



# Sectorplan Rechtsgeleerdheid: samenwerking en vernieuwing

**Expenditure Plan UvA**

Final version, May 2019

We are **UvA**

# Index

<b>1. General information .....</b>	<b>3</b>
<b>  1.1 Amsterdam Law School .....</b>	<b>3</b>
a. General Information .....	3
b. Profile Amsterdam Law School.....	5
c. Follow up to the research review 2009-2015.....	5
<b>  1.2 Research groups involved in the Expenditure Plan .....</b>	<b>6</b>
a. Selection of the research groups for globalisation and digital legal studies .....	6
b. Information on the individual research groups.....	6
i. Amsterdam Centre for European Law & Governance (ACELG) .....	6
ii. Amsterdam Centre for International Law (ACIL) .....	8
iii. Centre for European Contract Law (CSECL) .....	10
iv. Institute for Information Law (IVIR).....	11
<b>2. HR policy.....</b>	<b>13</b>
<b>  2.1 Contribution to the national HR KPIs.....</b>	<b>13</b>
a. Young research talent.....	13
i. New PhD positions .....	14
ii. Postdoctoral positions .....	14
iii. Increasing the intake into PhD trajectories .....	14
b. Duration of PhD trajectories.....	14
c. Diversity and inclusion.....	15
i. In general .....	15
ii. Female professors .....	15
iii. Increased representation of staff members with a migration background.....	16
<b>  2.2 Reflection in response to the vulnerabilities of and threats faced by the sector .....</b>	<b>16</b>
<b>  2.3 KPIs HR .....</b>	<b>17</b>
<b>3. Research themes .....</b>	<b>17</b>
<b>  3.1 Sustainable Global Economic Law .....</b>	<b>17</b>
a. Choice of the research line .....	17
b. Problem statement and overall research question .....	18
c. Contribution to the Sectoral Plan agenda .....	18
d. Research Design .....	19
e. Expertise .....	20
f. Innovative features of the project.....	21
g. Academic and Societal Relevance .....	21
h. KPIs .....	22
i. Connection to education .....	23
<b>  3.2 Digital transformation of decision-making .....</b>	<b>23</b>
a. Choice of the research line .....	23
b. Problem statement and overall research question .....	23
c. Contribution to the Sectoral Plan agenda .....	24
d. Research design.....	24
e. Expertise .....	26
f. Innovative features of the project.....	27
g. Academic and Societal relevance .....	27
h. KPIs .....	27
i. Connection to education .....	29
<b>  3.3 Synergy between research themes.....</b>	<b>29</b>

<b>4.</b>	<b>Collaboration: focus and scale.....</b>	<b>29</b>
<b>4.1</b>	<b><i>HR: attracting and retaining young research talent.....</i></b>	<b>29</b>
<b>4.2</b>	<b><i>Theme 3 Digital Legal Studies.....</i></b>	<b>29</b>
<b>4.3</b>	<b><i>Theme 5 Globalisation.....</i></b>	<b>30</b>
<b>5.</b>	<b>Budget .....</b>	<b>31</b>
<b>5.1</b>	<b><i>Budget.....</i></b>	<b>31</b>
<b>5.2</b>	<b><i>Matching .....</i></b>	<b>32</b>
	<b>Appendix I Key figures.....</b>	<b>33</b>
	<b>Appendix II Plan by the Council of Deans of Law Faculties .....</b>	<b>38</b>

# 1. General information

## 1.1 Amsterdam Law School

### a. *General Information*

The Amsterdam Law School is ranked No. 48 in the QS Top Law School Ranking 2018, as the second law faculty in the Netherlands. This reflects its academic reputation and the impact of its research.

#### Research groups

The Amsterdam Law School has eight research centres / institutes:

1. Amsterdam Centre for European Law & Governance (ACELG)
2. Amsterdam Centre for International Law (ACIL)
3. Amsterdam Centre for Law and Economics (ACLE)
4. Amsterdam Centre for Tax Law (ACTL)
5. Centre for European Contract Law (CSECL)
6. Institute for Information Law (IVIR)
7. Paul Scholten Centre for Jurisprudence
8. Hugo Sinzheimer Instituut / Amsterdams Instituut voor Arbeidsstudies (HSI/AIAS).

The first six of these centres and institutions have been designated as Research Priority Areas. They participate at the highest level in the international academic debate and perform very well in terms of academic output, societal relevance, the recruitment and retention of talent, and in obtaining external funding. These centres/institutions receive additional funding from the Amsterdam Law School.

Outside these eight centres and institutions, research takes place within the departments that administer the curricula in the main areas of Dutch law: in particular criminal law, private law, and constitutional and administrative law.

On the basis of this expenditure plan, two new groups will be created for research into two subject areas that the Amsterdam Law School has chosen to prioritise: globalisation and digital legal studies.

#### Important partnerships

The Amsterdam Law School engages in a large number of partnerships within the University of Amsterdam, with other academic institutions, and with societal partners. Within the University of Amsterdam, the Faculty cooperates closely with the Faculty of Behavioural and Social Sciences (e.g. in the framework of the UvA Research Priority Areas *Amsterdam Centre for European Studies* and *Personalized Communication*), and the Faculties of Humanities and Science (e.g. in the framework of the UvA Research Priority Area Artificial Intelligence). The Amsterdam Law School is partner of the research school *Ius Commune* and, as part of the UvA, the *League of European Research Universities* and *Universitas 21*. It has a very extensive worldwide network of universities and law schools for purposes of students exchange. Individual research centres have a large number of worldwide partnerships with law schools and research institutes in their respective fields. They also engage in partnerships with societal partners for purposes of drafting and implementing research agendas and valorisation.

## **Teaching programmes**

The Amsterdam Law School administers three Bachelor's degree programmes:

- Rechtsgeleerdheid
- Fiscaal Recht
- Politics, Psychology, Economics and Law (PPLE)

It administers nine Master's degree programmes, five of which are in Dutch and four of which are taught in English:

- Arbeidsrecht
- Belastingrecht
- Informatierecht
- Privaatrecht
- Publiekrecht
- European Private Law
- International Criminal Law
- International and European Law
- International Tax Law, Principles, Policy and Practice (advanced master)

Most of these degree programmes administer two or more separate tracks.

The Amsterdam Law School administers two two-year Research Master's degree programmes (Information Law and Public International Law) until the end of academic year 2019-2020, when those programmes will be terminated. On the basis of the current Expenditure Plan, these will be replaced by honours research trajectories on top of the regular master programmes.

## Academic staff

On 31 December 2018 the Amsterdam Law School employed 242 researchers and lecturers (170,2 fte), of which 48% is female and 52% is male.

Position	Gender	Amount	%	fte	%
Professor (HGL)	male	53	77%	29,98	72%
	female	16	23%	11,57	28%
	<b>Total</b>	<b>69</b>	<b>100%</b>	<b>41,55</b>	<b>100%</b>
Assoc. Prof. (UHD)	male	11	50%	9,60	52%
	female	11	50%	8,95	48%
	<b>Total</b>	<b>22</b>	<b>100%</b>	<b>18,55</b>	<b>100%</b>
Asst. Prof. (UD)	male	15	50%	12,55	49%
	female	15	50%	12,84	51%
	<b>Total</b>	<b>30</b>	<b>100%</b>	<b>25,39</b>	<b>100%</b>
Lecturer	male	21	40%	9,31	36%
	female	31	60%	16,80	64%
	<b>Total</b>	<b>52</b>	<b>100%</b>	<b>26,10</b>	<b>100%</b>
Postdoc	male	12	41%	10,15	44%
	female	17	59%	12,71	56%
	<b>Total</b>	<b>29</b>	<b>100%</b>	<b>22,86</b>	<b>100%</b>
PhD student	male	13	33%	11,66	33%
	female	27	68%	24,12	67%
	<b>Total</b>	<b>40</b>	<b>100%</b>	<b>35,78</b>	<b>100%</b>

Table 1: Personeel in dienst, reference date: 31-12-2018, source: SAP

### **b. Profile Amsterdam Law School**

The Amsterdam Law School is committed to innovative legal academic research that pushes the boundaries of our knowledge of the actual, possible, and desirable content and operation of law, and that has a major societal impact.

The Amsterdam Law School has a strong European and international orientation, as is emphasised in the curricula of its Bachelor's and Master's programmes and in its research programs. This international orientation allows teaching and research to connect to the internationalisation of legal practice. It is also an essential part of its ambition to engage in fundamental academic research.

### **c. Follow up to the research review 2009-2015**

The choices made in the present expenditure plan are in line with the results of the latest external research assessment (2009-2015). The Assessment Panel endorsed the Law School's Research Priority Area policy and was very positive about the research carried out by the four groups covered by the expenditure plan.

The Assessment Panel also recommended to cultivate a more robust research culture, with a strong focus on research methods and the pursuit of academic excellence and societal impact. In line with this recommendation we develop substantive research projects on digital legal studies and globalisation and seek broad collaboration throughout the Amsterdam Law School.

At the time of the research assessment, the possibility of extensive collaboration between ACELG, ACIL and CSECL was explored. The Assessment Panel suggested that a continued collaboration of this kind might be a good idea. Given the vast range of topics covered by those groups, an overall intensification of the collaboration proved not to be fruitful. However, researchers from those groups continued to work together successfully, and it is that collaboration that forms the basis for the research line on globalisation.

The recommendations of the Assessment Panel for a more robust PhD programme have been implemented, resulting in the revised PhD framework 2018. This framework forms the basis of the envisaged reduction of completions time of a PhD trajectory.

## **1.2 Research groups involved in the Expenditure Plan**

### ***a. Selection of the research groups for globalisation and digital legal studies***

The research line on globalisation will be carried out collaboratively for the most part by the Amsterdam Centre for European Law & Governance (ACELG), the Amsterdam Centre International Law (ACIL) and the Centre for European Contract Law (CSECL).

The line of research devoted to digital legal studies will be carried out primarily under the guidance of the Institute for Information Law (IViR).

ACELG, ACIL, CSECL and IViR have been designated by the University of Amsterdam and/or the Amsterdam Law School as Research Priority Areas on account of their competitive advantage in terms of academic excellence and societal relevance. In recent years, additional financial resources have been allocated to those groups in order to increase their focus and scale and to further stimulate their academic and societal impact. The groups cited have also been successful in recruiting and retaining talent and in securing funding from the 2nd and 3rd flow of funds.

Given the continuing significance of both themes, the excellent track record and quality of these four groups, and their potential to contribute significantly to the overall KPIs of the Sectoral plan, the Amsterdam Law School has chosen transformative effects of globalisation and digital legal studies as its substantive themes in the Sectoral plan.

### ***b. Information on the individual research groups***

#### ***i. Amsterdam Centre for European Law & Governance (ACELG)***

The Amsterdam Centre for European Law and Governance (ACELG) has since its inception in 2009 nationally and internationally recognized as a research centre that makes high level contributions to the academic and policy debate on legal and governance processes in Europe. ACELG focusses on mapping, understanding and critically reflecting upon the transformation of the exercise and control of public power in settings of multilevel governance and triggered by Europeanization. Its objective is to offer an analysis of the potential and shortcomings of law in enabling and controlling the exercise of public power in the context of continuous integration and disintegration processes, as

well as its ability to address the challenges arising from internal and external pressures on the European Union. Integration and disintegration are understood broadly including all power shifts towards European actors comparatively more independent of national control, as well as cooperation of the Member States within EU legal structures that have the effect of submitting Member States to EU rules and vice versa. ACELG underlying interest is the tension between functional interdependencies and persistent diversity. One legal expression of this tension is the increasing differentiation at the level of primary and secondary law.

ACELG researchers focus on four key research themes: Constitutional Perspectives on Integration and Disintegration; EU Regulatory Governance: Expertise, Authority, and Legitimacy; Law and Governance of Social Policy in the European Union and the EU and the World: Pressures, Influence and Justice

The research of ACELG is closely connected to the Master's tracks in European Public Law and European Competition Law and Regulation. ACELG members teach foundational and innovative courses in an international classroom.

