

# **Assessment Report**

*Amsterdam Research Institute for Legal Studies*

**Mid-term Review 2016 – 2018**

**March 2020**

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## **Preface**

This report presents the findings and recommendations of an international peer review of the Amsterdam Research Institute for Legal Studies (ARILS), part of the Amsterdam Law School (ALS).

Our peer review committee was appointed by the Board of ALS to perform a mid-term review of the research period 2016 - 2018.

In reading the background documentation and during the site visit, we were struck by the level of dedication towards strengthening the research culture at the Amsterdam Law School, and by what was achieved as a result of this dedication. During the feedback session we compared the ARILS RPAs to a series of beautiful, well-tended gardens, of very different character, and we addressed the challenge that lies in securing a sustainable, attractive, flourishing park of the research culture at the ALS as a whole. We very much hope that the remarks and recommendations below, geared towards obtaining that objective, will be considered as those coming from 'critical friends'.

We thank all members of ALS and ARILS, staff and researchers, for their open and constructive participation in the review process.

We hope this report to be the beginning of another successful period of very good research by ARILS.

March 2020

Prof. Barbara Oomen  
Chair

# 1. Introduction

## 1.1 The evaluation

All publicly funded university research in the Netherlands is evaluated at regular intervals in compliance with the national Standard Evaluation Protocol (SEP 2015-2021), as agreed by the Association of Universities in the Netherlands (VSNU), the Netherlands Organization for Scientific Research (NWO) and the Royal Netherlands Academy of Arts and Sciences (KNAW). The evaluation process, which is applied at the research unit or institute level, consists of a systematic external peer review conducted every six years. In between these evaluations, institutes may wish to carry out a mid-term review, the terms of reference of which they may fill in according to their needs, in agreement with their institutional board.

The evaluation system aims to achieve three generic objectives:

- *improvement* in the quality of research through an assessment carried out according to international standards of quality and relevance;
- *improvement* in research management and leadership; and
- *accountability* to the higher management levels of the research organizations and to the funding agencies, government and society at large.

## 1.2 The assessment procedure

The site visit took place on Tuesday February 11, 2020, and comprised a number of components, which can be summarized as follows (see annex 3 for the full program):

- Start-off committee meeting on Monday February 10, 2020
- Meetings on Tuesday February 11 with:
  - ALS management
  - Chairs of the Departments
  - Directors and representatives of the Research Priority Areas

The Peer Review Committee consisted of:

- Prof. dr. Barbara Oomen (chair), University College Roosevelt (Utrecht University)
- Prof. dr. Eleanor Spaventa, Università Luigi Bocconi Milano
- Em. Prof. dr. Boudewijn Bouckaert, Ghent University
- Prof. dr. Olha O. Cherednychenko, University of Groningen
- Prof. dr. Matthias Leistner, Ludwig-Maximilians-Universität München
- Prof. dr. Gleider Hernández, KU Leuven and Open Universiteit Netherlands
- Prof. dr. Irene Burgers, University of Groningen
- Dr. Frans A.J. van Steijn acted as independent secretary to the committee

### **1.3 Results of the assessment**

This report summarizes the findings, conclusions and recommendations of the international peer review of ALS/ARILS.

Chapter 2 describes the research institute ALS/ARILS.

Chapter 3 assesses the six ARILS research priority area's (RPAs).

Chapter 4 assesses the extent to which ARILS has acted on the recommendations of the previous peer review committee in 2016 and presents recommendations for the next full assessment in 2021.

This mid-term review covered the period 2016 to 2018.

### **1.4 Quality of the information**

The information that was made available to the committee consisted of:

- Self-assessment Amsterdam Law School / ARILS (with a focus on the recommendations of the prior research review)
- Self-assessments of the 6 Research Priority Areas including a selection of their key publications
- Standard Evaluation Protocol 2015 – 2021
- Research review report UvA 2009-2015
- The Faculty Strategic plan 2015-2020
- The new framework for individual performance criteria
- The new framework for appointment and career policy
- Details of the reorganization in 2017
- Expenditure Plan - Sectoral Plan

The committee finds the information ample, honest and adequate.

## **2 Structure, organization and mission of ALS/ARILS**

### **2.1 Introduction**

The Amsterdam Research Institute for Legal Studies (ARILS) constitutes the framework for research in the Amsterdam Law School (ALS) of the University of Amsterdam. Within this broad objective, the focus of this mid-term review was on the performance of six research priority areas, on ALS' performance with respect to the recommendations of the previous peer review in 2016, and on ARILS' outlook on the next assessment in 2021.

### **2.2 Mission of ALS/ARILS**

ARILS (the Amsterdam Research Institute for Legal Studies) is responsible for providing an administrative and managerial framework for the research policy of the Amsterdam Law School, as well as the various research programmes carried out within the Faculty. The implementation of the Faculty research policy and research programmes by the Research Institute is conducted in close collaboration with the leaders of the research centres and groups within the faculty. The Research Institute also promotes and stimulates research within and outside the Faculty.

ARILS supports research groups and individual researchers by disseminating information on funding opportunities, assisting in grant applications, facilitating the awarding of the Faculty Prize for the best publication of a junior researcher, and maintaining contact with the director of the PhD in Law Programme.

### **2.3 Management and organization**

All research groups within the ALS are integrated in the ARILS. They have a large autonomy with respect to the research in their fields of expertise. For its central tasks, research and teaching, ALS has a matrix structure with six departments and several research groups. The departments cover Labour Law and Information Law; Jurisprudence; Public International Law and European Law; Private Law; Public Law; and Psychology Politics, Law and Economy. The research groups are organized within ARILS. The core of ARILS consists of eight research groups of which six groups/institutes are marked 'research priority area', or RPA. The two other institutes are the Paul Scholten Centre for Jurisprudence and the Amsterdam Institute for Advanced Labour Studies/Hugo Sinzheimer Institute. Researchers outside these eight groups operate in the main areas of Dutch Law: criminal, private, constitutional and administrative law. ALS is headed by a dean who is seconded by a research director, who is head of ARILS. Together with the directors of the research groups/institutes and a

representative of the faculty's PhDs, they constitute the Research Council that is concerned with the preparation and implementation of the ALS research policy. In the departments, all research groups are supported by an operations manager and some by administrative support (management assistants) for the financial processes and business operations.

## **2.4 Resources**

ALS/ARILS research staff totalled 86.5 fte in 2018, of which scientific staff 29.27 fte, post-docs 14.3 fte, PhD candidates (exclusive external PhDs) 37.53 fte, and support staff 5.4 fte. In 2016 total research staff amounted to 97.9 fte; the decline is attributed to a reorganization in 2017.

In 2018, 62% of ARILS financial resources came from direct funding (lump sum budget), 12% came from research grants, 14% from contract research for specific research projects obtained from European organizations, and 12% from other contract research (industry, government agencies, charities). The lump sum budget has decreased since 2016, whereas the income from research grants has increased in this period.

### **3 Assessment of ARILS' research priority areas (RPAs)**

#### **3.1 The Amsterdam Centre for European Law & Governance (ACELG)**

##### **Mission, organisation and conditions**

ACELG focusses on mapping, understanding and critically reflecting upon the transformation of the exercise and control of public power in settings of multilevel and polycentric decision-making. ACELG aims to contribute to new and constructive solutions for the current challenges that are facing the EU and its member states.

