Internationalization
The Faculty’s policy is to continue exploring options for international cooperation and the institutionalization of international contacts. Incorporating international and European law in legal research is essential in a world of interwoven legal systems. The Faculty board intends to form – or join – European consortiums in key areas, including Insolvency Law, Financial Law, European Private Law, Migration Law, Fundamental Rights and Security-related issues.

Societal relevance
Legal research almost always relates to legal practice and is therefore by its nature of societal relevance. The Faculty cooperates closely with – and also advises – external partners such as law firms and civil-law notary offices, financial organizations, international businesses, courts, government bodies, ministries, NGOs and European organizations.

Publications – academic papers in professional journals and case notes – are written with legal practice in mind. The Centre for Post-academic Legal Education (Centrum for Postacademisch Juridisch Onderwijs, CPO) is the largest and leading provider of post-academic and professional legal education in the Netherlands. Academic publications also provide a solid foundation for legal practice. One aspect of the Faculty’s mission is to make academic research more practice-oriented, for example by preparing best practices, legislative proposals and EU directives.

The Business & Law Research Centre (Prof. Corjo Jansen)
The Business & Law Research Centre – Onderzoekcentrum Onderneming & Recht (OO&R) – involves cooperation between the Faculty and fifteen prominent, mostly international, law firms and Dutch multinationals. OO&R conducts fundamental research in ‘Business and Law’. It also offers a comprehensive Research
The academic mission of the Centre is:
1. to conduct high-quality (national and international) academic research in Business and Law
2. to enhance the understanding of the theories which apply to Business and Law in the light of social, economic, political and financial developments
3. to encourage practicality in academic research, particularly by analysing the fundamental principles and foundations of (business-oriented) private law
4. to explore and initiate applications of academic research (e.g. in the area of national and international rules, regulations, principles and best practices)
5. to educate and supervise Master’s students and young researchers.

The four key research programmes of the Centre are:
1. Business and Patrimonial Law
2. Finance, Security Rights and Insolvency Law
3. Company Law
4. Financial Law

A major theme of the research in all programmes relates to European private law, comparative law and private international law.

The Centre, which was established in 1991, is recognized as a research school by the Royal Academy of Arts and Sciences (KNAW). In 2009, accreditation was renewed. In 2014 the Centre was evaluated according to the Standard Evaluation Protocol by an international Peer Review Committee. The preliminary findings of this committee are very promising and positive. The Centre’s educational programme for gifted students is certified by the Accreditation Organization NVAO.

Research facilities
The Centre houses a collection of books, journals and electronic publications on international and domestic Business Law that is unique in the Netherlands.

Collaboration
The Centre combines academic excellence with the expertise and practical experience of its partners. This unique collaboration has led to cross-fertilization between legal practice and academia. The Centre has regulations, which dictate that all parties involved guarantee academic independence. The following partners participate in OO&R: AEGON, AkzoNobel, Allen & Overy, APG Asset Management, De Brauw Blackstone Westbroek, Clifford Chance, Freshfields Bruckhaus Deringer, Houthoff Buruma, ING Bank, Loyens & Loeff, NautaDutilh, Pels Rijcken & Droogleever Fortuijn, Rabobank Netherlands, Stibbe and Stichting Eumedion.
Within the framework of International Working Groups established by the Centre (e.g. in the fields of financial law, agency and insolvency law), there is structural collaboration with leading academics and practitioners from universities and institutions in over 20 countries. The Centre also plays an active role in various international GO/NGOs (e.g. the IMF, INSOL Europe and the World Bank).

Research results
Private international law is a main research theme at the Centre. Further to the publication of a new textbook on general principles of private international law in 2013, a comprehensive new volume was published this year (in the prominent Asser series on patrimonial law from a private international law perspective). The book also provides an extensive analysis of important company law and insolvency law topics and reviews various European, international and Dutch legal sources. The book, which was published by Prof. Rick Verhagen, Prof. Xandra Kramer (Erasmus University Rotterdam), Sanne van Dongen (LL.M.) and Dr Paul Vonken, provides an important reference source for future European projects in private international law (notably in property, contract and insolvency law).

The Centre has continued to invest in international comparative research across all of its research programmes. Of particular interest are structural research endeavours by International Working Groups in financial and insolvency law. Important research by these groups includes the publication with Oxford University Press of a comprehensive volume on ‘Alternative Investment Funds in Europe’ (edited by Prof. Danny Busch and Prof. Lodewijk van Setten). This book provides a full review of the impact of the controversial European Directive on Alternative Investment Fund Managers, which was adopted after much debate in October 2010 (‘AIFMD’). The AIFMD is intended to be a regulatory response to systemic risks that came to light in the financial crisis and will have a broad and material impact on the manner in which investment managers may operate in future. It will also affect non-retail funds (including hedge funds, private equity funds, real-estate funds and infrastructure funds), which were previously largely unregulated. The AIFMD will have an impact on all funds offered to professional investors based in the EU, potentially severely limiting the range of investments available to EU pension funds, insurance companies and other institutional investors.