Based on the conviction that it is necessary to understand and trace the (internal) normativity of law, in order to be able to examine it fruitfully through an external lens, ACELG adopts a distinctive approach to the analysis of European law. While our primary focus is legal research into the processes of integration and disintegration within the European Union and the interplay and counter-tendencies surrounding these concepts, ACELG engages in research that considers legal phenomena in the context of broader constitutional developments and shifts in governance in Europe as well as in the wider structures of global governance, ACELG's research thus combines an internal approach to legal studies with an external approach from the perspective of other disciplines and accordingly goes beyond analysing the core legal sources within the European legal order (the EU Treaties, secondary legislation and case law of the Court of Justice). Hence, both the object and the methods of ACELG's research are distinct in that they combine the internal perspective of doctrinal legal analysis with an external perspective of social science, economics and theory.

Accordingly, ACELG's scholarly work combines a number of research methods, such as the analysis of positive law, gathering and assessment of empirical data, and normative evaluation and interpretation. ACELG seeks to build bridges to the work undertaken by other research communities and disciplines, such as political science, economics and legal theory, while offering our own distinct contribution.

ACELG has a strong commitment to high quality research. It welcomes the priority given to quality over quantity in the Standard Evaluation Protocol (SEP). The research assessment (2009-2015) identified ACELG as one of the leading institutions in European administrative law and governance. Its twofold approach, accompanying the ongoing political Europeanisation of administrative law through the EU institutions and its critical reflecting on the deeper constitutional implications of the Europeanisation of executive power, is the key to its success. The Research Priority review of the University of Amsterdam (2017) acknowledged the high-quality of research at ACELG, drawing specific attention to the large number of excellent and influential publications with the top publishers and journals in the field.

ACELG researchers successfully compete for personal research grants from the Dutch and EU funding institutions (most outstanding: the Spinoza Price granted to Deirdre Curtin), and influence the academic and political debate in its field. The research group includes leading scholars with expertise in different aspects of European law and governance. ACELG has strongly contributed to set the benchmark in the European academic debate on European administrative law and governance.

ACELG is composed as follows:

<b>Position</b>	<b>Gender</b>	<b>Amount</b>	<b>%</b>	<b>fte</b>	<b>%</b>	<b>fte teaching</b>	<b>fte research</b>
Professor	Male	5	63%	1,51	46%	1,21	0,30
	Female	3	38%	1,80	54%	0,88	0,92
Assoc. Prof. (UHD)	Male						
	Female	2	100%	2,00	100%	0,85	1,15
Asst. Prof. (UD)	Male	2	67%	2,00	67%	1,30	0,70
	Female	1	33%	1,00	33%	0,50	0,50
postdoc	Male	1	50%	1,00	50%		1,00
	Female	1	50%	1,00	50%		1,00
PhD student	Male	1	14%	1,00	17%		1,00
	Female	6	86%	4,80	83%		4,80
<b>Total</b>		22		16,11		4,74	11,37

Table 2: ACELG, personeel in dienst, reference date: 31-12-2018, source: SAP

### *ii. Amsterdam Centre for International Law (ACIL)*

ACIL is a centre of excellence for public international law of the Amsterdam Law School. Its research mission highlights the aims of promoting the critical understanding and progressive development of international law. It follows its mission by deliberately combining critical reflections on law's role in pursuits of justice just as well as perpetuations of injustice, on the one hand, with concrete doctrinal analysis that carries insights into legal practice, on the other. This research requires a plurality of methods and of formats, both fundamental and applied research, theoretical and practice-oriented work.

Research at ACIL spans across different sub-fields of international law. It is home to several distinct research projects by particular research groups and individual researchers. These include the NWO-Vici project on 'Secondary Liability for International Crimes; and the ERC-Starting Grant project on 'Transnational Private-Public Arbitration as Global Regulatory Governance'. Other projects include 'The Coming of Age of International Organisations'; 'Critical International Legal Histories: Contingency in the Course of International Law'; and 'The Human Right to Science; International Adjudication in Inter-State Relations: Roles, Resistance, Reform'. The research group on 'The Role of Law in Armed Conflict and Military Operations' combines several more specific projects in close collaboration with the Netherlands Defence Academy.

Research at ACIL is closely connected to the graduate programme in Public International Law and in Trade and Investment Law. ACIL members teach foundational and innovative courses in an international classroom. A specific 'ACIL Elective' as well as research assistantships closely connect research and education. The continuous lecture series has, without any difficulty, drawn a wide variety of internationally leading colleagues in international law and adjacent disciplines. A steady stream of successful research events, ranging from closed expert workshops to international conferences further enriches its research environment.

The research assessment (2009-2015) acknowledged ACIL's major breakthroughs, such as those of the SHARES and LexMercPub ERC projects. It notes that 'ACIL has gone from strength to strength over its existence' and recognizes ACIL's high research output of 'internationally outstanding

'quality'. Research output has been placed in many top journals and with top international publishers.

The performance of ACIL was described as excellent in the Research Priority review of the University of Amsterdam (2017). The external reviewers affirmed ACIL's standing as an internationally leading group, with a research programme that showed clear signs of increasing interdisciplinarity. ACIL has a strong record in fund raising from Dutch and EU funding institutions (e.g. Vici grant for Sluiter and ERC grants for Nollkaemper and Schill).

Researchers at ACIL have engaged in various forms of high-profile valorisation and knowledge transfer on routine and ad hoc bases. They include, just for 2018 the activities of *Yvonne Donders*, who is revising UNESCO's Human Rights Strategy to be adopted by Member States in 2019; *Jill Coster van Voorhout*, who completed her project on a new, evidence-based toolkit for Dutch, EU and UN policy-makers focused on preventing and responding to 'mixed migration' (T-STAN); *Terry Gill* and the LACMO group who launched the Leuven Manual on the Application of International Law to Peace Operations at the Permanent Mission of the Netherlands to the United Nations and with the participation of UN Undersecretaries for Peacekeeping Operations, Office of Legal Affairs and Field Support in February and to representatives of NATO and the EU at NATO Headquarters in November; *Catherine Brölmann*, who offered her expertise in closed consultation on the 2018 UNGA Report by the Special Rapporteur on the human rights to safe drinking water and sanitation (OHCHR Geneva); *Ingo Venzke*, who participated in an expert meeting on these principles in Geneva in June; and *Denis Abels, Koen Vriend and Jill Coster van Voorhout*, who evaluated the Dutch Public Prosecution Settlement Act, as commissioned by the Research and Documentation Centre (WODC) of the Netherlands Ministry of Security and Justice; etc.

ACIL members have frequently offered their expertise to policy-makers and other societal actors in individual or plenary settings, including for the Senate Scientific Body (on cyber threats); for the German Bundestag as well as UNCTAD (on issues of investment law reform); for Ministry for Foreign Affairs on a variety of issues including Brexit; for the UN Committee on Economic, Social and Cultural Rights; for the Adviesraad Internationale Vraagstukken (AlV); etc.

ACIL is composed as follows:

<b>Position</b>	<b>Gender</b>	<b>Amount</b>	<b>%</b>	<b>fte</b>	<b>%</b>	<b>fte teaching</b>	<b>fte research</b>
Professor	Male	9	69%	5,36	63%	1,98	3,23
	Female	4	31%	3,10	37%	1,14	0,66
Assoc. Prof. (UHD)	Male	1	50%	1,00	50%	0,60	0,40
	Female	1	50%	1,00	50%	0,60	0,40
Asst. Prof. (UD)	Male	3	38%	3,00	40%	1,58	1,22
	Female	5	63%	4,53	60%	3,01	1,44
Teacher	Male	0					
	Female	2	100%	0,60	100%	0,60	
postdoc	Male	1	33%	1,00	45%	0,15	0,85
	Female	2	67%	1,20	55%		1,20
PhD student	Male	3	25%	3,00	30%		3,00
	Female	9	75%	7,00	70%		7,00
<b>Total</b>		<b>40</b>		<b>30,79</b>		<b>9,66</b>	<b>19,40</b>

Table 3: ACIL, personeel in dienst, reference date: 31-12-2018, source: SAP

### *iii. Centre for European Contract Law (CSECL)*

CSECL is a leading international research centre on European private law. Originally founded as a research centre specifically for European contract law, today its researchers specialise in the private law aspects of a variety of legal fields. These include European consumer protection law, environmental law, financial law, fundamental rights, housing law, insolvency law, labour law, property law, private international law, and dispute resolution. CSECL combines inquiry into topical developments with fundamental research into the role of private law in Europeanising and globalising societies and markets. Its research focuses, in particular, on the social justice dimensions of private law, the critique of dominant private law discourses, and the effective protection of vulnerable parties through private law.

CSECL's approach to European private law is multi-disciplinary, combining thorough legal analysis with pertinent insights from other fields, such as political theory, critical theory, political economy, moral theory, behavioural sciences, and economic analysis.

CSECL is focussed on high-quality research, aiming for publications in international top journals and with the best international academic publishers – focusing its output in the most prestigious outlets from its list of A+ and A journals and publishing houses. CSECL has been also successful in applications for research projects funded either by Dutch authorities or by European institutions (VIDI for Prof. Chantal Mak, Veni for Dr. Marija Bartl, Open Research Area for Dr. Joasia Luzak, Marie Curie funding for Prof. Martijn Hesseling).

CSECL research has a strong societal impact, both on European private law making and on its practice. Researchers have acted as experts for the European Commission and the European Parliament, in the drafting of high-profile EU legislation, in setting up a prominent network of European judges and they have assisted stakeholders, such as consumer organisations. Several CSECL researchers also engage in (European) private law practice, as legal consultants or judges.

The research assessment (2009-2015) noted that CSECL has managed to strike a fine balance between ‘support’ and ‘critical distance’ of the important political project promoted by the European Parliament and the European Commission. Not only did CSECL accompany and report on the overall process of Europeanisation of contract law, it also devoted time and effort to a critical reflection on the pros and cons of the process, of the values behind it and the architecture surrounding it.

Today CSECL researchers contribute to European public debate, foremost through reports to the European institutions (Commission, Parliament) as well non-governmental actors (Consumer Association BEUC, European Trade Unions ETUI) on a broad range of issues such as posted workers, data governance, consumer law or insolvency law. Importantly, CSECL prides itself that it manages to turn its interventions into the Europeanisation process into high profile publications that appear in the most prestigious outlets.

The research of CSECL is closely connected to the Master’s programme in European Private Law where core CSECL faculty teach foundational and innovative courses in an international classroom. In the recent teaching evaluation, the LLM in European private law has been praised for its outstanding academic and educational quality.

CSECL is composed as follows:

<b>Position</b>	<b>Gender</b>	<b>Amount</b>	<b>%</b>	<b>fte</b>	<b>%</b>	<b>fte teaching</b>	<b>fte research</b>
Professor	Male	5	71%	4,00	69%	2,06	1,74
	Female	2	29%	1,80	31%	1,00	0,80
Assoc. Prof. (UHD)	Male						
	Female	3	100%	2,82	100%	1,39	1,43
Asst. Prof (UD)	Male	1	100%	1,00	100%	0,60	0,40
	Female						
Teacher	Male	1	20%	1,00	20%	0,70	0,30
	Female	4	80%	4,00	80%	2,90	1,10
Postdoc	Male						
	Female	2	100%	2,00	100%		2,00
PhD student	Male						
	Female	5	100%	5,00	100%		5,00
<b>Total</b>		<b>23</b>		<b>21,62</b>		<b>8,65</b>	<b>12,77</b>

Table 4: CSECL, personeel in dienst, reference date, 31-12-2018, source: SAP

#### *iv. Institute for Information Law (IVIR)*

IVIR is the oldest research institute within the Amsterdam Law School, and is one of the largest research centres in the field of information law in the world. Its mission is to further the development of information law within a legal framework that accommodates the needs and interests of the information society, its citizens and its industries in a just and balanced way, while respecting fundamental rights and democratic freedoms. What characterizes the information law paradigm, and sets it apart from traditionally defined legal domains, is that it works from a single, coherent normative framework that is primarily informed by the three fundamental rights that define a just information society: the rights to freedom of expression and information, the rights to

privacy and data protection and intellectual property rights. This paradigm anchors and brings coherence to the present research programme and ensures all involved make innovative and sustainable research choices when confronted with digital technology related ‘hypes’ that present themselves almost on a daily basis.

