of private law.

4. Research methodology in European private law

This research line on methodology is connected with the Faculty's research programme as a whole.

Focusing on these various challenges and the resulting transformation of private law requires not only a deep substantive analysis of these challenges and transformations, but also brings the challenge of developing appropriate research methods to investigate these phenomena. New research methods are needed in the field of European private law to describe and understand the societal challenges and the internal reactions in private law as well as to develop sound normative conclusions on how private law should react. M-EPLI researchers are particularly interested in developing and testing such new ways of analysing European private law. In this research line, two core pillars exist: a focus on new empirical methods (including methods based on data science) for describing private law and how it is influenced by new societal phenomena and the search for normative methods that allow drawing theoretically robust conclusions as to the directions that private law needs to take.

M-EPLI strives to continuously evolve. This is evident from the developments and adjustments of M-EPLI program as described above. The next revision of the program is planned for the upcoming months and will be carried out in consultation with all M-EPLI fellows.

4.2.6.3. Organisation

Scientific directors of M-EPLI have been Prof. Dr. Jan Smits (until 2017) and Prof. Dr. Gijs van Dijck (2015-2018), joined by Prof. Dr. Marta Pertegás (as of 2018). The scientific directors are responsible for determining the content of the research programme and for quality assurance. Bram Akkermans, Caroline Cauffman and Monika Leszczyńska have been co-directors.

Since 2020, the M-EPLI Co-Directors are Dr. Caroline Cauffman and Prof. Dr. Marta Pertegás.

Dr. Agustin Parise is responsible for organizing bi-weekly M-EPLI talks where M-EPLI researchers and invited speakers present ongoing research and receive feedback from other M-EPLI researchers. Were the topics to be discussed are also of interest to other institutes, such as METRO or ICGI, joint research meetings are organized.

Research programming is a collective effort at M-EPLI. The research programmes are drafted by M-EPLI's directors based on the current research activities of the M-EPLI fellows. These insights are combined with M-EPLI's research mission (see above) as well as the Faculty's and University's strategic research plan. The first draft of the current research programme, written by Dr. A. Beckers, benefitted from collective feedback of M-EPLI members and was finalised by the M-EPLI's directors.

M-EPLI members may also suggest themes for small-scale in-depth research seminars, the M-EPLI Roundtables. M-EPLI aims to organize two Roundtables per year.

To stimulate cooperation among M-EPLI members, regularly research themes of joint interest to all M-EPLI members are suggested. Individually or in small teams M-EPLI members then carry out research on a particular aspect of this theme and present their ongoing work during M-EPLI talks. Taking into account the feedback received, they develop their research into chapters of a M-EPLI book. Two M-EPLI books of this kind have been published (see *infra*).

M-EPLI members who recently received their PhD are stimulated to apply for post-doc funding. They receive feedback on their proposals from more senior M-EPLI members on a regular basis.

M-EPLI members also participate in interdepartmental research projects (see, for instance, publication No. 2).

Finally, M-EPLI selects a number of promising students to participate in the research carried out by the staff and in the activities organized by the institute, the M-EPLI interns.

4.2.6.4. Key publications

Beckers, A. & Teubner, G. (2022). *Three liability regimes for artificial intelligence: Algorithmic actants, hybrids, crowds*. Hart Publishing.

This book proposes three liability regimes to combat the wide responsibility gaps caused by AI systems – vicarious liability for autonomous software agents (actants); enterprise liability for inseparable human-AI interactions (hybrids); and collective fund liability for interconnected AI systems (crowds).

Based on information technology studies, the book first develops a threefold typology that distinguishes individual, hybrid and collective machine behaviour. A subsequent social science analysis specifies the socio-digital institutions related to this threefold typology. Then it determines the social risks that emerge when algorithms operate within these institutions. Actants raise the risk of digital autonomy, hybrids the risk of double contingency in human-algorithm encounters, crowds the risk of opaque interconnections. The book demonstrates that the law needs to respond to these specific risks, by recognising personified algorithms as vicarious agents, human-machine associations as collective enterprises, and interconnected systems as risk pools – and by developing corresponding liability rules. The book relies on a unique combination of information technology studies, sociological institution and risk analysis, and comparative law. This approach uncovers recursive relations between types of machine behaviour, emergent socio-digital institutions, their concomitant risks, legal conditions of liability rules, and ascription of legal status to the algorithms involved.

Brožek, B., Hage, J. & Vincent, N. (Eds.) (2021). *Law and Mind: A Survey of Law and the Cognitive Sciences* (Law and the Cognitive Sciences). Cambridge University Press.
Doi:10.1017/9781108623056

Are the cognitive sciences relevant for law? How do they influence legal theory and practice? Should lawyers become part-time cognitive scientists? The recent advances in the cognitive sciences have reshaped our conceptions of human decision-making and behaviour. Many claim, for instance, that we can no longer view ourselves as purely rational agents equipped with free will. This change is vitally important for lawyers, who are forced to rethink the foundations of their theories and the framework of legal practice. Featuring multidisciplinary scholars from around the world, this book offers a comprehensive overview of the emerging field of law and the cognitive sciences. It develops new theories and provides often provocative insights into the relationship between the cognitive sciences and various dimensions of the law including legal philosophy and methodology, doctrinal issues, and evidence.

Akkermans, B. & van Dijck, G. (Eds.) (2019). *Sustainability and private law*, Eleven International publishing. Maastricht Law Series, Vol. 13.

Part of the work at M-EPLI is to combine research in common projects. After the work, published in 2015, on the allocation of competences in European Private Law (Who Does What?), M-EPLI's researchers joined forces to take on one of the largest challenges in private law: sustainability. This book is the result of a large series of meetings, workshops and joint research initiatives. It offers reflections on sustainability in private law from M-EPLI's various sub-disciplines (contract, tort, property, legal history). In a final chapter the editors bring together insights and present a future research agenda for the work on sustainable private law. By doing so, this project relates well to the 'Transnational Legal Method' theme. Sustainability clearly being a transnational matter, the analysis of the role of sustainability in private law raises the question both of what the law should substantively look like, of on which level rules on sustainability may be found and regulated, and of how sustainability matters require a reconsideration of private law's foundations and principles.

Cauffman, C. & Smits, J. (2016). *The citizen in European private law: Norm-setting, enforcement and choice*. Intersentia. Ius Commune Europaeum, Vol. 146.

Private actors increasingly set their own rules, revert to private enforcement of these rules, and choose the applicable law. This tendency is visible in a wide range of subfields, including contract law, company law, consumer law and family law as is illustrated by the contributions to the book by e.g. P. Wautelet, W.-G. Ringe and N. Creutzfeld. The editors conclude that the importance of private autonomy depends on the nature of the subfield: the more a field aims to achieve public goals (as in consumer law) or is about issues that are regarded as sensitive by the public at large (as in family law), the less important the role of autonomy is. This also explains the relatively large role of autonomy in contract law and commercial law, that are generally seen as less influenced by overriding interests of the State. The book is an illustration of research line 3 Changing conceptions of private law in Europe since it relates to the changing roles of the legal actors involved in the making of private law.

Beckers, A. (2017). The regulation of market communication and market behaviour: corporate social responsibility and the directives on unfair commercial practices and unfair contract terms. *Common Market Law Review*, 54, 475-516.

Despite the frequent insistence in EU policies on corporate social responsibility (CSR) being voluntary, this paper argues that under EU consumer law CSR can be interpreted as legally binding. CSR is a strategic form of market communication as well as an inherent aspect of the market behaviour of companies. Since EU consumer law regulates the market communication and the market behaviour of traders, this area of law can be used to interpret CSR as a legally binding obligation, resulting in remedies available to consumers. This paper uses the Unfair Commercial Practices Directive (UCPD) to show how the ECJ could, in a suitable case, consider the breach of a CSR policy either as a form of misleading market communication or as unfair trading behaviour. This interpretation would allow for the additional regulation of CSR by the UCTD, which overlaps with the UCPD in terms of scope, interpretation and remedies. Once CSR is subject to EU market regulation laws, it can result additionally in contract regulation through EU consumer sales law. The article is a good illustration of research line 3 Chancing conceptions of private law in Europe, which focuses on how globalization and Europeanisation affects our conceptions of the design and substance of private law.

Deogratias, B. (2019). *Trapped in a religious marriage: A human rights perspective on the phenomenon of marital captivity*. Intersentia.

Deogratias's PhD is an illustration of the research with societal relevance carried out within M-EPLI as it addresses one delicate problem of our multicultural society. The research has generated the interest of caseworkers and public administrations (Ministries, Local Administration, etc.) The book offers a human rights perspective of the phenomenon of marital captivity within Christian, Jewish, Hindu and Muslim communities in both secular and non-secular States. Marital captivity is a complex social phenomenon that, predominantly, affects women. It involves a situation wherein the dissolution of a religious and/or legal marriage is obscured for religious reasons, consequently forcing the spouse(s) to remain in the marriage against their will. It involves multiple stakeholders (i.e. the trapped spouse, the opposing or recalcitrant spouse, the religious communities and one or more States). Within situations of marital captivity, all involved stakeholders have rights and interests which are often in conflict with one another. The author suggests holistic and effective solutions to end existing situations of marital captivity and makes recommendations as to how to prevent new such situations from arising.

This publication is linked to the 'Changing conceptions of private law' theme, as it explores whether and how family law, within the broader human rights legal framework, may tackle situations of marital captivity.

Van Dijck, G. (2017). The Ordered Apology. *Oxford Journal of Legal Studies*, 37(3), 562-587.

The conventional wisdom is that apologies that are claimed or ordered do not serve a purpose because they lack sincerity and violate the right to freedom of expression. This article challenges conventional wisdom by demonstrating that apologies do not need to be sincere in order for them to serve a purpose. Based on available empirical research, case law and scholarly research on apologies, this article identifies the purposes of coerced apologies and uses these purposes to draft criteria for determining when ordered apologies are appropriate. It is concluded that an ordered apology is a fulfilment of a legal requirement rather than a statement of genuinely held feelings. A

proportionality test is proposed and developed in order to determine the permissibility of ordered apologies.

This publication addresses the theme ‘Changing conceptions of private law’, as it explores whether and how private law may or should handle the ordered apologies, and the role empirical research may play in describing social phenomena and refuting assumptions that persist in the legal community.

Van Dam, C. (2021). ‘Breakthrough in Parent Company Liability Three Shell Defeats, the End of an Era and New Paradigms’. *European Company and Financial Law Review*, 18(5), 714-748. Doi: 10.1515/ecfr-2021-0032.

Two English and two Dutch cases have recently clarified the (potential) liability of parent companies vis-à-vis third parties in relation to damage caused by their subsidiaries. They concern the decisions of the UK Supreme Court in *Vedanta v Lungowe and Okpabi v Shell*, the Hague Court of Appeal in *Oguru v Shell* and the Hague District Court in *Milieudefensie v Shell* (climate change case). The substantive message from the case law is that parent company liability is nothing special and may be based on the parent’s own behaviour or on failing to prevent damage caused by the subsidiary. However, this increase of the parent’s liability risks alone is not sufficient for effective human rights protection. The broader business and human rights agenda of respecting human rights goes beyond not causing damage. Its focal point is protecting the human rights of individuals and communities. This has consequences for the risk concept and for the remedy to be offered, which is broader than monetary compensation for damage caused. In this sense, the SDGs are the flipside of the responsibility to respect human rights. Parent company liability is a fundamental component of the larger business and human rights agenda. The starting point is a broader concept of risk: the focus is no longer just on the risk for the company, but also on the risk for individuals and communities. The task is no longer to externalise these risks but to manage them in such a way that they are removed, not only for the company but also for the affected individuals and communities. This is a paradigm shift that comes with many challenges and dilemmas. But it is a shift that is unavoidable. Not only for people and planet, but also for peace and prosperity. And hence, for the sustainability of the company.

Ritsema, R. (2021). Black names matter?: geslachtsnaamswijziging en ‘slavennamen’. *Nederlands Juristenblad*, 2(2), 108-111.

In the Netherlands, too, there is increasing attention to an aspect of the history of slavery that relates to the family name: there is a growing number of people who wish to change the family name assigned to the ancestor at the abolition of slavery. However, the strict Dutch system of name change makes this (virtually) impossible. (High) time to change this.

Van Rhee, C.H. (2018). ‘Case management in Europe: a modern approach to civil litigation’. *International Journal of Procedural Law*, 8(1), p. 65-84.

The paper shows how the suggestions made by the European Law Institute and Unidroit in drafting European rules of civil procedure, more specifically on the rules governing the role of the judge and the parties (and their lawyers) fit well in European developments that may have started at the time of the introduction of the Romano-canonical model of litigation in the secular courts of the late medieval and early-modern period. The book fits in M-EPLI’s second research line A European legal

method since it describes the influence of historical development on the creation of European private law.

4.2.6.5. Key achievements

Marie Skłodowska-Curie Individual Fellowship, FreeDigital: ‘The impact of “free” digital offers on individual behavior and its implications for consumer and data protection laws’ (Monika Leszczyńska)

Free offers are prevalent in nowadays online markets. This, however, does not yet mean that we give nothing in exchange. We do provide our private information that might be profitably used by suppliers of free digital content. Behavioural research has demonstrated that consumers tend to overestimate the benefits of free digital content. Yet, it is still unknown how free offers influence consumer decisions that are relevant from a legal perspective, i.e., decisions that involve consumer rights and privacy. In this project, I employ experimental methods to examine how offering digital content at a zero price but in exchange for personal data influences consumers’ decisions about use of digital content, sharing of personal data, use of contractual and data protection rights.

M-EPLI’s involvement in the research project Diversity of Enforcement Titles in cross-border debt collection (2019-2022) on behalf of the European Commission (DG Justice) (Marta Pertegás)

This is a project coordinated by the U. Maribor (Slovenia) and involving a total of 13 partners to improve the cross-border collection of debts in civil and commercial matters in the EU, inter alia by the development of software that assists enforcement agents (judges, bailiffs, etc.) in the recognition of foreign enforcement titles. The deliverables of this project also include a comparative overview of the operation of the Brussels Ibis Regulation in all jurisdictions under study. M-EPLI (Marta Pertegás, with the assistance of two external researchers, Mateusz Rys and Bartosz Sujecki and M-EPLI intern Marielène Wertenbroek) is in charge of the chapters for The Netherlands and Belgium.

M-EPLI’s involvement in the research project Werking van de wet tegengaan huwelijksdwang (WODC) – Operation of the law against marriage coercion (Susan Rutten)

Article IVa of the Act against Marriage Coercion states that the Minister shall report to the Staten-Generaal within four years after the Act enters into force on the effectiveness and effects of the Act in practice. Because marriage coercion, and other data relevant to marriage coercion, are not registered (see Chapter 4, Phase 3), and because marriage coercion takes place out of sight, the client does not consider it necessary to make firm statements about the effectiveness and effects of the Act. Therefore, this research will focus on, and be limited to, research into the way in which the Act against Marriage Coercion works in practice. The aim of the study will therefore be to examine how the Act against Marriage Coercion, which came into force on 5 December 2015, works in practice. In order to be able to assess the operation of the Act, it will be investigated how the Act works for those who have to apply it (the executors) and for those who make use of the Act (the target group, i.e. users).

M-EPLI Roundtable: Recognition of Punitive Damages Judgments (Lotte Meurkens and Cedric Vanleenhove, with assistance of Marta Pertegás)

On 14 October 2021, a M-EPLI Roundtable was organized on the recognition and enforcement of foreign (mostly US) punitive damages judgments in countries outside of Europe.

This M-EPLI roundtable gathered a group of experts who reflected on the current position of their country (and surrounding countries) on the recognition and enforcement of foreign judgments granting punitive damages. A forthcoming publication is expected early 2023.

M-EPLI's involvement in the research project Exploring IT/AI tools for monitoring online markets for consumer policy purposes on behalf of the European Commission (Caroline Cauffman, Catalina Goanta, Monika Leszynska and Gijs van Dijck)

The study shows that relatively few tools exist that are ready to use for monitoring infringements of consumer law. Moreover, the tools that are technically the most advanced do not have a user interface, so that sound programming skills are required to use it. In addition, a number of tools provide lists of suspicious cases that can guide authorities in deciding on cases that require further investigation. Furthermore, tools exist for finding information about specific IP addresses, VAT-numbers etc. and to collect evidence of infringements. Some of the tools also detect practices that are detrimental to consumers, but that are not yet regulated. Finally, the report makes suggestions for a general framework on how to use and share existing tools and on elements to take into account when considering the development of tools tailored to the needs of consumer authorities.

Van Dijck, Gijs, Liepiņa, Rūta, Wieling, M., Vols, M., Engers, T., Dari-Mattiacci, G., Bodó, B., Janssen, A., Ortolani, P., Wolters, P. & Bex, F.

LAWNOTATION is an initiative of the Digital Legal Studies cluster in the Sectorplan Social Sciences and Humanities (SSH) – Rechtsgeleerdheid and other Dutch universities that are collaboratively working on questions related to the digitalisation of law. The legal research community lacks the availability of data, tools, and platforms that allow for the computational analysis of legal data. This project aims to develop an infrastructure that enables SSH researchers to systematically analyze legal documents such as legislation and court decisions. The proposed infrastructure will offer the following functionalities:- Access to and sharing of data – making legal data and annotation schemes (current and future) accessible for annotation and analysis purposes.

- Annotation platform – developing and offering annotation software and schemas in order to analyze the linguistic and legal characteristics of legal documents.- Interface – access to data, the annotation schemes, and the annotation software will be offered through a user-friendly interface.

A team of developers will work closely together with SSH researchers on the improved access to legal materials, which will benefit SSH researchers as well as society as a whole. The infrastructure will be embedded within CLARIAH-WP3 (Linguistics) and CLARIAH-WP6 (Text).

TPR visiting chair, held by dr. Bram Akkermans at KU Leuven in academic year 2017-2018

In 2017, the TPR (Tijdschrift voor Privaatrecht) visiting professorship was awarded to Bram Akkermans. The chair was established at KU Leuven for the academic year 2018-2019 with a focus on sustainable private law. Dean of the Leuven law Faculty, prof. dr. Bernard Tilleman, acted as host. The inaugural lecture of this chair was held on Friday 16 March 2018 and was called 'Duurzaam

Goederenrecht: naar een herijking van ons goederenrechtelijk stelsel? (Sustainable Property Law; towards a re-valuation of our system of property law?), published in TPR 2018, 1437-1470. As a part of the chair, Bram Akkermans taught a course on Sustainable Private Law to Master students at KU Leuven in the academic year 2017-2018. Furthermore, several research activities were organized by the Institute for Property Law, which cumulated in a large international conference on contract and property from an environmental perspective in September 2019.