The research unit encompassed a total of 9.93 fte research staff in 2018, of which 3.42 scientific staff. In 2018 ACELG's resources came from direct funding (61.9%), research grants (33.1%) and contract research (5.0%). ACELG was increasingly successful in attracting external grants (from 17.7% in 2016 to 26.7% in 2017 and 32.9% in 2018).

##### **Research quality**

ACELG carries out outstanding research resulting in a wide range of publications in top-journals. The group has developed and fostered an impressive research culture, including the mentoring of junior members and the peer review of members' research, also through the well-attended 'Work in Progress' seminars. Despite staffing challenges during the assessment period, ACELG is clearly a very talented cluster of researchers with a substantial track-record of a broad and varied research output. The interdisciplinary collaboration with the Amsterdam Centre for European Studies—a centre of four participating faculties FEB, FGw, FdR, and FMG—allows the group to critically reflect on the role of European law and Governance also in an interdisciplinary context. Reflection on these issues is of paramount importance and set to grow even more as the EU challenges increase.

##### **Relevance to society**

ACELG's expertise is highly relevant for professional stakeholders. The group makes an excellent concerted effort of outreach through non-technical publications and media appearances. The specialized commissioned reports show a direct application of scholarship to practice.

##### **Viability**

ACELG is a young and diverse group that is highly successful in attracting external grants. The committee praises the effort put in Marie Curie Fellowships and the way it engages emerging talent. The approach to funding is realistic. The committee welcomes the clear intention to consolidate the newly developed



strategy of targeting smaller grants, which might then lead also to strengthening the viability of larger grant applications. The committee was also favourably impressed by the leadership of ACELG, their collegiate approach and their decision to consolidate on the changes made so far rather than striving for change for change's sake. Furthermore, a larger number of smaller grants also contributes to ACELG viability by ensuring a larger base of staff, and greater diversity in the composition of the group, especially in terms of seniority. In this way, ACELG critically engages the ARILS criteria. The group has a promising and ambitious strategy for growing in the near future with a general focus on European economic law.

The committee welcomes the close links between ACELG and ACIL and their coordinated strategy in pulling resources to achieve their goals.

### **Recommendations**

The committee advises ACELG:

- to develop clear criteria on who receives additional research time and why, and
- to work towards consolidation of the achievements.

## **3.2 The Amsterdam Center for International Law (ACIL)**

### **Mission, organisation and conditions**

ACIL carries out research to contribute to 'the critical understanding and progressive development of international law'. In the assessment period, ACIL had two research programmes: 'Law and Justice Across Borders' (LJAB) and 'Law of Armed Conflict and Military Operations' (LACMO).

The research unit encompassed a total of 19.98 fte research staff in 2018, of which 8.37 scientific staff. In 2018 ACIL's resources came from direct funding (45.4%), research grants (21.1%), contract research (12.5%) and the Netherlands Defence Academy (21.0%).

### **Research quality**

ACIL has a distinguished research record, privileging quality over quantity yet generating impressive publications of excellent quality. The group has benefitted from external grants in the past (including an ERC Starting Grant and NWO *Vici* grant) and the Committee is convinced this success will continue to blossom over time. It is also noted that ACIL is a world-renowned centre with a broad range of scientific activities, involving doctrinal and critical approaches and interdisciplinary collaboration. The Centre benefits from the international character of the field and is able to build a critical mass that allows for collaborative work that is sustainable and attractive. One commendable initiative are the research lunches and the fact that they are open to all faculty members.

### **Relevance to society**

ACIL has maintained strong ties with the T.M.C. Asser Institute (Centre for International and European Law) in The Hague to bridge academic and policy oriented approaches. The group makes extensive contributions to society, e.g. through training and engagement with external actors. But they show a clear sense that research excellence drives the research agenda, making societal relevance the outcome thereof. The relationship with the Netherlands Defence Academy is a further asset in the societal relevance of ACIL. Members of the group participate in a large number of public and private advisory bodies. The committee considers ACIL to fulfil an important role in helping to address contemporary challenges in society.

### **Viability**

The committee has no reservations about the viability of ACIL. The decentralized management of funding has enabled a distinct strategy to develop and nurture a vibrant research community. The successful 'Sector Plan' funding is allowing for dynamic growth. The group was recently able to accomplish some valuable appointments of new staff. The viability of ACIL is therefore excellent.

## **Recommendations**

The committee advises ACIL:

- to ensure that, despite the commendable breadth of its activities, there is cohesion between the various research projects under the ACIL, and
- to harmonize its activities insofar as that would allow for the sharing of good practice between researchers, for example, in respect of linking research to societal impact, or the development of successful grant applications.

### **3.3 The Amsterdam Centre for Law and Economics (ACLE)**

#### **Mission, organisation and conditions**

The Amsterdam Centre for Law and Economics (ACLE) is a joint initiative of the Amsterdam Law School and the Faculty of Economics and Business (FEB) of the University of Amsterdam to do research at the interface of law and economics and to stimulate cooperation between the two faculties. Moreover, members and fellows outside these two faculties are included in ACLE, e.g. the UvA-Institute for Language, Logic and Computation ILLC. ACLE's mission is therefore broad: stimulating research at the intersection of law, economics, social sciences and (increasingly) data and computer sciences. The RPA addresses two fundamental questions: What are the effects of legal rules on individual's behaviour? And how can legal rules improve social welfare?

The research unit encompassed a total of 1.45 fte research staff from the ALS in 2018, of which 0.5 fte scientific staff. In 2018 ACLE's resources came all from direct funding (equally by the two constituting Faculties).

#### **Research quality**

The research quality of ACLE is outstanding, as the key publications are published in peer-reviewed journals. The present members of the RPA have certainly the potential to conduct high quality research in the future. The researchers are well-known, respected in their field, and perform well, considering the small size of the group.

The interaction between research and teaching is assured through the organization of the "Law and Finance" Masters programme; this allows the researchers to keep up with the scientific literature in their area of interest, and to attract students and future PhD candidates.

Within the ALS, ACLE has the potential to be a crucial element in the interdisciplinary mission of the faculty by acting as a source for interdisciplinary knowledge for the other RPAs. One specific contribution that this group could make to the ALS research culture as a whole is sharing methodological knowledge on empirical legal studies and operations research, developed within ACLE and in the wider field of Law and Economics. In the years 2016-2018 the group hosted several conferences on Empirical Legal Studies. It is recommendable to renew in some way this focus on empirical methodology in order to contribute to more interdisciplinary collaboration with other research units of ARILS.

#### **Relevance to society**

The societal relevance of ACLE is strong as much research analyses the efficiency of legal institutions. These analyses may serve as the scientific basis for the improvement of law through reforms. Some publications have direct implications

for policy, others are purely academic, but have societal relevance because they add to the knowledge base on institutions, human behaviour and human history.

