

Impact case studies

In order to illustrate the impact-driven nature of our research and research-driven education, this section presents ten impact case studies. They aim at showcasing the societal and scientific relevance and impact of research conducted at Erasmus School of Law. The choice of case studies is informed both by the school's research profile and its objective to produce scientific output with a high academic and societal impact.

In the case studies that follow this impact does not only derive from the relevance of the outcomes in terms of addressing significant societal challenges, but also from the way in which these societal challenges stood at the cradle of the research projects in informing their setup and scope (research by design). Moreover, the importance of the education of the next generation of lawyers and criminologists as well as academics is emphasised.

Overview of the impact case studies

No	Impact case studies	Based on project funded by	Duration	Applicant(s)/collaboration
1	Transfer of Criminal Proceedings (TROP)	EU Justice Program (GA881815)	01 August 2020-- 31 May 2022	Erasmus University Rotterdam, the Amsterdam public prosecution office, together with Bielefeld University (Germany) and the Federal prosecution office in Belgium.
2	Shifting from welfare to social investment in controlling work-related risks (SIS)	EUR Excellence Funding	2016 – 2020	Collaborative research project of the BACT research group of Erasmus School of Law and the Department of Sociology of the Erasmus School of Social and Behavioural Sciences.
3	Safeguarding the rule of law and human rights across borders by public and private actors (INFAR)	EUR Excellence Funding	2016 – 2020	Collaborative research project of Erasmus School of Law, the International Institute of Social Studies, and the Erasmus School of History, Culture and Communication.
4	Digital Governance (DIGOV)	Erasmus+ Jean Monnet Centre of Excellence	1 September 2019-- - 31 August 2023	Erasmus School of Law, in conjunction with the Law School of the University of Leeds (UK) and the Law School of Bar-Ilan University (Israel).
5	Compensation for and redress of damage caused by criminal offences	Multiple projects		
6	Building EU Civil Justice	ERC-Consolidator Grant n° 726032	1 September 2017-- - 31 August 2022	Prof. X.E. Kramer
7	Special Tax Zones Project	Congresses funded by IFBD, EFS, ESL, and IFA	2016-- 2019	Dr M.L. Schippers
8	Empirical criminological research on drug trafficking through the Port of Rotterdam encourages new policies and has improved law enforcement efforts.	Municipality of Rotterdam	2017-- 2019	Prof R. Staring, Prof. L Bisschop, Dr R. Roks, E. Brein MA, & Prof. H. van de Bunt.

9	Beyond positive tax law: Educating the next generation of tax lawyers in a changing tax landscape	n.a.		
10	Digital Programme Erasmus Graduate School of Law	n.a.		

1 Transfer of criminal proceedings

A transfer of proceedings may be performed between a public prosecutor from a Member State to a prosecutor from another Member State, when it is in the interest of a good administration of justice that the case is further investigated and prosecuted in the second Member State. Constituting an important tool within the framework for judicial cooperation in the EU the questions inter alia raised by policy makers was whether the current system functions satisfactorily and whether it needs to be improved. These were questions addressed in the research project ‘Transfer of criminal proceedings in the EU’ (TROP).

In the project ‘TROP’ researchers from the Erasmus University Rotterdam conducted an EU granted research project (2020-2022) into the transfer of criminal proceedings between Member States. In doing so they act as lead in a research consortium including Bielefeld University, the Amsterdam public prosecution office and the Belgian federal prosecution office. They took up a demand for research emanating both from a practitioner’s perspective and a policy making perspective on a topic that has not been addressed by academia in the past decades. In the course of this project, the European Commission announced that it would prepare a proposal for new legislation to be introduced by the end of 2022. In the Council of the European Union, it was decided that the Commission should await the conclusions of the TROP-research project.

The project is built on the assumption that a thorough qualitative and quantitative analysis of current practice (WP1 and WP2), followed up by further qualitative research in a broader perspective (WP3 and WP4), can produce building blocks for improvement of EU-practice or a possible new EU-legal instrument.

From the start, the project has been met with much enthusiasm from the Member States. Authorities of 9 Member States have agreed to fully participate in the project, while another 14 Member States as well as EU institutions and organizations (European Commission, Council Secretariat of the EU, Eurojust, and the European Judicial Network) have also gotten involved and have taken part in the two Working Conferences organized throughout the project.

The research has been conducted in three working packages (WPs). In WP1 desk research and a written questionnaire have provided a basis for the analysis of the current practice. This analysis has been subsequently verified and elaborated by conducting empirical research consisting of site visits and in-dept interviews with experts in the 9 participating Member States (WP2). Based on this analysis, the main challenges for a well-functioning practice of transferring criminal proceedings were identified. These challenges were verified and discussed in a first (due to the Covid-measures in place) online Working Conference (WP3) with experts from 23 Member States and representatives of EU institutions. In the final stage of the project (WP4), the research team drafted solutions for the identified challenges. These draft solutions were submitted to and discussed (cross checked) in a

second physical Working Conference, in Rotterdam, this time not only including experts from the Member States but also policy makers, legislative lawyers and eminent EU Criminal law scholars. The project was concluded with a final report (authors Prof. Pieter Verrest, Prof. Paul Mevis and Ms. Sanne Salverda (Erasmus School of Law) and Prof. Michael Lindemann (Bielefeld University)).

The TROP research project succeeded in sketching a reliable image of the current practice of the transfer of criminal proceedings in the EU, identifying the main challenges for a good functioning system, finding possible solutions for those challenges, and, finally, converting these solutions into building blocks for a possible new EU legal instrument on the transfer of criminal proceedings (which will indeed be proposed by the European Commission at the beginning of 2023 (Q1)). As such, the TROP-project is a good example of how academic research (in this specific example comparative criminal law and empirical research) can have a major impact by playing an important role in the development of EU cooperation and EU legislation. The project builds a bridge between the needs for improvement experienced by public prosecutors, judges, and lawyers in the practice of judicial cooperation on the one hand and the EU legislator on the other hand.

Researchers

Prof. mr. P.A.M. (Pieter) Verrest (project leader)
Prof. mr. P.A.M. (Paul) Mevis
Mr. S. (Sanne) Salverda
Mr. V.J.H. (Vivianne) Mooren

Output

TROP research project has resulted in a (draft) final report, which was made available for the European Commission in May 2022. This report was discussed with the European Commission on 21 June 2022 (online) and 7 July 2022 (in Brussels) highlighting its policy relevance. Prof. Verrest also presented some results of the research project to the Presidency of the EU, the European Commission, and representatives of the Member States on the occasion of the meeting of directors of criminal affairs of the EU Ministries of Justice on 31 May 2022 in Paris.

The final report will be published by Boom Eleven publishers in October 2022. In the same month it will also be made available digitally. Further scientific publications about the results of the TROP-project will follow, also on the occasion of the upcoming discussion about the European Commission's proposal for a new legal instrument.