IViR has set three strategic goals: to produce cutting-edge scholarship and maintain its leadership position; to conceive and develop legal concepts and doctrine that suit the requirements of the information society and help define the information policy agenda at the national, European and international levels; and to promote the paradigm of information law in law and legal scholarship worldwide.

IViR is well embedded in multiple networks and research corporations outside the UvA, including the VSNU Digital Society Initiative (the Citizenship & Democracy research line), the NWA Responsible Innovation with Data, as well as longstanding international academic partners with whom it has worked in EC FP projects, such as the EC thematic network on Legal Aspects of Public Sector Information (LAPSI) and various projects on open science (Openaire, FutureTDM). Within the UvA, IViR has partnered with the Amsterdam School of Communication (ASCoR), in the Personalised Communication Project, that was granted additional UvA Research Priority Area funding, and is one of the founders of the new cross faculty Research Priority Area Human(e) AI, together with leading scholars from the faculty of social sciences (FMG), arts & humanities (FGW) and natural sciences (FNWI).

Its research programme feeds into the LLM programme in Information Law, a selective programme (with ‘civiel effect’) that educates students into both discipline and socially competent information law lawyers. This research-based approach, praised by NVAO, will be further strengthened with the Glushko Samuelson Information Law and Policy Lab, part of the Amsterdam Law Practice master programme for experiential learning. Students will work on research-driven important current social issues under the supervision of researchers.

IViR has a comprehensive strategy of training and coaching PhDs and Early Career Researchers in the skills needed to operate in an international and interdisciplinary research environment. Next to academic excellent, international visibility (conference participation, writing research articles already at an early stage), experience in writing funding applications, management and valorisation of research are pivotal elements of this strategy.

The research assessment (2009-2015) was impressed with the significant capacity building of IViR over the last years, and the high level of professionalism in all facets of its management that has been reached. It has a large team of outstanding researchers and the quality of its research work enables it to stake its claim in the world leagues, alongside top US universities. IViR is rated excellent both in terms of excellent academic output and their massive societal engagement the European and international level, and maintains a solid network of societal partners from industry, public institutions and NGOs.

In the research priority review (2017), the international cooperation between IViR and ASCoR (Personalised Communication) was described as “crown jewel” of the University of Amsterdam, and has resulted in the active involvement of IViR in another UvA Research Priority Area: Human(e)AI.

IViR has had outstanding success at attracting outside funding, reporting a ratio of 2.3 to 1 ( $2^{\text{nd}} + 3^{\text{rd}}$  flow of funds /  $1^{\text{st}}$  flow of funds). It reports many major grants and awards: two NWO Veni, two Marie Curie, two ERC as well as e.g. EC FP, HERA, ESF, and various NWO grants (TOP, talent, thematic). The Institute regularly advises EU institutions on copyright reform, digital consumer law, regulation of platforms and on other regulatory matters. It has initiated and realized countless international

seminars, speaker events, and projects involving both nationally and internationally renowned scholars and legal professionals.

The programme can rely on an excellent and longstanding international academic network, including Sciences-Po, Humboldt Institut für Internet und Gesellschaft (HIIG) Berlin, Weizenbaum Institute for the Networked Society, Max Planck Institut for Competition and Innovation München, Hans Bredow Institut Hamburg, KU Leuven, VU Brussel, University of Zürich, Alan Turing Institute, LSE, University of Haifa Center for Law & Technology, NYU, UC Berkeley, Harvard and Cambridge University.

IViR researchers regulatory advice European Institutions (European Commission, European Parliament, Council of Europe but also WIPO, UNESCO, OECD), and national regulators and ministries across Europe. IViR's network also includes many reliable connections to the private sector, including media companies (FD, Persgroep, RTL, Blendle, NOS, ZDF, BBC) and platforms (Facebook, Google, Twitter).

Of particular relevance in the context of the SSH plan is the rich experience that IViR has with multi-partner, and multi-discipline cooperations, both externally and internally. IViR staff comprises legal researchers, communication scientists, sociologists, computer scientists, economists and philosophers. The Institute has a considerable track record in training a new generation of scholars equipped to engage in multi-disciplinary research.

IViR is composed as follows:

Position	Gender	Amount	%	fte	%	fte teaching	fte research
Professor	male	3	60%	2,0	53%	0,85	1,2
	female	2	40%	1,8	47%	0,30	1,5
Assoc. Prof. (UHD)	male	1	100%	0,8	100%		0,8
	female						
Asst. Prof (UD)	male	2	67%	2,0	67%	0,60	1,4
	female	1	33%	1,0	33%		1,0
Lecturer	male	1	100%	0,2	100%	0,15	
	female						
postdoc	male	6	67%	5,3	65%		5,3
	female	3	33%	2,8	35%		2,8
PhD student	male	4	67%	3,2	64%		3,0
	female	2	33%	1,8	36%		1,8
<b>Total</b>		<b>25</b>		<b>20,9</b>		<b>1,90</b>	<b>18,7</b>

Table 5: IViR, personeel in dienst, reference date: 31-12-2018, source: SAP

## 2. HR policy

### 2.1 Contribution to the national HR KPIs

#### a. Young research talent

We will contribute to the recruitment of young academics by the following steps.

### *i. New PhD positions*

Four new PhD positions will be created, divided between globalisation and digital legal studies.

The aim is to appoint at least two candidates (one in each research line) who speak Dutch or who are committed to learn Dutch, and whose research is connected to the main fields of Dutch law.

### *ii. Postdoctoral positions*

The new framework for appointment and career policy, adopted in May 2019, stipulates that all new assistant professors who have a tenure track appointment will have 50% research time for a period of three years.

In implementing this new policy we will take the following specific steps:

- One postdoctoral (1 fte) research position will be created for digital legal studies; this will become permanent before 2025.
- Three new positions of assistant professors with 50% research time will be created; two for globalisation, one for digital legal studies.
- The two assistant professor positions under the theme globalisation will become permanent before 2025.
- Six new assistant professor positions with 50% research time will be created; the intention is that three of these will be part of the research group for the theme globalisation, and three for the theme digital legal studies. For these positions, the standard 0,3 fte research time will be supplemented by 0,2 fte by means of the Expenditure Plan budget. In principle, all of these positions (with a total of 3,0 fte research time) will become permanent.
- Three additional tenure track assistant professor positions (0,2 fte research time, Expenditure Plan budget) will be created in the main areas of Dutch law.

### *iii. Increasing the intake into PhD trajectories*

In order to increase the intake into PhD trajectories, we will set up a honours research trajectory. Hereby, we will prepare students for a possible choice for a PhD position.

The programme will consist of 18 European Credits (EC). Together with the 12 EC thesis, the programme has a size of 30 EC. The programme comes, apart from the thesis, on top of the existing MA programs. The programme will for 9 or 12 EC consist of courses in the field of (multidisciplinary) research methods and academic skills. For the remaining 6 or 9 EC, students follow a research internship at the research group associated with the programme.

The target is a group of 30 students from all MA programs. Selection will be based on motivation and grades. The honours research trajectory will start in September 2020. From September 2021 onwards, the influx will be about 30 students.

Given that there was no discipline wide support for a national t-shaped lawyer master's, the Amsterdam Law School will separately explore possibilities to set up such a master's programme.

## **b. Duration of PhD trajectories**

In the period 2014-2018, the average length of a PhD trajectory was 69 months (with a four year contract) and 59 months with a three year contract (Table 9).

In order to bring the length of the PhD trajectories back to 62 months in 2021 and 56 months in 2024 the Amsterdam Law School aligns with the plan presented by the Council of Deans of Law Faculties (Appendix II).

The key points of this plan have already been incorporated in the framework that the Amsterdam Law School adopted in 2018. These existing measures are:

- All PhD candidates are supervised by two (co)promotors.
- In principle, the PhD trajectory last four years, based on an appointment of 1.0 fte.
- The research proposal is screened by an admission committee of three persons, independent from the (co)promoters.
- A monitoring system ensures that each doctoral candidate is registered and that all parties involved understand what is expected of them.
- An educational supervision plan (OBP) sets out what a PhD student is expected to have achieved by the nine-month mark and on the basis of which an assessment takes place.
- An external assessor is involved in the assessment at the nine-month mark.
- Annual progress interviews are held with each PhD student.
- Supervision of PhD candidates is part of annual performance appraisals with supervisors.
- An independent PhD dean serves the interests of PhDs in relation to possible problems in the relation between PhD candidates and their supervisors.
- The Law School facilitates feedback between PhD candidates, for instance on the annual workshop for first year PhD candidates.

Two elements that are part of the plan presented by the Council of Deans of Law Faculties are not yet part of the 2018 Framework, but will be implemented in the second half of 2019:

- We will offer, where necessary, training to supervisors and (co)promotors who lack experience for supervising PhD students;
- We will develop guidelines for receiving a doctorate based on (peer reviewed) articles.

We will actively engage in national discussions to improve the length of PhD trajectories, in conformity with the plan presented by the Council of Deans of Law Faculties.

### **c. Diversity and inclusion**

#### *i. In general*

In April 2019, the Law School adopted a plan of action on equality, diversity, and inclusion. The Amsterdam Law School is committed to achieving academic excellence by advancing a culture and climate of equality, diversity, and inclusion that empowers students and staff. It aims to create awareness and provide a basis for concrete steps within the Amsterdam Law School community.

#### *ii. Female professors*

While in general the gender balance within the Amsterdam Law School is even, with 48% of the total number of scientific staff being female (see table 11a), for chairs, the balance is uneven. On 31 December 2018, the total number of female full professors was 16 (11,6 fte), while the total number of male full professor was 53 (30 fte). In terms of fte the share of the full female professors was 28% (see table 11).

We aim to achieve the target of 33% of female full professors by 2025 in three steps.

- In 2019 two personal chairs will be created, promoting two female associate professors to full professor. With one of these positions, we will create a leadership position in the research line on globalisation.
- We will expedite the promotion of three female staff members. We will create an open call to all female staff members at the positions UD1, UHD2 and UHD1. The procedure will have to be completed within six years.
- Over the next six years at least 50% of newly appointed full professors will be female.

Based on current estimates, six full professor positions currently held by men will become vacant by 2025 as a result of retirement and termination of temporary appointments. If 50% of those positions are filled by women, in combination with the aforementioned measures, we will realize a share of at least 33% female full professors in 2025.

### *iii. Increased representation of staff members with a migration background*

While the absence of reliable data makes it difficult to set precise targets, the Amsterdam Law School has undertaken a commitment to achieve more diversity in the composition of its staff.

To achieve this objective, the following measures will be taken:

- In the event of open vacancies, candidates with a migration background or candidates of colour will be actively recruited.
- It will be attempted to reserve at least one of the 4 PhD positions created within the sectoral plan framework for candidates of colour, with a migration background;
- Elements of the equality, diversity and inclusivity action plan relating to selection will be implemented.
- In implementing the honours research track, strong efforts will be made to admit students with a migration background or of colour.

The composition of academic staff is discussed annually by the nationwide consultation of Directors of Operational Management of Law Faculties. Experiences and best practices are shared, and an annual report is drafted for the Council of Deans of Law Faculties on the developments regarding the promotion of staff inclusivity and diversity (appendix II). Based on those reports, the Council of Deans assesses whether and, if so, which additional measures are needed to meet national key performance indicators.

## **2.2 Reflection in response to the vulnerabilities of and threats faced by the sector**

The aforementioned plans can contribute to countering the vulnerabilities and threats identified in the Sectoral plan:

In relation to vulnerabilities:

- The plans will contribute to an increase in the number of young researchers by the honours research trajectory.
- By a strong interdisciplinary of the research lines (see section 3), the likelihood of success in attracting funding from the second flow of funds will increase which will make it easier to recruit young researchers.