### **Viability**

This RPA is low-staffed, which brings the challenge of being convincing about the viability and uniqueness of a separate group in this discipline. Therefore the ALS-side of the joint initiative needs strengthening in terms of staffing and funding. The fact that after an 'interregnum' of two years a new and reputed director was attracted to ACLE is an important step toward ensuring the viability of this RPA. The talent base is very high. The mix of economists and lawyers provides for truly interdisciplinary research. The link with the FEB allows this RPA to take advantage of this institution's intellectual resources.

### **Recommendations**

The committee advises ACLE:

- to develop more projects for governmental, business and civic associations in order to have a larger societal impact, and
- to play a role in providing methodological support to the rest of the ALS.

### **3.4 The Amsterdam Centre for Tax Law (ACTL)**

#### **Mission, organisation and conditions**

The Amsterdam Centre for Tax Law and Economics (ACTL) is the tax law research centre of the University of Amsterdam. It has a strong emphasis on corporate taxation, International Tax Law and European Tax Law. The research programme is called 'Tax Sovereignty versus Globalisation'. The group aims to be one of the leading research institutions within Europe in the area of European tax law and international tax law.

The research unit encompassed a total of 2.92 fte research staff from the ALS in 2018, of which 1.72 fte scientific staff. In 2018 ACTL's resources came predominantly from direct funding and a small amount from sponsors and conferences.

#### **Research quality**

ACTL is a renowned institute that receives Europe-wide recognition. All professors and scientific staff combine academic work with a professional career, mostly in private practice.

ACTL's publication policy is to publish on issues that have actual societal relevance. ACTL publishes an annual report on its website. As to the latest version of this report (2018) the aim of the ACTL research is twofold: (i) to establish the limits on national tax sovereignty and national taxing jurisdiction set by international and supranational law, and (ii) to assess whether these limits should be narrowed or broadened on the basis of criteria such as level playing field, interjurisdictional equity, free movement of persons and capital, budgetary stability, tax base integrity, fair interstate policy competition and taxpayers rights. The emphasis in the research programme lies on EU law given its major influence on national and bilateral tax law in the EU.

The group is highly productive both in terms of publications and in terms of organisation of conferences. Several publications are relevant in answering the group's research questions and are of high quality, but of other publications it is not clear to what extent they contribute to the central research themes. The annual report of the group does not relate the publications to the research themes.

#### **Relevance to society**

The societal relevance of ACTL's research lies in the three sub-themes of the group: 1. Influence of double tax treaties and other treaties on tax sovereignty; 2. Influence of EU Treaty freedoms and State aid rules on tax sovereignty; and 3. Influence of EU directives on tax sovereignty. These themes are very relevant for the governance actions of international organizations as well as for the

legislators. The group acknowledges that sentiments in respect to paying tax are changing.

An important part of the research by ACTL is organizing conferences, ensuring that the debates not only take place with peers, but also with its social partner groups, such as tax professionals, tax lawyers, tax administrations, judges, and managers. ACTL forms a bridge between academia and practice and is therefore highly relevant in society.

### **Viability**

ACTL seems to be a vibrant research institute working on themes that have the interest of many researchers worldwide. To work in ACTL or cooperate with the group is therefore attractive for highly qualified researchers. The central staff is stable and active in teaching in the UvA's Bachelor and Master programmes in Tax Law and the UvA's Advanced LLM in International Tax Law.

Having said this, the ACTL staff—not counting PhD-students—consisted in 2018 of 9 full professors and 9 assistant professors and 1 management assistant; in total the number of fte staff is only 2,92 fte. In other words, the group is mainly relying on part-time professors. Thus the staffing is small and may not be large enough to answer the ambitious research questions taking into account that the group also produces quite a number of publications that do not (directly) relate to answering the research questions.

The funding of the centre seems to be assured if the lump sum financing and the LLM master programme will remain stable.

### **Recommendations**

The committee advises ACTL:

- to focus on answering the research questions set;
- to make a clearer distinction in the annual report between publications related to the research themes and other more professional publications;
- to formulate a more precise and guiding definition of academic research that should bring more focus in ACTL's research efforts.

### **3.5 The Centre for European Contract Law (CSECL) / Amsterdam Centre for Transformative Private Law (ACT)**

#### **Mission, organisation and conditions**

The Centre for European Contract Law (CSECL) is an international research centre on European private law, focusing on social justice dimensions of private law, the critique of dominant private law discourses, and the effective protection of vulnerable parties through private law.

As of January 1st 2020, CSECL is named the Amsterdam Centre for Transformative Private Law (ACT). In this review, covering the previous period, where relevant, both the old and new name will be used.

CSECL encompassed a total of 11.07 fte research staff in 2018, of which 4.90 fte scientific staff. In 2018 CSECL's resources came from direct funding (59%) and research grants (41%).

#### **Research quality**

CSECL is a dynamic research group which has successfully developed a strong international profile in the field of private law—an area which is still predominantly nationally oriented. In studying European private law, CSECL has adopted an approach which does not just react to policy and other legal developments, but also has a proactive and interdisciplinary character. During the assessment period, CSECL has further strengthened its profile as a leading international research centre for the study of European private law. In particular, it has attracted excellent new research talent and substantial external funding from highly competitive NWO funding schemes (including a Veni and a Vidi grant). In addition, many critical publications in leading international journals have been realized. The focus on quality instead of quantity is particularly welcome. At the same time, CSECL has also maintained its strong track record in influencing EU law-making process and engaging in public debates on topical issues.

The quality of the research produced within CSECL during 2016-2018 is excellent.

#### **Relevance to society**

CSECL has a strong track record in influencing the EU law-making process and an appropriate strategy to accomplish this. During the assessment period several reports were prepared for the EU institutions (European Parliament and European Commission) and the European Consumer Organization (BEUC). CSECL researchers have also actively engaged in public debates through the publication of blog posts and newspaper articles. The "Recent Developments in ECL" blog has become an important source for high quality up-to-date European and comparative law information and deserves acclaim.



The group's relevance to society is therefore excellent.

### **Viability**

Overall, CSECL is well-equipped for the future, but does face several challenges ahead. First of all, as mentioned above, as of 1 January 2020 CSECL has been transformed into the Amsterdam Centre for Transformative Private Law (ACT) to better reflect its new, broader, mission. While CSECL focused on the Europeanisation of private law and the social justice dimension of European Private Law, ACT seeks to explore the transformative power of private law in the globalized world, focusing on sustainability, digitalization and financialization. Furthermore, ACT also faces a number of structural problems, some of which could best be addressed at the faculty level, together with similar challenges faced by the other RPAs. These challenges—faced by other RPAs as well—include the need for more transparency, clarity and uniformity concerning eligibility criteria for participating in RPAs as well as criteria for the assessment of research output; a better balance between research, teaching and administrative duties for participating researchers; more co-operation with other research centres within the faculty, while maintaining the ACT's own research profile and visibility.

### **Recommendations**

The committee advises CSECL/ACT:

- to carefully consider which research themes must be tackled at which level (global/EU/national) and which publication strategy is most suited for knowledge dissemination in each case;
- to explore further possibilities for cooperation with IViR in the area of data contracts, data as consideration and European contract law of the information society;
- to develop clear criteria on what and whom to invest in and why.