Marta Santos Silva's appointment as an expert in the EU's Expert Group on Liability and New Technologies (Product Liability Formation)

Marta Santos Silva was selected as an expert the EU's Expert Group on Liability and New Technologies (Product Liability Formation). The Commission expert groups advise the Commission in relation to: the preparation of legislative proposals and policy initiatives, the preparation of delegated acts, the implementation of EU legislation, programmes and policies, including coordination and cooperation with Member States and stakeholders in that regard and, where necessary, the preparation of implementing acts at an early stage, before they are submitted to the committee in accordance with Regulation (EU) No 182/2011.

Marta Pertegás' appointment as an expert of the European Commission Expert Group for the Modernisation of EU Civil Justice (2018-2019)

Marta Pertegás was one of the external 16 experts who assisted the European Commission in the drafting of two legislative proposals on taking of evidence and service abroad, two essential aspects of civil procedure in cross-border cases. Further to the entry into force of these Regulations in the summer of 2022, M-EPLI is involved in a new research project led by Maribor University on the implementation and application of these new instruments throughout the EU.

Seminar: The Regulation of Social Media Influencers

As people turn away from classical advertising channels such as television, print or radio, social media platforms such as Instagram and Youtube, are establishing themselves as marketing outlets in the search of consumer engagement. These platforms now feature hundreds if not thousands of popular individuals who amass impressive amounts of followers. This workshop brought together interdisciplinary approaches to some of the less visible issues posed by advertising on social media, and was supported by the Independent Social Research Foundation, M-EPLI and the University of Groningen. The proceedings of the seminar are published in the book *The Regulation of Social Media Influencers* (Elgar, forthcoming), edited by Sofia Ranchordás and Catalina Goanta.

4.2.7. Maastricht European Institute for Transnational Legal Research (METRO)

4.2.7.1. Profile

The Maastricht European Institute for Transnational Legal Research ([METRO](#)) was founded on 1 September 1991 as an institute with the purpose to stimulate comparative and European research at the law Faculty of Maastricht University. To that end, METRO has executed many research projects and created the Maastricht Journal of European and Comparative Law. Also the *Ius Commune Europaeum* book series was published under the auspices of METRO. Over the years, the research of METRO has increasingly focused on environmental law, liability and insurance, competition and regulation, and the economic analysis of law.

Since the founding of the institute, METRO has focused on academic research in all of the areas mentioned above. In addition, research has been conducted for many clients such as the Dutch Ministries of Justice, Internal Affairs, Foreign Affairs, Environment, Social Affairs and Employment, as well as associations of liability insurers, liberal professions and others. In addition, contract research has been performed *inter alia* for the European Commission (various DGs) and for the OECD. METRO organises regular seminars and publishes a large amount of PhD dissertations. METRO equally facilitates the *Ius Commune Research School*, a cooperation between the law faculties of the Universities of Maastricht (UM), Utrecht (UU), Amsterdam (UvA) and Leuven (KU Leuven), focused on the research into a *ius commune*. The management and secretariat of the [Ius Commune Research School](#) are located at METRO.

METRO acts as one of the hosts of the [Ius Commune Case Book Project](#) – a joint initiative of the Universities of Maastricht and Leuven. The project unites over 100 scholars from Universities all over Europe. They are developing a new generation of genuine comparative, legal teaching materials, which take the main European legal systems as a starting point and explore their interaction with European law.

METRO has various forms of cooperation with Universities in Africa, such as the law Faculty of the University of Lomé in Togo (where METRO organises since 1995 a research master in environmental law and policy) and the law Faculty of the University of Abomey-Calavi in Benin. METRO also actively cooperates with various Universities in Asia, such as the law Faculty of the Universitas Indonesia in Indonesia as well as the law Faculty of Udayana University in Bali. METRO has special ties to the China University of Political Science and Law (CUPL) and more particularly its School of Law and Economics, the Central University of Finance and Economics (CUFE) School of Law, the Research Institute of Environmental Law of Wuhan University and Dalian Maritime University (DMU). The staff of METRO regularly teaches at those partner-Universities.

4.2.7.2. Research programme

METRO has three main research lines. There are various ways in which METRO contributes (with other scholars in the Faculty) to the Faculty's research agenda.

Research line 1 Climate Justice

METRO has an established reputation in the area of environmental law. Today, the focus of METRO's research in this field of law is mainly on climate change and climate justice.

The research conducted in this line of research examines how law can contribute to the mitigation of climate change. Examples of research to be conducted here include an analysis of the increasing case law on regulation with respect to mitigation of greenhouse gases, particularly in view of implementing international law (the Paris Agreement) and a comparative research of the case law of courts in different Member States (but also in jurisdictions across the world) in order to assess which criteria are developed in that respect. Other research questions in this line of research concern the enforcement mechanisms of climate change laws; for instance: can private enforcement and environmental organisations (NGOs) equally be involved in the monitoring of compliance with reduction requirements of greenhouse gases?

An important aspect of climate justice concerns the guarantees with respect to environmental procedural rights (such as access to information and access to justice) as laid down in the Aarhus Convention. Especially in the climate change domain the question arises how legal procedures for public participation in governmental decision-making can be organised. One can for example often notice increasing protest from civil society against 'green' initiatives like the installation of biomass factories, dams (creating hydropower) or wind turbines. The question arises how the legal system should deal with those protests, including NIMBY-ism (Not In My Back Yard) and how the interests of the individuals affected (including effects on the value of their property) should be weighed against the public interests that may be served with those forms of energy transition.

The research line on Climate Justice mainly contributes to the pillar on Global Justice in the Faculty's research programme.

Furthermore, METRO conducts theoretical and empirical legal research on environmental crime, such as the question whether (minimum) criminal sanctions for certain types of environmental crime are desirable from a legal and economic perspective. Some of that research can also be classified under the heading Global Justice.

Research line 2 The law and economics of institutional transformations

A lot of the research carried out by METRO has been geared towards institutional transformations. One fundamental question is which type of issues should be regulated at which level of governance. In light of the challenges faced by the EU (Brexit, rise of anti-EU parties, problems in finding a common response to the migration crisis, dealing with Covid-19) the question arises whether, following a multidisciplinary approach (including most prominently law and economics) criteria for an adequate allocation of powers between different levels of governance can be designed. It may be clear that METRO is interested in analysing those questions generally, i.e. applied to particular risks (like consumer harm and terrorism), but also applying it to the environmental domain and more particularly to climate change.

A related issue is the research into new modes of governance, instrument choice and more particularly the search for so-called smart instrument mixes. The classic choice between private/administrative and criminal law has been broadened with a variety of new governance modes, going often beyond the state and involving civil society and a variety of private actors. Interesting questions arise on how these various modes of governance can interact in an effective manner. These questions should not only be analysed from a theoretical perspective, but also with empirical evidence. An important question is how the comparative effectiveness of different mixes of instruments can be evaluated. This question of instrument choice also plays an important role in

the climate change domain and more particularly in the search for optimal tools to regulate the reduction of greenhouse gases.

One particular question with respect to instrument mixes is who the best actor may be to regulate newly emerging risks like climate change, renewable energy, biomass, genetically modified organisms etc. Interesting questions arise with respect to the division of labour between the regulator (legislator) and the judge. Increasingly one can notice tendencies in some countries to call on the judge for supplementary measures going beyond the regulation. Judicial activism can be scrutinised again from a multidisciplinary perspective, including positive analysis (showing where judicial activism can be found in specific domains), but also normatively (analysing the desirability of traditional activism). It may be clear that this analysis of the role of the legislator versus the judge and judicial activism is closely related to the pillar on Global Justice as well.

One specific topic which will still be analysed by METRO in its different aspects is the *ex ante* regulation of disasters and the *ex post* compensation of victims. A variety of natural and man-made disasters lead to complicated questions on the optimal regulatory mix (including the role of liability and insurance), especially in a multilevel governance setting.

This research line contributes to the Faculty's second research pillar on *Institutional Transformations*.

Research line 3 Competition and regulation in globalising markets

METRO is very interested in the question how an optimal competition policy can be designed especially in emerging markets like Indonesia or China. The question of smart mixes and instrument choice (discussed under subheading 2 above) also arises in the domain of competition law. This plays a role, for example, when the optimal mix between administrative/private and criminal enforcement has to be designed. Furthermore, it is important to note that today public agencies and regulators across the globe are struggling with the question of how to address abuse of dominance in digital (and therefore often global) markets – and the role that competition law can play in protecting consumers compared to other domains of law. METRO PhD researchers and staff members are currently working on this topic, both from a (comparative) competition law and a law and economics perspective.

Also the domain of CSR (of course strongly related to the pillar on *Global Justice*) has been in the core of METRO's interests. Usually adopting a law and economics approach, METRO is interested in analysing the comparative added value of CSR in relation to regulatory approaches. For example, in the environmental domain the question arises whether corporate environmental responsibility as a regulatory tool can have added value in relation to regulation. However, also in other areas, such as workplace safety and food safety, the question arises what private forms of regulation (including not only CSR, but also self-regulation, certification, private standards, global value chains, etc.) can contribute to the governance of particular risks.

Research in this research line contributes mainly to the Faculty's pillar on *Globalising Markets*.

4.2.7.3. Organisation

METRO is headed by a management team consisting of Prof. Michael Faure as academic director and Prof. Niels Philipsen as vice-academic director. METRO is situated at the Faculty of Law.

The **METRO team** currently consists of the following members: its management team (two members), three professors, nine research fellows and ten PhDs. Furthermore, the team includes a variable number of student fellows, guest researchers, external PhDs and associate members.

4.2.7.4. Key publications

Philipsen, N.J., Weishaar, S. & Xu, G. (Eds.) (2016). *Market integration: The EU experience and implications for regulatory reform in China*. Springer. China EU Law Series, No. 2. Doi: 10.1007/978-3-662-48273-5.

This edited volume published by Springer examines the relationship between regulation and market integration, with a special focus on China. It pursues a Law and Economics and Comparative Law approach (China and EU) to analyse the current obstacles to market integration and domestic economic growth in China. The research falls within METRO's research line 3 'Competition and regulation in globalising markets' and research line 2 'The law and economics of institutional transformations'.

The book contains contributions from prominent law and economics scholars from China and the EU (including contributions by the editors and other METRO fellows) and is an example of the long-standing collaboration between METRO and the School of Law and Economics at the China University of Political Science and Law. This collaboration takes place in the form of joint conferences, co-editing of books and joint publications in journals and edited volumes.

Faure, M.G., Visscher, L. & Weber, F. (2016). 'Liability for unknown risk. A law and economics perspective', *Journal of European Tort Law*, 2016, 198-228.

This article written by Faure with external colleagues in law and economics was published in a widely read international journal, exemplifying METRO's extensive research on liability and insurance and more specifically METRO research line 2 on 'The law and economics of institutional transformations'.

In the law and economics literature, liability is generally regarded as an instrument which provides potential tortfeasors with incentives for optimal care taking. The question, however, arises whether liability can still provide those incentives when risks are unknown. That is the central question that is addressed in this contribution.

Blanc, F. & Faure, M. (2018). 'Smart enforcement: Theory and practice', *European Journal of Law Reform*, 78-103.

This article by Faure with Florentin Blanc (OECD) deals with smart enforcement, a topic policy-makers are enthusiastic about, but less is known about the theoretical (economic) foundations and the empirical evidence. It connects to research line 2 'The law and economics of institutional transformations'.

There is increasing attention both on how inspections and enforcement efforts with respect to regulatory breaches can be made as effective as possible. It has been claimed that inspections should not be random, but based on risk and target-specific violators and violations. Such a 'smart' enforcement policy would be able to increase the effectiveness of enforcement policy. Policy makers are enthusiastic about this new strategy, but less is known about the theoretical foundations, nor about the empirical evidence. This article presents the theoretical foundations for smart enforcement as well as some empirics. Moreover, the conditions under which smart enforcement could work are identified, as well as a few potential limits.

Faure, M. & Peeters, M. (2019). Liability and climate change. In H. von Storch (Ed.), *Climate Science* (pp. 1-30). Oxford University Press. Oxford Research Encyclopaedias. Doi: 10.1093/acrefore/9780190228620.013.648

This leading publication in the field of liability and climate change by METRO professors Faure and Peeters connects to METRO's research line 1 on 'Climate Justice'. This article was translated into Chinese and published (a second time) in the Journal of Poyang Lake in 2021.

Liability for emitting greenhouse gases exists (or can exist) in the area of public law and private law and can be subdivided into international, administrative, and criminal liability (public law liabilities) and tort law liability (private law liability). Actions for holding individual and legal persons (such as states, authorities, and companies) liable can, depending on the specific jurisdiction, be triggered by citizens but also by legal persons, such as authorities, companies, and non-governmental organisations (NGOs), particularly environmental NGOs. The central question in this article is how climate liability is arranged under public law and whether there would be any role for climate liability to play under private law, thereby applying a legal and economic methodology.

Van Erp, J., Faure, M., Nollkaemper, A. & Philipsen, N. (Eds.) (2019). *Smart mixes for transboundary environmental harm*. Cambridge: Cambridge University Press. Cambridge Studies on Environment, Energy and Natural Resources Governance. Doi: 10.1017/9781108653183

This is the first volume addressing the important and complex theme of 'smart mixes' in the framework of environmental damage, with case studies on climate change, oil pollution, forestry and fisheries. Half of the editing team (Faure, Philipsen) and several other contributors (Peeters, Müller, Liu) are current or former METRO fellows. In addition, the volume contains contributions by prominent national and international academics. It falls METRO research line 1 'Climate Justice' and line 2 'Law and Economics of Institutional Transformations'.

The volume offers a multidisciplinary approach to legal and policy instruments used to prevent and remedy global environmental challenges. It provides a theoretical overview of a variety of instruments, making distinctions between levels of governance (treaties, domestic law), types of instruments (market-based instruments, regulation, and liability rules), and between government regulation and private or self-regulation. The central focus is an examination of the use of mixes between different types of regulatory and policy instruments and different levels of governance, notably in climate change, marine oil pollution, forestry, and fisheries.

Philipsen, N. (2018). 'The role of private actors in preventing work-related risks: A law and economics perspective'. *European Public Law*, 24(3), 539-554.

Publication in a special issue of EPL, guest edited by METRO fellows Mariolina Eliantonio and (since recently) Carlo Colombo. Connects to the METRO research lines 'Competition and Regulation in Globalising Markets' and 'Law and Economics of Institutional Transformations'. The paper brings important law and economics insights into the role of private parties in comparison to administrative law to a broad legal audience.

It considers the regulation of work-related risks such as industrial accidents and occupational diseases, and more specifically the role of employers and employees in the regulation and prevention of such risks. The role of liability insurers as an important potential driver of actions taken by employers and employees is explained, along with the importance of having (e.g. in administrative law) a smart mix between public law and self-regulatory mechanisms.

4.2.7.5. Key achievements

Publication and presentation conclusions and policy recommendations PF7 Collaborative Project EFFACE (European Union Action to Fight Environmental Crime), February 2016

METRO was leader of the Work Package on Conclusions and Policy Recommendations and took a large role in various other Work Packages and the [final conference in Brussels](#), where many stakeholders were present. Several publications (books, papers, policy reports) and additional research projects (with Ecologic, for DG Environment) followed from this highly successful FP7 project. The project involved Faure, Philipsen, Giardi, and (in follow-up project) De Smedt.

Completion of KNAW-funded research project Smart Mixes in Relation to Transboundary Environmental Harm, 2016

METRO fellows Faure, Peeters and Philipsen participated in this KNAW-funded project, which ran from 2014 until 2016 and which generated three high-profile workshops with stakeholders and academics (in the KNAW building and at EUR) and several publications (edited volumes and papers). The project was a collaboration with the University of Amsterdam and the Erasmus University Rotterdam. Other current and former METRO Phd researchers contributed to the project as well (Liu, Müller).

Completion of research project on procedural rights in competition law, 2016

Together with Qian Hao, the China University of Political Science and Law (CUPL) and the China EU School of Law (CESL), Caroline Cauffman obtained a grant for organising an expert seminar on Procedural rights in competition law and the EU. European and Chinese scholars and an EU Commission official participated in the panel, which took place in Beijing. The project furthermore resulted in an edited volume published with Springer in 2016 and translated in Chinese afterwards.

Joint conferences and edited volumes with the CUPL School of Law and Economics in Beijing, China, 2016-present

For many years METRO (Faure, Philipsen) has collaborated with the prestigious School of Law and Economics at CUPL. Two edited volumes were published in the time period 2016-2021, and three joint conferences were organised in Beijing (some of which co-funded by the China EU School of

Law); a fourth online conference on competition law and policy was organized in 2022. Also some of METRO's former and current PhD researchers participated in these conferences and published their work (Piri Damagh, Shen, Lü, Wu, Li). Furthermore, Niels Philipsen received an honorary position at CUPL as Adjunct Professor in November 2017.

25th anniversary of Maastricht Journal of European and Comparative Law, 28 June 2018

The MJ celebrated its 25th anniversary in the form of a full-day conference at Chateau Neercanne. Since the inception of the MJ, history has taken its turn: from a period influenced by the fall of the iron curtain, the enlargement of the EU, the introduction of the Euro, to events such as 9/11, the financial crisis and the refugee crisis. In this context, a number of high-level speakers looked back and reflected on significant developments in their field of expertise, the future challenges they perceive and discussed, on a broader scale, future solutions for the Europe of tomorrow. METRO fellows Biermeyer, Mondschein and Faure were involved in the organisation of the event.

Completion of various research projects for RIVM on liability for letting people work with Chrome-6 and CARC, 2018-2020

METRO was leading the report 'Aansprakelijkheid voor het laten werken met Chrome-6' (Liability for letting people work with Chrome-6), which involved several colleagues from the UM Faculty of Law, and which was commissioned by the National Institute for Public Health and the Environment, RIVM. The report focused on the Ministry of Defense and was part of a larger research project led by RIVM, the results of which became public on Monday 4 June. The topic received much attention from national and local news media, and resulted in follow-up research for RIVM, focused on other employers (the Dutch Railways and tROM, in 2019) and substances (HDI, in 2020). See <www.rivm.nl/chroom-6-en-carc>.

4.2.8. Maastricht Institute for Criminal Sciences (MICS)

4.2.8.1. Profile

The Maastricht Institute for Criminal Sciences (MICS) is an interdisciplinary research centre in which research is conducted that covers the fields of criminal law, criminal procedure, criminology, psychology, neurosciences and forensics. The institute was officially launched in 2019. Before that period, the research of this institute was embedded in the department of Criminal Law and Criminology. Researchers from MICS have always co-operated with other research groups within and outside UM, but the establishment of a research institute has created a structural basis for these forms of co-operation. Moreover, the establishment of MICS intends to increase the visibility of the research activities of this interdisciplinary institute: the profile of the group and its members is enhanced via digital communication methods, i.e. website, social media and so on.

The establishment of MICS is in line with the research strategy of the Faculty to combine its bottom-up approach with a somewhat more steering approach via an overall research program. As will be explained below, the programming of MICS is connected to the Faculty research program in a number of ways.