Societal impact
The Centre has influenced public debate on a wide variety of topics which are of direct relevance to financial and commercial legal practice. Research projects relating to remuneration of corporate directors and employees, insolvency fraud, corporate rescue and regulation of financial institutions are important examples.

The Centre plays an active role in consultations launched by Dutch and European legislators, for example the response prepared by the Centre in relation to consultations on the Financial Markets Act 2016. Researchers were also involved in deliberations held under the auspices of the Dutch Ministry of Security and Justice on legislative proposals for the enactment of the Business Continuity Acts. The Centre produced a report on ‘Shareholders’ rights in insolvency’ commissioned by the World Bank and the Central Bank of Italy. About thirty researchers at the Centre regularly teach at the CPO.

Future research
A major international research theme in 2015 is related to secured transactions and insolvency law. Expected research will include the third volume of the Oxford International and Comparative Insolvency Law Series on ‘Ranking and priority of creditors’ and preparation of the manuscript of the fourth volume on ‘The treatment of security interests in insolvency’. Research on secured transactions law will also be carried out in a separate project on the origins, historical development and future evolution of secured transactions law in a comparative context. Prominent European scholars will be invited to provide contributions on main topics concerning various forms of proprietary security rights (including pledges, mortgages, enterprise charges and security ownership) and personal security rights (including guarantees and suretyship).

Research related to the global financial crisis will be continued. A major project will be started on the bankruptcy proceedings opened against entities belonging to the Lehman Brothers Group. The collapse of Lehman Brothers in September 2008 sent a shockwave through global financial markets and is often considered to be the defining moment of the crisis. Many issues encountered in the bankruptcy proceedings of Lehman Brothers entities were unprecedented in terms of scope and complexity. Substantial efforts were made to address these issues in the absence of pre-existing public knowledge. The aim of the project is to analyse the main lessons presented by key parties in the proceedings as well as independent third party experts. Another project – on European regulatory reform in the wake of the financial crisis – will address issues related to the European Banking Union with a team of international experts. A book will be published by Oxford University Press on various key aspects of the Union from a legal and economic perspective. The book will draw comparisons with the United States, particularly to assess whether Europe can learn from the US experience, especially as far as bank resolution is concerned.
In 2014, Prof. Carla Sieburgh (Private Law and, in particular, the influences of European Law on national private law) and Prof. Arthur Hartkamp (European Private Law) published two volumes on ‘The influence of EU law on national private law’. These books are part of the Kluwer series ‘Onderneming en Recht’ (81-I and 81-II).

Awards and acknowledgements

• Prof. Corjo Jansen was appointed to the Scientific Advisory Board of the Max Planck Institute for Comparative and International Private Law in Hamburg.
• Tim Elkerbout (LL.M.) was awarded the annual prize of the Dutch Financial Law Association (Vereniging voor Financieel Recht) for his Master’s thesis on ‘The European and Australian short selling regimes’.
• Irene Aronstein (LL.M.), Ingrid Ligteringen (LL.M.) and Sanne van Dongen (LL.M.) were invited for a research period of three months by the Max Planck Institute for Comparative and International Private Law in Hamburg.

Research Centre for State and Law
(Prof. Thomas Mertens)

The Centre for State and Law – Onderzoekcentrum voor Staat en Recht (SteR) – focuses on key issues and basic principles of public law. Its researchers critically analyse national, European and international developments in constitutional, administrative and criminal law. SteR provides a stimulating environment in which high-quality, national and international multidisciplinary and comparative research flourishes. SteR consists of three research programmes:
1. Principles of Public Law
2. Migration Law (CMR)
3. Administration of Justice.

‘Principles of Public Law’ brings together researchers with a focus on the main principles of public law. They analyse the relationship between principles of the democratic constitutional state (the rule of law, fundamental human rights, the democratic order, and accountability) and national and international social developments. The principles are studied with a keen eye on European and global developments. The programme combines the expertise and know-how of constitutional, criminal, administrative, European and jurisprudential scholars.

‘Migration Law’ brings together researchers from various disciplines to provide a stimulating context for fundamental and applied research on international and national migration law and the protection of minorities. It is unique in Europe, thanks to its interdisciplinary approach and its international staff, who include lawyers, sociologists, anthropologists and political scientists.

Researchers working on the theme ‘Administration of Justice’ focus on law in action – the workings of courts, public prosecutors and the legal profession. New developments in procedural law are monitored closely against the background of the principles of effective legal protection and access to justice. Methods used to understand the impact of civil, criminal and administrative law at various court levels are also an important research topic.