### **3.6 The Institute for Information Law (IViR)**

#### **Mission, organisation and conditions**

The Institute for Information Law (IViR) is one of the largest research centres in the field of information law in the world. The institute's mission is to further the development of information law into a balanced framework that accommodates the needs and interests of the information society while respecting fundamental rights and freedoms. IViR aims at producing scholarly output that lives up to rigorous academic standards, while feeding into societal discussions and policies on information law issues. IViR is involved in two interdisciplinary RPA's of the University of Amsterdam in Information Law and Personalised Communication (together with the Amsterdam School of Communication Research (ASCoR)).

The research unit encompassed a total of 25.14 fte research staff in 2018, of which 7.37 fte scientific staff. In 2018 IViR's resources came from direct funding (28%), research grants (56%), contract research (5%) and other sources (11%). In this period, IViR received 3 Veni's, 2 ERC's and 2 Marie Curie Grants. IViR is the largest research institute within the UvA-faculty of law.

#### **Research quality**

IViR's research is internationally relevant and excellent. The structure and focus of the publications is consistent with IViR's mission and strategy, with eminent publications focusing on emerging legal challenges to the information society and data economy. The quality is also indicated by the quality of the journals in which the group publishes. Excellent research has been published by the Institute's staff recently on copyright issues. This cutting edge research (see e.g. Hugenholtz et al., *Copyright Reconstructed*, 2018) is based on very thorough and highest quality doctrinal work as it is represented e.g. by Angelopoulos (2017) on intermediary liability. Other relevant subjects are data protection, security and data commodification as well as AI. Many publications are demonstrably internationally relevant and of excellent quality.

The interdisciplinary approach of IViR's research, which is ideally suited to the overarching legal, economic, cultural, political and ethical challenges of the information society and data economy, is represented by the variety of papers from different fields of law research and beyond (politics, economy, ethics etc.). Often, the resulting publications are interdisciplinary collections or even interdisciplinary collective common publications, which is still comparatively rare in European law research and represents a real unique characteristic of IViR's research output. One commendable feature, which also sets an example within ALS, is the fact that all publications are open access.

## **Relevance to society**

IViR is undoubtedly one of the most influential European research institutions with respect to information law and policy making at the EU (and Dutch national) level (partly also in the U.S.). These activities, which are reflected in more than 36 relevant reports for European and Dutch institutions, seem particularly valuable. Neutral experts' input in EU policy making is needed more than ever in the information law field.

In that regard, in times of unprecedented lobbyism (and increasing activity of purely private research institutions and players) in the fields of copyright, data and information law, the activities of IViR in this particular field seem outstandingly relevant and politically important.

IViR's activities related to broad commissioning of EU policy making studies are of outstanding excellence. IViR's senior staff is present in Academic Societies at the highest level, High Level Advisory Boards, such as different EU High Level Expert Groups in areas imminently relevant to information law. IViR does not follow an approach of (externally guided) legal activism but always independently identifies areas where legal action is actually needed and advises European and Dutch institutions accordingly.

IViR is quite well advanced in the effective distribution of the IViR research results via the very comprehensive and informative web page (plus Twitter feeds etc.) and in particular because of following a consistent open publication policy for IViR's research.

The group is a genuine 'hub' for internationally relevant collaborative and interdisciplinary research projects, which makes the Institute one of few internationally relevant hubs in information law. As regards the national intra-University presence of IViR their different media appearances (meticulously listed on the web page) as well as their activities, such as brown bag lunches etc., should be mentioned.

For these reasons, the societal relevance of IViR is excellent.

## **Viability**

There can be no doubt that the envisaged research perspectives and mission of IViR will be highly relevant in the next years. The areas of information law, data economy, access to information, trading of information, protection of personal data, accountable AI (relevant in IP law, unfair competition law, constitutional law) feature very prominently on the agenda of the EU Commission, lawmakers and institutions worldwide. The areas of dis- and re-intermediation, datafication, artificial intelligence and mass personalization, and in particular trade and investment in information goods, services and data, seem very justifiably chosen.

Methodologically, the pro-active, interdisciplinary approach seems of particular value for the future. At the moment, it is characteristic for the legal challenges of the information society, that often the very need for regulation is still

fundamentally in doubt. The question which legal instruments and remedies are then apt to handle these challenges is only a secondary question compared to the more fundamental underlying research question whether and to which extent legal intervention is needed at all. An excellent, and worldwide-renowned research institution, such as the IViR, should in its independent (RPA funded) research act like a 'radar' in that regard and pro-actively identify possible problems, but also warn against premature regulation where no real problems or potential for market failure can be identified.

The central staff of IViR is comparatively stable and often these researchers have worked for IViR for many years. This creates the necessary stability for the outstanding researchers which are among the small number of globally leading figures in their respective fields. Also researchers in the middle generation (Post-Docs etc.) are successfully attracted.

Many IViR researchers teach actively in different Bachelor- and Master-Programs not only at ALS and in the Netherlands but also internationally (e.g. also the Annual IViR Summer Courses in International Copyright Law and Privacy Law and Policy). This allows to very successfully attract young researchers (Postgraduates) to the Institute which has led to the development of a remarkable number of quite impressive 'young' research careers. Probably, this is even the main source of IViR's talent base which is thus mainly rooted in the possibility to offer attractive Ph.D.-positions.

### **Recommendations**

The committee advises IViR:

- to further enhance the institutional co-operation with the other RPAs in both substantive research as well as methodology, and
- to consider widening the research perspective to trade secrets and patents because of their future crucial role in shaping the information access infrastructure in AI and the Internet of Things.

## 4 Assessment of ALS/ARILS

This chapter reflects the committee's assignment to assess (1) the progress ARILS has made in incorporating the recommendations of the last peer review committee and (2) to reflect on the improvements needed to be prepared for the next full assessment in 2021.

### 4.1 ARILS progress 2016-2018

In this mid-term review—in the midst of the 6-year cycle of research evaluations following the national SEP protocol—the committee was requested to assess the progress of ARILS in the light of the recommendations it received from the previous assessment committee in 2016. That committee complimented the Amsterdam Law School with its very good research quality and societal relevance and its good viability. Since 2016 ALS has gone through changes that were initiated in the Strategic Plan 2015-2020 and that have resulted in the present configuration of ARILS with its six research priority areas. In the meantime, ALS also has worked to further enhance its research quality and societal relevance, especially in the six RPAs. The committee addresses the question how much progress had been realized in this period.

The committee has interpreted the recommendations of its 2016 predecessor and the resulting points of attention for its own work as follows:

- ALS should ensure that the approach of focusing research in RPAs—in line with the University of Amsterdam-wide policy of stimulating ground-breaking research in priority areas—achieves real added value for the *Amsterdam Law School as a whole*.
- ALS should develop *transparent criteria* on all levels of its research policy: the evaluation/continuation of RPAs; transparent and objective admission of individual researchers to RPAs; and quality control policies for research quality and societal relevance. These clear criteria are to accommodate the consolidation of a vibrant ARILS research culture.
- In practice this should result in enhanced attention for *methodological skills*, an ARILS-wide *publication strategy* in top-journals, and a *human resources policy*, including training and coaching, aimed at individual development.
- Although not explicitly addressed in the previous committee's recommendations, this mid-term committee also paid attention to the extent in which ARILS' and the RPAs' research culture included awareness of *research integrity issues*, of a research and human resources climate favoring *diversity and inclusivity*, and of the *relation between research and teaching* and the consequences thereof for teachers/researchers. These themes are becoming more and more important in formal evaluations of research, as well as in society as a whole and they will therefore undoubtedly be a focal point in the formal research assessment.