4.2.8.2. Research programme

The MICS-research program consists of three interrelated research lines that approach existing criminal justice systems each from a different angle and multi- or interdisciplinary perspective, and represent a theme of its own.

Research line 1 Quality standards for criminal justice systems

In this part of the program, the central question is what the standards for maintaining quality of criminal justice should be and how these standards can be protected and enforced. This central question is linked to issues related to both substantive criminal law and criminal procedure. With regard to substantive criminal law, the concept of criminal responsibility is at the heart of a debate that has been triggered by developments in the field of neuroscience. There seems to be a gap between the way the legal system understands the notion of criminal responsibility, rooted as a social construct in the autonomy of the human self as a rational, responsible actor, and the empirical understanding of the human brain offered by neuroscience.

With regard to criminal procedure, the emphasis of the research activities is on procedural safeguards and legal protection of all parties involved in the criminal justice system, as well as the digitalisation of the criminal trial. The legal and empirical research not only covers the various stages of criminal investigation (including the input and added value of relevant forensic disciplines and its impact on the criminal investigation) and the way a criminal case is dealt with inside or outside the court, but also takes the execution of a criminal sentence into account. Special attention is paid to the position of victims and vulnerable suspects in our criminal justice system. From a legal psychology point of view, emphasis is put on evidence based-interviewing of (young) witnesses and suspects and on the assessment of evidence. This type of empirical research is conducted in cooperation with stakeholders. As such, the outcome is of direct relevance to them.

Some researchers are intensively involved in research on human rights. These researchers not only conduct research in the context of MICS but play an active role within the Maastricht Centre for Human Rights (MCfHR) as well. An example of a combined MICS-MCfHR research is the project in which a Discourse Network Analysis-tool is developed for modelling and visualizing the complexity of genocide denial.

The research in this area is covered by the first pillar of the Faculty research programme, Global Justice, and in relation to the digitalization of the criminal trial, to the fifth pillar, Law & Technology.

Research line 2 Additional and alternative responses to criminal justice

This research line focuses on the more existential question: why criminal law? And if so, how should that be constructed?

In criminal policy, the paradigm has shifted to limiting opportunity structures and high-risk situations. At the forefront of this is the use of risk profiles. The main goal is to identify and manage 'unruly', 'dangerous' groups efficiently and to prevent them inflicting harm on others. The strong emphasis on prevention is new and challenging for criminal law. Crime prevention is moreover no longer the sole task of criminal law but increasingly includes strategies of (situational) crime prevention combining criminal, administrative and civil law measures. In the area of situational crime prevention, more and more technological devices are used, such as cameras (CCTV), scanners (drug mules), tags (clothing), information technology (cybercrime) etc. Also in the special areas of public law enforcement, we see increased integration and collaboration between criminal-law authorities and other government departments like regulators and special investigation services. An increase in public-private partnerships in this field can also be observed. The focus of the research activities in this area is on the containment of serious forms of crime (organised and corporate crime) in a national and European context. Contributing to this research line is a significant focus on criminality within places and practices that are not perceived of by society as being criminal. By conducting empirical research and applying structured criminological theory to these 'grey' areas, our work charts the spaces where existing policy does not extend adequately. It also documents emerging forms of crime that falls outside of our existing ideas and criminal justice responses. We are leaders in research into crime within the structures of professional sports and have unparalleled expertise in crimes related to art and cultural heritage. Beyond leading the academic discourse in these, our work has considerable policy influence at a national and international level. In the area of art and cultural heritage, some members of MICS also participate in the Maastricht Centre for Arts and Culture, Conservation and Heritage (MACCH).

The changing paradigm of criminal policy also has consequences for the ways national and international institutions are organised and operate. In this respect, there is a clear link with the pillar of the Faculty research programme *Institutional Transformations*. With respect to advanced technological tools that are being used in containing crime – and the legal consequences thereof – it is clear that in this respect MICS' research is also related to the pillar *Law and Technology*.

The research of MICS is also inspired by the theoretical concept of restorative justice. The latter concept is based upon the premise that conflicts have to be dealt with by the conflict parties themselves by means of mediation or another intervention that fosters dialogue between offender and victim.

Research line 3 International cooperation in criminal matters

The development of crime in an international context poses new challenges with regard to the ways to respond to these crimes. How is criminal policy determined with regard to crimes that affect more than one state by nature? What kind of international cooperation is required in these types of situation? International cooperation is studied at different levels: regional (Euregion Meuse-Rhine), and European (at a bilateral and multilateral level). Of course, a relevant question in this respect is what the consequences are of the interaction between the various systems for living up to the rule of law and respect the rights of the individual. Not only legal aspects are taken into account, but also questions that relate to organisational, logistical and cultural aspects of cross-border cooperation.

Due to the activities in the area of international co-operation, there is a strong link with the cross-border research institute ITEM. It goes without saying that this line of research is particularly related to the pillar of the Faculty research programme on Cross-border cooperation and Mobility.

4.2.8.3. Organisation

As MICS was only recently officially established and almost all members of MICS are affiliated with the department of criminal law and criminology, it was decided to keep the organisational structure as simple and efficient as possible. One of the full-time professors within the department, currently Professor Nelen, serves as the director of the institute. At the beginning of each department meeting, one of the MICS-members is given the opportunity to illuminate his or her research, followed by a short discussion with the other members. Additionally, so-called 'MICS-lunches' are organised each month, during which relevant developments in relation to crime and criminal policy are discussed in an informal setting. Sometimes these lunches are organised together with other institutes (such as METRO, MCfHR, MACCH or ITEM)

The Maastricht Institute for Criminal Sciences combines a legal approach with a social scientific methodology. Lawyers, psychologists and criminologists cooperate in several research projects. In essence, one could say that of all three areas mentioned above there is both a layer of criminological/psychological/forensic related issues and a layer of legal topics. Criminologists, psychologists and lawyers cooperate in multidisciplinary teams. Consequently, both a normative and an empirical approach is applied.

An interesting development is the participation of members of MICS in the new interdisciplinary research institute Maastricht University Science in Court (MSiC). In this interfaculty research institute, the expertise of scholars from the Faculty of Psychology and Neuroscience (FPN), the Faculty of Health, Medicine and Life Sciences (FHML), and the Faculty of Law is clustered and shared.

Eight endowed chairs have been established within MICS that underline both the academic and societal relevance of the research that is conducted within the institute and reveal the strong ties with important stakeholders. These special research positions include: the endowed chair financed by the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR) on terrorism, radicalisation and conspiracy; two chairs financed by, respectively, the Public Prosecution Service and the National association of Criminal Lawyers (NVSA); the chair financed by Restorative Justice the Netherlands; the chair financed by Mondriaan Health Service on Transforensic Psychiatry and the chair financed by the National Forensic Institute (NFI) and National Health Service (GGD) on

forensic medicine. On top of that, two endowed chairs are financed by Maastricht University on Criminal Law and Neurosciences and Neuropsychology and Law.

The members of MICS are also highly involved in a variety of national and international networks. Reference can be made, among other things, to: European Criminal Law Academic Network; Centre for Information and Research on Organised Crime (CIROC); European Association of Psychology and Law (EAPL); International Association of Penal Law; Restorative Justice Netherlands, European Law Institute; International Humanitarian and Criminal Law Platform; The international Investigative Interviewing Research Group; The EU Global Facility on Anti Money Laundering and Countering the Financing of Terrorism.

4.2.8.4. Key publications

Claessen, J., Blad, J., Slump, G. J., van Hoek, A. & de Roos, T. (2017). *Voorstel van Wet strekkende tot de invoering van een herstelgerichte afdoening via bemiddeling in strafzaken in het Wetboek van Strafvordering, inclusief Memorie van Toelichting*. Wolf Legal Publishers.

This publication contains a legislative proposal, to introduce restorative justice provisions into the Dutch Code of Criminal Procedure. The initiative to this Legislative Proposal and its Explanatory Memorandum was taken within the framework of the impending introduction of the new Dutch Code of Criminal Procedure. It was presented to the Minister of Legal Protection Sander Dekker, and to the members of the Permanent Commission for Justice and Security of the Lower Chamber on 27 June 2018. The proposal is incorporated in the 2020 policy framework of the Dutch government on restorative policy-provisions in criminal procedure

Horselenberg, R., de Keijser, J. W., Jelacic, M. & van Koppen, P. (2017). (Eds.), *Routes van het Recht: Over de rechtspsychologie*. Boom Juridisch.

This book underlines the relevance and added-value of the contribution of legal psychologists to the work of MICS. The book contains an overview of the most relevant developments in psychology and law throughout the last century. The book is regarded as a standard work in the field and is used by academic scholars, but also by legal practitioners and law enforcement officials.

Klip, A. (2021). *European Criminal Law. An Integrative Approach* (4th ed.) Intersentia.

This fourth edition explains European criminal law as a multi-level field of law, in which the EU has a normative influence on all criminal proceedings, but also on aspects of substantive criminal law and on the co-operation between Member States. It analyses the contours of the emerging criminal justice system of the EU and presents a coherent picture of the legislation enacted, the case law on EU level and its influence on the national criminal justice systems.

Jonas-van Dijk, J., Claessen, J., Zebel, S. & Nelen, H. (2019). 'Victim-offender mediation and reduced reoffending: Gauging the self-selection bias'. *Crime & Delinquency*.
Doi: 10.1177/001128719854348.

This peer-reviewed article on Victim-offender mediation was accepted for publication by a prestigious journal in the world of criminology. Next to the academic quality of the work, the article reflects the interdisciplinary efforts in the area of restorative justice, as the contribution is built on theoretical notions that play a significant role within criminology, psychology and criminal procedure.

Roef, D., Waltermann, A., Hage, J. & Jelacic, M. (2019) (Eds.), *Law, Science, Rationality*. Eleven International publishing. Maastricht Law Series, Vol. 14.

This book reflects the current interest of some members of MICS to explore the use of neuroscientific evidence in criminal procedure and discuss the meaning of neurological concepts for substantive criminal law. This is also an example of a research line that is being explored in a multidisciplinary way and in co-operation with scholars from other institutes within and outside the Faculty.

Hofmann, R. & Nelen, H. (2020). Cross-border Cooperation in the Execution of Sentences between the Netherlands, Germany and Belgium: An empirical and comparative legal study on the implementation of EU Framework Decisions 2008/909/JHA and 2008/947/JHA. *Crime, Law and Social Change*, 74(4), p. 381-404.

This article in a peer-reviewed journal is one of the spin-offs of the international research project on cross-border execution of criminal sanctions CrossBes that was financed by the European Commission. The publication 'The Sentence is Only the Beginning: Hiccups in the Cross-Border Execution of Judgments in the Euregion Meuse-Rhine' of Keiler and Klip (2021) in the European Journal of Crime, Criminal Law and Criminal Justice is another example of scientific output of this project. CrossBes was a study that aimed at comparing legal activities – both in the books and daily practice – in the execution of sentences within the framework of cross-border cooperation between The Netherlands, Belgium and Germany.

Yates, D., et al. (2019). *Illicit Trade in Cultural Goods in Europe: Characteristics, criminal justice responses and an analysis of the applicability of technologies in the combat against the trade*. Directorate-General for Education, Youth, Sport and Culture, European Commission.

This report, commissioned by the European Commission and met with acclaim by all stakeholders, has become one of the most influential documents towards the development of both policy and criminal justice/policing responses to the transnational illicit trade in cultural objects. It has been foundational both for the direction of subsequent EU funding in this field, and for steering the policy making, public, and academic debate around this issue.

Klip, A., Peristeridou, C. & De Vocht, D. (2019). *Citius, altius, fortius; Sneller, hoger, sterker. Wat we van Engeland en Duitsland kunnen leren in het kader van modernisering strafvordering*. Boom juridisch.

This study is linked up to the first research line of the MICS research program, in that it explores in a comparative way what the choices systems have made in speeding up procedures and digitalising trials and hearings. The challenges are with balancing efficiency with a principle approach.

Loibl, E. (2019). *The Transnational Illegal Adoption Market – A Criminological Study of the German and Dutch Intercountry Adoption Systems*. Maastricht University.

This excellent dissertation was successfully defended on 15 May 2019 and awarded Cum Laude. The societal relevance of the PhD-thesis is underlined by the fact that, among other things, the author was consulted multiple times by the Dutch Committee of Enquiry into Inter-country Adoption.

Sosa, L., Niemi, J. & van der Aa, Suzan (2019), 'Protection Against Violence: The Challenges of Incorporating Human Rights' Standards to Procedural Law', *Human Rights Quarterly*, 41(4), 939-961.

Based on a comparison between the obligations placed on states by human rights instruments to protect victims from domestic violence with national laws and practices regarding protection orders, the authors conclude that national procedural doctrines are not fully in line with demands from human rights law. The high quality of the article is demonstrated by the fact that victim protection is assessed on a multilevel (international human rights, national laws of EU Member States) fashion, involving different legal fields (criminal procedural law, civil procedural law, 'emergency barring order' law). The resulting 'Models of Protection' contribute to theory building in this field. The article was published in *Human Rights Quarterly*, a highly reputable journal in the field of human rights.

4.2.8.5. Key achievements

The Royal Netherlands Academy of Arts and Sciences elected André Klip as a new member in 2016

André Klip is a leading authority in the Netherlands and Europe on international and European criminal law and criminal procedure. He has made a fundamental contribution to the study of European criminal law, an area of research that did not exist twenty years ago and is now flourishing in part thanks to his efforts. Klip has also continued his involvement in legal practice, for example in proceedings before the European Court of Human Rights and the International Criminal Tribunal for the Former Yugoslavia. His seminal work *European Criminal Law* was translated into Chinese: China Legal Publishing House Beijing, 2020.

(欧洲刑事法：以整合为进路)

Twenty PhD-candidates of MICS defended their high quality PhD-manuscripts successfully in the period 2016-2021

The PhDs demonstrate the multidisciplinary character of the institute. In 2017: Leeuw, Vink, van Veldhuizen; 2018: de Zutter, Nieuwkamp, Fidahić; 2019: de Almeida Costa, Pivaty, Adams-Quakenbusch, Dana, Loibl (cum laude). 2020: Benigno Saraiva; Sitompul; Brodersen; Fuente Vilar, Bamps; 2021: Han, Maegherman, Anakwah, van Manen.

The institute has been successful in attracting new PhD-students with internal and external funds

MICS has been successful in obtaining grants for PhD-research from both national as foreign subsidisers. For de Almeida Costa from the Portuguese Fundação para a Ciência e a Tecnologia; For Jonas from the Nederlandse Organisatie voor Wetenschappelijk Onderzoek (NWO); For Sitompul from the Indonesian Endowment Fund for Education LPDP; For Barbosa de Athayde from the Brazilian CAPES-Nuffic, Bolsa de Doutorado Sanduíche; For Qian Lin the EU-China Scholarship Council. For Nurhidayatulloh from the Indonesian Endowment Fund for Education LPDP. During the period 2016-2021, six candidates of MICS succeeded in acquiring a PhD-position via the internal PhD-competition of the Faculty of law at Maastricht University.

MICS was a leading partner in the Erasmus Mundus program The House of Legal Psychology

The House was a unique consortium of the three centres of excellence in Europe on Legal Psychology (University of Gothenburg, University of Portsmouth and Maastricht University). It offered an exceptional educational programme to PhD students in the field of legal psychology. After seven

successful consecutive years, a total of 35 PhDs were delivered of which six defended their PhD-thesis at Maastricht University. The program ended in 2021.

The book *Contemporary Organized Crime; Developments, Challenges and Responses*, edited by Hans Nelen and Dina Siegel, is one of the examples of MICS' participation in relevant networks

This book (the fourth in a series and published by a prestigious international publisher) is the result of a common effort of the Centre for Information and Research on Organized Crime (CIROC). Hans Nelen is the chair of the board of CIROC that consists of organised crime experts who are employed at Maastricht University (UM), Erasmus University Rotterdam (EUR), VU University Amsterdam (VU), Utrecht University (UU) and the Research and Documentation Centre of the Ministry of Justice and Security (WODC). CIROC's mission is to contribute to international co-operation and information sharing about current developments and trends regarding transnational organised crime. The Centre aims at building bridges between organised crime scholars on the one hand, and policy makers and law enforcement officials on the other.

Annotated Leading Cases of International Criminal Tribunals

The series was founded by André Klip in 1999 and is unique its database of the case law of all international criminal tribunals. Currently edited by André Klip and Steven Freeland of the University of Western Sydney. In 2022, volume 73 will be published. The series provides the user both with an online database with the full text of the most important decisions. Distinguished experts in the field of international criminal law have commented the most important decisions of the ICTY, ICTR, The Special Court for Sierra Leone, The International Criminal Tribunal for Timor-Leste and the ICC.

MICS has been successful in obtaining international research grants

In various EU-funded projects, MICS has cooperated closely with other research institutes or courts and prosecutorial offices. Among other things, the following projects can be mentioned:

- Transform: European Research Council Starter Grant for the project of Donna Yates 'Trafficking transformations: objects as agents in transnational criminal networks' (€1.5 million).
- CrossBES: Cross Border Execution of Sentences. Co-operation between the Prosecutorial Service Limburg, Land Nordrhein Westfalen, KULeuven and Maastricht University. Financed by the European Commission.
- [InAbsentiaEAW](#), Research project on European Arrest Warrants issued for the enforcement of sentences after in absentia trials. (with District Court of Amsterdam, Lublin University, National Council for Judiciary Hungary). Financed by the European Commission.
- EmpRise: comparative legal and empirical research on the right to silence and related procedural rights in the context of pre-trial interrogations and beyond (together with Dublin University College, Catholic University Leuven and Antwerp University). Financed by the European Commission.
- [ImprovEAW](#), Research project on problems concerning the form of the European Arrest Warrants. (District Court of Amsterdam, Lublin University, National Council for Judiciary Hungary). Financed by the European Commission.
- DRUGSEMR: crime-analysis in relation to drug related crime in the Euregion Meuse-Rhine (EMR), with particular attention to the role of borders (together with Tilburg University). Financed by Interreg as part of the EMR-EYES-project.

- Netpralat: the project contributed to coherent application of Directives 2010/64/EU, 2012/13/EU, 2013/48/EU by lawyers, by reinforcing skills needed to facilitate detainees' rights in pre-trial proceedings (e.g. cooperation with interpreters). The project also addressed the need for cooperation between EU lawyers by setting up a cross-border network of lawyer training providers, and delivering cross-border trainings for multipliers. Financed by the European Commission.

Consultation and expertise sought by important national and international bodies, governments, and intergovernmental organizations, including the European Commission, the Benelux, the Financial Action Task Force, the World Customs Organisation, UNESCO, the Dutch Ministry of Justice and Security.