Collaboration

The SteR participates in numerous international projects and networks, the Odysseus Network of Experts in European Migration and Asylum Law, which is coordinated by the Université Libre de Bruxelles) (Belgium), the academic Netzwerk Migrationsrecht (Germany), the Glasgow Refugee, Asylum and Migration Network (GRAMNet) (UK), the Working Group on Policing of the European Society of Criminology, and the International Penal and Penitentiary Foundation (IPPF). It also has close ties with the Max Planck Institute for Foreign and International Criminal Law (Freiburg, Germany), National Taiwan University, and several universities participating in the International Research Universities Network (in particular with the University of Glasgow, the University of Münster and the University of Poitiers).
Key publications

Business & Law Research Centre


Research Centre for State and Law


Prof. Elspeth Guild and Dr Paul Minderhoud are experts in the new Network on Free Movement of Workers and Social Security Coordination, which is funded by the European Commission. CMR, which has a successful guest researcher scheme, hosted guest researchers from the Universities of Huelva and Cadiz (Spain), from the University of Giessen (Germany), the Université Libre de Bruxelles (Belgium), the University of Glasgow (UK) and a judge from the Constitutional Court of Latvia. Prof. Thomas Mertens hosted several guest researchers from the University of Santa Catarina (Brazil).

In the Netherlands, SteR collaborates with the Council for the Judiciary, the Ministry of Security and Justice, as well as several courts and municipalities.

Research results
SteR organised several seminars, including a reflection on “Heading to Europe” (on migration via the Mediterranean Sea, 16 May), on issues regarding the Single Permit Directive (8 December) and on Kant’s theory of law (3 July). The annual meeting of the Dutch Association for Migration Research on data collection and methodology was organised by CMR. Dr Tineke Strik contributed to a conference of the EU Fundamental Rights Agency on ‘Fundamental Rights and Migration to the EU’ (10-11 November, Rome), as well as to the annual ‘Global Dialogue’ of the UNHCR on the theme ‘Protection at Sea’ (10-11 December, Geneva). Prof. Janneke Gerards gave an invited lecture on ‘The ‘Alleingang’ of the European Court of Justice and the need to develop a methodology for EU fundamental rights protection?’ (9 May, Oxford). A keynote speech on ‘International Cooperation as a Means to Advance the Use of Non-Custodial Measures in Criminal Cases’ was held by Prof. Piet Hein van Kempen at the three-day ‘ASEAN +3 Conference on Probation and Non-custodial Measures’ of ASEAN (17-19 August, Cha-am, Thailand). Prof. van Kempen co-organised an international four-day conference on ‘Women in Prison. The Bangkok Rules and Beyond’ of the IPPF and the Thailand Institute of Justice (TIJ) (3-6 March, Bangkok, Thailand). Dr Eva Rieter spoke at the bi-annual Conference of the International Law Association’s Committee on International Human Rights Law (8 April, Washington, D.C.). Prof. Raymond Schlössels gave a speech at the conference ‘Effective legal protection in administrative law’, which was organised by the Hungarian Academy of Sciences and co-financed by the European Union (11-13 June, Budapest). Prof. Thomas Mertens spoke on Kant’s legal philosophy at conferences in the universities of Leuven, Keele (UK) and Bergen (Norway) (30 May, 3 & 28 November). Prof. Jan Terpstra and Dr Bas van Stokkom gave a speech on ‘Plural Policing in a comparative perspective: the issue of the public good’, at the European Society of Criminology Conference (10-13 September, Prague). Dr Ronald Tinnevelt was a visiting scholar at Stanford University (Autumn 2014).
The Dutch Ministry of Security and Justice awarded Prof. Tonny Nijmeijer this programme. The Europeanization of migration law will be incorporated in ethics, the functioning of the European Court of Justice, and continue. In 2015 research on judicial decision-making, lawyers' division of powers, the judiciary and fundamental rights will and political system, government powers and their limits, vertical sources of constitutional law, form of state, form of government

Within the programme ‘Principles of Public Law’ research on ‘EUROPAL’, which focuses on the Europeanization of Policy and Law.

Future research
Within the University, SteR researchers collaborate with researchers from the Faculty of Management in the interdisciplinary network ‘EUROPAL’, which focuses on the Europeanization of Policy and Law.

Within the programme ‘Principles of Public Law’ research on sources of constitutional law, form of state, form of government and political system, government powers and their limits, vertical division of powers, the judiciary and fundamental rights will continue. In 2015 research on judicial decision-making, lawyers’ ethics, the functioning of the European Court of Justice, and (the Europeanization of) migration law will be incorporated in this programme.