The following sections will address these aspects, grouped under the headings of: (1) ALS Research Priority Areas and ARILS' research culture; (2) Methodology and quality policy; (3) External funding and additional RPA-funding; and (4) Human resources.

#### **4.1.1 ALS Research Priority Areas and ARILS' research culture**

The committee commends the ALS for taking the courageous step to make the rigorous choice of being selective by constituting these six RPAs. The assessments of each of them in the previous chapter of our report demonstrate six vibrant research institutes of high academic quality and societal impact. The RPAs have generated a more focussed research strategy, a clearer strategy for securing external funding and a shared institutional culture with promising examples of interaction between the RPAs. The strong focus on six RPAs does, however, run the risk of endangering the common spirit and research culture within ALS as a whole, creating a distinction between 'the best and the rest'. Whether this risk is real, the committee was not fully able to ascertain, but kept in mind that the next evaluation—other than this evaluation—will address research within the whole of ALS. In the discussions with the heads of departments, who are the first to notice disadvantages or even resentments of this setup, the committee found signals of both the benefits of having the RPAs and concerns for researchers/teachers outside the RPAs. The benefits in terms of research quality, focus and methodological skills are obvious for all, because they help improving the performance in the entire ALS, both in research and in teaching. The concerns relate to the fairness of the unevenly distributed resources for doing research and the limited possibilities for staff outside the RPAs for maintaining a research perspective and a balance between research and teaching tasks. Considering all relevant signals, the committee became convinced that the choice for RPAs is definitely beneficial for the high research profile of ALS.

Notwithstanding this conclusion, the committee finds it essential for the functioning and the wide acceptance of the RPAs that the criteria for setting them up, for admission of individual researchers and for the continuation of the RPAs become fully transparent. Even if they are differentiated, the criteria should be made transparent so as to justify that differentiation. These criteria were not always made clear to the committee and they seem to be employed with much autonomy mainly by the RPAs themselves. The committee advises the Faculty Board and Research Council to take a stronger lead in establishing and maintaining the criteria for the foundation of RPAs and for the admission of researchers and the allocation of extra research time. Here, it is important that all ALS researchers have potential access to an RPA and its benefits. Whilst this applies to currently existing RPAs, this is also important as the UvA seeks to set up new, interdisciplinary research hubs and decides on the exact focus of, for instance, the Sector Plan funding.

The committee found ample favourable examples with the representatives of the RPAs to have confidence in the future development of ARILS' research culture. But it seemed more difficult to ascertain the ARILS-wide research culture that now is largely characterized by a large degree of research group autonomy. More discussion on the central level is needed to achieve a common basis for the most important aspects of the culture: the criteria for setting up RPAs; the allocation of research time within individual RPAs; the decisions for allowing for 10% extra research time; and the development of interdisciplinarity and the international character of research in the RPAs. Thus, a tension seems to exist between the need to support focused research in the RPAs and the idea of creating a pan-faculty research culture. For this, cooperation between RPAs but also with researchers working on other themes in ALS is very important. In general, ARILS needs more focus and strategy in identifying what the overall objectives of the research done should be.

With respect to ARILS' research culture, the committee recommends faculty leadership together with the research council to develop, in a participatory manner, a firmer joint position regarding the criteria and objectives for all ALS' research efforts.

#### **4.1.2 Methodology and quality policy**

In the past period, more attention has been paid throughout ARILS to methodological skills. Researchers actively support ARILS' policy to enhance methodological skills. Most methodological work, however, seems to take place within the RPAs; for the present, ARILS' efforts are limited to workshops every few years and courses for the PhDs in the Research School. The committee strongly endorses ARILS' plans to strengthen knowledge and skills on research methods amongst its scholars in the coming three years, but presently found too little substance in the programming. Attention for research methods does not only enhance the quality of research, but will also strengthen a common research culture.

With respect to ARILS' quality policy, the committee was somewhat concerned that the emphasis put on publishing in A+ and A-journals as a proxy for quality would deviate the attention from actually reading the scholarly contributions and attempting to give a qualitative, rather than proxy, assessment. In practice, however, the committee was pleased to notice that researchers generally actually read and discuss each other's results. Such an approach ensures that quality and relevance prevail in choosing the proper platform for the research results. This example illustrates a more general point, namely that assessing quality via reading and discussing each other's work contributes substantively to a common research culture. Producing as much academic 'output' as possible seems to lose weight in the research evaluations, where quality, impact and originality are gaining weight. ARILS has shown to anticipate this by restricting the quantitative criteria for RPA-membership and the criteria for obtaining

additional research time. The shift from professional publications to scientific publications in the RPAs, with more emphasis on quality rather than quantity, is an equally welcome development.

ALS/ARILS could play a greater role in establishing the collective targets for excellence. One way to realize that collective culture is to encourage the dissemination of best practices between RPAs. E.g. excellent research can be purely domestic or local in nature, and may be first published in English and in an international medium, to be published later in Dutch to be integrated in Dutch teaching in order to serve also the local market (becoming 'glocal').

The self-assessment does not entirely clarify the monitoring process applied by ARILS's management. The policy document 'Quality indicators for legal research' (April 2019) focuses primarily on definitions for research products, but much less on what is pursued ARILS-wide in terms of quality, relevance, or sound methods and integer research conduct. A clearer, more transparent vision on what constitutes excellent research, in qualitative terms, would help strengthen such research.

The subject of research integrity is treated correctly in accordance with the national and UvA regulations, but other than dedicated PhD-courses, topics as integrity and responsible research conduct seem to be largely absent in the overall research quality policy of ARILS. For instance, the way contract research is accepted, carried out and monitored receives too little attention within ARILS as a whole. Here, it is better to have conversations on what is ethical *ex ante* than to run into problems once research is conducted. Another theme deserving more attention on the central level is Open Science—both in publishing and in data management. On RPA-level, e.g. in IViR, the policies and objectives in this regard are much more clear.

#### **4.1.3 External funding and Additional RPA funding**

Overall, the committee witnessed a good track record in securing external funding from NWO, ERC and others. This has resulted in successfully attracting top talent in many of the RPAs, with an increase in this source of funding (that also contributes to prestige and innovation). The ARILS strategy for external funding has already attracted substantial funding from the national law research 'Sector Plan'. The strategy for diversifying external funding appears to be achievable.

All RPAs accounted specifically for their spending the extra RPA budget they receive. The level of extra funding varies between the RPAs from k€100 to k€500 yearly. Also the way the extra funding is spent varies. The RPA budget is used to attract more young talent (PhDs and Postdocs), to prepare more or better external grant applications, to create more additional research time for the staff, to organize events and conferences, and to facilitate all manners of cooperation. The committee supports the RPAs' opinion that the additional funding is spent



well and contributes significantly to the quality and relevance of the RPAs. The RPA funds appear to provide a much-needed buffer to soften the consequences of the volatility in receiving external research funding, as well as a way to support the research efforts administratively. This strengthens independence and enhances stability.