The Research and Documentation Centre of the latter Ministry (WODC) has granted six projects in the period 2016-2021: Citius, Altius, Fortius. Modernisation of criminal procedure; Hate crime; Mind the gap, Modernisation of criminal procedure; the consequences for criminal defense lawyers; Corruption and integrity violations in Dutch law enforcement in relation to organized crime; Evaluation of the approach to fight and contain subversive, organised crime (EVAOC); Perception within the police and public prosecution service with regard to reporting procedures of sexual offences; and Quicksan legislation childsexrobots.

Various MICS-members received awards and prizes:

- 2016: Hannah Brodersen won the Biannual Prize for the Most Outstanding Contribution to the European Journal of Crime, Criminal Law and Criminal Justice 2014/2015.
- 2018: Anna Pivaty won the Young Scholar Competition for the best Research Article of the European Journal of Crime, Criminal Law and Criminal Justice.
- 2018: Robert Horselenberg: Mid-career award from the European Association for Psychology and Law.
- 2018: Alejandra de la Fuente Vilar, Best conference paper presentation European Association of Psychology and Law.
- 2019: Peggy ter Vrugt received the prestigious Max van der Stoel-award for her master thesis on children of imprisoned mothers in the Netherlands.
- 2019: The dissertation of Elvira Loibl received an honorable mention in relation to the Moddermanprijs Criminal Sciences 2019 (and was nominated for the Willem Nagelprijs 2022).

The Maastricht Young Academy has elected Donna Yates as a new member.

Pillar Global Justice: EMPRISE – SUPRALAT – NETPRALAT

The Maastricht Institute of Criminal Studies (MICS) is host to a longstanding tradition of research relating to procedural safeguards and legal protection of suspects, especially in the context of police interrogations and the assessment of evidence in court. During the period under review, three externally funded research projects have been conducted on this issue. These projects build on previous research of MICS members in this area, such as the European projects *Suspects in Europe* (2007), *Inside Police Custody* (2014) and the PhD-research of Anna Pivaty, *Criminal Defence at the Police Station: A comparative and Empirical Study* (2019).

The particular strength of the research group is its interdisciplinary composition and its long-standing expertise. Legal scholars (Pivaty, De Vocht, Peristeridou, Ter Vrugt), legal psychologists (Vanderhallen, Sauerland and Horselenberg) and criminologists (Nelen) have succeeded in building a European research network including researchers from Italy, Belgium, England and Wales, Ireland and other countries and in acquiring considerable research funds.

The introduction of the EU Directives on procedural safeguards of suspects led the European Commission to invite research on the implementation and application of the directives in the Member States. Given their proven expertise, the Commission granted the projects to MICS researchers. The projects contribute to understanding how the safeguards introduced by these Directives are currently implemented in different EU Member States. They allowed researchers to increase their research time, to further expand their expertise and to create societal impact.

EMPRISE

The EmpRiSe project (Right to silence and related rights in pre-trial suspects' interrogations in the EU; Legal and empirical study and promoting best practice, 2019-2021) sought to examine issues relating to the implementation, in law and in practice, of the right to silence and other relevant rights, such as the right to a lawyer and the right to information, at the investigative stage in 4 jurisdictions: Belgium, Ireland, Italy and the Netherlands. The research involved legal comparative and empirical studies where suspects, police, prosecutors and judges were interviewed about the right to silence. The study was led by Maastricht University and co-operation with Dublin University College, Catholic University Leuven and Antwerp University.

The project led to numerous publications in both international and national legal journals, for example a Special Issue of the *New Journal of European Criminal Law*. The main results of the project were disseminated at different academic conferences, for example the European Society of Criminology 2021 conference and the SLSA 2021 Conference. The results fuelled the academic debate on the ways to improve the attitudes and practices of actors in the criminal justice system toward the right to silence. MICS researcher Peggy ter Vrugt, who participated in the EmpRise-project as junior-researcher, was awarded a PhD position in the 2021 internal Faculty round. Her PhD-project - on the right to silence for juvenile suspects - builds on the findings of EMPRISE.

The results were also translated in several policy briefs, factsheets and a training – in a train-the-trainer format – for criminal defence lawyers and judges on the right to silence.

SUPRALAT

SUPRALAT (Strengthening the procedural rights of suspects in pre-trial proceedings through practice-oriented training for lawyers, 2015-2017) was also funded by the European Commission. It built on research conducted by members of the team and developed a training programme for lawyers on the day-to-day facilitation of suspect's procedural rights, consisting practitioner training modules and a 'train the trainer' guide. The training had a thematic orientation, practical content and used innovative training methods.

Several conferences were organized, for instance the conference in Ireland bringing together key figures and policymakers from, among others, the Irish Bar, Department of Justice, Attorney General's Office, Policing Authority. The project also resulted in legislative and policy recommendations.

Around 50 lawyers were trained and lawyers from 6 European countries joined efforts to plan replication of SUPRALAT in their own jurisdictions (Czech Republic, Poland, Estonia, Lithuania, Spain and Portugal). The Scottish Law Society and Public Defender Solicitors' Office modelled their own training on safeguarding suspects' rights in pre-trial proceedings directly on the SUPRALAT training.

NETPRALAT

The NETPRALAT (NETworking to strengthen pre-trial procedural rights by PRActice oriented cross-border Lawyers Training) Project, which ran from 2018-2020, capitalised and expanded on the results of the SUPRALAT project in terms of training content and the establishment of a formal cross-border network of lawyer training providers. Cooperation was established with Estonian, French, Lithuanian, Polish and Spanish bars and a film was recorded with the support of the Court of Justice of the EU. New training modules were developed for lawyers to be trained.

The training content of this project was presented during several conferences and seminars, for example the ERA Seminar on Procedural rights in the EU in Lisbon on 27 and 28 February 2020.

4.2.9. Maastricht Montesquieu Institute (MMI)

4.2.9.1. Profile

In 2008 the Maastricht Montesquieu Institute (MMI) was founded as a partner institute of the nationwide Montesquieu Institute, which is a collaboration between five partners: the Centre for political parties of Groningen University, the centre of parliamentary history of RU Nijmegen, the Campus The Hague of Leiden University, and PDC The Hague. The MMI with its focus on constitutional legal aspects collaborates with political scientists (RUG), historians (RUN), public administration (The Hague Campus of UL) and data specialists (PDC) in the MI to study national and European democracy, multi-level governance, parliamentarism and separation of powers and the rule of law. The focus is on conducting research, engage in and feed public debate, contributing with blogs, comments, website and monthly newsletter. The MMI does so in its field of constitutional law, parliamentarism, democracy, rule of law, separation of powers, within the multi-level playing field of modern day constitutional legal orders. These research topics are explored in the MMI often from a comparative perspective, or with a focus on the relationship between the EU and its Member States. The participation within the MI is the MMI's unique strength: the collaboration with the multi-disciplinary partners and the possibility to engage jointly in relevant societal debate in our domain, enhanced by the MMI support through a widely read [website](#), a widely monthly newsletter (De Hofvijver), through blogs posted on the MI site, contributions on the site <www.denederlandsegrondwet.nl>, and books published in the MI-reeks.

The research-topics of MMI align with the teaching obligations and the research interests of its staff. These educational activities steer part of our research output, such as the textbooks and legislative text editions. In that respect, the MMI deems relevant that the two major textbooks (Staatsrecht and Constitutions Compared) and the two legislative text editions (Maastricht Collection and Comparative Constitutional Law Documents) are on our research agenda. Concerning the research output, MMI will, within its focus contribute to conferences and be active in contributing to scholarly journals and edited volumes. Concerning the training of young academics, as far as possible funds will also be used to attract PhD candidates and to enable PhD research, as a means to involve young staff and to breed new talents. Lastly, concerning cooperation, the MMI finds it relevant to remain active within the nationwide Montesquieu Institute, collaborating with other disciplines, remaining active in valorisation and contributing to societal debates about issues of constitutions and constitutionalism. The Montesquieu Institute provides a unique national collaborative platform fostering research and societal impact, with the overarching ambition to grow into a pan-European democracy-oriented institute and thinktank.

4.2.9.2. Research programme

The research focus of the MMI has been on parliamentarism, democracy, rule of law and separation of powers in an EU context and with a focus on comparative law. This focus does not show to be less relevant now than it was in 2008. These topics often come into focus in contemporary events, and the research of the MMI is therefore able to show the connections between longer running trends and current affairs.

MMI research comfortably sits in pillars 1 and 2 of the Faculty of Law Research programme, more specifically pillar 1 issues about Trias Politica, democracy (and as part of it: parliamentary

democracy), rule of law. These issues play out in a field where legal orders interact and where these concepts must be addressed in conjunction, also adding the necessity of approaching quite a few issues in a comparative manner. With its focus on the role of law in organizing political affairs, the MMI research fits perfectly with the Faculty and University themes related to globalisation, Europeanisation and comparative law.

In the period under review, the MMI's participation in the multidisciplinary national Montesquieu Institute (MI) has been strong and connections within the MI have been strengthened and have shown to be very fruitful. Even though government funding of MI has ended, the institute has remained active, allowing for the well appreciated inter-disciplinary collaboration and the execution of joint projects, as well as the publication of books, a well-read monthly electronic journal (*de Hofvijver*) and policy papers. This collaboration with other disciplines has proven to be very useful and productive (as shown by a large variety of books in the Montesquieu reeks) and also relevant for societal debate (the Montesquieu Institute website and *De Hofvijver* as electronic newsletter). This visibility, relevance in national debates and involvement in joint multi-disciplinary collaboration and exchange make the MI an interesting research group, linking collaboration with other partners to the setting in The Hague, adding our constitutional, comparative and vertical multi-level legal input.

MMI researchers have published on issues such as parliamentary investigation (national, comparative and EU), the yellow card mechanism, the role of agencies and judicial review, the impact of European law on national constitutional law, the protection of rule of law and constitutionalism, the European multi-level European human rights landscape, the role of parliaments and related topics, including vertical constitutional issues (European and international law as related to domestic constitutional law) and horizontal aspects (comparing legal systems), in the substantive domains of parliamentarism, rule of law, human rights, separation of powers and democracy.

Current research of MMI focuses, amongst other things, on how climate change mitigation measures affect institutional relations in the EU, how European integration affects the study of Dutch constitutional law from a methodological perspective and how the framework of human rights protection functions in Europe.

The MMI intends to undertake research through relevant scientific publications; to publish for educational purposes; to participate in conferences; and to publish and engage in web discussions and participate in societally relevant and current discussions through the MI website, its policy papers, its book series and monthly newsletter *De Hofvijver*.

The MMI research group will in the coming months and years focus on two major joint projects. These are selected to build and maintain common ground, work on joint projects and consolidate our expertise in longer lasting books. The first is the development of an English language comparative constitutional law casebook. The second is an English language volume about the impact of European law on national constitutional systems: a book with a vertical and horizontal (comparative) nature: analysing our central theme: national constitutional law as impacted by European legal developments (projected finalisation beginning of 2023 as contracted with the publisher). These joint projects also fit in nicely with the courses taught in the master's programmes and the individual research that is presently under way and show the double ambition of research

as scholarly product and activity and as a tool to enhance legal education and ensure that legal education is based on scholarly work.

4.2.9.3. Organisation

Aalt Willem Heringa was director of the MMI in the period under review (2016-2021).

Each month the MMI holds a research meeting during which we have invited speakers or researchers from the MMI who present (parts of) their research and where we also discuss the MMI's future research activities and what is considered to be important, the establishment of joint research work. In 2021, a book club was launched to meet regularly with students and staff to discuss contemporary books in the field of European and national public law. The book club was launched as a tool to maintain contact with students and staff during the corona-pandemic, even when some meetings have been held online. Meetings are held in English or Dutch, depending on the book under discussion and the participation of non-Dutch speaking colleagues.

Organisational MI work is divided between different members of the MMI: one person is responsible for the organisation of the research meetings; one keeps our Facebook page updated; and another makes sure that we are active on Twitter. The organisation of conferences usually concern and involve most of the staff. Responsibilities regarding the participation in the national Montesquieu Institute are also divided among members. These include taking part in the weekly meetings, the editorial team of the monthly journal *Hofvijver*.

The national MI operates on the basis of a weekly video meeting of all partners to discuss current issues and the need for blogs, policy papers, books, strategy and visibility; furthermore a monthly video meeting of the editorial board of *De Hofvijver* sets the content of the monthly issues. In between frequent contacts are maintained about new papers and contributions and the use of social media to communicate our output and points of view.

The MMI consists of a core of constitutional law specialists: in alphabetical order: Dr. Sascha Hardt; Dr. Sejla Imamovic; Dr. Franco Peirone; Dr. Prashant Shabharwal; Dr. Marijn van der Sluis; Dr. Maarten Stremmer; Jana Trifunovic; Dr. Antonia Waltermann and Prof. B. van den Braak. Former members include Dr. Hoai-Thu Nguyen and Prof. Aalt Willem Heringa (now retired), Dr. Sofie Wolff. Five PhD projects were completed in the period under review.

4.2.9.4. Key publications

Peirone, F. (2021) 'The Rule of the Present, Not the Past', *Jus Cogens*, 3, 229-256.
Doi: 10.1007/s42439-021-00045-2

This article explains that, while the rule of law is considered to be an unqualified human good on which there is an international agreement, in concreto, it is supported by legal strands which employ it as a means to their ends. Such interpretations-appropriations of the concept do not respect its own theoretical premises and expectations. The article shows the theoretical work done at the MMI.

Waltermann, A. (2019). *Reconstructing Sovereignty*, Springer.

This book is based upon her PhD obtained in 2016. It is a well written and innovative approach to sovereignty, a concept which was relevant and central to many of the aspects that were studied in the MMI at that time and that also fed into other research output and blogs of the MI.

Heringa, A.W., Verhey, L.F.M. & van der Woude, W. (2022). *Staatsrecht*. (14th fully revised and updated edition), Kluwer.

The MMI has been for a long time involved in this widely used and well-respected major textbook on Dutch constitutional law. This book is on our list because it shows that it is important to be also engaged in major textbooks and because this book has fundamental descriptions and analysis about the aspects of the MI research as described above.

Heringa, A.W. (2021). *Constitutions Compared* (6th edition), Eleven.

This sixth edition is included on this list for the same reason as the book *Staatsrecht*: it is a fundamental textbook in the domain of comparative constitutional law; which is widely used in European law schools, and which uniquely and innovatively relies upon (a combination of) the horizontal comparative approach (approaching constitutional systems) and the vertical focus (considering the interaction between the EU and its impact upon national constitutional law).

Hardt, S., Heringa, A.W. & Waltermann, A. (2018). *Bevrijdende & begrenzendende soevereiniteit*, Boom Juridisch.

This edited volume focuses on another central theme of the MI research: sovereignty as an independent concept but also related to (national) democracy. The edited volume is also indicative as to how the MI sets up research outputs (see also the populism and democracy book and the European and national constitutional law book as planned for 2020 and 2021), that is in the form of joint projects and edited volumes where several staff members join forces and execute a project together.

Imamovic, S. (2022), *The Architecture of Fundamental Rights in the European Union*, Hart Publishing.

This book analyses the new architecture for the protection of fundamental rights in Europe after the entry into force of the Lisbon Treaty. As a starting point, it identifies how the EU has gained a prominent role in promoting and protecting fundamental rights at European level despite the absence of an unlimited mandate to address fundamental rights violations. This new setting affects the traditional relationship between the EU, the ECHR system and the Member States and, in the absence of EU accession to the ECHR, enhances the risk of tensions and conflicts between the case law of the two European Courts.

4.2.9.5. Key achievements

Staatsman Thorbecke Fund project on Populism and Democracy 2018

In the reporting period the award of a Staatsman Thorbecke Fund of the KNAW stands out. This substantial funding enabled Sascha Hardt and Aalt Willem Heringa to conduct a large project on Populism and Democracy, completed in spring 2020, and leading to two books: an edited volume (Sascha Hardt, Aalt Willem Heringa and Hoai Thu Nguyen (eds.), *Populism and Democracy*, Eleven Publishing 2020; and a monograph by Sascha Hardt also forthcoming by Eleven Publishing).

This funding is a recognition of our research quality and expertise. Also, staff is recognised by the media for their expertise in certain domains (specifically after publication of a contribution on the MI site), and also by invitations to participate in events and conferences and to publish in journals. For 2020 quite some publications are expected (Sejla Imamovic, Hoai Thu Nguyen and Sascha Hardt, for instance) for a publication of their invited contribution to a major conference.

Staatsman Thorbecke Fund project constitutional law research methods 2021

Maarten Stremmer has received a grant of almost €200,000 euros from the Statesman Thorbecke Fund of the Royal Netherlands Academy of Arts & Sciences for a four-year research project on constitutional law and the rise of new forms of public power. The project will include the organisation of three symposia, with national and international speakers, and the publication of two volumes and a monograph.

Report for the Ministry of Internal Affairs on constitutional review

Monica Claes, Aalt Willem Heringa, Marijn van der Sluis and Maarten Stremmer were commissioned by the Ministry of Internal Affairs to produce a report in 2021 on constitutional review from a comparative perspective. The report examined the rules and practices regarding constitutional review in Germany, Belgium, France, the United Kingdom, the Scandinavian countries and Sint-Marten, with the purpose of drawing lessons for a possible introduction of constitutional review in the Netherlands. The report was commissioned to support ongoing debates in the Netherlands on the desirability to amend the Dutch constitution.

Constitution fellowship awarded to Dr Hoai Thu Nguyen

Hoai Thu Nguyen was awarded a fellowship funded by Stiftung Mercator. She was furthermore also given a German grant to allow her to do research in the domain of electoral will formation specifically related to social media and IT challenges.

LEAP

Legal Education, Ethics, and Professionalism for the rule of Law (LEAP) – is an institutional collaboration project with Indonesian universities under the Orange Knowledge Programme, funded by the Dutch Ministry of Foreign Affairs and managed by NUFFIC. The grant value is €581.000 (plus co-funding from the Indonesian partners). S. Hardt and AW Heringa act as coordinator and director of this four-year project, in which UM partnered with the Maastricht School of Management (MSM), the Faculty of law at Airlangga University (UNAIR) in Surabaya, and the law faculties of five smaller universities in Eastern Regions of the Indonesian archipelago. The project aims at strengthening legal education in Indonesia through an array of different measures, such as the introduction of PBL in legal teaching, updating educational infrastructure, facilitating legal research, modernizing curricular content (in particular by giving more prominent space to topics around the rule of law, democracy, fundamental rights, as well as professional ethics and integrity in the legal community), training teaching staff, and building sustainable new networks for stakeholders in Indonesian legal education. Until the end of 2022, LEAP continues to provide online and offline staff training to Indonesian legal educators. It has produced numerous outputs and activities (many teaching materials such as course manuals, guide books, seminars and webinars, trainings and training videos, two websites, a new [Indonesian Legal Education Network](#), a mobile phone app, legal database access for Indonesian researchers, as well as a book (Heringa, Hardt, Salman, Ristawati

(eds.), *Legal Education in the 21st Century: Indonesian and International Perspectives*, the Hague: Eleven, 2022 (in print)). LEAP has also further consolidated the collaboration of our Faculty with its counterpart at UNAIR for the long run, through e.g. the creation of a bachelor double degree programme and the joint organization of an upcoming summer school.