Grants and Awards
• The Dutch Ministry of Security and Justice awarded Prof. Tonny Nijmeijer a grant for the research project ‘Evaluation of the working of Article 6:22 General Administrative Act and the relativity requirement’ (in cooperation with Utrecht University).
• The Dutch Ministries of Economic Affairs; Health, Welfare and Sport; and Defence awarded Prof. Pieter Kuypers various grants for research projects on ‘Evaluation of the Procurement Act 2012’, on ‘Various models of ambulance care’, and on ‘The ins & outs of Article 346 Treaty on the Functioning of the European Union’.
• The Dutch Ministry of Security and Justice awarded Prof. Jan Terpstra a grant for projects on ‘Models of coordination in local oversight and order’; ‘Redundant bureaucracy within the Dutch police force’ and ‘Summary proceedings and the consequences for police work’. Additional funding for a project on ‘Effects of the introduction of the national police for local authorities and the local police forces’ was provided by the ‘Foundation Society and Security’ (Stichting Maatschappij en Veiligheid).
• NWO provided an award for Prof. Janneke Gerards’ PhD Proposal ‘Improving supranational adjudication in fundamental rights cases. Towards a procedural approach for the European Court of Human Rights’.
• Dr Ricky van Oers received the Praemium Erasmianum prize for the best dissertation in 2014.
• Tamara Butter LL.M. was awarded the Frye-Stipend (Radboud University) for the most promising female PhD student of the Faculty of Law.

The Centre for Notarial Law
(Prof. Freek Schols)
The Centre for Notarial Law – Centrum voor Notarieel Recht (CNR) – focuses on notarial law, in particular family property law (personal and family law and the relationship between property law, inheritance law and estate planning). The strength of the CNR’s research lies in combining tax and civil law. Particular attention is paid to the impact of these fields on general property law and to the combination of legal fields, for example, marital property law, real-estate law and company law. CNR researchers seek to provide a firm foundation for legal practice.

Collaboration
The CNR cooperates with ABN Amro Bank NV on estate planning and with the notarial organization Netwerk Notarissen.

Research results
Staff members regularly write articles for authoritative national and international academic and professional journals. Important research projects, such as the project on marriage contracts, are carried out in cooperation with external researchers. In 2014 two PhD theses were published in a series called ‘Publicaties vanwege het Centrum voor Notarieel Recht’.

Societal impact
The Centre has influenced public debate on a wide variety of topics, such as the debate on accepting the appointment as an heir and the position of the creditors of the deceased’s estate (Wetvoorstel bescherming erfgenamen tegen onverwachte schulden). There are strong links between the CNR and legal practice. For instance, the CNR’s research creates an important academic basis for legal practice relating to family property law in the Netherlands.

CNR’s research has a clear effect on legislation. The Centre participates in shaping legislative proposals, such as the proposal for changing Dutch matrimonial property law (Het voorstel van wet tot beperking van de wettelijke gemeenschap van goederen).

CMR researchers regularly advise the Dutch government and members of to the Dutch Parliament on several private law issues. Prof. Nuytinck joined the ‘National Commission on the Re-evaluation of Parenthood’ (Staatscommissie Herijking
Director: Prof. Leonard Verburg

Leonard Verburg is Professor of Employment Law at Radboud University and, since 1 March 2013, he has been Vice Dean for Research at the Faculty of Law. He is a member of the Advisory Board of the Business and Law Research Centre (OO&R). He is also a member of the board of the foundation which supervises the education programmes of the Dutch Bar Association. Prof. Verburg is editor-in-chief of the journal Arbeidsvereenkomst, a member of the editorial board of the journal Arbeidsrechtelijke Annotaties and a member of the advisory board of Postacademische Leergang Arbeidsrecht, one of the oldest postgraduate programmes in the field of employment law. He is founder member of the curatorium of the annual Nationaal Arbeidsrecht Congres. In 2010, Prof. Verburg was appointed as a substitute judge at the Court of Appeal in the Hague.

ouderschap). Staff members work for the SBN (professional education for notaries), the Orde van Advocaten (professional education for barristers), the KNB (Royal Notarial Association), the estate planners of EPN (Association of Estate Planners in Notarial Practice), Novex (the Dutch Association for Executors) and VEAN (the Dutch Association for Inheritance Lawyers). CNR researchers are editors of several important journals for professionals such as the Weekblad voor Privaatrecht Notariaat en Registratie.

Future research
Continuing projects include the historical development – and the current legal position – of the surviving spouse in Dutch civil law, the legal exegesis of the provisions of last wills, delegation of last wills to third parties, wills for persons lacking will-making capacity, inheritance tax law, national and international aspects of estate planning and developments in legislation on marital property and ‘Inheritance law and the de facto spouse’. ‘Pension law, divorce and death’ is a new project.