#### **4.1.4 Human Resources**

ALS declares to have strongly invested in developing and implementing sound human resources policies for attracting and retaining excellent researchers in all stages of their academic careers. In May 2019, the Faculty adopted a new framework for its appointment and career development policy. This has created much clarity for individuals and research groups about what they may expect in terms of career opportunities and hiring policy. The new human resources policy implies commitment to research excellence, nurturing diverse talent, career development and gender equality. The balancing strategy to remedy the current lesser representation of female chairs is ambitious and, if well executed, achievable.

Some concerns were expressed about career progression and work/life balance. The committee discussed with the representatives of the RPAs how this was affected by the assessment of individual researchers, by training and coaching, and by the relation between teaching and research. On all these aspects individual needs may differ from the outcome of the systematic approach that is inevitable in organizing a faculty. One way of supporting individual researchers and ensuring that their time is not taken up too much with administration is by centralizing the PURE system. This will also help harmonize the 'labelling' of research output.

A balanced work load and a tailored approach to individual needs is also important for the diversity objectives ARILS justly cherishes. In terms of work load reduction, additional administrative support may also be very effective. The degree to which such support is crucial to both the wellbeing and the performance of researchers was brought up time and again, and is clear to see. It is therefore advisable to relieve the scientific staff as much as possible from logistic and administrative burdens and to leave this to the central offices or specifically appointed support staff.

## 4.2 Recommendations for 2021

In 2021 the Amsterdam Law School once more faces an evaluation according to the national agreements and our committee was asked to reflect on how the Faculty must prepare for that evaluation. The answer is obviously closely related to the committee's assessment of ARILS' progress in the previous section. But the committee also took into account the changing outlook on how academic research is to be conducted and accordingly evaluated in the coming years. In the Netherlands, as elsewhere, the role and quality of scientific research are increasingly viewed in the light of openness towards society—Open Science—inclusivity, relevance for the present global problems, and research ethics and integrity issues.

ALS has gone through a clear trajectory for implementing the recommendations from the 2016 assessment committee. ALS also seems to have maintained the very good rankings of research quality and societal relevance.

The viability of ALS as an encompassing research institute depends on its own strategy and results, but as much on factors outside the institute's influence. Most important in the latter category are pending changes in the basic funding of teaching and research and the funding for the RPAs from 2020 onwards. In this part of its report, the committee focuses on the factors that *can* be controlled by the institute and its staff. Based on the assessments in the previous chapter, the committee identifies the following opportunities and recommendations.

1. ARILS and ALS must ensure that all their staff can benefit from an effective work-life balance; that diversity is fostered and maintained; and that *all* staff feel valued for their contribution.
2. With respect to ARILS' research culture, the committee recommends to adopt, in consultation, a firmer joint position regarding the criteria and objectives for all ALS' research efforts and the ways in which to achieve them.
3. The committee advises ALS to find a way to avoid the risk of creating an atmosphere of two groups of researchers: the best and the rest. ALS should provide perspectives towards research excellence also for non-RPA academics. ALS should try to keep the balance between stimulating research quality within and outside the RPAs. That involves recognizing the diversity of persons, tasks and expert fields in the policies on quality and human resources.
4. ARILS is proposed to take into account in its quality assurance policy that excellent research can be purely domestic or local in nature, and be published or taught in Dutch. It is important to serve the local 'market' as

well as global approaches ('glocal').

5. The committee advises to create incentives for cooperation between RPAs and with the other ARILS research groups and other researchers to strengthen the ARILS-wide research culture.
6. The committee advises the Faculty Board and Research Council to take a stronger lead in establishing and maintaining the criteria for RPAs and in indicating which research objectives and relevant subject areas have priority.
7. ARILS is advised to more actively live up to the plans to enhance the methodological skills and knowledge base for all research groups. Some of the RPA's may take a leading role in this respect, but the efforts should serve the whole of the ALS.
8. Administrative support reportedly needs strengthening at various levels in order to reduce the workload of ARILS' researchers.
9. ARILS is advised to promote Open Science more actively and in a more prescriptive way.
10. The committee advises to incorporate the faculty's integrity policy in the overall research quality policy of the open, responsive research institute ARILS intends to be.
11. ALS should be proud of its achievements in the field of research over the past three years, which also gives confidence that the ALS research community is well-equipped to face the challenges ahead.

## **Annex 1 Criteria and scores of national protocol SEP**

### *Criterion 1: Research quality*

The committee assesses the quality of the institute's research and the contribution that research makes to the body of scientific knowledge. The committee also assesses the scale of the institute's research results (scientific publications, instruments and infrastructure developed by the group, and other contributions to science). The following elements are to be considered in assessing this criterion:

- scientific quality
- productivity to the scientific community (in relation to the volume of the tenured scientific staff)
- the academic reputation of the group
- the strategy to provide the output at the highest relevant level possible

### *Criterion 2: Relevance to society*

The committee assesses the quality, scale and relevance of contributions targeting specific economic, social, or cultural target groups, of advisory reports for policy, of contributions to public debates, and so on. The point is to assess contributions in areas that the institute has itself designated as target areas. The following elements—if applicable—are to be considered in assessing this criterion:

- a narrative in which the group demonstrates its relevance for society
- research products for societal target groups such as: professional publications and outreach to the general public, other research output to society
- use of research products by societal groups such as patents, licenses, training courses
- projects in cooperation with societal partners (European Union, international funds, charities)
- contract research (including consultancies), also co-publications and use of facilities
- present jobs of alumni
- demonstrable marks of recognition by societal groups such as demonstrated by advisory reports for the government
- media exposure as presentations on radio / TV, invited opinion articles etc.
- membership societal advisory boards

### *Criterion 3: Viability*

The committee assesses the strategy that the institute intends to pursue in the years ahead and the extent to which it is capable of meeting its targets in research and society during this period. It also considers the governance and

leadership skills of the institute's management. The following elements are to be considered in assessing this criterion:

- leadership
- (scientific) visibility and recognition
- research vision and strength of the research lines
- innovative strength
- strategic choices and decisions
- composition of the group (expertise, people)
- acquisition capacity

## Annex 2 Terms of Reference

The dean of the Faculty of Law of the University of Amsterdam hereby issues the following Terms of Reference to the assessment committee of the Amsterdam Research Institute for Legal Studies (ARILS) and specific units within ARILS. The assessment committee is chaired by Prof. dr. Barbara Oomen.

Midterm assessment The Amsterdam Law School (ALS) organizes a midterm assessment of parts of its research for the period 2016-2018. The basis of assessment is the Protocol for Research Assessments in the Netherlands (Standard Evaluation Protocol (SEP 2015 – 2021)). For purposes of the midterm assessment, only particular aspects of the SEP will be addressed.

The midterm assessment has two aims.

First, the Amsterdam Law School aims to assess the performance of its six Research Priority Areas (RPAs).

Second, the Amsterdam Law School would like to assess how the Amsterdam Research Institute for Legal Studies (ARILS) as a whole is on track in implementing the recommendations of the prior assessment committee.

Therefore you are asked to carry out two assessment tasks.