2 Shifting from welfare to social investment in controlling work-related risks

What novel collaborative governance initiatives between public and private actors have emerged in work-related risk control? How do these initiatives impact collective welfare and the suffering from work-related risks? These questions were studied in the research project 'Shifting from welfare to social investment in controlling work-related risks'.

Who is or should be responsible when an employee falls ill, becomes disabled, is dismissed, or has become too old to work? In recent decades, government-centred welfare models have been increasingly complemented or supplanted by novel constellations involving private actors. This shift has led to a redefinition of government responsibilities, moving away from social protection towards investment in human resources, and the responsabilisation of private actors in controlling work-related risks such as occupational disease, incapacity, unemployment, or unsustainable employability. Core members of the Erasmus School of Law research programme Behavioural Approaches of Contract and Tort (BACT) and the Erasmus School of Social and Behavioural (ESSB)

research programme Family, Work and Welfare (FWW) have carried out a research project funded by the Board of Erasmus University in the period 2016-2020, studying the shift from welfare to social investment in controlling work-related risks. The overall goal of the project was to analyse from a multidisciplinary, international comparative perspective the shift in allocating responsibilities from public to private actors insofar as the control of work-related risks is concerned, and to derive policy implications from these insights, which help employees strengthen their labour market position.

Together with national (University of Groningen) and international researchers from the United Kingdom (University of York), Denmark (Roskilde University) and Sweden (Lund University), this research question was studied from a range of disciplines (such as law, economics, sociology, and political science) and using different methods (such as doctrinal legal research, ethnographic research, surveys, experiments, and meta studies). Studies focused on specific responsabilisation policies and strategies, such as employers' investment in employability (Koster & Benda 2020), private insurance of occupational accidents and diseases (Philipsen & Faure 2020), municipalities' investment in start-ups and self-employment (Caraher & Reuter 2020), job centres' active labour market policies (Pultz 2020), and unions' unemployment insurance (Lindellee 2020). The results were published in a special issue of the *Zeitschrift für Sozialreform*, in *Social Policy and Administration* and in the inaugural lecture of Niels Philipsen (2017). In addition, an international conference 'Shifting from Welfare to Social Investment States' was organised in Rotterdam in 2019. This included a panel consisting of former Minister of Education Jet Bussemaker and representatives from the Dutch Association of Insurers, the Dutch National Federation of Christian Trade Unions, the Economic Council of the European Commission and the Directorate of Labour Market and Social-Economic Affairs who clearly reflected on the policy implications of the research findings.

The research revealed that the governance of privatised risk control poses the difficult challenge of finding the right balance between public objectives and (the involvement of) private interests. For example, the regulation of insurance markets may reduce opportunities to differentiate premiums, thereby diminishing incentives for employers to optimise prevention. Another example is that the privatisation of risk control does not always achieve the equality of opportunities targeted by social investment policies because of the exclusion or marginalisation of the most vulnerable groups. These risks of exclusion and marginalisation seem to be particularly salient when the privatisation of social investment policies is embedded in a context of retrenchment or a dualization of the labour market (Mascini & Van der Veen 2020). A contribution by an international comparative study of 22 European countries has shown, for example, that in an era of retrenchment, activation policies actually worsen the labour market position of disabled people, while measures for facilitation in daily life predict greater employment opportunities, as do measures for sheltered work (Reinders Folmer, Mascini & Van der Veen 2020). These findings raise questions about the value of social investment for disabled people and underline the need to overcome broader barriers in the labour market and in society. Currently, the programme is being continued by a study that reveals that policy reforms in the Netherlands aiming to offer equal opportunities for disabled people actually bring about a competitive disadvantage for them (Focacci, Mascini & Van der Veen under review).

Overall, the programme has produced studies that show that collaborative initiatives between public and private actors do not always succeed in alleviating suffering from work-related risks and explaining why this is the case. Therefore, it may not come as a surprise to learn that the number of people who depend on assistance from the municipality of Rotterdam has remained constant in recent years of increasing labour demand. The programme has achieved its original intention by improving insights into the implementation of social investment policies and the emergence of collaborative governance initiatives between public and private actors in controlling work-related risks, as well as its consequences for stakeholders (e.g., workers at risk, employers, caseworkers).

Researchers

Prof. dr. P. (Peter) Mascini (Project lead and main applicant REI grant)
Prof. dr. M.G. (Michael) Faure (Project lead)
Prof. Dr. R.J. (Romke) van der Veen (Project lead)
Dr. C.N. (Chiara) Focacci (Postdoc 2)
Prof. dr. F. (Ferry) Koster
Prof. mr. S.D. (Siewert) Lindenbergh
Prof. Dr. S. (Sharon) Oded (REI Professor 1)
Prof. dr. N.J. (Niels) Philipsen (REI Professor 1)
Dr. C.P. (Chris) Reinders Folmer (Postdoc 1)
Dr. A.M.I.B. (Ann-Sophie) Vandenberghe

Publications

Caraher, Kevin and Reuter, Enrico. "Risk Privatisation and Social Investment – Self-Employment in the United Kingdom" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 261-283. <https://doi.org/10.1515/zsr-2020-0012>

Focacci, Chiara, Mascini, Peter and Veen, Romke van der. (under review) "Getting Competitive Disadvantage by Offering Equal Opportunities: A Lotka-Volterra Analysis for Government Expenditures on Disabled Persons in the Netherlands" *Social Policy & Administration*.

Koster, Ferry and Benda, Luc. "Explaining Employer-Provided Training" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 237-260. <https://doi.org/10.1515/zsr-2020-0011>

Lindellee, Jayeon. "Distributive Consequences of Risk Privatization: The Case of the Swedish Unemployment Insurance System" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 207-235. <https://doi.org/10.1515/zsr-2020-0010>

Mascini, Peter and Veen, Romke van der. "Editorial: The Privatization of Work-Related Risk Control" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 195-206. <https://doi.org/10.1515/zsr-2020-0009>

Philipsen, Niels J. *Shifts in Private and Public Regulation: The Example of Work-Related Risks*. 's-Gravenhage: Eleven international publishing, 2017.

Philipsen, Niels J. and Faure, Michael G. "The Role of Private Insurance in Governing Work-Related Risks: A Law and Economics Perspective" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 285-316. <https://doi.org/10.1515/zsr-2020-0013>

Pultz, Sabina. "Unemployment in the Affective Economy: Exploring the Affective Governing of Young Unemployed People in the Danish Welfare State" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 335-361. <https://doi.org/10.1515/zsr-2020-0015>

Reinders Folmer, Christopher P., Mascini, Peter and Veen, Romke van der. "Evaluating social investment in disability policy Impact of measures for activation, support, and facilitation on employment of disabled persons in 22 European countries" *Social Policy and Administration*, vol. 54, 2020, pp. 792–812. DOI: 10.1111/spol.12579

Tollenaar, Albertjan and Vonk, Gijsbert. "Access to Justice for Vulnerable Workers and Citizens in Public/Private Governance Regimes: Lessons from the Regulatory Welfare State in the Netherlands" *Zeitschrift für Sozialreform*, vol. 66, no. 3, 2020, pp. 317-334. <https://doi.org/10.1515/zsr-2020-0014>

3 Safeguarding the rule of law and human rights across borders by public and private actors

**Who is responsible for the protection of basic values such as the rule of law and human rights?
And how can this protection be combined with the economic and political goals of the actors**

involved? These questions were leading in the collaborative research project ‘Integrating Normative and Functional Approaches to Rule of Law and Human Rights’ (INFAR).