- The number of female professors and staff members with a migration background and/or of colour will increase.

In relation to threats:

- Increased research capacity will allow greater reliance on external sources of funding for young researchers.
- Tenure track policy, combined with more research time for young researchers, makes an academic career more attractive.
- The placement of PhD candidates in areas that are closely related to the main areas of Dutch law, and the creation of new positions for young researchers, will contribute to the link between education and research.

## 2.3 KPIs HR

KPIs	After three years	After six years
Young research talent	<ul style="list-style-type: none"> <li>• The honours research trajectory has started.</li> <li>• Four PhD students are appointed, two per research theme.</li> </ul>	<ul style="list-style-type: none"> <li>• The honours research trajectory has annually 30 graduates.</li> <li>• The four PhD students have obtained their doctorate.</li> </ul>
Duration PhD trajectories	<ul style="list-style-type: none"> <li>• The average length of a PhD trajectory is 62 months.</li> </ul>	<ul style="list-style-type: none"> <li>• The average length of a PhD trajectory of PhD's is 56 months.</li> </ul>
Diversity & inclusion	<ul style="list-style-type: none"> <li>• Under the theme digitalisation, two new postdoctoral positions (tenure track) have started.</li> <li>• Under the theme globalisation, two new assistant professors have started a tenure track.</li> <li>• Three female researchers have started a track to become full professor.</li> </ul>	<ul style="list-style-type: none"> <li>• Nine new assistant professors have started in a tenure track, of which at least five will have the opportunity to gain a permanent position.</li> <li>• Three female researchers have completed their tenure track and have become full professor.</li> <li>• We will have 33% of female full professors.</li> </ul>

## 3. Research themes

### 3.1 Sustainable Global Economic Law

#### a. Choice of the research line

The research line on *Sustainable Global Economic Law*, that forms part of the Sectoral Plan theme '*Transformative Effects of Globalisation*' builds on UvA's strong research profile in European private and public law, as well as international law. The research is conducted by three research groups (ACELG, ACIL and CSELC) that have an international reputation of producing excellent research (see § 1.2b). With the funding of the Sectoral Plan, the faculty will build on its experience of engaging in a productive exchange between legal sub-disciplines and will further strengthen its existing expertise in global governance.

### **b. Problem statement and overall research question**

Two of the main challenges of the 21<sup>st</sup> century – high levels of inequality and climate change – require acute action beyond the nation state. No single state can tackle climate change on its own. Equally, high levels of inequality within and across countries required global responses. Their root causes, in fact, lie in the way the global economy is legally structured.

We focus on those two challenges in their inextricable connection. Climate change has a distributive impact as it affects peoples and groups differently, both locally and globally. Responses to climate change also tend to further raise issues of distribution (recently shown, for example, in the yellow vest protests, which were sparked by emission taxes on gas consumption). Tackling climate change thus has to cope with current high levels of inequality of income, wealth and opportunities within and across countries. That inequality has come to threaten the social legitimacy of public decision-making and raises serious concerns of social justice. Responses to these challenges require legitimate and effective institutions at the European and global level of governance.

We proceed on the basis of an understanding that international and European public and private law has a key role in shaping processes of globalisation and has much to do with the environmental and social impacts of economic globalisation. First and foremost, it enables and constrains economic practices of globalisation, such as production in global value chains.

We cut through legal sub-disciplines to appreciate how the combination of international as well as European public and private law can be more effective in meeting the challenges of curbing inequality and climate change. The most important laws are not to be found necessarily in the fields of environmental or social law, be they national or international, which often try to remedy some of the negative consequences of economic globalization. Rather, they should be located in the structures of global economic law, that is, the cumulative interaction between private law, European economic law and international economic law. While different legal instruments have been specifically dedicated to the aims of social and environmental sustainability, these instruments, however, often fail to appreciate the way in which law contributes to creating the existing problems. A more fundamental and hence ultimately more effective way of dealing with the identified challenges is to address their root causes.

Our research is thus driven by the overall question: *how can global economic law and governance be changed in order to make the processes of globalisation more socially and environmentally sustainable, and more legitimate and effective at the same time?*

### **c. Contribution to the Sectoral Plan agenda**

The research line on Sustainable Global Economic Law contributes directly to the aim of exploring the *role of law in shaping processes of globalisation* so that they better protect individuals and public interests, as the Sectoral Plan puts it. The present research first of all pursues the objectives of contributing to the understanding of how law can *effectively react* to the challenges that globalisation poses.

The research clusters identified below connect to several of the more specific Sectoral Plan research themes and questions. The cluster on the institutional dimension of sustainable global economic law responds to legitimacy and responsibility questions raised by the sectoral plan (subtheme 1). The cluster relating to global value chains and multinational corporations connects with the questions related to the protection of public values in private legal relationships (subtheme 2) and the legal protection of weaker parties (subtheme 3).

#### **d. Research design**

In order to respond to the overall research question as outlined above, explain how law *contributes* to the particular challenges of social and environmental sustainability, and how it could effectively *react* to them, we undertake the analysis from two angles. In research cluster 1, we approach the overall question from the perspective of some of the most important economic practices of globalisation, such as global value chains and multinational corporations, asking what role global economic law plays, and could play, with regard to the social and environmental sustainability of these economic practices. In research cluster 2, we start from the European and global governance institutions, exploring what role they have played, and could legitimately play, in the making of sustainable global economic law.

##### ***Research cluster 1. Toward Sustainable Global Economic Law: Shaping Economic Practices***

Production, trade and investment are increasingly organised in production chains spread around the globe. The food in our supermarkets just as well as the products on offer at major garment retailers or electronics sellers are provided through global value chains, usually organised by multinational corporations. For instance, raw material will be sourced in Africa, labour will be provided in Bangladesh, while design and marketing will be located in the North Atlantic. While there is considerable variation in the geographies and organisational forms of such supply chains, it is clear that they have a determinative role for distribution, meaning what economic activity is valuable, where it is located and who benefits from it. They also determine the sustainability, meaning the economic costs of production, pollution and consumption.

Global value chains, just as multinational corporations, are exemplary *products* of global economic law. They are made possible by the enforcement of *contracts*; by the protection of *investments* abroad and by assurances of market access through trade law and commercial policy. Their market power is also reinforced, for instance, by *EU public procurement laws* that makes the price, and not production methods, the main criterion for assigning public procurement contracts across Europe. At the same time, given the fundamental role of global economic law in constituting these economic practices, changes in this legal infrastructure can significantly contribute to restructuring global economic activity toward social and environmental sustainability. In this cluster then, we focus on the following research questions:

- To what extent has global economic law played a positive or negative role in social and environmental sustainability when it comes to global value chains or the practice of multinational corporations? How can we explain this impact in legal terms?
- What changes in legal rules and doctrines are necessary to improve the functioning of global economic law in fostering sustainability in global value chains or multinational corporations?
- To what extent can global economic law protect weaker parties, such as weak states, small businesses and workers, in global value chains and in relation to multinational corporations?
- How can global economic law protect the interests of consumers and workers simultaneously, through ethical consumption, labelling, or encouraging consumer action (naming and shaming)?
- How can law foster private activity and private-public partnerships that engage private actors in initiatives that are beneficial to social and environmental sustainability? How can it do so, for instance, through stronger reliance on ‘fair trade’, by providing special legal arrangements to social enterprise, non-for-profit forms, cooperatives or novel forms of exchange, such as transformation of constitutive rules of contract, property and corporate governance?

##### ***Research cluster 2. Toward Sustainable Global Economic Law: Shaping Institutions***

The second cluster seeks to understand the institutional context in which global economic law is made and operates. Rules and institutions of global economic law are under constant revision: a new investment arbitration regime is underway, the EU is promoting ‘regulatory cooperation’ and the

inclusion of ‘sustainable development’ chapters in its free trade agreements, while the New Deal for Consumers is being hailed as the avant garde of consumer protection by the current EU Commission. Yet, how far does the design of these institutions and regulations foster environmental and social sustainability? In this cluster then, we ask:

- What role have existing institutions played in the development of global economic law and its effects on sustainability?
- How can the institutional framework of the global economy be reshaped so as to strengthen the positive role of global economic rules in ensuring social and environmental sustainability?
- How can global economic law be made and implemented in a manner that is both legitimate and effective, at the European and global levels of governance?
- What are the best procedures for international and regional labour and environmental standard setting?
- Which aspects of current reform processes in global economic governance can contribute to foster social and environmental sustainability? For example, how can and should a possible ‘international investment court’ be set-up in that regard (process, its substantive mandate, access, etc.)?.
- How can we mix various institutional forms to pursue socially and environmentally sustainable global economic law including tort and criminal litigation, a better enforcement of existing rights generally, private-public partnerships, Corporate Social Responsibility, and transnational unionisation?

#### e. *Expertise*

The project will be led by researchers with the necessary expertise for understanding the role of law in processes of economic globalisation and the necessary experience to guide ambitious projects such as the present one. This expertise is drawn from different groups in the Amsterdam Law School, since the research questions of the project require us to proceed not from the perspective of a particular legal sub-discipline, but rather from the legal structures of the global economy as *global economic law*, that is the *cumulative interactions* between different layers of the law such as private law, European economic law and International economic law. We bring together European private law, European public law and international law and build on the previous, highly successful cooperation in the context of the University Research Priority Area on ‘The Architecture of Postnational Rulemaking’.

The project is led by the three research directors of ACELG, ACIL and CSECL: Prof. Christina Eckes who brings expertise in European constitutional law and EU external relations, Prof. Ingo Venzke who focuses on international law and social justice and Dr. Marija Bartl who has particular expertise in transnational private law. The core research group further includes expertise in European economic law, particularly from Dr. Laurens Ankersmit focusing on the internal market, competition law and the environment; Dr. Kati Cseres focusing on consumer protection and EU regulation; and Dr. Maria Weimer focusing on risk regulation and the environment. Furthermore, the project draws also on expertise in international economic law, from Prof. Stephan Schill, focusing on investments, Dr. Geraldo Vidigal, focusing on trade, Prof. Yvonne Donders, focusing on human rights and the Sustainable Development Goals and Prof. Göran Sluiter, focusing on secondary liability and criminal litigation. Finally, we draw on the expertise in transnational private law, particularly from Prof. Aukje van Hoek focusing on labour law and migration, Candida Leone focusing on consumption and consumerism and Prof. Chantal Mak focusing on climate and human rights litigation.

#### *f. Innovative features of the project*

The project is innovative in four ways:

- We develop the concept of global economic law, which accounts for cumulative and mutually re-enforcing effects and interactions between private law, European economic law and international economic law in the constitution of the global economy. We argue that global economic law creates the legal framework for economic globalisation - and will often be the place to look for the causes of growing inequality and environmental degradation as well as effective legal reaction.
- We study the role of law in globalisation paying particular attention to the cumulative and mutually re-enforcing interactions among different layers of law and regulation. We thereby counter the often-surprising isolation of academic sub-disciplines, not only between European private, public, and international law, but even within sub-disciplines themselves such as among European and international environmental and economic law.
- We see an important role for global economic law in fostering the mutually supporting interactions between social and environmental sustainability. While gains in income have shown to give rise to greater environmental awareness, more effective environmental action will only find sufficient support if it is also deemed socially just. Yet these synergies are not to be assumed, and need to be tailored carefully, both legally and politically.
- Whereas other disciplines tend to take the law as a given, legal scholars are particularly well-suited to appreciate the law's malleability and its specific normative effects. As a consequence, legal scholars are comparatively better equipped to tease out pathways for realistic economic changes through changes in existing laws.