1. Assess the six Research Priority Areas of the ALS:
  - The Amsterdam Centre for European Law & Governance (ACELG)
  - The Amsterdam Centre for International Law (ACIL)
  - The Amsterdam Centre for Law and Economics (ACLE)
  - The Amsterdam Centre for Tax Law (ACTL)
  - The Centre for European Contract Law (CSECL)
  - The Institute for Information Law (IVIR)

We ask you to provide us with a qualitative written assessment on the three SEP criteria (research quality, relevance to society and viability).

Please also assess the added value of the 'RPA-dedicated funding' in terms of scientific quality, societal relevance, talent base and gaining external funding (past performance) and the extent to which the RPAs are equipped for the future with regards to strategic choices and future prospects.

2. Assess ARILS' progress in light of recommendations it received from the last assessment committee. Please focus on the following two specific issues:
  - the progress ARILS has made in incorporating the recommendations of the assessment committee, three years after the last research review (2009-2015);
  - what ALS needs to improve to be prepared for the next full research assessment over the period 2016-2021.

Please provide a written qualitative assessment including recommendations for improvement.

Documentation The necessary documentation will be made available through SURF-drive and if requested hardcopies will be provided. The documents will include:

- Self-assessment Amsterdam Law School / ARILS (with a focus on the recommendations of the prior research review)
- Self-assessments of the 6 Research Priority Areas incl. a selection of their key publications
- Standard Evaluation Protocol 2015 – 2021
- Research review report UvA 2009-2015
- The Faculty Strategic plan 2015-2020
- The new framework for individual performance criteria
- The new framework for appointment and career policy
- Details of the reorganization in 2017
- Expenditure Plan - Sectoral Plan

### **Site visit**

The site visit at the Amsterdam Law School, University of Amsterdam will take place on Tuesday 11 February 2020.

### **Statement of impartiality**

Before embarking on your assessment work, you will be asked to sign a statement of impartiality. In this statement, you declare that you have no direct relationship or connection with the Amsterdam Law School / the Amsterdam Research Institute for Legal Studies.

### **Assessment report**

Please send your draft report to the Amsterdam Law School before 12 April 2020. The Amsterdam Law School will check the report for factual inaccuracies. If such inaccuracies are detected, you will be requested to correct your report accordingly. Subsequently, please return (the corrected version of) the assessment report to the Amsterdam Law School.

## Annex 3 Programme Site visit ARILS

### Programme part I preparation and welcome dinner

Date: Monday 10 February 2020

Hotel Arena 's-Gravesandestraat 55\_1092 AA Amsterdam

<b>Time</b>	<b>Activity</b>
17.00 – 19.00	Meeting with the full committee to prepare for the site visit
19.00 – 21.00	Dinner with the Prof. Nollkaemper (Dean) & Prof. van Rooij (research director ARILS)

### Programme part II site visit

Date: Tuesday 11 February 2020

Time: 08.30 – 18.00

**Location:** **Roeterseilandcampus - building A**  
Nieuwe Achtergracht 166  
1018 WV Amsterdam

<b>Time</b>	<b>Activity</b>
08.30 – 09.00	Welcome with coffee and tea
09.00 – 09.45	Meeting with the ALS management  Prof. Andre Nollkaemper, dean Prof. Benjamin van Rooij, research director ARILS Drs. Jan v. Dijk, managing director
09.45 – 10.45	Meeting with the chairs of the departments  Prof. Yvonne Donders, dept. international & European Law Prof. Marco Loos, dept. private law Prof. Marc de Wilde, dept. jurisprudence Prof. Bernt Hugenholtz, dept. labour law & information law
10.45 – 11.15	Break
11.15 – 12.30	Meeting with researchers of two research groups  The Amsterdam Centre for European Law & Governance (ACELG) Prof. dr. Christina Eckes Dr. Kati Cseres



- Dr. Maria Weimer
- The Amsterdam Centre for International Law (ACIL)  
 Prof. Ingo Venzke  
 Mr. dr. Catherine Brölmann  
 Dr. Sergey Vasiliev
- 12.30 – 13.15 Private lunch assessment committee  
*A short visit to 5<sup>th</sup> floor where IViR is seated.*
- 13.15 – 14.30 Meeting with researchers of two research groups
- The Institute for Information Law (IViR)  
 Prof. mr. P.B. (Bernt) Hugenholtz  
 Prof. Dr. Natali Helberger  
 Dr. mr. Stef van Gompel  
 Dr. Kristina Irion
- The Centre for European Contract Law (CSECL) /  
 Amsterdam Centre for Transformative Private Law (ACT)  
 Prof. dr. Marija Bartl  
 Prof. dr. Chantal Mak  
 Candida Leone
- 14.30 – 14.45 Break
- 14.45 – 16.00 Meeting with researchers of two research groups
- The Amsterdam Centre for Law and Economics (ACLE)  
 Prof. dr. Alessio Paces  
 Prof. dr. Rolef de Weijs  
 Prof. dr. Enrico Perotti
- The Amsterdam Centre for Tax Law (ACTL)  
 Prof. dr. Dennis Weber  
 Prof. dr. Hein Vermeulen  
 Prof. mr. dr. Sjoerd Douma
- 16.00 – 17.30 Concluding meeting assessment committee
- 17.30 Presentation of the preliminary findings of the assessment committee and drinks

## **Annex 4 Curricula vitae of the Committee members**

**Barbara Oomen** holds a chair in the Sociology of Human Rights at Utrecht University, and leads the 'Cities of Refuge' research project. She was the Dean of University College Roosevelt (UU's honours college in Middelburg) from 2012 – 2016, and a Fernand Braudel fellow at the European University Institute in Florence from 2016-2017. She has worked and taught on themes of law and cultural diversity at Leiden University, the University of Amsterdam, the University of Cape Town and Columbia University. Next to her work in research and teaching, prof. Oomen has held a wide variety of administrative and advisory positions, such as the chair of the Netherlands Platform on Human Rights Education, member of the Constitutional Review Commission and of the Advisory Board of the Netherlands Institute for Human Rights. She has also been actively involved in shaping the Dutch agenda for Higher Education, as a member of Science in Transition, of the Advisory Board of the Strategic Agenda for Higher Education and of numerous review boards in the Netherlands and in Europe.

**Boudewijn R.A. Bouckaert** is Professor Emeritus at the Law School of the University of Ghent. From 1987 until his retirement in 2012, he held the chair of Legal Theory in Ghent and was the Director of the Department of Legal Theory and History of Law. He was Dean of the Law School from 1998 until 2000 and member of the Board of Administration of the University between 2000 and 2004 and between 2014 and 2018. In 1989, he founded the still operational Erasmus-Mundus program European Master in Law and Economics of which he was the director until 1994. His teaching involved courses on Legal Theory, Introduction to Private Law, Property Rights, Economic Analysis of Property Rights, Zoning Law and Philosophy of Law. As a guest professor, he taught and is teaching at different universities such as Bujumbura, Aix-en-Provence, Paris IV and XI, Montpellier, Hamburg, Torino, CEVRO-Institute Prague, Institute for Humane Studies (Notre Dame Belmont California). In 2005, he held the Erasmus Chair at the Harvard Law School for the course Property Rights in Transition Countries. In 2007, he was awarded the Friedrich von Wieser Prize in Prague for economic teaching. Beside his Academic career, he served as a member of the Superior Council for Justice (appointment of judges and advices to the Parliament) between 2000 and 2008. In 2009, he was elected as a member of the Flemish Parliament for the Ghent constituency and during his mandate, he was the chair of the Committee for Education and Equality of Chances. His publications cover the fields of legal theory and history, the economics of property rights and zoning law. He was the co-editor of the two editions of the Encyclopaedia of Law and Economics. His last book, which is in print now, covers the subject Property Rights, Economics and Case law.