In the research project ‘INFAR’ (funded by EUR Excellence Funding, 2015) the overarching question of who is responsible for the protection of basic values such as the rule of law and human rights has been approached involving many different actors and disciplines (Taekema 2020). Researchers from the Institute of Social Studies and Erasmus School of Law were joined by two postdocs and two visiting professors. While this team could cover the different disciplines of law, social science and philosophy, the inclusion of different actors required involving a broader group of stakeholders. For this, at several stages of the project events were organised that allowed academic and civil society stakeholders with different backgrounds to provide input. This input contributed to the research findings and at the same time provided the opportunity to research findings with peers. Dilemmas of rule of law promotion were discussed in a joint expert meeting with the International Development Law Organization (IDLO). Moreover, ways in which National Contact Points can contribute to make large cooperations to address human rights complaints were investigated in a joint workshop with the T.M.C. Asser Institute (Bhatt & Erdem Turkelli 2021).

Two crucial components of the research project were the idea of legal mobilisation and a critical approach to transnational legal problems. This enabled the researchers to acknowledge two things: firstly, that groups in society need to be in the lead when it comes to practically addressing human rights and rule of law concerns. This was a key insight from the workshop with non-governmental organisations, organised by Jeff Handmaker in Princeton, USA (Handmaker & Taekema 2021). Secondly, that the power structures in the relations between companies and state actors may vary hugely and that this extends from resources, political lobbying to knowledge of law and access to legal expertise. In a workshop, the researchers discussed that these power imbalances make it difficult for states to control certain private actors (Bhatt, Lander & Taekema 2021). In this context, it has also been argued that existing power imbalances are reinforced by international economic law and globalisation more generally. The research has shown that while re-empowering the nation states in the global economic order may enhance democracy, it is unlikely to resolve the current problems (Arcuri 2020). The research has garnered attention in high-level policy debates about topical law reforms. For example, in 2019 Alessandra Arcuri was invited to present her findings at the Directorate-General for Financial Stability and Capital Markets (DG FISMA) of the European Commission and at the Dutch Parliament. Together with other colleagues at Erasmus School of Law, she presented a policy proposal for a human rights compatible investment treaty to the UN Forum on Business and Human Rights (Violi, Arcuri & Montanaro 2018).

An important finding of the research project is that attempts to integrate different approaches of RoL and HR are not generally successful. The core idea of the rule of law as defined in this project, the curbing of arbitrary exercise of power (Mak & Taekema 2016), easily gets lost when it is merged functionally with other concerns. This is particularly true when the rule of law is combined with economic or managerial considerations (Arcuri 2019), or when private institutions such as banks get involved in a public task such as combatting terrorism (Tilahun 2019). This necessitates a closer look at the way in which the rule of law can impact private power in order to investigate how private actors incorporate rule of law and human rights and to determine how to respond if they do so insufficiently. These questions are addressed in the follow-up parts on the rule of law in the sector plan research at Erasmus School of Law, most concretely with a project on the rule of law and private power. At the Institute for Social Studies, Jeff Handmaker continues the legal mobilisation research by researching how actors from society can work together with public actors to implement human rights and rule of law values and is in the process of establishing a Legal Mobilisation Centre.

The themes from the INFAR project have also been included in the educational programme of Erasmus School of Law in the shape of the master elective course *The Rule of Law in the Global Legal Context*.

Related key publications:

Open access

Arcuri, A. (2020). International Economic Law and Disintegration: Beware the Schmittean Moment, *Journal of International Economic Law*, 2020, 23, 323–345. doi: 10.1093/jiel/jgaa012

Bhatt & Erdem Turkelli (2021), OECD National Contact Points as Sites of Effective Remedy: New Expressions of the Role and Rule of Law within Market Globalization?, *Business and Human Rights Journal*, 6(3), 423-448. doi: 10.1017/bhj.2021.30

Handmaker, JD. J., & Taekema, HS. S. (2021). Mobilisering van het recht als vorm van tegenmacht. *Beleid en Maatschappij*, 48(4). <https://doi.org/10.5553/BenM/138900692021048004006>

Henrard, K. (2020). Integration reasoning at the eCtHR: Challenging the boundaries of minorities' citizenship. *Netherlands Quarterly of Human Rights*, 38(1), 55-74. <https://doi.org/10.1177/0924051920901371>

Mak, E. & Taekema, H.S. (2016). The European Union's Rule of Law Agenda: Identifying Its Core and Contextualizing Its Application. *Hague Journal on the Rule of Law*, 8 (1), 25-50. doi: 10.1007/s40803-016-0022-1

Taekema, S. (2020). Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship. *Law and Philosophy*, 2020(May), 1-34. <https://doi.org/10.1007/s10982-020-09388-1>

Not Open Access

Arcuri, A. (2019). The Great Asymmetry and the Rule of Law in International Investment Arbitration. In L. Sachs, L. Johnson, & J. Coleman (Eds.), *Yearbook on International Investment Law and Policy 2018* (pp. Chapter 22). Oxford University Press. <https://doi.org/10.2139/ssrn.3152808>

Bhatt, K. (2020). *Concessionaires, financiers and communities: implementing indigenous people's rights to land in transnational development projects*. Cambridge University Press.

Tilahun, N. (2018). *Regulatory Counter-Terrorism: A Critical Appraisal of Proactive Global Governance*. Routledge. Politics of Transnational Law series <https://doi.org/10.4324/9781351063869>

Workshops:

Colloquium Legal Mobilization in a World Marked by Populism and Crisis (Org. Handmaker, Princeton, NJ USA 2017)

IDLO workshop The Hague Critical Reflections on Second Generation Rule of Law Reform, InFAR/IDLO 12/01/17 The Hague

How effective are the OECD National Contact Points? Lessons from the Bralima case, T.M.C. Asser Instituut/International Institute of Social Studies/Erasmus School of Law (INFAR Project) Asser Institute, The Hague, 3 April 2019

Conferences:

Human Rights Inside and Outside: 28 May 2018 INFAR Conference, The Hague. (Tilahun, N. , Bhatt, K., Handmaker, J., & Taekema, S., organizers).

Changing Narratives of Rule of Law: Historical and Contemporary Perspectives., 26 & 27 January 2016 INFAR opening conference, Rotterdam (Tilahun, N. & Taekema, S. organizers).