4.3. The Research Groups

4.3.1. Institute for Transnational and Euregional cross-border cooperation and Mobility (ITEM)

4.3.1.1. Profile

The Institute for Transnational and Euregional cross-border cooperation and Mobility (ITEM) was founded in 2015 to contribute, through academia, to the development of a well-functioning transnational society with the focus on cross-border economy and labour. ITEM is an initiative of Maastricht University (UM). Partners are the Province of Limburg, the Municipality of Maastricht, Zuyd University of Applied Sciences, NEIMED and the Euregio Meuse-Rhine. Within Maastricht University, ITEM is part of the Faculty of Law and collaborates with researchers from the Faculty of Arts and Social Sciences (FASoS), the School of Business and Economics (SBE) and the School of Governance (MSoG). ITEM accordingly has a multidisciplinary cooperation between other institutions and disciplines and focuses on research on cross-border mobility and cooperation. Furthermore, ITEM commits itself to exchange information with existing border information points and provide information via the ITEM Cross-border Portal on regulations, case law, research and best practices.

Given the multiple disciplines and levels on the theme of cross-border mobility and cooperation, ITEM works with a multidisciplinary approach. The research concentrates on the identification of problems and solutions in cases of transnational and cross border mobility and cooperation. This is done through fundamental research, such as PhD- and post-doc research, as well as applied, small-scale, on-demand contract research to valorise scientific knowledge into practical solutions.

4.3.1.2. Research programme

ITEM's research lines contribute to the overall aim of the Faculty's research programme and more specifically the pillar on *Cross-border Cooperation and Mobility*. While European integration aims to foster cross-border mobility and cooperation, it can also cause challenges that can result in conflicts of legal frameworks or institutions. Cross-border regions can therefore be approached as *living labs* of EU integration. Research within ITEM is greatly concentrated to these regions, and focussed on establishing and improving a cross-border labour market and region to live. Therefore, important cross-border aspects are studied in a multidisciplinary manner. Next to this, cross-border governance is studied, in order to contribute to improving the various forms of cooperation and tools on regional, national, Benelux and European level in order to both foster mobility, the cross-border labour market and European integration and cohesion as a whole.

The multidisciplinary approach of ITEM and the complexity of the problems addressed requires a mixed-method approach, combining different research methods. Over time, ITEM has developed its own methodology in the area of impact assessments, to analyse, measure and deal with border effects of legislation and policy: the ITEM Cross-Border Impact Assessment. By doing so, ITEM is identifying, analysing and trying to solve border obstacles, improving cross-border governance structures as well as offering ex-ante and ex-ante analyses of negative and positive cross-border effects of national and European legislative and policy initiatives. The research is focussed on facilitating and fostering integration in the EU, more specifically on the cross-border level (by favouring mobility) and addressing the negative effects.

Within the theme of transnational and cross-border mobility and cooperation, ITEM has three main research lines:

Research line 1 Problems of EU citizens and their families, employees, welfare agencies and public bodies in transnational and cross-border context

The main focus of this research line is the problems that EU citizens and their families as employees or as self-employed persons, but also welfare agencies and public bodies are facing when working or functioning cross-border. The research deals with the interaction of different national legal systems in a cross-border perspective. Therefore, EU law and its implementation in the member states is studied as well as how EU law and national law can effect cross-border regions and work in particular, such as regarding topics as recognition of qualifications, taxation, social security and pensions.

Research line 2 Transnational migration and integration, including linking immigrants to Limburg

With respect to transnational migration and integration, several research projects aim to explore from theoretical, empirical and multidisciplinary perspectives, how the mobility of people meshes with the (im)mobility of rights and obligations, and, how the mobility of such rights and obligations can be enhanced. Furthermore, from a regional perspective, the Province of Limburg attracts different types of migrant workers and knowledge migrants, most of which originating from Belgium or Germany, but also from elsewhere in Europe and beyond. Their legal positions may differ considerably depending on their status. Therefore, as asylum seekers and refugees, temporary low-skilled workers in the agricultural sector, highly-skilled migrants and students come to this region and have to be integrated in the society, various legal challenges are faced by these different groups while working in the industry or service sector and/or studying at educational establishments like Maastricht University and Zuyd Hogeschool. In this research line, the research is focused on the legal and economic challenges, inclusion and rights of EU citizens and TCN immigrants. Furthermore, it is analysed, which factors contribute to the linking of EU citizens and immigrants with the economic potential to the region of Limburg.

Research line 3 Cross-border cooperation of governments

European integration and cross-border mobility and cooperation cause interactions between various legal orders and disciplines. The various governmental and international levels need to cooperate in order to make cross-border mobility and cooperation work, but also to deal with the major challenges that society is confronted with. This includes also the EU four freedoms, and the functioning of the internal market and the Area of Freedom, Security and Justice. Differences in national legal regulations and systems can however hamper cooperation in the internal market and the Area. In border regions, these challenges are often felt most. In this research line, research is focused on various forms of co-operation between different actors in a multi-level setting, and legal instruments and mechanisms that are developed on national, regional, European and Benelux level, such as the European Cross-border Mechanism, European (or Benelux) Grouping for Territorial Cooperation and Benelux Decisions. It examines how cooperation can be improved in order to foster cross-border mobility and cooperation as well as safe, sustainable and efficient Euregions and European integration.

4.3.1.3. Organisation

The ITEM core activities are guided by the ITEM quadrant model. This model is part of the Business Plan that ITEM has drawn up for the purpose of its sustainability. Each quadrant stands on its own, but should also be seen in relation to each other. The 1st quadrant focuses on the social services that benefit citizens, workers, entrepreneurs, government and politics. The 2nd quadrant concerns demand-driven research assignments and socially oriented research projects. The 3rd quadrant refers to the initiation of education, training and courses. Finally, the fourth quadrant refers to the European and national research grant programmes and research partnerships.

ITEM is a multidisciplinary institute, based in the Faculty of Law but involving also researchers of SBE, FHS and FASoS. In this respect, ITEM is also interdisciplinary within the Faculty of Law, by engaging legal scholars from different disciplines. The researchers are thus ranging from a wide spectrum of departments and research institutes, but in ITEM all researchers focus on cross-border cooperation and mobility.

ITEM's board is formed by the director, Prof. dr. Anouk Bollen-Vandenboorn, and the chair, Prof. dr. Jan Smits. Within ITEM, a distinction can be made between 'Maatschappelijke Pijler' (societal pillar) and 'Wetenschappelijk Pijler' (scientific pillar). While the scientific pillar mainly focuses on fundamental (PhD-)research and includes the UM and external researchers, the day-to-day office takes care of communication, strategic relationship management, dissemination of research results, development of research projects and collaboration, coordination, as well as execution, of commissioned research and border impact assessment. To this end, the bureau maintains close contact with ITEM researchers, international service providers, public authorities and ITEM stakeholders. The executive office implements and coordinates the social translation of ITEM, realising societal impact through scientific knowledge.

The ITEM team builds expertise on cross-border cooperation and mobility, the relevant legal systems and governance, conducting both fundamental and applied research and disseminating its knowledge and research results as broadly as possible via multiple communication channels, reports and symposia.

4.3.1.4. Key publications

Weerepas, M.J.G.A.M. & Commissie Grenswerkers van de Vereniging voor Belastingwetenschap (2017). *Grenswerkers in Europa: Een onderzoek naar fiscale, sociaalverzekerings- en pensioenaspecten van grensoverschrijdend werken*. Kluwer. Geschriften van de Vereniging voor Belastingwetenschap, Vol. 257.

This report deals with the different aspects of taxation, social security and pensions regarding cross-border work. Prof. Weerepas was chair of the committee, that provided 39 recommendations for improvement of cross-border work. The recommendations and the report as a whole is an important contribution to the political level, as the different ministries and members of the parliament took them up. Recommendations as coordination of taxation and social security are taken up in the new *Notitie Fiscaal Verdragsbeleid*.

Büttgen, N., Unfried, M., Schneider, H. & ter Vrugt, P. (2018). *ITEM, 'A Statute for Limburg? Exploring the legal and practical possibilities of interregional cross-border cooperation for the Dutch border province'* Final report – project phase 1, 9 November 2018. Maastricht University.

The report is generated on behalf of the Province of Limburg. The report maps existing instruments that allow regional or local entities in Europe to deviate from legislation in force to solve cross-border problems. More specifically, the report examines possibilities for Limburg and other border provinces to obtain a special mandate from the national government that enables them (legally) to enter into direct contact with sovereign or mandated governments on the other side of the border. By doing so, the report is the blueprint for a border region on how to deal with legal obstacles.

Kortese, L. & Schneider, H. (2018). *Setting up a tri-member state paediatric surgery centre in the Netherlands, Germany and Belgium: The cross-border mobility of paediatric surgeons in the Meuse-Rhine Euregio*. ITEM.

The Maastricht University Medical Centre+ (MUMC+) is cooperating with parties in the Euregio Meuse-Rhine on the establishment of a Euregional Centre for Paediatric Surgery. In this report, ITEM has studied the challenges and possible solutions regarding the education and training of paediatric surgeons in the Netherlands, Belgium and Germany and their mobility between the three countries. The report is the first step in the realisation of the formal establishment of the Centre and is the basis for follow-up research.

Büttgen, N., Unfried, M., Schneider, H. & ter Vrugt, P. (2019). *Inventarisatie grensknelpunten North Sea Port*. Maastricht University.

This study is performed on behalf of the Ministry of Interior Affairs and Kingdom Relations and the Province of Zeeland regarding to the cross-border fusion of the ports of Terneuzen and Gent. The report provides an inventory of bottlenecks for the cross-border port area between the Netherlands and Belgium and a first scientific analysis of possible solutions. The report forms the basis for the current follow-up to solve the obstacles that has been put into place by the Dutch and Flemish governments.

Unfried, M., Kortese, L. & Bollen-Vandenboorn, A.H.H. (2020). 'The bottom-up approach: Experiences with the impact assessment of EU and national legislation in the German, Dutch and Belgian cross-border regions'. In E. Medeiros (Ed.), *Territorial Impact Assessment, Advances in Spatial Science* (pp. 103-121). Springer International Publishing. Advances in Spatial Science Vol. Springer Nature Switzerland AG. Doi: 10.1007/978-3-030-54502-4_6.

In the book *Territorial Impact Assessment*, ITEM has authored a chapter elaborating on its cross-border impact assessment. The book is to date, the only handbook discussing territorial impact assessment approaches. The authors discuss the methodology specifically dedicated to cross-border regions. The methodology is also taken up in the Dutch assessment framework for new policies and legislation.

Buiskool, B-J., van Lakerveld, J., Mertens, P. & Unfried, M. (2021). *The effects of national coronavirus crisis management on cross-border crisis management in the Euregio Meuse-Rhine*. ITEM.

The report deals with the cross-border dimension of the COVID-19 crisis management in the Euregio Meuse-Rhine, dealing with three Member States. The research was performed within the project PANDEMRIC, also involving the competent authorities in crisis management. The report presented

findings and conclusions that currently are under discussion for a further follow-up at the regional political level. Furthermore, it has been included in the Essaybundel of Ministry for Justice and Security.¹

4.3.1.5. Key achievements

ITEM Annual Conference, 2016-2021.

As of 2016, ITEM organises an Annual Conference. This conference is an important occasion to bring together knowledge on cross-border cooperation from different fields and levels. Research results from various ITEM projects are presented and reflections are made on various cross-border cases and initiatives that are undertaken during the year or can be presented as best-practice. Bringing together academics, practice and policymakers at national and European level allows for broad dissemination.

Roadmap & Factsheet for the Recognition of Qualifications for Highly Demanded Professions, 2019.

B-solutions are research projects to tackle legal and administrative border obstacles along EU internal borders, as one of the actions proposed in the Communication 'Boosting growth and cohesion in EU border regions'. The objective of this B-solutions project was to develop roadmaps and factsheets for the recognition procedures of a selection of highly demanded professions in the border region of the Netherlands with Belgium and Germany. These Roadmap & Factsheets have contributed to the work of the Cross-border Information Points and improved the integration of the Euregional labour market.

Grenseffecten, 2016-2021.

With its Cross-border Impact Assessment ITEM has developed a useful and accurate methodology of analysing and testing border effects. In 2017 the cross-border impact assessment is *mentioned as best practice by the European Commission* in the Communication 'Boosting growth and cohesion in EU border regions'. As of 2019, ITEM's methodology for testing border effects is used in policymaking in the Netherlands by the Leidraad Grenseffecten.² As of 2021, it has become a mandatory quality requirement regarding new policies and legislation. By order of the Ministry of Interior Affairs, ITEM has made a guidance document within the obligatory framework for the process of policymaking, the IAK.³ This 'Leidraad' will help Dutch policymakers identifying and assessing border effects before policy becomes law. In the period of 2019-2021, ITEM has received a subsidy and the task to support the Ministry of Interior Affairs regarding border effects. 'Grenseffecten' were addressed as best-practice in the Communication of the European Commission 'EU border regions: living labs of European integration'.

Societal impact: Judgment of the Council of State regarding DigiD, 2019.

In a test case about DigiD for frontier workers, in which ITEM has provided help and expertise, the statements of ITEM has been confirmed by the Administrative Jurisdiction Division of the Council of

¹ <www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/12/23/domeinoverstijgende-herstelopgaven-dg-samenleving-en-covid-19/6.+EssyaBundel+Covid.pdf>

² <www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving/7-wat-zijn-de-gevolgen/76-grenseffecten>.

³ Integraal Afwegingskader, <www.naarhetiak.nl>.

State in ECLI:NL:RVS:2019:4434. The thorough knowledge and analysis of ITEM on Euregional cohesion and European rights and freedoms has been proven.

Dossier 'Working from home by cross-border workers', 2021.

Within the framework of ITEM Cross-border Impact Assessment, the dossier 'Working from home by cross-border workers' was taken up. The dossier concerns the fiscal and social security impact of teleworking in a cross-border context. The dossier had great impact on political level, as the SER has referred and used it in its advice to the government, both parliamentary and provincial questions were asked to the government based on the report, and finally, the report will be included in the development of new policy regarding working from home in a cross-border setting.

ITEM's work regarding COVID-19, 2020-2021.

During the COVID-19 pandemic, ITEM had a central role within the Euregio Meuse-Rhine, a.o. through the PANDEMERIC project and close collaboration with practitioners. Through co-development of tools and overviews information was provided with diverging measures. This has been remarked as good practice in the *Grenzland Coronaverklaring*. Furthermore, ITEM has been analysing COVID-measures on border effects, such as the Dutch Tozo-scheme. These efforts were highly appreciated by citizens.⁴ Finally, many studies were performed by ITEM to the different cross-border aspects of COVID-19. For the Commission, DG JUST, a report on the proportionality of formal and effective obstacles to cross-border mobility has been written and the report on cross-border crisis management has been included by the Ministry of Justice and Security in its *Essaybundel*.

⁴ I&O Research (2021). *Ervaringen Coronamaatregelen in Grensregio Nederland-Noordrijn Westfalen*, <www.rijksoverheid.nl/documenten/rapporten/2021/10/05/studie-io---ervaringen-coronamaatregelen-in-grensregio-nederland-nrw>.

Pillar Cross-border cooperation and mobility: Cross-border workers working from home

During the COVID-19 crisis, working from home as much as possible was recommended or even mandatory. This applied also to cross-border workers. Yet, under prevailing law, working from home can have significant effects on the social security and tax position of cross-border workers. Even before COVID-19, this issue had been researched by MCT and ITEM member Marjon Weerepas and had been addressed in a report of the Vereniging voor Belastingwetenschap directed by her on 'Grenswerkers in Europa – een onderzoek naar fiscale en sociaalverzekerings- en pensioenaspecten van grensoverschrijdend werken' (2017) [Cross-border workers in Europe – a study on tax, social insurance and pension aspects of working across borders]. The report analysed several tax and social security aspects relating to cross-border work, and its recommendation 16 dealt specifically with teleworking in cross-border situations.¹

The issue became even more pressing due to working from home in the context of COVID-19. Since then, both employees and employers want to continue working from home structurally, and policymakers are implementing supporting facilities. Dutch Lower House members Van Weijenbergh (D66) and Smeulders (GroenLinks) submitted a bill Werken waar je wilt in January 2021 to facilitate working from home. The challenges relating to working from home by cross-border workers was taken up in the ITEM Cross-border Impact Assessment of 2021. The research, carried out by ITEM and MCT's Marjon Weerepas with ITEM-researchers Pim Mertens and Martin Unfried, provides a thorough analysis of the possible tax and social security consequences of working from home and assesses these impacts, among others, by standard calculations.² The report lays out the consequences for both employee and employer, and assesses the possible financial consequences for the euregional economy as a whole. The report received both academic and media attention.³ Moreover, the report has been used and mentioned by the SER (Sociaal-Economische Raad) in its advice to the Dutch government on hybrid working.⁴ Both ITEM members Marjon Weerepas and Pim Mertens conducted follow-up research and published academic articles on the issue.⁵

The research results were proactively disseminated and addressed with stakeholders on national levels. ITEM organized several meetings and workshops with the Ministries of Finance, Social Affairs, and Interior, several MPs and other stakeholders. Referring to the report and recommendations, Parliamentary Questions were formulated, where the Secretary of State of Finance answered that it will be used in the development of new future policy regarding working from home by cross-border workers.⁶

The report was used by several other stakeholders such as Provinces and Euregions (e.g., in letters to the Parliament), helped cross-border workers in their search for information, and supported HR professionals including in the University itself.⁷ Based on the report ITEM and MCT researchers contributed to information sessions that provided new complex cases suitable for further research as a spin-off. This research also found its way into other ongoing research (such as the taxation of future (cross-border) pensions & the future of work) and activities (such as conferences) as well as the MCT's related educational programmes.

¹ <www.maastrichtuniversity.nl/news/removing-obstacles-cross-border-workers-how-do-you-do> & <www.maastrichtuniversity.nl/news/report-frontier-workers-europe-leads-proposal-legislative-amendment-minister>.

² M. Weerepas, P. Mertens & M. Unfried, *Impact analysis into the future of working from home for cross-border workers post-COVID-19*, Maastricht: ITEM, 2021.

³ See, for example, the references in Verschueren H. The Application of the Conflict Rules of the European Social Security Coordination to Telework During and After the COVID-19 Pandemic. *European Journal of Social Security*. 2022;24(2):79-94. doi:10.1177/13882627221107042. [43]. <www.grensoverschrijdendwerken.nl/component/k2/vakblad/grenswerkers-na-de-crisis-aanpassing-regelgeving-vereist>.

⁴ <www.ser.nl/-/media/ser/downloads/adviezen/2022/hybride-werken.pdf>, p. 88.