#### *g. Academic and Societal Relevance*

Within regulatory studies there is a large body of work on transnational regulatory processes that includes both public and private forms of regulation, which even focuses on both social and environmental issues, such as Corporate Social Responsibility (CSR) and Transnational Legal Orderings (TLO). Much of this scholarship is interdisciplinary, either mapping the transnational forms of ordering or analysing how to improve their effectiveness (CSR). In other words, these bodies of scholarship tend to take the structures created by law as a given. Our research, by contrast, focuses precisely on the constitution of those legal structures of the economy – structures that make both TLO possible and CSR necessary. We offer a normative analysis of global economic law, addressing how it shapes and entrenches real-life processes that contribute to inequality and climate change. We also develop constructive suggestions on how to intervene and change those structures in favour of social and environmental sustainability.

It is hard to overstate the societal relevance of the role that the law and institutions of governance have in creating rights and obligations, either entrenching unjust and unsustainable ordering and behaviour, or that open-up opportunities for reform and transformation. High levels of inequality and climate change are widely seen as two of the most pressing challenges of the 21<sup>st</sup> century. More specifically, research results will be directly relevant to the ongoing debate in the Netherlands and beyond about the implementation of the United Nations Sustainable Development Goals, and the reform of the investment law regime.

## *h. KPIs*

KPIs	After three years	After six years
<b>Academic Leadership and impact</b>	<ul style="list-style-type: none"> <li>• Group becomes an <b>internationally recognized group</b> on law and globalisation, distinguished by its focus on 'sustainable global economic law.'</li> <li>• Group contributes to the exchange on the topics related to the theme <b>across the faculties in the Netherlands.</b></li> <li>• Each team member has produced at least <b>two high impact publications.</b></li> <li>• Group has set up <b>international lecture series.</b></li> <li>• Group has organised <b>2 academic conferences.</b></li> <li>• Each team member has submitted <b>1 competitive application</b> for 2<sup>nd</sup> stream research funding (unless they have a running grant).</li> </ul>	<ul style="list-style-type: none"> <li>• The research group is a leader in fundamental and interdisciplinary legal research on sustainable global economic law.</li> <li>• Group has become <b>a point of reference for international peer groups</b> engaged in analyzing legal effects of globalisation.</li> <li>• Each team member has produced at least <b>four high impact publications</b></li> <li>• Group has organised <b>4 academic conferences.</b></li> <li>• Each team member has submitted <b>2 competitive applications</b> for 2<sup>nd</sup> stream research funding (unless they have a running grant).</li> </ul>
<b>Sizeable coherent research group</b>	<ul style="list-style-type: none"> <li>• Established a <b>research team</b> of leading academics.</li> <li>• Has appointed <b>a chair</b> focusing on Global Economic Law.</li> <li>• Has appointed <b>2 Asst. Prof. with 50% of research time.</b></li> <li>• Has appointed <b>2 PhD students</b></li> <li>• Two new assistant professors have started a tenure track (50% research time).</li> <li>• Dedicated "extra" research time (0,1 fte) is awarded to researchers connecting to the theme.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>New research members</b> from the sitting staff have joined.</li> <li>• 1 fte research time has been created in new fixed appointments.</li> <li>• Three new assistant professors have started a tenure track with 50% research.</li> <li>• Two PhD students have received their doctorate within 56 months.</li> <li>• 0,9 fte "extra" research time is dedicated to researchers connecting to the theme.</li> </ul>
<b>National and international cooperation</b>	Reinforce the knowledge cycle by a) providing policy advice by means of public consultation, b) advisory and consultancy activities, c) cooperate with stakeholders in developing their sustainable initiatives and projects, d) organising stakeholder events and e) by organizing public events.	
<b>Public actors</b>	<ul style="list-style-type: none"> <li>• Group members are recognized as experts for <b>advisory and consultancy functions with existing partners.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Group has developed new partnerships with <b>strategic public institutions</b> at the national, EU and international level.</li> </ul>
<b>Civil Society</b>	<ul style="list-style-type: none"> <li>• Group has reinforced links to <b>civil society members</b> that advocate socially and economically sustainable transformation.</li> </ul>	<ul style="list-style-type: none"> <li>• Has developed <b>new partnerships</b> with civil society members. advocating socially and economically sustainable.</li> </ul>
<b>Private Actors</b>	<ul style="list-style-type: none"> <li>• Group has engaged in <b>cooperation</b> with corporations which develop progressive policies socially and environmentally responsible entrepreneurship.</li> <li>• Group has liaised with the 'Erasmus University Center for <b>Inclusive Prosperity</b>' in order to advance the discussion on the role of social</li> </ul>	<ul style="list-style-type: none"> <li>• Group has established <b>partnership for knowledge exchange</b> with some corporations that are developing progressive policies socially and environmentally responsible entrepreneurship.</li> <li>• Group has established <b>cooperation with the practitioners of fair trade</b></li> </ul>

	<ul style="list-style-type: none"> <li>• We have engaged in partnerships with stakeholders who aim to explore <b>the globalisation from below</b>, such as the Amsterdam Municipality, Network of Social Enterprises.</li> </ul>	economic practices.
<b>Societal impact</b>	<ul style="list-style-type: none"> <li>• Group has targeted the general public through a number of <b>general dissemination events</b> (e.g. at SPUI25), op-eds, blogs, journal articles etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Group members have appeared in a number of highly valued <b>media outlets</b>, such as the TV, radio, national and international journals.</li> </ul>

*i. Connection to education*

The research results of this programme will inform the teaching in several **existing courses** in the master's programmes (by year three). Furthermore, a **new cross-disciplinary master course** on '**Shaping Globalisation**' will be created, open to the students of several existing master programmes and coordinated by the newly hired UDs. Finally, education in the **Honours Research trajectory** will be informed by, and aligned with, the research conducted out in the present project, by for instance, encouraging students to conduct research internships with the core team members who work on the issues of sustainable global economic law (by year six).

## 3.2 Digital transformation of decision-making

*a. Choice of the research line*

The research line '*Digital transformation of decision-making*' builds on the strengths of the University of Amsterdam in legal and interdisciplinary research into the impact of digital technology on law and society. The Institute for Information Law (IViR) has the 'status' of Research Priority Area within the University of Amsterdam because of its excellent research results. It is also involved in leading two other Research Priority Areas: 'Personalised Communication' and 'Human(e) AI' (PI: Natali Helberger) which combine research in communications, law, philosophy, digital humanities, computer science and economics. This research line allows us to create synergies with the broader research network at UvA, also creating connections with relevant legal areas beyond information law including consumer law, competition law, tax law, and international law.

*b. Problem statement and overall research question*

Digital transformation refers to the way in which algorithms, data, and artificial intelligence (AI) affect markets and society, changing democratic processes, commercial value chains, public administration, and how public values are being realised – or challenged. Here we focus on automated decision-making (ADM) systems, which are set to replace human decision makers in a range of areas, from justice, to media, commerce, health and labour. ADM shifts decision-making power and infrastructure to entities that produce, collect and aggregate data, build models and optimise algorithms. This creates new dependencies on (commercial) technology companies that harbour the unique expertise, innovation and control over data needed for ADM, and new challenges for the governance of decision-making.

This leads us to the following overarching research question: *What are the normative implications of the shift from human to automated decision-making, focusing particularly on the role of platforms and data as key actors and commodities in this process?*

**c. Contribution to the Sectoral Plan agenda**

The research connects to several of the central Sectoral Plan's research themes and questions, including the question of which legal instruments can be used to protect public and private interests in the context of AI use in society, the safeguarding of fundamental rights in relation to increased use of new technologies, questions related to profiling and information quality and the role of different stakeholders in tackling new issues in the context of freedom of expression and access to information. The research also connects to the question of how public values can be protected in privatized relationships and ordering mechanisms, often outside of the direct reach of traditional and international legal frameworks. A particular focus is placed on the application domain of the online information environment. Thematically, our focus is complementary to, and will be able to produce additional synergies with other SSH partners, in particular Tilburg, Nijmegen and Maastricht.

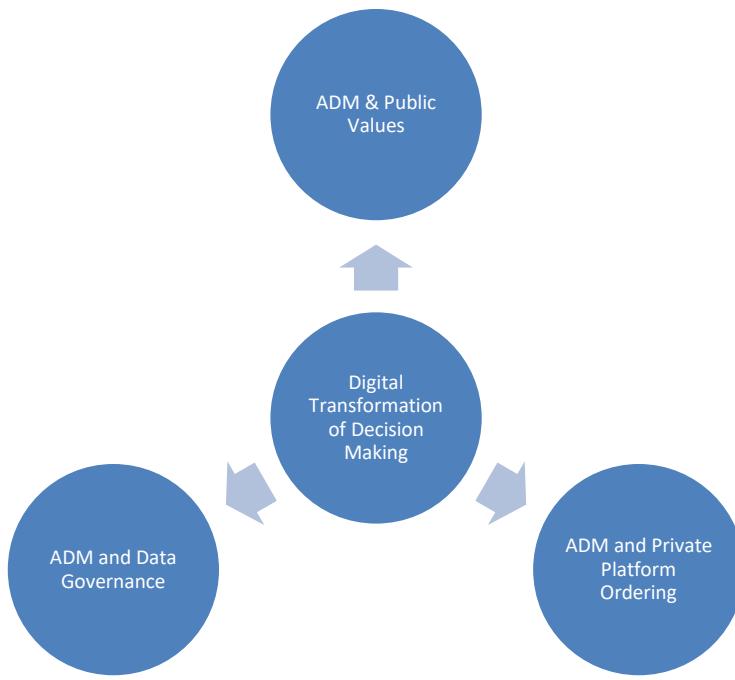
We will contribute to the goals of the SSH agenda through concrete research output in the forms of academic publications and PhD theses, as well as, by building a solid, international and interdisciplinary research network around these questions (through investments in workshops, congresses, international visiting scholars) and by training a new generation of legal researchers that can cross boundaries within law and with other disciplines.

**d. Research design**

The research line is divided in three concrete research clusters. The first cluster is **ADM and the realisation of fundamental rights and public values**. We start from the context of democratic values and fundamental rights and freedoms, how the digitalisation of decision-making affects them, and what the role of law is in upholding these values in the online environment.

The second cluster is **ADM and private platform ordering**. The key actors in this shape the way in which rights and values are conceptualized and realised. Platforms have emerged as central drivers of the digital transformation relying on ADM in ways that raise new questions (about profiling and disinformation) and challenge existing legal safeguards (such as free expression, transparency and due process).

The third cluster is **ADM and Data Governance**. Platforms play a central role in ADM because of the wealth of data they capture from users, using this data as ingredients for monetisation and governance processes. Since data is both input, and output for ADM, the way in which control over, and access to data is regulated, forms a critical element of the question how to govern platforms, and how to realise rights and values in an ADM context.



In line with our core strengths, we focus primarily on the application domain of online information markets.

#### *Research cluster 1: ADM and the realization of fundamental rights and public values*

ADM ranges from simple decision-making support systems where humans retain agency over the rules, input and ultimate outcomes up to fully-automated procedures with minimal human involvement. We will explore the following central questions in this context:

- How can public values and fundamental freedoms be reinterpreted and formalised into algorithmic design?
- How is automation affecting the way we conceptualise public values and fundamental rights?

Regarding the first question, there has been a vivid discussion about ‘privacy by design’ – forming a body of scholarship providing valuable lessons for the protection of values that require attention, in addition to privacy. We will focus in particular on values related to the right to freedom of expression, such as: access to information, diversity and fairness in the sense of equal chances to participate in the public sphere. Next to privacy, concerns over freedom of expression are fundamental in the debate over the role of AI in information markets. Examples of this include news recommenders, automated notice-and-take-down processes, but also automated ranking systems.

The second question is informed by the growing influence of computer scientists and engineers on the interpretation and calibration of rights and values as technical requirements. A branch of computer science literature has begun to develop their very own conceptions of fairness and diversity, for example, producing models that can be used to inform policy but often simplify and remove the nuances from normative concepts. Similarly, dominant platforms have begun to reinvent central concepts such as diversity, relevance of information, or misinformation to fit their metrics and KPIs. By implementing mathematical interpretations of established public values in ADM, they impose these reinterpretations within their ecosystems and on society more generally. The in-depth study of these processes, the (economic) incentives and dynamics they involve, as well as the implications for specific fundamental rights – are a challenging but important (PhD) research project in themselves.