Researchers:

Core

Prof. mr. dr. H.S. (Sanne) Taekema (project leader)
Dr. N. (Nathanael) Tilahun Ali (postdoc)
Dr. K. (Kinnari) Bhatt (postdoc)
Dr. J.D.(Jeff) Handmaker (project leader at ISS)
Prof. mr. dr. W. (Wibren) van der Burg
Prof. dr. K.A.M. (Kristin) Henrard
Prof. mr. dr. J.D. (Jeroen) Temperman
Prof. dr. E. (Ellen) Hey
Prof. mr. dr. K. (Karin) Arts
Prof. dr. E. (Elaine) Mak (left 2016, replaced by Van Rossum until 2018)

Visiting professors:

Prof. dr. K. (Kim) Lane Scheppele (visiting, 2016-17)
Prof. mr. dr. J.A.M. (Jan) Klabbers (visiting, 2016-17)

4 Digital governance

Legal personality of Artificial Intelligence (AI), data ownership, liability issues of 3D printing, privacy in a world of big data, or competition policy for tech companies are some of the challenges that require law to adapt to an increasingly digital society. A telling example is the complexity of developing universal rules on which autonomous cars will need to make ethical judgements. In 2015, researchers from Erasmus School of Law therefore initiated the [Digital Governance](#) research initiative.

Digital Governance has become the umbrella term for a wide array of research and other activities dealing with the legal aspects of digitalisation in society and business. It comprises all legal disciplines at Erasmus School of Law, whereby no specific legal or social science methodology has supremacy. Digital Governance is a bottom-up research initiative, initiated by Professor Klaus Heine and an increasing number of senior and junior researchers. Klaus Heine first marked the topic in 2015 in the Dutch Research Agenda (NWA) regarding 3D printing, when the NWA solicited for future topics.

AI-related challenges require new forms of knowledge to converge scientific areas and to partner up knowledge institutions. An important strategy has therefore been to focus on establishing strong ties with the so-called [convergence projects](#) with partners from TUDelft and Leiden University. Consequently, members of Digital Governance are represented in the Convergence flagship initiatives on AI and Big Data. In addition, the Digital Governance Group collaborates with Erasmus Medical Center, Erasmus School of Health Policy & Management (ESHPM) and the Rotterdam School of Management (RSM), which has already resulted in joint publications. PhD-projects have been dedicated to cross-disciplinary topics along those lines (privacy of genome data and liability of health care robots). In this way, Digital Governance not only leverages its visibility nationally and internationally, but also becomes a valued member in cross-disciplinary research applications, which ultimately contribute to solutions for societal challenges. A self-reinforcing circle of research and impact has been established.

An example of this successful strategy is that, within the framework of the NWA in conjunction with Netherlands Artificial Intelligence Coalition (NLAIC), Digital Governance and its partners received a large research grant (EUR 2.4 million) to establish an ELSA Lab (AI-MAPS). ELSA stands for Ethical, Legal and Societal Aspects. Another pillar of valorisation rests in the individual commitments of members of Digital Governance, for example being a director in the Erasmus Centre for Data Analytics, being a manager in the convergence between EUR, Leiden University and TUDelft, taking part in NLAIC initiatives or being a member of the Platform Learning Systems (PLS, the official board consulting the German government on AI). A current PLS project, for example, is how AI can contribute to the sustainability of the German industry without thwarting its competitive advantage in terms of other countries (a first report has been published). Furthermore, various incidental valorisation activities take place each year.

Digital Governance also has a strong pillar in teaching that is aimed at reaching out to the public worldwide. Thus, teaching excellence was showcased in 2021 by setting up a Massive Open Online Course (MOOC) on Coursera with partners from the University of Leeds and Bar-Ilan University. The MOOC reaches out to the public worldwide, but at the same time it is an integral part of an elective master course at Erasmus School of Law concerning Digital Governance. From the academic year of 2022, members of Digital Governance are also part of a broad EUR team providing an interdisciplinary Minor on AI. The new Minor will attract students from all EUR faculties.

Digital Governance has completed the circle from defining a route in the NWA to being awarded a consortium in the NWA. It is recognised as a Jean Monnet Centre of Excellence by the European Commission, it does policy consulting and engages in public teaching (MOOC). The members of Digital Governance are researchers with international outreach, being present in prestigious journals (*Journal of European Competition Law & Practice*, *Journal of Law & Ethics of Human Rights*, *Regulation & Governance*) and being invited to high-profile conferences in the field worldwide, such as the *World Economic Forum*, the *Competition Law & Economics Roundtables* of the OEDC, the *World Artificial Intelligence Conference* or the *Institute for Advanced Studies (ZiF)* at the University of Bielefeld. The members of Digital Governance played various roles at these conferences, from acting as moderator to being invited as a panellist or keynote speaker. This is the seedbed and condition for further growing societal impact. It is the tandem of research excellence and societal impact in a consistent bottom-up strategy that has made Digital Governance a distinctively visible research initiative of Erasmus School of Law.

Researchers:

Prof. dr. K. (Klaus) Heine
Prof. dr. E.F. (Evert) Stamhuis

Publications and activities: <https://digov.eu/publications/>

5 Compensation for and redress of damage caused by criminal offences

Every year, millions of people in the European Union become victims of crime. Which sources of compensation cover their damage? To what extent does redress from the offender take place? Which losses remain uncompensated? At what cost – financial as well as emotional – are compensation and redress achieved? And to what extent are public costs involved? This has been the focal point of research on victim policy conducted by researchers of Erasmus School of Law.

Much has happened in the field of victim policy in recent decades, but many normative, legal-dogmatic and empirical questions have remained underexposed. Although the position of crime victims has generally improved, it is unclear whether there is a coherent, balanced, and sustainable compensation system. Not only does this bear the risk of there being injustice or disappointment in individual cases, the question also remains whether a sustainable system has been established. Compensation for damages to victims of crime is receiving increasing attention from both policymakers and legal scholars, especially in the light of the Victims' Rights Directive (2012). The objectives of the EU Strategy on victims' rights (2020-2025) reflect the high demands that today's modern societies place on victim care. However, serious problems and challenges of both a legal and more practical nature are encountered. In recent decades, it has become apparent that legal-scientific knowledge in this area has lagged behind the ambitious and 'progressive' goals set by national and European policymakers. To understand the difficulties surrounding compensation and to redress damage caused by criminal offences, adopting a broad, cross-disciplinary view has proved indispensable. After all, the topic is not only positioned at the interface of civil law and criminal law, but also touches on social security law. Public and private interests and responsibilities must be defined and balanced when it comes to victim policy. Furthermore, a good understanding of the problem requires a multidisciplinary (dogmatic-legal, legal-psychological, legal-economic, victimological) and therefore also a multi-method approach (qualitatively and quantitatively, based on file studies, interviews, surveys, etc.).