⁵ Mertens, P. (2022). De veelzijdige impact van thuiswerken voor grensarbeiders. *Pensioen Magazine*, 2022(3), 11-15. & Weerepas, M.J.G.A.M. (2021). Grenswerkers na de crisis: aanpassing regelgeving vereist? *Vakblad Grensoverschrijdend Werken*, 2021(43), 3-9.

⁶ <www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2021Z21404&did=2021D50692>.

⁷ The UM Infopoint Cross-border Work cooperates intensively with ITEM.

4.3.2. Law and Tech Lab

4.3.2.1. Profile

The Maastricht Law and Tech Lab (henceforth: the Lab) aspires to be an interdisciplinary research group that produces cutting-edge and innovative research and offers a creative community of researchers, teachers and students at the intersections of law, technology, data science and knowledge engineering. It brings together relevant expertise from different UM institutes.

The field of law and technology constitutes the fifth pillar of the Faculty's overarching research programme Integration of and Interaction between Legal Orders. The digital society begs new questions about how innovative technologies interact with law and justice. Disruptive technology is changing the way in which lawyers work and which and how legal services are offered. Technology and data science can also increase access to law and justice in society. They can assist individuals, organisations, and businesses in understanding their legal position (e.g. legal chat bots), meeting their legal obligations (e.g. smart contracts), safeguarding their legal rights, and preventing and resolving legal disputes (e.g. online mediation). Doing so can increase legal foreseeability and consequently strengthen the (European and global) legal order as well as its legitimacy and empower those who are vulnerable. However, innovative technologies can also pose challenges related to transparency, liability, social equality and fundamental rights. In the same vein, the digital transformation of society through data science and artificial intelligence has also brought about different ethical, legal and social issues on privacy, cybersecurity, intellectual property, and competition law. These issues beg the question of how the digital society and the legal order may interact or be integrated. The development of a digital legal research infrastructure, a part of the Lab's second research line, will moreover contribute to European integration.

The research within the Lab falls squarely within the fifth pillar of the Faculty's research programme, Law and Technology.

4.3.2.2. Research programme

Law and technology research can essentially be divided into Law for Technology (e.g. the regulation of innovation and disruptive technology) and Technology for Law (e.g. legal informatics). These approaches are operationalised in three research lines, which form the core of the Lab's research:

Research line 1 Regulation of disruptive technology

Technological innovations can disrupt society, both in a beneficial and in an undesirable manner. This creates regulatory challenges. Innovation may be desirable in society and could be stimulated through the law (e.g. incentives in tax laws, predictive policing in criminal law). Furthermore, law can impact the design of these technologies, especially to ensure legal compliance 'by design', for example, by including privacy regulation in technology that allows the exchange of health data. The main subject of investigation of this research line is the relationship that law and other regulatory policies should have with technological innovation, and how legal issues related to technology should be regulated by positive law.

The following researchers have been active within this research line: Paolo Balboni, Gijs van Dijck, Caroline Cauffman, Catalina Goanta, Matthias Van Der Haegen, Monika Leszczynska, Ruta Liepina, Marta dos Santos Silva, and Marcel Schaper.

Research line 2 Modelling legal complexity

The legal system is a complex adaptive system of hundreds of thousands of interrelated legal documents such as legal acts, decrees, legislative memoranda, and court decisions. Legal research traditionally relies on human analysis of this legal information. Humans, however, cannot manually analyse big legal data. This creates barriers to access to law and justice: the high complexity of the legal system makes it difficult to understand the rights it grants and the obligations it imposes upon people. Like in physics and bioinformatics, modelling big legal data using computational techniques and quantitative methods can provide an innovative understanding of legal complexity, for example by revealing new insights regarding what predicts the duration of legal procedures, the costs of cases, or what are landmark cases and how the importance of landmark cases increases or decreases over time.

The development of sustainable digital-legal research infrastructure is an important aspect of this pillar. Such infrastructure would benefit the legal and scientific community as a whole, and has the potential to bring together researchers throughout the Netherlands and Europe.

The following researchers are active within this research line: Gijs van Dijck, Caroline Cauffman, Rohan Nanda, Catalina Goanta, Andreea Grigoriu, Jaap Hage, Matthias Van Der Haegen, Ruta Liepina, Marcus Meyer, Roland Moerland, Kody Moodley, Gwen Noteborn, Constanta Rosca, Marcel Schaper, and Jerry Spanakis.

Research line 3 Legal issues of the data economy

Data processing and automated decision-making are components of many innovative technologies in the fast-growing data economy. They are inseparable, because automated systems rely on data processing. These particular elements come with specific ethical, legal, and social issues, such as issues of privacy, data protection, (cyber)security, intellectual property, taxation and competition law. For example, the role and position of both marketeers and consumers in the marketplace is challenged: lines between purchase and licensed use of goods and services becomes blurred due to Internet of Things devices being capable of sending and receiving service provider and user information. The big data environment poses not only challenges related to data collection and processing, but also to transparency, accountability and liability for automated systems. Finally, these systems can pose a threat to various fundamental rights, such as equality and freedom of expression. Understanding the legal issues involved requires an in-depth understanding of the functioning of data economy and the specific technology in question.

In this line of research, there is frequent collaboration with researchers from the Maastricht European Centre on Privacy and Cybersecurity as well as with Maastricht University's Institute of Data Science (IDS) and Department of Knowledge Engineering (DKE). Dual positions have been established with both IDS and DKE.

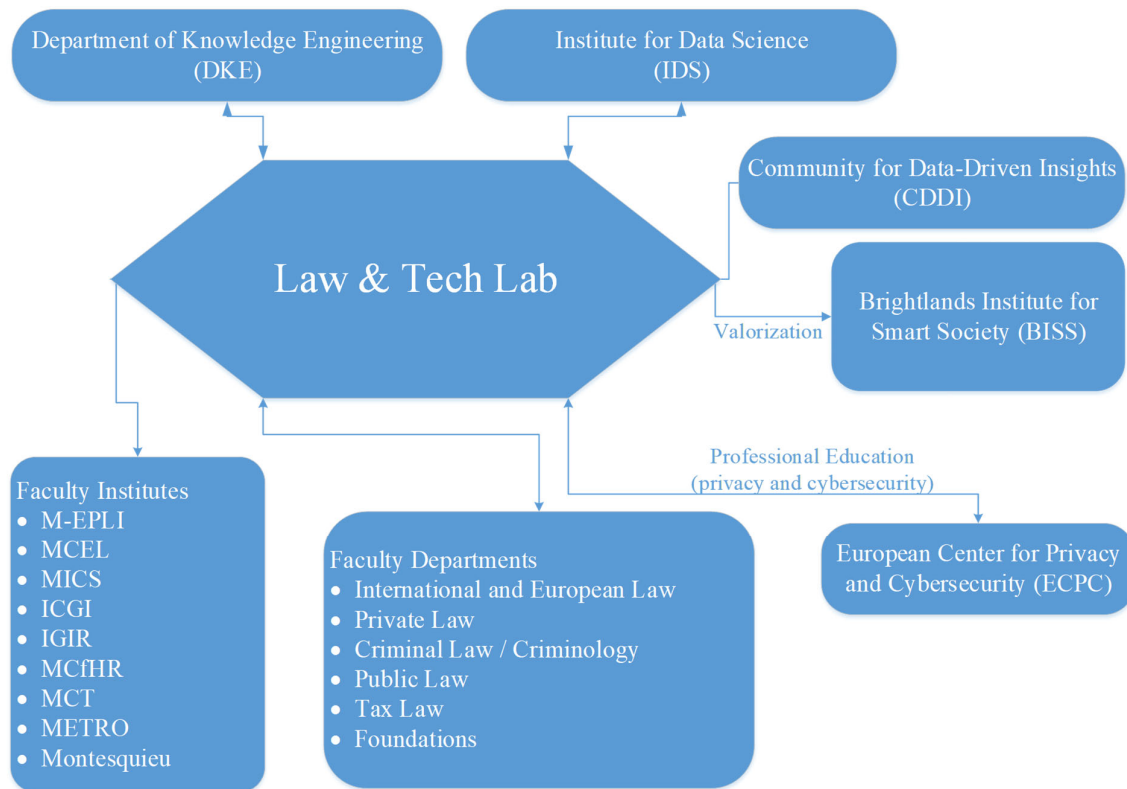
The following researchers are active within this research line: Paolo Balboni, Maja Brkan, Caroline Cauffman, Sjef van Erp, Catalina Goanta, Hoai-Thu Nguyen, Karolina Podstawa, Marta dos Santos Silva, and Jerry Spanakis.

4.3.2.3. Organisation

Ideas for the Lab were first discussed in 2017 and materialised in the fall of 2018, when the Faculty Board attached its seal of approval to its founding. As such, the Lab is a young research group within the Faculty. The year 2019 saw a sharp increase in size of the Lab and scope of its research, after the Faculty board selected the Lab as the new research group in the context of the sectorplan under the theme 'Digital legal studies'. The Lab received substantial funding for the period 2019-2024 for the Digital Legal Studies partition of the Sectorplan.

The Lab is a collaborative research group that brings together legal and computer science expertise within the Faculty. Law and Technology is a pervasive field of law that does not fit the traditional scholarly boundaries, such as private law vs. public law or private law vs. criminal law. As such, the Lab is a fruitful meeting place for researchers belonging to the different departments and institutes within the Faculty. Moreover, the Lab forms a bridge between the Faculty of Law and expertise centres at Maastricht University with data science expertise (Figure 2).

Figure 2: Organisational Embedding of the Lab



The Lab is headed by prof. Gijs van Dijck. Responsibilities are shared with and distributed among the (full-time) members. Joint appointments (Spanakis – DKE; Nanda – IDS) ensure a strong computer science backbone as well as structural collaborations, and are therefore essential for fruitful interdisciplinary research. The joint appointees serve as brokers between the legal community and the computer science community, allowing collaborations beyond the computer scientists that are members of the Lab. Furthermore, the *Brightlands Institute for Smart Society* (BISS), UM's valorisation platform for data science activities (in which prof. Gijs van Dijck is one of the principal

investigators), serves as an additional vehicle to involve industry, organisations, and societal stakeholders in research activities. UM's *Community for Data-Driven Insights* (CDDI), which focuses on data science infrastructure, expertise, and service within UM and in which prof. van Dijck and Dr Spanakis are involved, further illustrates that the Lab is an important stakeholder at the university level.

4.3.2.4. Key publications

Cauffman, C. & Goanta, C. (2021). A New Order: The Digital Services Act and Consumer Protection. *European Journal of Risk Regulation*, 12(4), 758-774. Doi: 10.1017/err.2021.8.

On 16 December 2020, the European Commission delivered on the plans proposed in the European Digital Strategy by publishing two proposals related to the governance of digital services in the European Union: the Digital Services Act (DSA) and the Digital Markets Act (DMA). The much-awaited regulatory reform is often mentioned in the context of content moderation and freedom of expression, market power and competition. It is, however, important to bear in mind the contractual nature of the relationship between users and platforms and the additional contracts concluded on the platform between the users, in particular traders and consumers. Moreover, the monetisation offered by digital platforms has led to new dynamics and economic interests. This paper explores the reform proposed by the European Commission by means of the DSA by touching upon four main themes that will be addressed from the perspective of consumer protection: (1) the internal coherence of European Union law; (2) intermediary liability; (3) the outsourcing of solutions to private parties; and (4) digital enforcement.

Bauer, T., Devrim, E., Glazunov, M., Jaramillo, W.L., Mohan, B. & Spanakis, G. (2020). #MeTooMaastricht: Building a chatbot to assist survivors of sexual harassment. In P. Cellier & K. Driessens (Eds.), *Machine Learning and Knowledge Discovery in Databases: ECML PKDD 2019. Communications in Computer and Information Science* (pp. 503-521). Springer International Publishing. Communications in Computer and Information Science Vol. 1167. Doi: 10.1007/978-3-030-43823-4_41.

Inspired by the recent social movement of #MeToo, we are building a chatbot to assist survivors of sexual harassment cases (designed for the city of Maastricht but can easily be extended). The motivation behind this work is twofold: properly assist survivors of such events by directing them to appropriate institutions that can offer them help and increase the incident documentation so as to gather more data about harassment cases which are currently under reported. We break down the problem into three data science/machine learning components: harassment type identification (treated as a classification problem), spatio-temporal information extraction (treated as Named Entity Recognition problem) and dialogue with the users (treated as a slot-filling based chatbot). We are able to achieve a success rate of more than 98% for the identification of a harassment-or-not case and around 80% for the specific type harassment identification. Locations and dates are identified with more than 90% accuracy and time occurrences prove more challenging with almost 80%. Finally, initial validation of the chatbot shows great potential for the further development and deployment of such a beneficial for the whole society tool.

Rosca, C., Covrig, B., Goanta, C., van Dijck, G. & Spanakis, G. (2020). [Return of the AI: An analysis of legal research on Artificial Intelligence using topic modeling](#). In N. Aletras, I. Androutsopoulos, L. Barrett, A. Meyers & D. Preotjiuc-Pietro (Eds.), *Proceedings of the Natural Legal Language Processing Workshop 2020* (pp. 3-10). CEUR-WS.org.

AI research finds itself in the third boom of its history, and in recent years, AI-related themes have gained considerable popularity in new disciplines, such as law. This paper explores what legal research on AI constitutes of and how it has evolved, while addressing the issues of information retrieval and research duplication. Using Latent Dirichlet Allocation (LDA) topic modeling on a dataset of 3931 journal articles, we explore three questions: (a) Which topics within legal research on AI can be distinguished? (b) When were these topics addressed? and (c) Can similar papers be detected? The topic modeling results in a total of 32 meaningful topics. Additionally, it is found that legal research on AI drastically increased as of 2016, with topics becoming more granular and diverse over time. Finally, a comparison of the similarity assessments produced by the algorithm and a human expert suggest that the assessments often coincide. The results provide insights into how a legal research on AI has evolved over time, and support for the development of machine learning and information retrieval tools like LDA that assist in structuring large document collections and identifying relevant articles.

Meyer, M. & Biermeyer, T. (2020). *Cross-border Corporate Mobility in the EU: Empirical Findings 2020* (Edition 1). Institute for Transnational and Euregional cross border cooperation and mobility.

This report on cross-border mobility in the European Union focuses on cross-border mergers, cross-border conversions, cross-border divisions as well as on SEs within the period of 2007 to 2020.

Moodley, K., Hernández Serrano, P., Zaveri, A., Schaper, M., Dumontier, M. & van Dijck, G. (2020). The Case for a Linked Data Research Engine for Legal Scholars. *European Journal of Risk Regulation*, 11(1), 70-93. Doi: 10.1017/err.2019.51.

This contribution explores the application of data science and artificial intelligence to legal research, more specifically an element that has not received much attention: the research infrastructure required to make such analysis possible. In recent years, EU law has become increasingly digitised and published in online databases such as EUR-Lex and HUDOC. However, the main barrier inhibiting legal scholars from analysing this information is lack of training in data analytics. Legal analytics software can mitigate this problem to an extent. However, current systems are dominated by the commercial sector. In addition, most systems focus on search of legal information but do not facilitate advanced visualisation and analytics. Finally, free to use systems that do provide such features are either too complex to use for general legal scholars, or are not rich enough in their analytics tools. In this paper, we motivate the case for building a software platform that addresses these limitations. Such software can provide a powerful platform for visualising and exploring connections and correlations in EU case law, helping to unravel the 'DNA' behind EU legal systems. It will also serve to train researchers and students in schools and universities to analyse legal information using state-of-the-art methods in data science, without requiring technical proficiency in the underlying methods. We also suggest that the software should be powered by a data infrastructure and management paradigm following the seminal FAIR (Findable, Accessible, Interoperable and Reusable) principles.

Van Kuppevelt, D., van Dijck, G. & Schaper, M. (2020). Purposes and challenges of legal network analysis on case law. In R. Whalen (Ed.), *Computational legal studies: The promise and challenge of data-driven legal research* (pp. 265-292). Edward Elgar Publishing. Elgar Studies in Legal Research Methods.

Legal Network Analysis (LNA) studies predominantly focus on citation analysis. LNA has served various purposes, including determining the relevance of court decisions in terms of them being precedents, to explore how the relevance changed over time, and to examine which cases are similar based on their proximity in the citation network (community detection). LNA researchers have relied on various network analysis measures when answering their research questions. This raises the question which approaches can or should be used in order for LNA to produce meaningful results. Focusing on case law, this contribution discusses the purposes and challenges of LNA. More specifically, it will be shown that LNA lacks a proper reference point for evaluating the results and that, as a result, a methodology needs to be developed in order to produce results that are valid. Four specific aspects are subsequently explored more in-depth: (1) how to select sub-networks, (2) which community detection method to select, (3) estimating the probability that the network and its relationships as observed in the data did not occur by chance, and (4) which centrality measure to select to determine the extent to which a decision is a precedent. By examining these purposes and challenges, we aim to develop a research agenda for conducting LNA. Possible avenues for future research are discussed.

4.3.2.5. Key achievements

The Lab was founded in 2018. It has, however, been able to produce a considerable output in its limited existence. The main achievements for the 2019-2022 period are listed below.

Establishment of an Interdisciplinary Research Group

The Faculty is proud of the opportunity to have created a truly interdisciplinary research group. The resources have been used to bring together researchers with legal and technical (computational) backgrounds and to have the researchers share insights and work together at the intersection of legal, empirical, and computational research. The research group is unique in its composition and size, but also comes with challenges as it takes time to understand and master the 'language' of another discipline. Nevertheless, the Lab's achievements offer a healthy mix of individual and joint contributions. It highly values team science, where the expertise of individual members is combined, with the whole being greater than the sum of the individual parts. Team science activities are reflected in the projects conducted as well as in the publications, with authorship and the order of authors being determined based on each member's substantive contribution.

Case Law Explorer

Researchers have been working on datasets and methods and techniques that not only benefit the research group itself, but the discipline as a whole. A striking example is Case Law Explorer, software that has been developed to allow researchers to query court judgements and which also allows non-technical users to perform network analyses to trace relevant (central) precedents in a large number of judgements. Drawing on its expertise in network analysis, the Lab wished to employ network analysis for students and researchers with little or no expertise in this field. The ambition was to embed network analysis of case law in a 2D environment, allowing students and researchers to explore case law from a fundamentally different angle. This project fits the research pillar on

modelling legal complexity. It exemplifies the ambition of the Lab to combine cutting-edge (legal) research with innovative education. See Figures 3 and 4 for an impression. The software is currently deployed at <<https://dev.d11iy22xsphp3a.amplifyapp.com/>>.