### *Research cluster 2: ADM and Private Ordering by Platforms*

A small number of platforms have enormous impact on who has access to which information under which conditions, and what is deprioritised or excluded. Search, personalised recommendations and political microtargeting are examples of how platforms use ADM to order the information landscape.

We will consider the relationship of law with ADM and private platform ordering from three, interrelated questions:

- How should law respond to ADM in the context of platform ordering in order to safeguard democratic values, the rule of law- and fundamental rights?
- How is law furthering the concept of platforms, shaping the future trajectory of platform ordering in our societies?
- How to deal legally with regulation through platforms?

Ongoing EU and national regulatory reform increases the responsibility of platforms for illegal and harmful content and practices in various ways. These initiatives, however, also tend to further entrench the position of platforms and ADM in this context. They also inform a new mode of regulation: *regulation through platforms*. The promise of AI in the context of online content policing, for instance in issues of copyright, terrorism, hate speech and disinformation, underlies a rethinking of current intermediary liability frameworks, but also challenges us to develop new safeguards for free expression, non-discrimination, data privacy and due process.

We anticipate exploring these cutting-edge questions at the intersection of legal disciplines, including information law, but also tort, contract, consumer protection, competition, tax, administrative and fundamental rights law by conducting case studies of online platform regulation and furthering international collaborations within Europe and internationally.

### *Research cluster 3: ADM and Data Governance*

Data is the key resource of ADM, with data analytics enabling continuous improvement of products, services, markets, and knowledge production. The capture of data, also known as, 'datafication' takes place across the private and public sector, enabling the development of AI. ADM calls for accountability and oversight to ensure trust and fairness (see ADM theme above), but the governance of data itself is of equal importance in this regard. A plethora of norms emanating from diverse areas of law - intellectual property law, data protection law, competition and contract law, public access laws, etc. - currently regulate access, disclosure, collection, storage and 'ownership' or control of relevant data. Such norms often apply simultaneously and may conflict with one another.

This strand of the programme will apply taxonomies of data rights and duties and map the private and public interests they reflect, in order to conceptualize data governance structures fit for democratic data-driven societies. We will focus initially on the question of access to private sector data for the pursuit of public interests, also called 'reverse' public sector information policy.

Specifically, we will study

- What mechanisms, rights and/or duties are suited to ensure access to platform data for public interest objectives?
- What access to platform data is needed and appropriate to ensure platform accountability and regulatory oversight?

#### *e. Expertise*

This project will benefit from the expertise, experience and network of the lead scientists. First, Prof. *Natali Helberger* is a leading international scholar in the area of AI, law and society. As a member of the Council of Europe Expert Committee on AI and Human Rights, Prof. Helberger is working closely with regulators and private partners (media) on questions of how to translate values into algorithmic design. As Principle Investigator (PI) in relevant research priority areas at UvA, leader in

the VSNU Digital Citizenship & Democracy line and a Steering Committee Member of the NWA Big Data Route, making her uniquely equipped to create synergies and position this research line effectively in the university and national research context. *Prof Mireille van Eechoud* has broad expertise in researching issues around access and control over information, including transparency, intellectual property and access rights, and a large international network in academia and policy circles in the European Committee, European Parliament and the United Nations. She has longstanding experience as (co)PI of multidisciplinary international projects. *Prof. Dr. Joris van Hoboken's* has a multi-disciplinary and international research profile and network in the area of platform regulation. Of particular relevance are his appointment to the EU's Observatory for the Online Platform Economy and his membership at the Steering Committee of the Transatlantic High-Level Working Group on Content Moderation and Freedom of Expression.

#### **f. Innovative features of the project**

This research line is innovative in a number of respects:

- It will define novel ways to formalise public values related to freedom of expression in technology design. Innovative is also the exploration of the dynamics and pitfalls of turning public values into metrics and KPIs.
- It will contribute to our understanding of the role of ADM as a factor of platform power, and develop novel approaches to the issue of intermediary liability;
- It will produce an integral view of different legal regimes to regulate access to private sector data in the context of ADM and platforms for public interest purposes;
- It will produce novel combinations of different legal perspectives in the three research clusters;
- The project's focus on normative questions with respect to platforms, data and ADM, will make a uniquely valuable contribution to current research on responsible and fair AI in humanities, computer and social science. There is an urgent need for legal research adding a stronger perspective to this debate.

#### **g. Academic and societal relevance**

The societal relevance of researching the legal and normative implications of the digital transformation can hardly be overstated. At European and national levels, policy makers are struggling to develop appropriate and effective policies and regulation to address risks and harms associated with a society dependent on platforms in an increasing array of domains, while safeguarding the benefits that a data economy can bring. Access to, and availability of data is the conditio sine qua non for regulators, academics and industry players alike to fulfil their tasks. Platforms provide and shape much of the infrastructure for the digital society, and take on increasingly central regulatory but also societal tasks. The research will greatly benefit from our existing working collaborations with the key players in this arena, including platforms such as Google, Facebook and Netflix and media such as Persgroep, FD, RTL, NOS, BBC and ZDF.

#### **h. KPIs**

KPIs	After three years	After six years
<b>Academic leadership and impact</b>	<ul style="list-style-type: none"> <li>• High visibility on the selected themes.</li> </ul>	<ul style="list-style-type: none"> <li>• UvA's Digital Transformation initiative is a leader in fundamental and interdisciplinary legal research on the normative aspects of digital society.</li> </ul>
<b>Sizeable coherent research group</b>	<ul style="list-style-type: none"> <li>• Plans functioning to maximize synergies between existing groups at UvA, securing inclusive and outward-looking</li> </ul>	<ul style="list-style-type: none"> <li>• 2 PhD students have obtained their doctorate, both within 56 months.</li> <li>• 1-2 additional Phds positions</li> </ul>

	<p>organisation.</p> <ul style="list-style-type: none"> <li>Has appointed 2 new PhD students</li> <li>PhD students have good visibility track record midway through project.</li> <li>1 fte new researcher at mid-career level, tasked with proper day-to-day management, coordination of partner research projects, outreach and initiatives to secure mid and long-term viability (notably through securing external funding).</li> <li>two new postdoctoral positions (tenure track) have been filled with a minimum of 50% research time.</li> <li>New position 1 fte at minimum 50% research time (assistant professor), aim to connect to main legal areas e.g. private, administrative, tax, criminal or constitutional law).</li> <li>Dedicated “extra” research time (0,1 fte) will be awarded to researchers connecting to the theme, under the condition they match at least 0,1 fte of their own research time.</li> <li>At least 5 research groups contribute to the initiative, with 25 academic staff at UvA being an active partner in the initiative with regular outputs.</li> </ul>	<p>acquired through external funding.</p> <ul style="list-style-type: none"> <li>three new postdoctoral positions (tenure track) have been filled with a minimum of 50% research time.</li> <li>1fte research time becomes tenured upon SMART success (minimum 50% research time), with a view to securing longer term accelerator effect (secure external funding, grow networks &amp; cooperation).</li> <li>0,9 fte “extra” research time funded by the Faculty Expenditure budget is dedicated to researchers connecting to the theme (under the condition of matching 0,9 fte research time).</li> <li>40 academic staff contribute, with SMART plans/projects and measurable outputs.</li> </ul>
<b>International cooperation</b>	<ul style="list-style-type: none"> <li>Plans operative to create visibility and maximize potential to work with talented and established foreign researchers.</li> <li>Fellowship programme in place, aimed at facilitating short term exchanges (up to 3 months) with special attention for early career researchers.</li> <li>Track-record of successful (joint) workshops, research seminars and other network events on the theme.</li> <li>Actively recruited Marie Skłodowska-Curie fellows.</li> <li>Participation in national consortia such as through NWA, VSNU Digital Society initiative, UvA-wide research priority areas.</li> </ul>	<ul style="list-style-type: none"> <li>Several international consortia formed, resulting in grant applications for research projects or thematic networks.</li> </ul>
<b>Societal impact</b>	<ul style="list-style-type: none"> <li>Plans operative to maximize societal impact record.</li> <li>Staff are visible in public debate (media, policy) and have produced research based insights into advice for policy and lawmakers.</li> <li>Collaboration established with (student run) law clinics and policy labs that work on public interest projects (notably those part of Law Faculty)</li> </ul>	<ul style="list-style-type: none"> <li>Staff are go-to contacts for media, policy makers and civil society.</li> </ul>

	'Amsterdam Law Practice' programme for experiential education at LLM level).	
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### i. Connection to education

- ✓ Digital transformation is a recognizable theme in LLM programmes, notably through the experiential learning programmes (by 3 years).
- ✓ Researchers affiliated with programme supervise a stable flow of students in the honours research trajectory (see § 2.1), by 6 years.

## 3.3 Synergy between research themes

There is much potential for collaboration between the two research lines, in particular regarding the question of the role of law in contributing to the role of platforms as centres of automated decision making power, and how new institutional and international arrangements can contribute to the realization of public value. The strong expertise in the Amsterdam Law School in the areas of consumer law, competition law, tax law and international law will easily connect to expertise in the areas of law that will have a central role in governing ADM on and by platforms.

The two groups will deepen the exchanges by means of contributing to each other's internal meetings, through the co-organisation of joint events and finally by means of joint applications for research funding where the topics render themselves to such exploitation.

## 4. Collaboration: focus and scale

### 4.1 HR: attracting and retaining young research talent

The concrete plans of the Amsterdam Law School contribute to the focus and scale of the Sectoral plan as a whole:

- The creation of a honours research trajectory that by 2022 will on an annual basis result in 30 graduates who have the ambition and capacity to enter PhD trajectories.
- The creation of four new PhD positions.
- The implementation of concrete measures to shorten the duration of PhD trajectories.
- The creation of 1 fte research time, and three new assistant professor positions under the two research themes.
- The creation of 9 post-doctoral tenure track positions with in total 0,5 research fte per position, of which it is expected that at least 7 fte will be permanent by 2025.
- The creation of 5 new positions for female chairs and the implementation of the 50% criterion for the appointment of new chairs, resulting in 33% female professors by 2025.
- We will aim to hire at least one PhD students with a migration background, and increase the number of candidates for PhD trajectories by actively attempting to increase the number of such students in the honours research trajectories.

### 4.2 Theme 3 Digital Legal Studies

The four universities (UvA – UM – RUN – TiU) that have signed up for the theme 'Digital Legal Studies' have coordinated their plans to jointly cover the whole breadth of the ambitions of the

Sectoral plan. Whereas Maastricht and Nijmegen will focus more on digital infrastructure and digital justice, Tilburg and Amsterdam will pay more attention to digital transformation. The individual projects are logically linked. For example, a digital infrastructure for judicial decisions (Maastricht) may assist digital conflict resolution (Nijmegen) and will also benefit investigating the application of AI in courts (Tilburg). This kind of digital transformation of the legal field will require answers to broader normative questions on data-centric regulation (Tilburg) and on fundamental rights, platforms, automated decision making and data governance (Amsterdam).

We aim to research these interlinkages and exchange our findings in joint events. We aim to organise four annual research workshops, one at each university, starting in 2020. These workshops will (i) bring together researchers from each university, (ii) provide a platform for early career (PhD and post-doc) scholars, and (iii) will serve as means to inform the wider (international) academic community and society on ongoing research and the progress made through the Digital Legal Studies Sectoral plan.

### **4.3 Theme 5 Globalisation**

The four universities that have signed up for the theme Globalisering – UvA, TiU, OU and UM – have coordinated their respective contributions so that, in combination, they provide a comprehensive set of research lines that respond to the complex challenges posed by globalisation. The projects proposed by each of the universities are complementary to one another. In short the focus of the universities:

- TiU: constitutionalizing the Anthropocene and Judicial Lawmaking
- OU: perspective on The Netherlands / Dutch law. What's the influence of globalisation on (democratic) legitimacy and effective judicial protection in The Netherlands? Focus on criminal law and globally operating criminal organisations (terrorism).
- UM: What opportunities and challenges do these complexities create and how do they relate to notions of (democratic) legitimacy in decision-making/norm-creation and to the traditional set-up of judicial protection?
- UvA: Sustainable Global Economic Law

The group will stimulate the exchange between law schools participating in Theme 5 of the Sectoral Plan, by organising an Annual Congress that will ‘circulate’ between faculties, and bring together theme members from across the Netherlands, along with international commentators.