By conducting impactful research and providing high-quality and up-to-date education, Erasmus School of Law has been playing (and still plays) a leading role in this field for several years along a coherent research line. Various publications by ESL researchers (reports, articles, annotations) have led to increasing legal-academic insights with direct societal relevance, especially for policymakers and legal practice (victims, perpetrators and their legal aid providers, judges, public prosecutors, insurers). Empirical-legal research into the experiences of victims (2013) and the volumes that the various compensation sources provide and pay out (2020), both carried out on behalf of (and financed by) the WODC of the Ministry of Justice and Security, have contributed to a more critical attitude of legal scholars towards government policy in this area. During a symposium organised by Erasmus School of Law in cooperation with the Criminal Offences Compensation Fund and the Ministry of Justice and Security (2019), the main legal challenges were presented and discussed by academics (researchers, students), practitioners, and policymakers. In 2021, the 'Donner Committee', of which Professor Lindenbergh was a member, advised the government on future policy on compensation for victims of a crime. The committee advised the government to re-define its public responsibilities regarding damage caused by criminal acts, and to limit or expand it in

several respects, thereby heavily relying on findings from recent ESL research. ESL research in this area has also been fruitful for education, not only in the curriculum of ESL master's education, but also through the specialisation training – co-founded by Erasmus School of Law and Utrecht University – for lawyers of victims of serious violent and sexual crimes and by providing workshops for the judiciary (criminal courts). All these activities fit seamlessly into the research lines of the sector plan on which Erasmus School of Law has focused ('Rebalancing Public & Private Interests' and 'Empirical Legal Studies'), thereby strengthening the cohesive profile of our school.

Facilitating victims' access to compensation is one of the five key priorities presented in the EU Strategy on victims' rights (2020-2025). Hence, this topic will remain high on the national and European political and scientific agenda in the upcoming years. Researchers of Erasmus School of Law will therefore continue to focus on playing a leading role in this field in the future, both in multidisciplinary research and legal education. This might involve research into the standardisation of damage assessment, the role of the criminal court regarding damages for immaterial losses and 'phasing' of the criminal process.

Researchers:

Prof. mr. S.D. (Siewert) Lindenberg

Prof. Mr. K.J.O. (Kasper) Jansen

Dr. M.R. (Marnix) Hebly

Mr. M. (Melissa) de Groot (PhD researcher)

Mr. F.M. (Femke) Ruitenbeek-Bart (PhD researcher)

Mr. J.H.G. (Hilde) Verweij-Hoogendijk (PhD researcher)

Mr. I. (Ilona) van der Zalm (PhD researcher)

Key publications:

- [S.D. Lindenberg, 'De letselschadevordering in het strafproces; dat moet beter kunnen', *NJB* 2014/1959, p. 2696-2702](#)
- [J. Candido & S.D. Lindenberg, 'Strafrechter en smartengeld, de civiele vordering in het strafproces als aanjager van een rechtsontwikkeling', *NTBR* 2014/21](#)
- [S.D. Lindenberg & M.R. Hebly, 'Schadeverhaal via het strafproces', *NJB* 2016/1943, p. 2827-2830](#)
- [S.D. Lindenberg, 'Schadevergoeding na een terroristische aanslag; een verkenning', *VR* 2018/78, p. 206-210](#)
- [M.R. Hebly & S.D. Lindenberg, 'Compensatie van misdrijfschade: veel beweging, voldoende inzicht en visie?', *TVP* 2020-1, p. 20-24](#)
- [J.D.M. van Dongen, M.R. Hebly & S.D. Lindenberg, 'Schadeverhaal na misdrijven: ervaringen van slachtoffers', *TVP* 2014-1, p. 1-7](#)
- [Marnix R. Hebly, Josanne D.M. van Dongen & Siewert D. Lindenberg, 'Crime Victim's Experiences with Seeking Compensation: A Qualitative Exploration', *Utrecht Law Review*, VOL 10, Issue 3, June 2014.](#)
- [L. Goossens, S. Lindenberg, C. van Nijnatten & M. Olf, 'Op zoek naar genoegdoening, Uitvoering van de financiële regelingen voor slachtoffers van seksueel misbruik in de jeugdzorg', *NJB* 2019/1319, p. 1669-1674](#)
- [M.R. Hebly & S.D. Lindenberg, 'Compensatie van misdrijfschade', in: Bijleveld e.a. \(red.\) *Encyclopedie Empirical Legal Studies*, Den Haag: Boom juridisch 2020, p. 843-862.](#)
- [J.D.M. van Dongen, M.R. Hebly & S.D. Lindenberg, 'Je hebt geluk als je van een pauw mag plukken', *ervaringen van slachtoffers van strafbare feiten met het verhalen van hun schade*, Den Haag: WODC 2013](#)

- [M.R. Hebly, S.D. Lindenbergh, L.T. Visscher, P. Desmet, Compensatie en verhaal van schade door strafbare feiten, Verkenning van bronnen, volumes en publieke kosten, Den Haag: WODC 2020.](#)

6 Building EU civil justice: challenges of procedural innovations bridging access to justice

Access to civil justice is of paramount importance for enforcing the rights of consumers and businesses and protecting fundamental rights. How can we ensure that consumers and businesses have access to civil justice and that their fundamental rights are protected and enforced? These questions are researched and answered in the ERC project 'Building EU civil justice'.

The project 'Building EU civil justice' uses a unique combination of legal-normative, legal comparative, and empirical research to study four key trends in contemporary European civil procedures, including digitalisation of procedures, further privatisation of civil justice (ADR), increased self-representation, and specialisation of courts and procedures. Correspondingly, researchers are working on four interrelated sub-projects, including:

- (1) Digitalization (subproject 1a by Erlis Themeli and 1b by Emma van Gelder),
- (2) Privatization (subproject 2 by Betül Kas and Alexandre Briard),
- (3) Self-representation (subproject 3 by Jos Hoevenaars), and
- (4) Specialization (subproject 4 by Georgia Antonopoulou).

The focus lies on answering the question how these contemporary trends influence access to justice and what are the repercussions for the emerging EU civil justice system.

The project is funded by the ERC program of the European Commission (ERC-Consolidator Grant n° 726032) and runs from 1 September 2017 till 1 September 2022. It is coordinated by Professor Xandra Kramer and the core team of the project consists of seven researchers.

The project has operated on the interface between academic research, legal practice, and policy. By combining legal-normative analysis with empirical analysis of how policies work out in practice, conclusions could be drawn on their influence on access to justice and policy recommendations were made. For instance, for subproject 1, experiments were conducted in a multidisciplinary team to investigate the public perception of algorithmic judges to support further digitalisation, and the researchers investigated how online tools and procedures can further access to justice, and how the Covid-19 pandemic has influenced digitisation. For subproject 2, surveys were conducted to assess how quality criteria in the ADR directive are actually being implemented and monitored in several Member States, resulting in policy recommendations. For subproject 3, interviews with judges have revealed how they deal with unrepresented parties. Comparative research and interviews with lawyers for subproject 4 enabled assessing how new specialized commercial courts affect access to justice.