**Irene J.J. Burgers** is a Full Professor of International and European Tax Law at the Faculty of Law of the University of Groningen and a Full Professor of Economics of Taxation at the Faculty of Economics and Business of the University of Groningen. The International Fiscal Association awarded her the Mitchell. B. Carroll Prize 1992 for her dissertation "The allocation of fiscal profits to branches of internationally operating banking enterprises". Her interests focus on international and European tax law aspects of doing international business and on cooperative compliance with a special focus on tax control frameworks. She practiced tax law as tax adviser with PricewaterhouseCoopers. Furthermore, she was one of the independent persons for the EU Arbitration Committee (1995 - 2012). She was a Vice Dean of the Faculty of Law of the University of Groningen from 1993 - 1995 and a member of the Board of Management of Centrum voor Recht, Bestuur en Samenleving (the Research Institute of the Faculty of Law of this University) from 1998 - 2004. She is a member of the European Association of Tax Law Professors, the International Fiscal Association, the Groningen Centre of Energy Law and the European Accounting Association.

**Olha O. Cherednychenko** is a Full Professor at the University of Groningen where she holds a Chair in European Private Law and Comparative Law. She is also the founding director of the Groningen Centre for European Financial Services Law (GCEFSL). Her research focuses on the role of private law in the process of European market integration and the interaction between national and supranational legal orders and public and private governance mechanisms more generally. Prior to her appointment in Groningen in 2012, Olha Cherednychenko held positions as a Lecturer/Researcher at the University of Utrecht (2002-2006) and as a Senior Lecturer at the VU University Amsterdam (2006-2012). She has also been a Visiting Fellow/Professor at the European University Institute (EUI), Florence; the Institute of European and Comparative Law (IECL), University of Oxford; the London School of Economics and Political Science (LSE); the Institute of Advanced Legal Studies (IALS), University of London; and the University of Turin. As a project leader and/or senior researcher, she has been involved in multiple European research projects, in particular for the European Parliament and the European Commission as well as within the Jeanne Monnet Centre of Excellence 'Consumers and SME's in the Digital Market'. She has also regularly served on research assessment committees, in particular at the Netherlands Organisation for Scientific Research (NWO).

**Gleider Hernández** is Professor of Public International Law at Katholieke Universiteit Leuven and Open Universiteit Nederland. Previously, he was Associate Professor (Reader) in Public International Law at Durham Law School and Deputy Director of the Durham Global Policy Institute. He is the author of *The International Court of Justice and the Judicial Function* (OUP, 2014), and *International Law* (OUP, 2019).

He took a D.Phil from Wadham College, Oxford, read for an LL.M in Public International Law at Leiden University, and for BCL (civil law) and LL.B (common law) degrees at McGill University. From 2015 to 2018, Gleider held a Research Leadership Fellowship (Early Career) from the United Kingdom Arts & Humanities Research Council. Regarding external fellowships and appointments, he was a Christopherson-Knott Fellow at the Durham Institute of Advanced Study (Michaelmas 2018); a Visiting Consultant with the International Commission of Jurists in Geneva (summer 2017); Visiting Senior Fellow at the TMC Asser Institute in The Hague (autumn 2016); Visiting Expert Associate at the Amsterdam Centre for International Law (spring 2014); and Visiting Fellow at the Faculty of Law, McGill University (autumn 2013). From April-August 2019, he held a Fulbright Scholar All-Disciplines Award at Harvard Law School, at the Institute for Global Law and Policy.

**Matthias Leistner** is Professor of Private Law and Intellectual Property Law, with Information and IT-Law (German Association for the Protection of Intellectual Property (GRUR) Chair) at LMU Munich. He studied law in Berlin, Brussels, Munich and Cambridge. Ph.D.-studies at the Max-Planck-Institute for Intellectual Property and Competition Law Munich; Dr. iur. (s.c.l.), LMU Munich 1999. Master of Law (LL.M.), Trinity Hall College, University of Cambridge 2004. Habilitation (Post-doc thesis), LMU Munich 2006.

Matthias Leistner was Head of the Commonwealth Unit at the Max-Planck-Institute for Intellectual Property and Competition Law, Munich. From 2007-2016 he was Professor of Civil Law, Intellectual Property Law and Competition Law and Director of the Institute for Commercial and Economic Law at the University of Bonn. Apart from his Chair at LMU Munich, at present, he is a Member of the Faculty of the Munich Intellectual Property Law Center (MIPLC), and a guest professor for European Intellectual Property Law at the University of Xiamen, China, and at the Tongji University, Shanghai. He will be Short Term International Visiting Professor at Columbia Law School, New York, in the Spring Term 2020.

His specialties are intellectual property law (in particular copyright and patents), unfair competition law and internet law. He has published seven books and numerous articles in these fields and has been consulted on IP matters by various government departments and non-governmental organisations as well as international institutions.

**Eleanor Spaventa** is Full Professor of European Law at the Law School, Bocconi University; she spent most of her academic career in the UK, and before joining Bocconi she held positions at Durham University (Professor and Reader) where she also was Director of the Durham European Law Institute, Birmingham and Cambridge Universities (Lecturer, and Director of Studies). Eleanor has been visiting professor in several institutions, including the College of Europe in

Natolin, and has held fellowships at the European University Institute (Fernand Braudel Senior Fellowship) and at the Institute of Advanced Studies in Durham. Eleanor's research focuses on the constitutional aspects of EU law, and in particular she is preoccupied with the boundaries between EU and national law. Her main interests lie with EU fundamental rights, EU citizenship and EU Internal market law, fields in which she has published widely. Eleanor has authored and co-authored reports commissioned by the European Parliament PETI committee and by the European Commission (DG EMPL), and has provided written evidence to the House of Lords Constitutional Committee, to the UK Government Balance of Competence Review and to the Scottish Parliament. Her work has been quoted by several Advocates General in front of the European Court of Justice.

**Frans van Steijn** (secretary) studied physics (BSc) at the Vrije Universiteit Amsterdam and philosophy (MA) at the University of Amsterdam. He received a PhD at the UvA on a thesis "The Universities in Society; a Study of part-time professors in the Netherlands"(1990). Since 1996 Frans was senior advisor at Vereniging van Universiteiten (VSNU), the Association of Universities in the Netherlands. He was Secretary to the Board and Secretary to the Rector's Conference. His expert fields are quality assurance, research policy and research integrity.

In September 2014 Frans retired from VSNU and established an independent office for consultancy and project management, specialized in quality assurance in universities and research organizations. In that new capacity Frans van Steijn assisted as secretary several research review committees and an institutional audit.