## 5. Budget

### 5.1 Budget

k (euro)	Financiering OCW						
	Jr 1	Jr 2	Jr 3	Jr 4	Jr 5	Jr 6	TOT
Empirical Legal Studies	0	0	0	0	0	0	0
Digital Legal Studies	229.108	272.906	288.792	326.641	193.211	224.559	1.535.217
Conflictoplossende instituties	0	0	0	0	0	0	0
Transformatieve werking	231.096	259.893	303.841	306.555	219.490	166.461	1.487.335
HR beleid	68.125	81.323	116.290	112.079	146.074	47.075	570.967
Herijking Publiek - Privaat	0	0	0	0	0	0	0
<b>Total</b>	<b>528.329</b>	<b>614.122</b>	<b>708.923</b>	<b>745.276</b>	<b>558.776</b>	<b>438.094</b>	<b>3.593.519</b>

Table 6a: budget Amsterdam Law School, Sectoral Plan

The following items are included in the budget:

#### HR agenda:

- Additional salary costs for the expedited promotion of two female staff members to full professor for a period of five years.
- Personnel costs for setting up the honours research trajectory and the costs for intensive supervision of the module research internships.
- 3 assistant professors in a tenure track who will receive 20% extra research time. These will result in new permanent positions.

#### Sustainable Global Economic Law:

- Additional salary costs for the expedited promotion of one female staff member to full professor
- 2 fte PhD students for four years.
- 1 new assistant professor with met 0,5 fte research time, and 0.2 FTE managerial tasks for the upcoming six years. This will result in a new permanent position.
- 1 new assistant professor with met 0,5 fte research time for the upcoming six years. This will result in a new permanent position.
- 3 assistant professors in a tenure track who will receive 20% extra research time. These will result in new permanent positions.
- Additional dedicated research time (0,9 fte for six years) for the researchers that are part of the 'Core Research Team' (budgeted for K€ 87).

#### Digital legal studies:

- 1 fte researcher for the duration of six years. This will result in a new permanent position.
- 1 assistant professor with met 0,5 fte research time for the upcoming six years. This will result in a permanent position.
- 2 fte PhD students for four years.
- 3 assistant professors in a tenure track who will receive 20% extra research time. These will result in new permanent positions.
- Additional dedicated research time (0,9 fte for six years) for the researchers that will connect the 'Core Research Team' (budgeted for K€ 87).

## 5.2 Matching

k (euro)	Matching UvA						
	Jr 1	Jr 2	Jr 3	Jr 4	Jr 5	Jr 6	TOT
Empirical Legal Studies	0	0	0	0	0	0	0
Digital Legal Studies	55.600	130.310	136.745	222.687	150.228	244.207	939.778
Conflictoplossende instituties	0	0	0	0	0	0	0
Transformatieve werking	149.686	157.269	240.479	173.202	264.189	189.940	1.174.766
HR beleid	68.426	71.893	150.885	79.176	165.760	86.826	622.966
Herijking Publiek - Privaat	0	0	0	0	0	0	0
<b>Total</b>	<b>273.713</b>	<b>359.472</b>	<b>528.109</b>	<b>475.065</b>	<b>580.178</b>	<b>520.974</b>	<b>2.737.510</b>

Table 6b: matching Amsterdam Law School, Sectoral Plan

The (in kind) matching of the faculty consists of:

- K€ 350 for the matching of the overhead costs for six years, since UvA works with a full cost calculation model.
- 9 x 30% (standard research time per position), for six years, for the assistant professors in a tenure track. Three fall under globalisation, three under digitalisation and three under the general HR agenda.
- Under Digital Legal Studies, 50% of one assistant professor is funded by the Sectoral Plan. Here we match the 50% education time.
- Under Sustainable Global Economic Law, 50% research time of one assistant professor is funded by the Sectoral Plan for six years. Here we match the 50% education time. For another assistant professor 50% research time and 20 % managerial time is funded by the Sectoral Plan for six years. Here we match 30% education time.
- Matching of the additional dedicated research time under the two research themes. In total 1,8 fte will be funded for six years from the Sectoral Plan, under the condition researchers will match with at least 0,1 fte of their own research time. This means matching of at least 0,9 fte (K€ 87).

The total amount of matching from the Amsterdam Law Faculty is € 2.737.510,-.

# Appendix I Key figures

## Past performance finances

	2014	2015	2016	2017	2018
<b>Budget 1st flow of funds</b>	€ 11.694.000	€ 10.460.000	€ 9.687.000	€ 12.169.000	€ 11.624.000
<b>NWO (revenues)</b>	€ 937.000	€ 656.000	€ 618.000	€ 942.000	€ 1.086.000
<b>EU (revenues)</b>	€ 1.644.000	€ 1.961.000	€ 2.184.000	€ 1.553.000	€ 1.264.000
<b>Non-EU (revenues)</b>	€ 1.869.000	€ 2.500.000	€ 2.514.000	€ 1.097.000	€ 1.231.000
<b>Total</b>	€ 16.146.014	€ 15.579.015	€ 15.005.016	€ 15.763.017	€ 15.207.018

Table 7: past performance finances (excl. Asser Institute)

## Prognoses finances

	2019	2020	2021	2022	2023	2024
<b>Budget 1st flow of funds</b>	€ 9.015.000	€ 9.065.000	€ 8.962.000	€ 8.855.000	€ 8.886.000	€ 8.886.000
<b>NWO (revenues)</b>	€ 1.086.000	€ 1.200.000	€ 1.250.000	€ 1.500.000	€ 1.500.000	€ 1.500.000
<b>EU (revenues)</b>	€ 1.264.000	€ 1.250.000	€ 1.450.000	€ 1.500.000	€ 1.500.000	€ 1.500.000
<b>Non-EU (revenues)</b>	€ 1.151.000	€ 1.200.000	€ 1.250.000	€ 1.500.000	€ 1.500.000	€ 1.500.000
<b>Sectoral plan</b>	€ 600.000	€ 600.000	€ 600.000	€ 600.000	€ 600.000	€ 600.000
<b>Total</b>	€ 13.116.000	€ 13.315.000	€ 13.512.000	€ 13.955.000	€ 13.986.000	€ 13.986.000

Table 8: prognoses finances (excl. Asser Institute)

## Duration PhD trajectories

		Year						
Total amount of PhD trajectories			2014	2015	2016	2017	2018	Total
PhD trajectories completed (1 <sup>st</sup> flow of funds)			15	9	10	9	4	47
PhD trajectories completed (2 <sup>nd</sup> flow of funds)			2	2	1	1	2	8
PhD trajectories completed (3 <sup>rd</sup> flow of funds)			1	3	4	3	2	13
PhD trajectories completed (“buiten- of contractpromovendi”)			4	4	11	13	5	37
<b>Total</b>			<b>22</b>	<b>18</b>	<b>26</b>	<b>26</b>	<b>13</b>	<b>105</b>
Length of PhD trajectories in months <sup>1</sup>			2014	2015	2016	2017	2018	average length
Length of a 4-year trajectory (1st flow of funds)			71	57	67	87	62	69
Length of a 4-year trajectory (2 <sup>nd</sup> flow of funds)			65	60	77	57	77	67
Length of a 4-year trajectory (3 <sup>rd</sup> flow of funds)			46	51	64	69	67	59
Length of a 3-year trajectory (1 <sup>st</sup> flow of funds)			69	42	69	nvt	56	59
Length of a 3-year trajectory (2 <sup>nd</sup> flow of funds)			nvt	nvt	nvt	50	nvt	50
Length of a 3-year trajectory (3 <sup>rd</sup> flow of funds)			nvt	42	nvt	nvt	nvt	42

Table 9: Past performance PhD trajectories; awarded doctorates and duration

## PhD trajectories

	2014	2015	2016	2017	2018
<b>PhD students 1<sup>st</sup> flow of funds</b>	56	47	35	31	33
<b>PhD students 2<sup>nd</sup> flow of funds</b>	8	10	15	14	16
Of which ERC/EUR 3-year	0	0	2	2	2
ERC/EUR 4-year	1	4	5	4	5
<b>Total</b>	<b>64</b>	<b>57</b>	<b>50</b>	<b>45</b>	<b>49</b>

Table 10: PhD trajectories over the years and the current state in 2018 (Annual date: 31/12)

<sup>1</sup> Einddatum: akkoord van de promotiecommissie

## Male and female professors

Year	Gender	Amount	%	fte	%
2014	male	43	73%	23,8	71%
	female	16	27%	9,7	29%
	<b>Total</b>	<b>59</b>	<b>100%</b>	<b>33,5</b>	<b>100%</b>
2015	male	46	74%	26,9	72%
	female	16	26%	10,4	28%
	<b>Total</b>	<b>62</b>	<b>100%</b>	<b>37,3</b>	<b>100%</b>
2016	male	47	72%	25,6	68%
	female	18	28%	11,9	32%
	<b>Total</b>	<b>65</b>	<b>100%</b>	<b>37,4</b>	<b>100%</b>
2017	male	47	72%	26,8	69%
	female	18	28%	12,2	31%
	<b>Total</b>	<b>65</b>	<b>100%</b>	<b>39,0</b>	<b>100%</b>
2018	male	53	77%	30,0	72%
	female	16	23%	11,6	28%
	<b>Total</b>	<b>69</b>	<b>100%</b>	<b>41,6</b>	<b>100%</b>

Table 11a: Personeel in dienst, 31-12-2018, UvAData

## Prognoses male and female professors

Year	Gender	Amount	%	fte	%
2019	male	52	73%	27,6	69%
	female	19	27%	12,6	31%
	<b>Total</b>	<b>71</b>	<b>100%</b>	<b>40,2</b>	<b>100%</b>
2020	male	49	70%	26,1	63%
	female	21	30%	15,6	37%
	<b>Total</b>	<b>70</b>	<b>100%</b>	<b>41,7</b>	<b>100%</b>
2021	male	48	70%	26,0	63%
	female	21	30%	15,6	37%
	<b>Total</b>	<b>69</b>	<b>100%</b>	<b>41,6</b>	<b>100%</b>
2022	male	47	69%	25,5	62%
	female	21	31%	15,6	38%
	<b>Total</b>	<b>68</b>	<b>100%</b>	<b>41,1</b>	<b>100%</b>
2023	male	45	68%	23,5	60%
	female	21	32%	15,6	40%
	<b>Total</b>	<b>66</b>	<b>100%</b>	<b>39,1</b>	<b>100%</b>
2024	male	43	67%	23,1	60%
	female	21	33%	15,6	40%
	<b>Total</b>	<b>64</b>	<b>100%</b>	<b>38,6</b>	<b>100%</b>

Table 11b: Prognoses male and female professors 2019-2024

## Research output /impact

Academic publications	2014	2015	2016	2017	2018
'Refereed' journal article	145	177	142	100	134
'Non-refereed' journal article	77	85	66	32	26
Book	19	15	15	30	29
Book chapter	155	142	144	85	136
Conference contribution	56	24	18	11	9
Professional publications					
Journal article	98	103	123	80	112
Case notes	144	154	131	98	100
Conference contribution	9	4	3	2	0
Report	103	58	50	18	24
Book review	14	10	16	5	9
Popular publications					
Publication in a daily/monthly newspaper or popular magazine	111	63	42	23	44

Table 12: Research output 2014-2017 KUOZ definitions (annual report UvA 2018, reference date March 1st, 2019)reference date