To further the integration between academia, practice and policy, conferences, workshops and (online) seminars have been organized, where renowned international researchers and stakeholders from legal practice (lawyers, judges, consumer, and business associations) and policy makers (Ministries of Justice, European Commission, European Parliament) shared knowledge and views. Learning from practical experience has supported academic findings, and the research conducted in

this research has contributed to new EU legislative proposals (e.g. Prof. Kramer was an invited expert for the European Commission proposal on digitalisation, COM (2021)759 final and anti-SLAPPs, COM(2022/177 final). Project members are also involved in the evaluation of existing legislation (e.g. Biard, Kramer and Van Gelder are experts for the evaluation of the EU ADR and ODR instruments and the Digital Services Act).

The project researchers have continued their work in different settings; in academia (in England and the Netherlands), at the European Consumer Organisation BEUC (Brussels), and at the Council for the Judiciary. Furthermore, in 2019 Kramer received a Vici grant by the Dutch Research Council (NWO) for a five-year project on costs and funding of civil justice, complementing and building on this ERC project. In 2022, Kramer and Hoevenaars won a tender from the WODC/Ministry of Justice to investigate the feasibility of a public fund for collective actions to support access to justice.

The ERC research project has yielded over 50 scholarly publications (including 3 edited books and 1 journal issue), two PhD manuscripts (to be defended in 2022), and around 40 other pieces of output (short papers, online blogposts, and media appearances). Members of the research group have organised 5 international conferences and 12 well-attended (online) seminars, have presented their work extensively at international conferences, and have provided trainings for EU judges and practitioners in different Member States.

Website: www.euciviljustice.eu

Researchers

Core:

Prof. mr. Dr. X.E. (Xandra) Kramer

Dr. J. (Jos) Hoevenaars

Mr. E.M. (Emma) van Gelder

Dr. E. (Erlis) Themeli

Dr. B. (Betül) Kas

Dr. A. (Alexandre) Biard

G. (Georgia) Antonopoulou LLM

Associated professors and visiting researchers:

Prof. dr. S. (Stefaan) Voet (Leuven University); co-promotor Emma van Gelder

Prof. dr. mr. E. (Eddy Bauw) (Utrecht University, director Montaigne Institute), co-promotor Georgia Antonopoulou.

Dr. A. (Anna) Wysocka-Bar (Jagiellonian University), postdoc visitor/senior lecturer

Dr. J.C. (José) Catalan (University of Cádiz), guest researcher, associate professor

Dr. C. (Christoph) Wendelstein (University of Konstanz), guest researcher, interim professor

T. (Tommaso) Ferrario LLM (University of Ferrara), visiting PhD researcher

V. (Veronica) Autorini LLM, University of Milan, visiting PhD researcher

K. (Kleopatra) Koutouzi LLM, (University of Athens/attorney), visiting PhD researcher

Selected publications:

Edited books:

- X.E. Kramer, J. Hoevenaars, B. Kas & E. Themeli (Eds), *Frontiers in Civil Justice: Privatisation, Monetisation and Digitisation*, Edward Elgar 2022
- X.E. Kramer, A. Biard, J. Hoevenaars & E. Themeli (Eds), *New Pathways to Civil Justice in Europe: Challenges of Access to Justice*, Springer 2021

- X.E. Kramer & J. Sorabji (eds.), *International Business Courts: A European and Global Perspective*, Eleven International Publishing 2019

Journals and book chapters:

- J. Hoevenaars, *EU Law Mobilization: Lessons from a Bottom-Up Approach*, in M. R. Madsen, F. Nicola & A. Vauchez (ed), *Researching the European Court of Justice Methodological Shifts and Law's Embeddedness*, Cambridge University Press 2022
- G. Antonopoulou, *Procedure before international commercial courts and ordinary courts: A comparative perspective*, in S. Brekoulakis and G. Dimitropoulos (Eds), *International Commercial Courts: The Future of Transnational Adjudication*, Cambridge University Press 2022
- Yalcin, Gizem, Erlis Themeli, Evert Stamhuis, Stefano Puntoni, Stefan Philipsen, 'Perceptions of justice by algorithms', *Artificial Intelligence and Law* 2022
- J. Hoevenaars & J. Krommendijk, *Black box in Luxembourg: the bewildering experience of national court judges and lawyers in the context of the preliminary ruling procedure*, *European Law Review*, 46 (1) 2021, 61-80
- E.M. van Gelder, *The European approach to Consumer ODR*, *International Journal of Online Dispute Resolution* 2019/2, p. 219-226
- A. Biard, *Impact of Directive 2013/11/EU on Consumer ADR: Evidence from France and the UK*, *Journal of Consumer Policy* 2018, p. 1-39

Workshops and seminars

- Seminar on Innovating International Business Courts on 10 July 2018. The seminar on Innovating International Business Courts was organised in collaboration with the Max Planck Institute Luxembourg and the Montaigne Institute of Utrecht University.
- Two expert roundtables on the 'The Use of AI in Legal Decision-making' in May 2018 and a follow-up meeting in April 2019, involving academics, policy makers, judges, lawyers and experts from tech industry.
- On Friday 21 February 2020, seminar on European Cross-Border Procedures. Guests of this seminar were nine students from the Sigmund Freud University Vienna. The aim of this event was to create an international outlet where students would discuss topics related to the theme of the seminar and receive feedback from senior academics.
- Webinar ELI-Unidroit Model European Rules of Civil Procedure on the 6 November 2020, the ERC group organized a webinar on the occasion of adoption of the ELI-Unidroit Model Rules.
- Six online seminars between May and July 2021. The series covered a variety of topics in the field of European civil justice and zoom in on the key topics our group has been working on over the past four years. These include the privatization and digitalization of civil justice, cross-border judicial co-operation, international business courts, and self-representation. Each session brought together invited speakers and our own researchers. The webinars gathered participants from all over the world per session and resulted in lively and fruitful debates¹.
- Online seminar and book launch on 15 December 2021, on pathways to civil justice and costs and funding of civil justice.

Conferences

- On 19-20 November 2018, the Challenge Accepted! Exploring Pathways to Civil conference was held. Approximately 100 participants, including judges, practicing lawyers, academics, policy makers and business representatives, actively took part in the discussions. These discussions

¹ <http://www.euciviljustice.eu/en/news/seminar-series-eu-civil-justice>

continued during the drinks and lunch where four selected PhD researchers presented their poster on a topic relating to civil justice issues².