Figure 3: Search Interface

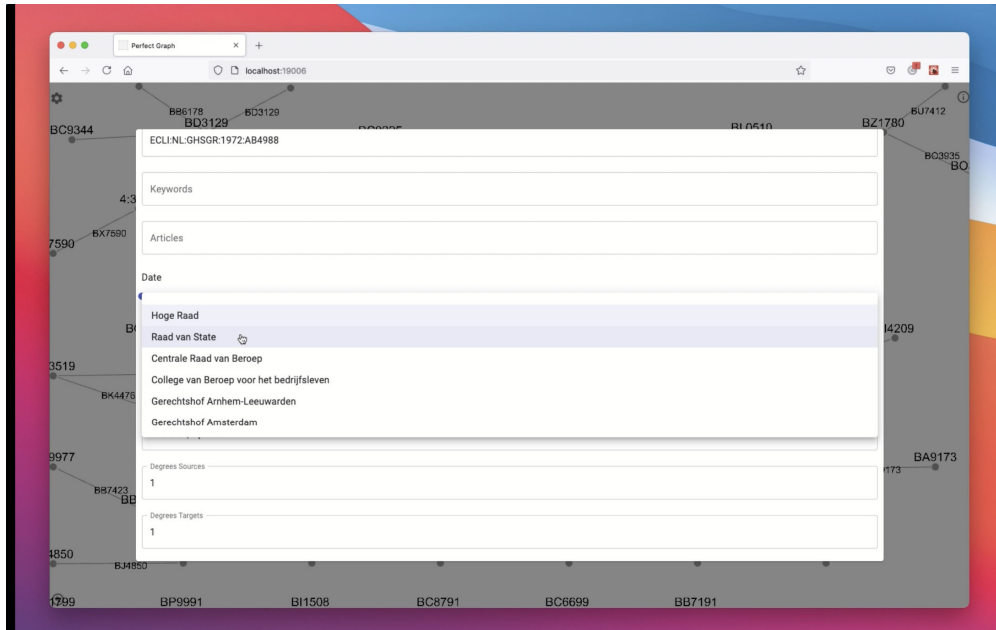


Figure 4: Visualization of citation network



The project is supported by a €128,700 Surf grant (2020-2022), which carries the project title ‘Web of Law’.

Annotation Platform (2022-2025)

At the end of 2022, the LAWNOTATION received funding for an amount of €598.633,60 for three years. LAWNOTATION is an initiative of the Digital Legal Studies cluster in the Sectorplan Social Sciences and Humanities (SSH) – Rechtsgeleerdheid and other Dutch universities that are collaboratively working on questions related to the digitalisation of law. The legal research community lacks the availability of data, tools, and platforms that allow for the computational

analysis of legal data. This project aims to develop an infrastructure that enables SSH researchers to systematically analyze legal documents such as legislation and court decisions.

The proposed infrastructure will offer the following functionalities:

- Access to and sharing of data – making legal data and annotation schemes (current and future) accessible for annotation and analysis purposes.
- Annotation platform – developing and offering annotation software and schemas in order to analyze the linguistic and legal characteristics of legal documents.
- Interface – access to data, the annotation schemes, and the annotation software will be offered through a user-friendly interface.

A team of developers will work closely together with SSH researchers on the improved access to legal materials, which will benefit SSH researchers as well as society as a whole.

Flying Forward (2020-2023)

A €299,015.42 research grant was awarded for the Lab. Flying Forward 2020 (FF2020) is a three-year collaborative research project that will develop a new Urban Air Mobility (UAM) ecosystem aligned with the Digital Government Transformation (DGT) of countries in Europe that focus on incorporating Urban Air Mobility within the spatial data infrastructure of cities. Building and incorporating all related data from UAM infrastructures and operations within the digital infrastructure of cities will allow helping society to fly forward in a safe, secure and effective way to make life easier, cheaper and provide more opportunities by getting products faster and more efficiently within cities in Europe. FF2020 offers an entire state-of-the-art spatial UAM ecosystem which includes a governance model and framework (interoperable and scalable); regulatory framework (machine readable and executable); geospatial digital infrastructure (technology agnostic digital toolbox); Identity of Things Scheme (identity framework for operators, drones and authorities); and interoperability frameworks (technical, semantic, legal, policy and organisational) – which fully comply with existing EU-regulation and yet challenges these regulations by providing new insights. The Lab's activities consist of making rules machine-readable.

Catch Me If You Can: Mapping EU Company Mobility & Abuse-Detection (2020-2021)

A NWA Idea Generator (NWA-IDG) grant worth €48,528.70 allowed constructing a Knowledge Graph to serve as an information resource about Cross-border Company Mobility in the EU. The project's aim was to provide oversight of EU company behavior to detect possible abuses of EU company law.

Using AI for consumer protection – creating AI based persona for mystery shopping (2020-2021)

In the age of big data, personalisation of the user's experience is the norm. The personalisation of content is beneficial to consumers when it helps them to quickly find products and services they are looking for. However, profiling-based personalisation facilitates manipulative techniques that are often discriminatory and infringe on the rights of consumers. Surfing the internet under a fake identity (an AI-based persona) would allow researchers and consumer authorities to discover online personalisation techniques that use prohibited criteria for targeting consumers. It may also reveal techniques that decrease the ability of consumers to make informed decisions and therefore should be prohibited. However, the question is: How can you develop efficient artificial intelligence techniques to 'trick the trackers' while respecting all legal and ethical rules? This project, funded by

means of a NWA Idea Generator (NWA-IDG) grant worth €60,000, involved a feasibility study for an AI-based tool that automatically generates personas and carries out online mystery shopping. The project has academic value as well as potential for creating value for policy developers and law enforcement in the areas of consumer protection and non-discrimination law.

ERASMUS+ grant for the project Legal Reasoning and Cognitive Science (RECOGNISE) (2020-2023).

An ERASMUS+ award of €98,598 for the project Legal Reasoning and Cognitive Science (RECOGNISE) 2020-2023 will be used to analyze and create training materials on the topics of legal reasoning, cognitive science, defeasible reasoning, and artificial intelligence designed for junior legal researchers and practitioners. The project creates a new consortium between Maastricht University, University of Bologna, University of Palermo, University of Alicante, Jagiellonian University, and University of Ljubljana.

Consumer IT/AI tools (2019-2020)

The Lab was awarded tender of 60,000 Euro by the European Commission on Consumer IT/AI tools in 2019. Consumer authorities are searching for AI and IT tools to detect consumer law infringements and to discover new unfair practices that require regulation. This study shows that relatively few tools exist that are ready to use for monitoring infringements of consumer law. Moreover, the tools that are technically the most advanced do not have a user interface, so that sound programming skills are required to use it. In addition, a number of tools provide lists of suspicious cases that can guide authorities in deciding on cases that require further investigation.

Pillar Law and Technology: Case Law Explorer

Since 2017 Gijs van Dijck, one of the founders of the Law & Tech Lab, worked together with the *Netherlands eScience Center* - an independent foundation established by NWO and SURF which creates innovative software solutions in academic research - on a software prototype that leverages citations from and to court decisions to identify precedents. At that moment, some studies had suggested that the application of network analysis allows discovering new insights for research questions such as: what are, for a given topic, relevant sub-topics and the most relevant precedents within each sub-topics? The number of studies, however, were scarce because (1) the lack of data that is sufficiently processed for network analysis purposes, and (2) the lack of software that allows querying and visualizing the data.

In the Law and Tech Lab a team of researchers and developers with a legal and computer science background from different organizational units were brought together for developing the software platform.¹ The platform is available open source and, as long as costs permit, for free for any researcher. Also, the Dutch Police and Prosecution (OM) has expressed interest in using the tooling. Workshops have been organized for the Court of Limburg (Rechtbank Limburg), the Dutch Police and Prosecution, along with several researchers and research groups, including those from the VU, EUR, RU, UL, and UM. Law students in the first year of the Dutch law program (Rechtsgeleerdheid) have been using the tooling as well.

Van Kuppevelt, a Netherlands eScience Center engineer, together with Van Dijck and Schaper (Law&Tech Lab), applied the network analysis tooling to find structures in case law. In one [study](#), sub-topics of employer's liability pursuant to Article 7:658 and Article 7:611 of the Dutch Civil Code were identified (eg causality / evidence, statute of limitations, scope of duty of care). For each cluster (sub-topic), it was determined which court decisions had the most precedent value. In a different [publication](#), it was also found that the number of citations grows faster than the number of cases, which means that the network becomes 'denser' over time, suggesting that case law becomes more complex over time. The articles are the first to trace sub-topics and precedents for a private law theme using network analysis.

Moreover, van Dijck, together with a law student, applied network analysis to discover precedents that have gone undetected and to debunk assumptions in the literature. [There](#), it is argued that the CBB/JPO case of the Dutch Supreme Court is the leading judgment in cases of precontractual negotiations, rather than the Plas/Valburg decision. A network analysis shows that Plas/Valburg was cited less often, but still regularly, after CBB/JPO was rendered. A closer inspection revealed that one group of judgments stipulated unacceptable termination as a condition for liability, whereas another group of judgments did not stipulate this. Plas/Valburg was particularly cited in the latter group of judgments. The lower court cases were further inspected to find explanations for this. The network analysis demonstrated that the assumption that the Plas/Valburg decision was 'dead' after the CBB/JPO decision was rendered, does not hold.

The collaborations have continued as part of the Sectorplan, partly in adding the case law of the *Court of Justice of the European Union* and of the *European Court of Human Rights*, partly by applying the tooling in different projects, such as the *Flying Forward 2020* project (a Horizon 2020 project), where the (modified) tool is used to automatically identify relevant drone legislation on the EU level. Furthermore, the Case Law Explorer project has inspired Gustavo Arosemena (MCfHR), Anke Moerland (IGIR) and Gijs van Dijck (Law&Tech Lab) to start drafting a textbook for legal network analysis in law, which uses experiences and illustrations of Case Law Explorer, and to create an international community of network analysis in law researchers that will organize events.

The Faculty policy has been crucial for the project and for related activities. By choosing to focus on 'Technology for Law' in the Digital Legal Studies cluster in the Sectorplan Rechtsgeleerdheid, funding was made available to bring together legal researchers and computer scientists in a structural manner. The Faculty has supported the technology for law approach by sponsoring three postdoc/assistant professor positions with its own means. The 0.15fte research

¹ The team consisted of: dr. Schaper, Hanrieder, Lieverse, prof. Dumontier, dr. Moodley, Hernandez Serrano, Saba, dr. Noteborn, and prof. Van Dijck.

expansion proved crucial in adding legal researchers (Gustavo Arosemena and Anke Moerland in particular) from other research institutes to the research group. The strategic collaboration with the *Brightlands Institute for Smart Society* (BISS), the valorization platform for AI- and data-related activities of UM and in which Gijs van Dijck is a PI, has allowed for bringing together engineers and developers to the project, which in turn has led to additional projects and funding, for instance a project called LAWNOTATION, which develops an annotation platform for legal data.

4.3.3. Globalisation and Law Network (GLaw-Net)

4.3.3.1. Profile

The Globalization and Law Network (GLaw-Net) aims to analyse how globalization is challenging the potential of the law to regulate, protect and solve disputes.

GLaw-Net departs from the observation that the process of globalization brings about a number of challenges in the legitimacy of decision-making processes, which are linked to 1) the level of governance (local, regional and international) in which policy-making and the implementation of norms taken place; 2) the types of instruments of regulation which are being used; and 3) the type of actors involved in regulation.

With complexity in the level of governance, one should understand phenomena such as the phenomenon of global standards entering the EU legal system, the Free Trade Agreements concluded between the EU and several third countries, international treaties on tackling and preventing crime, the various mechanisms of cooperation between EU authorities and national authorities in the implementation of EU law, or the regulation of internet governance and data flows. Often, this form of complexity comes with a varying degree of transnationality, i.e. the capacity of a norm to be applied and/or enforced outside the territory of the authority which issued it.

Complexity in the form of instruments can be seen both from the perspective of regulatory mechanisms which depart from traditional 'command-and-control' forms of governance towards 'soft' governance and market-based instruments, and from that of the progressive increase of regulatory setups combining different fields of law (private, administrative and criminal law) to achieve (global) policy goals, such as fair market competition, security or crime and harm prevention.

Complexity in the type of actors refers to mechanisms whereby regulatory tasks are (partially) delegated to third parties, as is the case with technical standards, civil and criminal justice functions, tasks linked harm reduction, risk management as well as harm and risk prevention, as well as code of conducts and other self-regulation mechanisms (such as certification).

4.3.3.2. Research programme

GLaw-Net aims to develop two research lines.

Research line 1: Given the complexities in governance levels, instruments, and actors, how can and should a sufficient degree of legitimacy in regulation be ensured?

The research conducted to under this research line examines the possible need to re-think the traditional notion of legitimacy, and thereby, the corresponding justifications for state intervention due to the need to tackle (global) risks. Under this first research, relevant issues that are analysed are, for example, what procedural guarantees should soft law-making respect or to which requirements and conditions should private parties (such as global regulators) adhere when they exercise public functions, e.g. in terms of transparency and representativeness, but also how different legal principles are able tackle the challenges of globalization and how the action of private actors can be best controlled. Research is furthermore conducted into the legitimacy of specific

regulatory instruments, such as mutual recognition and regulatory cooperation between the EU and third countries (and the role civil society plays therein), and the use of conditionality and soft tools (such as CRS codes) to achieve regulatory goals.

Research line 2: *Given the complexities in governance levels, instruments, and actors, how can and should a sufficient degree of judicial protection and conflict resolution be ensured?*

The research carried out under this research line will lead to a discussion of the possible need to re-think the division of competences between EU and national courts, and between domestic courts themselves, as well as of the forms of control which the courts are able and should exercise to control the actions of private parties when they exercise public functions. Relevant sub-questions are, for example, how private parties get into the reach of law when they operate globally, how checks and balances can be imposed on private actors and agencies that carry out and/or coordinate crime control and risk management functions, what role there is for European and national fundamental rights, or the extent to which codes of conduct and self-regulation mechanisms can be considered enforceable.

Furthermore, under this research question, a relevant question is how courts (or other review bodies) deal and ought to deal with increasingly (technically and scientifically) complex decisions. In this context, sub-questions are, amongst others, what the role of science in court is, whether courts have sufficient access to expert knowledge, what the correct standard of review in these cases is. Another – related – question is the evolving role of the principle of effective judicial protection in EU law and its application by national and European courts.

In addition to specific research projects addressing these two leading research lines, further dedicated research projects are set up to explicate the ontological and epistemological substratum on which the main research questions are premised. Thus, while the general assumption of both research questions is that law may provide answers to the challenges posed by globalization, this is only one side of the coin and the law's constitutive role in enabling, facilitating or even promoting globalization must also be identified. Secondly, the research questions are premised on the understanding that globalization results in certain complexities. This underscores the need to be able to conceptualize these complexities in order to identify them and to distinguish relevant from less relevant complexities. Finally, since both research questions refer to the notion of actorness, it is also necessary to conceptualize this notion and to operationalize it for the purpose of the sector plan.

The research carried out within GLaw-Net fits within the existing Faculty research programme Integration of and Interaction Between Legal Orders. One of the premises of this programme is the continuing process of economic and political integration taking place in today's society, both at the European and global level and its aim is to study the challenges of this integration and discuss the ways to address its negative effects. This aim links with those of GLaw-Net, whose mission is to carry out research into the ways in which globalization is challenging the traditional functions of the law and how, in a globalizing society, a sufficient degree of legitimacy of decision-making, of protection and effective conflict resolution can be ensured. In particular, the research questions of GLaw-Net are linked to the pillar on *Global Justice*, because of the shared ambition to examine to which extent the process of globalization respects (and ought to respect) the democratic nature and the legitimacy of decision-making processes. The pillar of *Institutional Transformations* is related GLaw-

Net in light of the discussions on the role of instruments, actors and layers of governance in the process of globalization. *Globalising Markets*, the third pillar of the Faculty research programme, has the goals, shared by GLaw-Net, to examine how globalization is shaping the market and what the role of law is (and ought to be) in this regard. The topic of cross-border mobility – which is the object of the fourth pillar – fits with the research goals of GLaw-Net, as the latter aims to explore question of judicial protection and legitimacy of transnational activities, such as crime prevention. The pillar of the Faculty research programme related to law and technology also links to the questions tackled by GLaw-Net, because the latter aims to explore how technology shapes and challenges the process of globalization and how to ensure the legitimacy of public action when technology is employed. Finally, GLaw-Net blends in with the Faculty's approach to study the integration of and interaction between legal orders in a holistic and transdisciplinary manner.

4.3.3.3. Organisation

GLaw-Net is lead by Professor Mariolina Eliantonio as research coordinator. It includes a number of Assistant Professors, PhD and post-doc researchers as well as honorary and associated members. The members belong to various departments and bring in their diverse research interests and expertise. The members comprise both established and senior academics and young scholars, all working with questions linked to the main research lines investigated within GLaw-Net.

4.3.3.4. Key publications

Eliantonio, M., Korkea-aho, E. & Stefan, O. (Eds.) (2021). *EU soft law in the member states: Theoretical findings and empirical evidence*. Hart Publishing

This volume analyses, for the first time in European studies, the impact that non-legally binding material (otherwise known as soft law) has on national courts and administration. The study is founded on empirical work undertaken by the European Network of Soft Law Research (SoLaR) (a Commission-funded Jean Monnet Network), across ten EU Member States, in competition policy, financial regulation, environmental protection and social policy. The book demonstrates that soft law is taken into consideration at the national level and it clarifies the extent to which soft law can have legal and practical effects for individuals and national authorities.

Röttger-Wirtz, S. (2021). *The Interplay of Global Standards and EU Pharmaceutical Regulation: The International Council for Harmonisation*. Hart Publishing.

This monograph, based on a PhD dissertation defended at Maastricht University, analyses and questions the operation and role of global pharmaceutical standard-setting and its impact on EU risk regulation for pharmaceutical products.

Ruiz Fabri, H., Nunes Chaib, A., Venzke, I. & von Bogdandy, A. (Eds.) (2020). *International Judicial Legitimacy: New Voices and Approaches*. Nomos.

The subjects touched in this collection range from a comparison between international organizations and international courts and how they can contribute to democratize international law to assessing the democratic legitimacy of international human rights courts. The collection is dealing with both theoretical and practical questions regarding the legitimacy of international courts and how such problems relate to fundamental problems of our times.

Ganesh, A. (2021). *Rightful Relations with Distant Strangers: Kant, the EU, and the Wider World*. Hart Publishing.

This book provides a philosophical critique of legal relations between the EU and ‘distant strangers’ neither located within, nor citizens of, its Member States. Starting with the EU’s commitment in Articles 3(5) and 21 TEU to advance democracy, human rights, and the rule of law in ‘all its relations with the wider world’, the author examines in detail the salient EU and international legal materials and thereafter critiques them in the light of a theory of just global legal relations derived from Kant’s philosophy of right. In so doing, Ganesh departs from comparable Kantian scholarship on the EU by centering the discussion not around the essay *Toward Perpetual Peace*, but around the *Doctrine of Right*, Kant’s final and comprehensive statement of his general theory of law.