## Students and diplomas

	Results									
	2014		2015		2016		2017		2018	
	Amount	%								
Intake number of students	1083	100,0	1136	100,0	1156	100,0	1160	100,0	1366	100,0
of which:										
Number of students bachelor	498	46,0%	502	44,2%	523	45,2%	535	46,1%	706	51,6%
Number of students master	579	53,4%	626	55,1%	626	54,2%	617	53,2%	655	48,0%
Number of students research master	6	0,6%	8	0,7%	7	0,6%	8	0,7%	5	0,4%
	2013/2014		2014/2015		2015/2016		2016/2017		2017/2018	
Graduation (number of diplomas)	987	100,0%	1421	100,0%	1265	100,0%	1035	100,0%	1093	100,0%
Bachelor	354	35,9%	429	30,2%	438	34,6%	301	29,1%	328	30,0%
Master	628	63,6%	985	69,3%	820	64,8%	732	70,7%	758	69,4%
Research master	5	0,5%	7	0,5%	7	0,6%	2	0,2%	7	0,6%

Table 13: Education Amsterdam Law School (excl. PPLE), reference date 31/12, oktober stand WO landelijke cijfers bij instroom en cursusjaar bij examens

## Prognoses students and diplomas

	Prognoses education Amsterdam Law School											
	2019		2020		2021		2022		2023		2024	
	aantal	%	aantal	%	aantal	%	aantal	%	aantal	%	aantal	%
Instroom aantal studenten	1430	100,0%	1425	100,0%	1455	100,0%	1455	100,0%	1455	100,0%	1455	100,0%
Waarvan:												
Aantal studenten BA	675	47,2%	675	47,4%	675	46,4%	675	46,4%	675	46,4%	675	46,4%
Aantal studenten MA	750	52,4%	750	52,6%	780	53,6%	780	53,6%	780	53,6%	780	53,6%
Aantal studenten Res MA	5	0,3%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%
	2018/2019		2019/2020		2020/2021		2021/2022		2022/2023		2023/2024	
Voltooid (aantal diploma behaald)	979	100,0%	1029	100,0%	1051	100,0%	1060	100,0%	1070	100,0%	1070	100,0%
BA	275	28,1%	325	31,6%	350	33,3%	350	33,0%	350	32,7%	350	32,7%
MA	700	71,5%	700	68,0%	700	66,6%	710	67,0%	720	67,3%	720	67,3%
Res MA	4	0,4%	4	0,4%	1	0,1%	0	0,0%	0	0,0%	0	0,0%

Table 14: prognoses education Amsterdam Law School (excl. PPLE)

## Appendix II Plan by the Council of Deans of Law Faculties

Geachte commissie, beste Corien,

De Commissie Sectorplan SSH heeft in haar brief d.d. 12 april 2019 de gezamenlijke juridische faculteiten verzocht om een uniforme en integrale benadering van de thema's doorlooptijden promotietrajecten; inclusiviteit en diversiteit en de ontwikkeling van een landelijke honoursmaster aan te bieden.

Namens de Raad van Decanen kan ik over genoemde onderwerpen het navolgende melden.

### 1. Doorlooptijden promotietrajecten

De Raad van Decanen zal aansluitend bij de 'Gezonode praktijk' die de VSNU en het Rectorencollege hebben geïdentificeerd (A.) voorstellen om enkele additionele maatregelen in te voeren in het najaar van 2019/voorjaar 2020 (B.), en om de reeds ingestelde landelijke Commissie Doorlooptijd Promoties eind 2019 te laten adviseren over een aantal andere mogelijke verbetermaatregelen (C.). Alle genoemde maatregelen zien overigens op de trajecten van reguliere promovendi, en dus niet op buitenpromovendi.

#### A. Gezonode praktijk

Recent is vanuit de VSNU een advies opgesteld over de promotiepraktijk aan Nederlandse universiteiten dat voor Rechtsgeleerdheid een minimum kader vormt. Dat advies (VSNU: Een gezonde praktijk in het Nederlandse promotiestelsel) is opgesteld in opdracht van de Bestuurlijke commissie promotietraject, bestaande uit vier rectores magnifici, ingesteld door het Rectoren College in september 2018, met de opdracht uitgangspunten te formuleren voor de begeleiding, opleiding en beoordeling van promovendi die een promotietraject doorlopen aan een Nederlandse universiteit of UMC. Een landelijke werkgroep van beleidsadviseurs heeft vervolgens de opdracht gekregen om te onderzoeken welke uitgangspunten horen bij een 'gezonode praktijk' die past bij de hoge kwaliteitsstandaard van het Nederlandse promotiestelsel. Het Rectoren College onderschrijft de uitgangspunten in de notitie en zal de aanbevelingen ter hand nemen, waarbij er ruimte blijft voor lokale diversiteit in de implementatie van de aanbevelingen.

Uiteraard zullen de verschillende faculteiten deze gezonde praktijk volgen, en waar nog nodig, implementeren. Gegeven de bestaande best practices bij Rechtsgeleerdheid zoals die geïnventariseerd zijn op basis van alle facultaire bestedingsplannen is duidelijk dat uit dit advies onder meer volgt dat:

- Alle promovendi worden begeleid door tenminste twee (co)promotoren. Indien het niet mogelijk is twee (co)promotoren aan te wijzen, kan naast de (co)promotor een dagelijks begeleider worden aangewezen in plaats van de (co)promotor;
- Alle promovendi na de formele start van het promotietraject een go/no go gesprek met hun (co)promotoren hebben;
- Universiteiten een training aanbieden voor professionalisering van de begeleiding van promovendi. Universiteiten spannen zich in om (waar dat nog niet het geval is) een training (voor ervaren en minder ervaren) (co)promotoren te ontwikkelen.
- Met alle (co)promotoren regelmatig en bij voorkeur jaarlijks gesproken wordt over de voortgang, de duur en het rendement van alle promotietrajecten die zij begeleiden.

Ten aanzien van deze aspecten spreken we landelijk af deze door te voeren, waar dat nog niet geregeld is. De specifieke invulling geschiedt per faculteit, al dan niet via de Graduate Schools, en op de voor die faculteit meest gerede wijze, met inachtneming van de regels van de plaatselijke

promotiereglementen en eventuele verdere plaatselijke beleidsregels, ook als die van de landelijke lijn zouden afwijken.

#### **B. Best practices nu in te voeren**

Om de doorstroom landelijk verder te verbeteren, stellen we voor om per september 2019 te starten met het invoeren van de hierna volgende maatregelen. Het betreft best practices die voortbouwen op (deels) overeenkomstige werkwijzen binnen de diverse juridische faculteiten:

- Het onderzoeksvoorstel van de promovendus moet vóór of kort nadat hij of zij aan het traject begint niet alleen zijn getoetst door de (co)promotoren, maar ook door tenminste twee andere gepromoveerde collega's (bijvoorbeeld in een wetenschaps- of selectiecommissie);
- Binnen elke faculteit is er naast de (co)promotoren een onafhankelijke persoon aangesteld (bijvoorbeeld een promovendidecaan, vertrouwenspersoon) bij wie promovendi terecht kunnen als er problemen zijn in hun traject, in de samenwerking met de (co)promotor, etc.;
- Elke faculteit faciliteert de mogelijkheid van promovendi om elkaar feedback te geven op hun manuscript en het proces;
- Elke faculteit stelt richtlijnen op om promoveren op artikelen, naast de meer gebruikelijke proefschriften, mogelijk te maken.

Ook hier geldt weer dat de specifieke invulling geschiedt per faculteit, al dan niet via de Graduate Schools, en op de voor die faculteit meest gerede wijze, met inachtneming van lokale regels en promotiereglementen.

#### **C. Vooruitblik: denkrichtingen**

Het thema 'promoveren op artikelen' wordt bovendien in de loop van 2019 nader uitgewerkt in een document van de eerder genoemde Commissie Doorlooptijd Promoties. Vooralsnog denken wij daarbij aan het formuleren van landelijke minimumeisen of uitgangspunten (bijvoorbeeld ten aanzien van het aantal artikelen, samenhang, auteurschappen, reviews, etc.). De startnotitie die hierover eerder binnen de Raad van Decanen is verspreid, is daartoe een beginpunt. In dit verband zal tevens worden nagedacht over de eisen die aan een proefschrift gesteld kunnen en mogen worden (levenswerk of proeve van bekwaamheid?).

Ook wordt in de loop van 2019 verder gesproken en nader landelijk beleid geformuleerd – na een verdere consultatie van het werkveld – over de navolgende thema's:

- Een gezamenlijke norm voor de hoeveelheid onderwijs die een promovendus mag verzorgen binnen de aanstellingsduur die voor betrokkenen van toepassing is (we kennen driejarige, vierjarige en vijfjarige aanstellingen);
- Stimuli voor promovendi (een financiële prikkel voor promovendi om tijdig af te ronden; feedback door anderen dan de promotoren);
- Loopbaanbegeleiding (ontwikkeling van 'ownership'; uitbreiding van mogelijkheden voor coaching voor promovendi), inclusief (gezamenlijk) te verzorgen onderwijs voor promovendi;
- Richtlijnen voor promovendi (waarbij onder meer mogelijkheden worden verkend voor het stellen van woordlimieten voor manuscripten; het organiseren van meerdere formele meetmomenten, bijvoorbeeld via voortgangspräsentaties voor een facultaire commissie en feedback daarop);
- 'Zorgplichten' voor (co)promotoren (intensiteit van begeleiding en normen voor bijvoorbeeld tijdig reageren op stukken; het bepalen van een gewenst of het mogelijk instellen van een maximum aantal promovendi per promotor; etc.).

De commissie zal zich bovendien buigen over het ontwikkelen van een eenduidige reken- en registratiemethode voor het meten van de doorlooptijden, waarbij rekening wordt gehouden met de specifieke aanstellingsduur die per traject kan verschillen (drie, vier of vijf jaar) en waarbij het eventueel contractueel bepaalde additionele onderwijsdeel niet als promotietijd wordt

meegerekend. Ook zal de commissie kijken naar de interessante vraag wat en hoe men dit binnen andere disciplines doet, bijvoorbeeld bij Economie, Bestuurskunde, Psychologie, Geschiedenis, etc. Nieuwe (best) practices blijven we delen en de impact van de getroffen maatregelen zullen we jaarlijks monitoren.

## **2. Inclusiviteit en diversiteit**

Zoals in het sectorplan Rechtsgeleerdheid reeds is beschreven streven de gezamenlijke juridische faculteiten naar een stijging van het aandeel vrouwen in alle functiecategorieën en met name in de hoogste functiecategorieën met een resultaatverplichting van een stijging van 5% vrouwelijke hoogleraren na ommekomst van de zesjarige projectperiode. Bij nieuwe aanstellingen wordt ingezet op een man-vrouw verdeling van 50%-50%.

De monitoring van de samenstelling van de wetenschappelijke staf in termen van inclusiviteit en diversiteit is belegd bij het Landelijk Overleg Directeuren Bedrijfsvoering, dat jaarlijks rapporteert aan de Raad van Decanen Rechtsgeleerdheid over de vorderingen en, indien noodzakelijk, voorstellen doet voor aanvullende maatregelen teneinde de gestelde doelen te kunnen behalen.

## **3. Honoursmaster**

Plannen om bestaande honourstrajecten te versterken en verder uit te bouwen ten behoeve van een grotere doorstroming naar promotietrajecten verkeren op dit moment in verschillende stadia van ontwikkeling. Mutatis mutandis geldt hetzelfde voor plannen voor verdere samenwerking binnen de reeds bestaande onderzoeksmasters. De Raad van Decanen stelt een landelijke commissie in die de opdracht krijgt om uiterlijk voorjaar 2020 met een nader uitgewerkt voorstel te komen voor de honoursmaster, dat vervolgens onderwerp van gesprek zal zijn voor nader overleg tussen de Raad enerzijds en uw commissie anderzijds.

Namens de Raad der Decanen Rechtsgeleerdheid,

Prof.mr. A.M. Hol

15 mei 2019



UNIVERSITY OF AMSTERDAM  
Amsterdam Law School

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