- On 2-3 May 2019, the Conference 'e' meets justice was organized, together with the Dutch Ministry of Justice and taking place in Lisbon. IT and legal professionals discussed how to improve the collaboration between these communities in cross-border civil procedures.
- On the 16th and 17th of November 2020 the Conference: Frontiers in Civil Justice³ was organized. The conference addressed four key issues in civil justice, which require a deeper and renewed reflection in light of their contribution of facilitating access to justice. Those trends concern the shaping of the interaction between formal and informal justice, the digitalization of consumer dispute resolution, the collectivizing and monetizing of civil litigation and efforts of bringing justice closer to citizens.
- On 1 and 2 April 2021, ERC project members Eris Themeli and Emma van Gelder co-organized the conference 'Digital and Intelligent Europe: EU Citizens and the Challenges of New Technologies for Civil Justice', together with Anna van Duin and Rachel Rietveld (University of Amsterdam). The two-day conference revolved around EU citizens in their search for justice in an increasingly digitized world. Digital technologies can reduce barriers to access to justice by offering more affordable, swifter and simpler solutions⁴.
- Conference Taking Stock: International Commercial Courts in Europe and Asia, organized with the British Institute of International and Comparative Law and the University of Lausanne, taking place in London on 17 December 2021⁵. The one-day conference discussed new developments in international commercial courts, including practitioners perspectives, the interface with arbitration and the influence of Covid-19, digitalisation and AI.

Additional grants and awards

- 2019: ACES research grant, Emma van Gelder (sub-project 1B) and Eris Themeli (sub-project 1a)
- 2021: VICI grant, Xandra Kramer
- 2022: Contract research on a possible process fund for collective action in the Netherlands, commissioned by the WODC (Research and Documentation Centre), the research centre of the Dutch Ministry of Justice and Security, Xandra Kramer & Jos Hoevenaars

7 Special tax zones

What's the difference between a tax incentive on the one hand and tax avoidance or evasion on the other? The line between the two seems to be blurring in the public debate. The IBFD (International Bureau of Fiscal Documentation) therefore considered it important to conduct international research into this difference. To this end, the term Special Tax Zone was introduced. In short, this is a geographical area within a jurisdiction in which a taxpayer enjoys certain tax relief measures.

In December 2015, the IBFD approached partner universities asking them to write a report on 'Special Tax Zone'. This stems from the increased interest in the taxation of multinationals and, due to the question of the autonomy of countries to attract multinationals through such tax measures

² <http://www.euciviljustice.eu/en/news/successful-two-day-conference-on-pathways-to-civil-justice-in-europe>

³ <http://www.euciviljustice.eu/en/news/conference-frontiers-in-civil-justice>

⁴ <http://www.euciviljustice.eu/en/news/conference-digital-and-intelligent-europe-eu-citizens-and-the-challenges-of>

⁵ <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fconflictflaws.net%2FNews%2F2021%2F08%2FProgram-Taking-Stock-ICC-Europe-Asia-BIICL-EUR-website-2.docx&wdOrigin=BROWSELINK>

involved in the project, has a clear link to the research conducted by researchers specialised in tax law from Erasmus School of Law. They drafted the country reports for the Netherlands (focusing on different areas of tax law, which is why this report was written with a large team), Aruba and Curacao and the United Arab Emirates (UAE). These country reports have served as a basis for the international conference on 'Special Tax Zones' that took place in Vigo, Spain, on 28 and 29 April 2016. During this international conference, which took the form of a brainstorming session, it was decided to conduct further, in-depth research on "Special Tax Zones". To this end, in 2017 work was carried out on further elaborating the concept of Special Tax Zones. Seven subtopics were addressed during this further research:

- (1) The concept of 'Special Tax Zones',
- (2) Different types of 'Special Tax Zones',
- (3) The constitutional framework and its relation to 'Special Tax Zones',
- (4) Tax Policy and 'Special Tax Zones',
- (5) 'Special Tax Zones' and tax treaties,
- (6) 'Special Tax Zones', WTO, and other international non-tax treaties,
- (7) Effectiveness and efficiency of 'Special Tax Zones'.

The results of this research were the focus of the three-day second International Seminar on Special Tax Zones held at Erasmus University Rotterdam on 10-12 April 2017, which featured active contributions from 20 professors and researchers from more than 10 foreign universities and research institutes. Several researchers from Erasmus School of Law specialising in tax law also spoke at this conference. Financial contributions from the Dutch Association for International Tax Law and the Erasmus Fiscal Studies (EFS) enabled speakers from Colombia, Uruguay, South Africa, China, Russia, Poland, Finland, Italy, and Spain to attend the congress (the US researcher gave his lecture via Skype). Next to the seminar open to the public on 11 April 2017, the meetings on 10 and especially 12 April were important, as they focused on a discussion on the progress of the research project. One of the main results of these discussions was to increase the impact of the research by publishing the country reports and the in-depth analyses on the sub-themes in a book to be published by the International Bureau of Fiscal Documentation (IBFD).

At the third International Seminar on Special Tax Zones in Łódź (Poland) from 11-13 April 2018, the results of the research were discussed. As representatives of the Erasmus School of Law research team, Ilona van den Eijnde, and Martijn Schippers spoke.

In 2019, the project concluded with the IBFD publication of the book 'Special Tax Zones in the Era of International Tax Coordination', to which all nine researchers involved in the programme contributed. Over the years, the project has also led to other publications. Apart from this concrete result in the form of this publication, the project has also led to a partly new and partly reinforced network with researchers from the participating universities for a large group of Rotterdam researchers in various stages of their careers.

Main research results:

The research clearly defined the difference between what the research group considered bona fide special tax zones and undesirable tax haven situations, as well as other undesirable regimes that are generally perceived as tools for base erosion and profit shifting. The researchers found that the

special tax zones they had identified in 20 jurisdictions in scope only benefitted from favourable regimes for real economic business in tax-transparent environments. These special tax zones create favourable circumstances and promote real economic development by creating jobs and reducing poverty and inequality among their subjects and, under the appropriate conditions, should therefore be preserved. Recommendations were made in that respect, focusing on international compatibility, effectiveness, legal certainty in cross-border situations, qualified special tax zone regimes, preservation of tax benefits and coordination between international organisations.

Publications:

- A. Laukkanen, P. Pistone and J. de Goede (editors), 'Special Tax Zones in the Era of International Tax Coordination', Amsterdam IBFD 2019.
- M.L. Schippers, Special Tax Zones gezien vanuit de in Nederland geheven indirecte rijksbelastingen, verhuurderheffing en OZB, in: D.A. Albrechtse & P. Kavelaars (editors), *Ontroerend goed. Liber Amicorum René van der Paardt*, Deventer: Wolters Kluwer 2018, p. 165-174.

Conferences:

- 'Special Tax Zones' 28 and 29 April 2016 in Vigo, Spain. (Speaker Erasmus School of Law: Martijn Schippers).
- International Seminar on Special Tax Zones held at Erasmus University Rotterdam on 11 April 2017. (Organisers Martijn Schippers and Antti Laukkanen (IBFD), seminar director Ton Stevens, speakers and panellists: Maarten de Wilde, Sigrid Hemels, Ton Stevens, Walter de Wit and Martijn Schippers).
- 3rd International Seminar on Special Tax Zones in Łódź (Poland) from 11-13 April 2018 (Speakers and panellists: Martijn Schippers and Ilona van den Eijnde).