Hofmann, H., Vos, E. & Chamon, M. (Eds.) (2019). *The external dimension of EU bodies and agencies: Law and policy*. Edward Elgar Publishing.

This book addresses important questions about the external actions of the EU’s decentralized agencies and their effects, such as how they should be conceptualized and assessed, and how these agencies can and should be governed in the future. Bringing together pioneering interdisciplinary work from European legal and political scholars, the book combines theory with empirical case studies to explore an underdeveloped field and identify a future research agenda.

Beckers, A. (2020). The invisible networks of global production: Re-imagining the global value chain in legal research, *European Review of Contract Law*. 16(1), p. 95-117.

Reviewing the burgeoning legal scholarship on global value chains to delineate the legal image of the global value chain and then comparing this legal image with images on global production in neighbouring social sciences research, in particular the Global Commodity Chain/Global Value Chain and the Global Production Network approach, this article reveals that legal research strongly aligns with the value chain image, but takes less account of the production-centric network image. The article then outlines a research agenda for legal research that departs from a network perspective on global production. To that end, it proposes that re-imagining the law in a world of global production networks requires a focus in legal research on the legal construction of global production and its infrastructure and a stronger contextualization of governance obligations and liability rules in the light of the issue-specific legal rules that apply to said infrastructure.

4.3.3.5. Key achievements

GLaw-Net started in 2019. Nevertheless, it has been able to produce a considerable output in its limited existence. Moreover, GLaw-Net members had already been working on the core themes prior to joining the research group.

NWO VENI grant for Lilian Tsourdi

Lilian Tsourdi obtained in 2019 an NWO VENI grant for the project ‘Financial Governance: Policy Implementation and Solidarity through EU Funding’, implemented at the Law Faculty/MCEL since September 2019. European Union funding in the field of migration aims at contributing to effective implementation and inter-state solidarity of the EU’s migration policy, but it does not sufficiently achieve those aims. The project uses a combination of legal and empirical analysis in order to offer a better understanding of the conditions for a better use of EU funding mechanisms and will formulate proposals for reform. It will use EU cohesion funding as a comparative benchmark. She

also obtained in 2020 a 'NWO Hestia – Impulse for Refugees in Science' grant which allowed Nasrat Sayed (a refugee scholar) to be associated to her VENI project by means of a research project on EU funding for non-EU countries in the domain of migration man

René Cassin Thesis Prize for Aravind Ganesh

In 2020, Aravind Ganesh was awarded the René Cassin Thesis Prize Prize for the best PhD thesis on human rights. The thesis provides a philosophical critique of legal relations between the EU and 'distant strangers' neither located within, nor citizens of, its Member States. Starting with the EU's commitment in Articles 3(5) and 21 TEU to advance democracy, human rights, and the rule of law in 'all its relations with the wider world', the author examines in detail the salient EU and international legal materials and thereafter critiques them in the light of a theory of just global legal relations derived from Kant's philosophy of right.

Erasmus Research Prize for Matteo Bonelli

In 2020, Matteo Bonelli was awarded the Erasmus Research Prize for his dissertation on titled: 'A Union of Values. Safeguarding Democracy, the Rule of Law and Human Rights in the EU Member States'. At the heart of this research is a legal analysis of the standards of the rule of law and the procedural possibilities available to the EU to protect those standards. The jury was impressed at how Dr. Bonelli kept his line of research clear while political and legal developments occurred in quick succession during the period in which he conducted his research. In the view of the jury, the book was considered 'well written, the conclusions nuanced and the policy recommendations realistic'.

Maastricht – York Partnership Funding for Mariolina Elia Antonio

Mariolina Elia Antonio, together with Kathryn Wright (York University), obtained in 2019 a grant to organize a series of three academic workshops and a stakeholder panel on the constitutional challenges arising from the use of a number of regulatory techniques in the EU, such as soft law, multi-level administrative cooperation, and private regulation. One event on financial regulation has resulted in a special issued of the European Journal of Banking Regulation in 2021 (with Diane Fromage), the second event on competition law will result in an edited collection (with Carlo Colombo) which is currently in the finishing stages and under contract with Hart Publishing (to appear in 2023), and the third event on risk regulation will result in a special issue (with the articles currently under peer review) with the European Journal of Risk Regulation (with Annalisa Volpato) (to appear in 2022). The stakeholder event will take place in December 2022.

Workshops and edited collections on Article 47 of the Charter

In 2021, Mariolina Elia Antonio and Matteo Bonelli, together with Giulia Gentile organised two workshops on the role of Article 47 of the Chapter on the right to an effective remedy in the judicial architecture of the European Union. They each resulted in an edited collection with Hart Publishing. The first workshop and volume explores how the Court of Justice of the European Union has interpreted the Article 47, in selected policy areas, and reflects on the impact of the principle on the EU's constitutional structure. The edited collection will be published in 2022. The second workshop and volume looks at how national courts of selected Member States have used and interpreted Article 47 in the cases on which they adjudicate. The edited collection will be published in 2023.

Workshops on The Netherlands: a forum conveniens for collective redress?

In 2021, a group of renowned experts invited by Prof. Marta Pertegas discussed the (comparative) position of Dutch courts in the settlement of complex private transnational disputes in light of recent Dutch and European legislation. The starting point for this event is the observation that a number of complex multijurisdictional cases find their way to the Dutch courts. Notorious examples of past and pending collective redress cases include the Shell Nigeria (environmental claims), Libor (market manipulation claims), Petrobras (investor claims) and the 'truck cartel' (competition claims) cases.

5. Strategy for the next six years

5.1. SWOT analysis

5.1.1. Strengths

5.1.1.1. A European, Dutch and (Eur-)regional university with a global reach

The Faculty has a clear international and European research profile that distinguishes it from other faculties of law in the Netherlands. Over the past years, the Faculty has further consolidated this profile. It is well aware that many law faculties in the Netherlands also claim to have an international or European outlook, as the Committee Besselink has pointed out. Nevertheless, the numbers show that none of the other law faculties are as internationalised as the Maastricht Faculty of Law, both in terms of staff and students. This is reflected also in the research programme and output. We see this as a strength: in all fields of law, researchers participate in the European and sometimes worldwide academic debate.

The strong international profile of the Faculty and its reputation as an excellent research environment is demonstrated by its capacity to attract excellent young researchers from abroad. Conversely, quite a few young UM law scholars have been appointed professors abroad as well as in the Netherlands. It is also demonstrated by the output of the Faculty, both in terms of academic publications and organisation of conferences.

The geographical location of Maastricht, the excellent reputation of UM researchers and teaching programmes, and the presence in Brussels through the Brussels Campus facilitate connections with European institutions and with researchers abroad.

5.1.1.2. Combination between bottom up and somewhat steering approach

The research agenda is largely determined in the workplace: by the individual researchers, in the institutes and research groups. The Faculty strongly believes that this is the best way to feed academic creativity and foster curiosity-driven research. At the same time, the Faculty is well aware that the bottom-up approach comes at the risk of fragmentation and compartmentalisation, which could result in complacency and have a chilling effect on creativity. Accordingly, the Faculty encourages collaboration across fields of law and institutes and stimulates research initiatives beyond the boundaries of each institute.

The institutes do not only set their own research agenda: together they also contribute to a common Faculty research programme. This, in turn, increases the sense of belonging to the vibrant academic community the Faculty aims to be. The Faculty research programme 'steers rather than commands' and is not meant to impose an exclusive research agenda. Up to 10% of the Faculty's research takes place outside the institutes and research groups. The research programme can be adapted in the circumstances so require.

The ensuing diversity of research strands and the rich variety of methodological approaches to doing research is widely regarded as a strength also by Faculty members themselves.

5.1.1.3. Graduate School and PhD training

The Graduate School has developed into an academic home for PhD researchers, providing not only training, but also a safe space, where they can find support from peers and senior staff involved in the Graduate School. Together with the PhD representatives, the Graduate School aims to offer a dynamic but encouraging environment, where PhD researchers can test their ideas, present their research and receive feedback, but also share their concerns.

The training offered to PhD candidates is hands-on and tailor-made. In addition to the programme offered by the Graduate School, most PhD candidates participate in the Ius Commune Research School or Netherlands Network for Human Rights Research.

The initiatives developed during the period under review (the system of independent reviewers/advisors, the Code of Conduct, peer-to-peer sessions with supervisors, the scrutiny of all PhD proposals by the Science Committee, the introduction of the qualification 'prospective PhD researcher' help to ensure the quality of supervision of PhD projects. These initiatives are in line with the proposed measures in the context of the Sectorplan, which aim to reduce the time PhD's spend on their projects.

5.1.2. Weaknesses

5.1.2.1. Earning power

While the Faculty does regularly attract external funding, especially in the form of tenders and commissioned advice, it believes that it could do better in translating its strong academic quality and reputation in competitive funding (more particularly NWO and ERC).

The Faculty does have a strong track record on MSCA Innovative Training Networks, with four ITN's currently running or recently concluded.

The Faculty is examining, together with the university, how to improve the chances of success in competitive external funding. It is developing a more strategic and efficient funding policy. The new funding advisor, appointed in 2021, is working to create a new grant-writing culture. Two ERC candidates have been invited for the final round in the autumn of 2022 (one StG and one CoG), and several grants for consortia in which researchers of the Faculty participate or take the lead have been awarded in the summer of 2022.

5.1.2.2. Peripheral in the Netherlands and too European?

While the Faculty sees the fact that it is strongly Europeanised and internationalised as a strength, this does come at the price of being less visible in the domestic legal debate and being less visible with national (academic) institutions and the national funding agencies. The geographical location of Maastricht does not help in building close working relationships with e.g. public institutions located in The Hague. The Faculty profits from UM presence in Brussels through the Brussels Campus which facilitates connections with European institutions, but in the Netherlands, the Faculty is sometimes perceived as being overly European in outlook. The Faculty Board has taken this on board in its hiring strategy. The overhaul of the Bachelor Dutch Law has also led the Faculty to invest more in building expertise in the field of Dutch law.

5.1.3. Opportunities

5.1.3.1. Additional funding: Sectorplan and NPO

The Sectorplan has allowed the Faculty to create two new research groups, offering two young professors the opportunity to lead their own team. It has offered young scholars the opportunity to increase their research time and develop their research profiles in the context of these research groups.

One of the research groups, the *Law and Tech Lab*, has allowed the Faculty to develop an entirely novel line of research, bringing together expertise from various institutes, hiring new staff and strengthening the ties with other UM faculties. In this light, a new pillar was added to the Research programme.

The other research group, *GLaw-Net*, gives a new impetus to the Faculty's research on globalisation and law and allows the team to build bridges between legal fields and existing institutes on this common theme. A substantial group of young scholars was given additional research time to invest in this common endeavour, and several assistant professors as well as three PhD researchers were hired.

The NPO funding has been used to alleviate the workload of researchers, as additional lectures have taken over some of their teaching tasks. The NPO funding has also been used to award extension to PhD researchers who have experienced delays in their PhD research related to COVID. The system of COVID extensions for PhD researchers remains in force as long as there are PhD researchers who have been affected by COVID during their trajectory.

5.1.3.2. Vitality: the next generation

The Faculty has attracted quite a number of outstanding young scholars, bringing new energy, research ideas, innovative approaches and methods, and novel ways of doing research to the Faculty. An abundance of innovative research initiatives is constantly being developed. This young generation is quite active in organising seminars, both in Maastricht and in the Brussels Campus and is present also on social media. Several of them have in recent years been successful in attracting competitive research funding, especially from NWO (VENI, MSCA IP and WOTRO), and are preparing for further grant applications.

The Faculty has developed a number of policies to award young scholars more research time. This may allow them to develop their own research profile, organise workshops and publish the outcomes of such initiatives, which may in turn also improve their chances of success in attracting competitive research funding. In any case, it will be beneficial for their individual careers, which will in turn reflect on the reputation of their respective institutes and research groups, and the Faculty as a whole.

5.1.3.3. Recognition and rewards

The nation-wide Recognition and Reward initiative allows the Faculty to further develop and implement its policies allowing for diversification of career paths, specialization and vitalization in line with personal talents and organisational needs. It invites more (explicit) attention for the

functioning of the team rather than the individual and focuses on development in the broadest sense of the word, valuing both vertical career development and horizontal development. It chooses a personalized approach to development and promotion, moving further away from a tendency to 'box-ticking'.

5.1.4. Threats

5.1.4.1. Research time – funding opportunities

One of the main challenges for the Faculty and its researchers will always be the protection of research time. As is characteristic for all law faculties in the Netherlands, staff members have extensive teaching tasks, and especially the younger generation of researchers may struggle to find sufficient research time to further develop their research agenda, build their profile and develop an academic career. Over the past years, the Faculty has invested in additional research time for young scholars, by hiring additional temporary teaching staff, funded from the NPO funding and other Faculty means. Nevertheless, many researchers continue to aspire an increase of their research time.

The strategy on external funding has been revised over the past years, and has become more strategic, with less focus on earning power as a condition for promotion of individual researchers. Yet, research time being sparse and given the competition in the European research area, researchers may still feel the pressure to attract external funding by writing research proposals, causing them to spend less time conducting the actual research.

5.1.4.2. Opportunities for young researchers

The Faculty has been successful in attracting excellent young researchers, often coming from leading universities in Europe and beyond. Many of them are now in tenure track positions. This has proven hugely beneficial for the vitality and quality of the research conducted at the Faculty. Yet, the abundance of young talented researchers comes with a threat: the Faculty simply cannot offer all of them a realistic prospect of developing their academic career to full professorship at UM. This may create competition and tensions among young scholars.

The Faculty does aim to be open and transparent on the application of criteria for promotion, for instance in information sessions between the Faculty Board and the Assistant Professors, and tries to apply them in a consistent manner, for instance, via the Appointments Advisory Committee (BAC).

5.1.4.3. Trust in academia

In the Netherlands, societal trust in science and academia is generally rather high,¹ but at the same time, scientists are increasingly facing threats, harassment and hate speech in response to their media participation and other public appearances. The Faculty strongly supports the zero-tolerance policy in connection with threats and harassment aimed at scientists formulated by UNL and the WetenschapVeilig initiative.

¹ <www.rathenau.nl/en/science-figures/impact/trust-science/public-trust-science>.

The Faculty is also well aware of the tensions that may arise for academic staff between the increasing demands to create societal impact, e.g. by participating in the public debate or advising public bodies, and the requirements of research integrity and ethics. It aims to create awareness in this respect, and fosters an open culture, in which these challenges are openly discussed.

5.2. Research strategy for the coming six years

5.2.1. New research programme: *Dynamics between legal orders*

In 2021-2022 the Faculty has, in an open and collaborative process involving the Science Committee, the directors of institutes and research groups and the research community at large, evaluated the Research Programme that was adopted for the period 2016-2021. A process was then launched to review and update the programme. A writing group, consisting of volunteers and representatives of the institutes and research groups drafted a proposal, which was then discussed in the Science Committee and with the directors of the institutes and was adopted by the Faculty Board.

5.2.2. Academic culture

The Faculty Board aims to continue to foster an open, inclusive and vibrant academic climate, with a strong sense of community, where researchers feel free to develop new ideas and to participate in academic debates. The Faculty Board strongly believes that diversity of staff – in terms of gender, nationality, academic age, disciplinary background, ethnic and cultural background, availability and research interests – enriches the academic debate and that everyone deserves equal opportunities. Much attention will be paid to academic citizenship and to increasing awareness on equality, diversity and inclusion within and outside the university, to stimulating an inclusive, open and safe learning and working environment and to making staff feel welcome.

This will be done in leadership training courses developed at UM, in meetings of the Management Team, in Faculty-wide (zoom) meetings, Faculty events such as the Faculty outing and the Research Festival and of course, on a daily basis in the institutes and research groups, in the departments and in the Faculty at large.

5.2.3. PhD Policy and Training

In 2022, the Faculty hired twelve junior lecturers/PhD researchers in addition to five PhD researchers selected in the internal round. These junior lecturers/PhD researchers have been given a 50% teaching/50% research contract for six years. In the coming years, departments will be able to appoint more junior-lecturers/PhD-researchers. This is an investment in the future of the Faculty, providing opportunities to young scholars, allowing research teams to expand, and supervisors to further develop their research in collaboration with the PhD candidates. It also implies more work in terms of training and supervision and will thus require more training staff in the Graduate School.

The policy aimed at involving external PhD researchers more into the research community, monitoring their progress and involving them more in the training of the Graduate School will further be implemented.

In the coming years, the training programmes offered by the Graduate School and by the Research Schools in which the Faculty participates will be better aligned.

5.2.4. HR Policy: recognition and rewards, clear standards and fair procedures

The Faculty strongly supports the Recognition and Rewards initiative, and is revising its HR policy in this light. The first implementing measures have been taken. The revised policy will include clear descriptions of the diverse career paths available to Faculty staff, and well-defined criteria for appointment and promotion. The procedures will be further refined, and the roles of those involved in decisions over careers – line manager, head of department, Appointments Advisory Committee (*Benoemingsadviescommissie*, BAC), and Faculty Board – will be clearly set out. Leadership courses will be offered to heads of department and other managers, both at the Faculty and at University level, where the Leadership Academy was launched in 2021.

This will be accompanied with an information campaign, to ensure that procedures and standards are well-known and applied in practice.

The Faculty will also step up efforts to ensure that the policy concerning individual research agenda's and development plans is implemented across the Faculty. A dedicated HR-advisor has been appointed in September 2022 to assist researchers in drafting their agenda and heads of department in managing their departments to the benefit of researchers' career paths while taking account of the department's needs in terms of teaching.

The funding advisor will continue to implement the new funding policy, creating a new funding culture. The Reward and Recognition programme and the HR policy have been framed to stimulate members of staff to develop their talents in a tailor-made fashion.

Well-being and mental health remain high on the agenda. The Faculty Board is developing a mental health week. A training will be offered to managers to detect signals of problems relating to mental health. More preventively, the Faculty Board aims to continue to invest in an open and inclusive climate, where there is room for everyone's talent and where academic failure can be discussed.

5.2.5. Open Science

UM endorses the principles of Open Science, offering its academics support to put these principles into practice and make science 'as open as possible, as closed as necessary'. In this way, UM aims to strengthen ties with its communities and improve its relationships on many levels, from regional to international and from citizens to professionals. Open Science can contribute to making science more visible, in the broadest sense of the word.

The Faculty builds on the policy developed at UM level, in close cooperation with the University Library. The UM Open Science Policy includes the policy on FAIR data use, Open Access, Public Engagement, Open Educational Resources (OER) and Open software/hardware. UM is currently stepping up its efforts and is defining new actions.

At the Faculty level, the Board wishes to improve Research Communication, in order to make research conducted at the Faculty more visible to stakeholders, public institutions and the public at large.

More attention will be paid to making publications available in Open Access: where possible, via gold or diamond open access, or otherwise via the green route, making publications available in open access via the repository.