Researchers:

Mr. I. (Ilona) van den Eijnde
Prof. dr. S.J.C. (Sigrid) Hemels
Mr. J. (Julian) Lopez Ramirez
Prof. mr. dr. A.W. (Arjan) Schep
Dr. M.L. (Martijn) Schippers
Prof. dr. A.J.A. (Ton) Stevens
Mr. C. (Ciska) Wisman
Prof. dr. M.F. (Maarten) de Wilde
Prof. mr. dr. W. (Walter) de Wit

8 Empirical criminological research on drug trafficking through the Port of Rotterdam encourages new policies and has improved law enforcement efforts.

The municipality of Rotterdam, police, public prosecutor and Customs ('Driehoek+') were facing a rise in drug-related crimes in the Port of Rotterdam. They sought to establish an independent, science-based analysis of the criminological background of these undesirable developments. Their main objectives were to obtain empirically based knowledge on drugs trafficking through the Port of Rotterdam and its facilitating criminal and legal structures in order to counter the subversive

character of drugs trafficking and improve law enforcement in this field. This has become the focus of a major project by researchers from Erasmus School of Law.

The demand by the municipality of Rotterdam, police, public prosecutor and Customs ('Driehoek+') for scientific insights into criminal drugs trafficking networks as well as into the policies and practices of the public and private parties involved with controlling drugs trafficking resulted in a private tender, which was ultimately won by the ESL criminologists who have extensive experience with empirical research into organised crime in its social, economic and legal contexts.

The research conducted in this project helped improve academic and practical knowledge among professionals and policymakers on the logistics of drug trafficking through one of the global mainports. The results and recommendations were translated by the Rotterdam authorities into a confidential implementation agenda (*Offensive against Drugs crime. Heading on a safe and resilient Port of Rotterdam, 2021*) translating all six major recommendations from the report into 22 action points which are currently being implemented. The results of the research consequently significantly improved law enforcement efforts dealing with organised and subversive crimes. By including public-private partnerships in its central focus, the research additionally contributed to the ambitions of Erasmus School of Law to deal with questions about the role of law in safeguarding public and private interests in trade and commerce.

The results of the research in the shape of a report have been published in a book entitled 'Drugscriminaliteit in de Rotterdamse haven. Aard en aanpak van het fenomeen' ('Drug crime and the Port of Rotterdam: About the phenomenon and its approach') which provides insight into the social organisation and governance of drugs trafficking in the Port of Rotterdam. To increase the validity of the research, a mixed method approach was chosen. This consisted of interviews with professionals from public and private parties as well as businesses, police case file analyses, network analysis, and observations from within the port. To identify vulnerabilities, together with a selected group of master students, the researchers focused on the logistics processes and the various roles that people work in. Attention was also devoted to activities by government agencies (Customs, police, municipality, public prosecutor, inspectorates) and private companies.

In addition, the research resulted in multiple academic articles, including open access publications. Next to that, conferences were organised by the Municipality of Rotterdam, Rotterdam City Council and the Erasmus School of Law Centre for Information and Research on Organized Crime (CIROC) to discuss the research findings for professionals in the field as well as an academic audience. This all led to extensive media coverage which ensured that drug trafficking in the Port of Rotterdam is still a topic of discussion for policy makers. Moreover, several businesses in the Port of Rotterdam invited researchers to elaborate on their research findings.

The research improved knowledge of the state of affairs in the port and how criminal behaviour may be tackled. For instance, the report identified developments in the misuse of port facilities and infrastructure, as well as risks and vulnerabilities in the existing port activities. Pivotal in the research process was the regular reflection from and establishment of mutual trust with the support committee consisting of (local) governmental and societal stakeholders (municipality, police, prosecutors and Customs, private sector companies in the port and inspectorates). Through these stakeholder relationships, the researchers not only gained access to interview partners and otherwise inaccessible documents, but it also enabled them to frequently communicate and share knowledge with and among the different stakeholders long after completing the research and publishing the final report. Both public and private stakeholders indicated that the research had stimulated awareness, urgency even, of the requirement for cooperation. That requirement has since been achieved. Furthermore, the Minister of Justice and Security recognised the importance of

this report in providing a comprehensive picture of the drug trafficking situation in the Port of Rotterdam (a.o. [TK 29 911-249](#)).

The project also impacted academic practice. The project became one of three case studies in the master course 'Organised Crime', contributing to the science and practice-oriented learning environment for criminology students. It also led to follow-up research by the department and in the wider field of criminology. International criminologists rely on this research for setting up future research agendas, especially when approaching similar research questions in other ports.

Overall, the project not only fuelled improved collective law enforcement practices, but also initiated broader awareness—in society, with national and international authorities, in the academic field of criminology—of the problems with drugs criminality in this port and similar ports.

References to the research

- Staring, R., Bisschop, L., Roks, R., Brein, E., & van de Bunt, H. (2019). *Drugscriminaliteit in de Rotterdamse haven. Aard en aanpak van het fenomeen*. Den Haag: Boom Juridische Uitgevers. (Also: public summary).
- Roks, R., Bisschop, L., & Staring, R. (2020). Getting a Foot in the Door. Spaces of Cocaine Trafficking in the Port of Rotterdam, *Trends in Organized Crime*, thematic issue on Spaces of Organised Crime (guest editors A. Sergi & L. Storti). Online first <https://doi.org/10.1007/s12117-020-09394-8>.
- Bisschop, L., Roks, R., Staring, R. & Brein, E. (2019). Publiek-private samenwerking in de aanpak van drugscriminaliteit in de Rotterdamse haven, *Justitiële Verkenningen*, themanummer Mainports & Veiligheid, 46(5), 69-90.
- Staring, R., Bisschop, L., Colman, C., Janssen, J., Roks, R. (2021) Scheldestad of Manhattan aan de Maas? Een vergelijkende analyse van de Antwerpse en Rotterdamse havens bij de in- en doorvoer van cocaïne. *Tijdschrift voor Criminologie*, themanummer Drugscriminaliteit 2021, nr.2
- Staring, R., L. Bisschop & R. Roks (2021). Ondernemende criminaliteit laat zich niet onderscheppen noch aanhouden. Over de aanpak van georganiseerde misdaad en het belang van kennis. *Boom Strafblad* (in druk), nr. 1.
- Staring, R., L. Bisschop, R. Roks, E. Brein en H. van de Bunt (2022). Drug crime and the Port of Rotterdam: About the phenomenon and its approach. In: H. Nelen & D. Siegel (eds.) *Organized Crime in the 21st Century. Motivations, Opportunities, and Constraints*. Springer.
- Bisschop, L., Staring, R., Roks, R., Goudsblom, G. (in press). Public-private cooperation in the approach to drug crime in the Port of Rotterdam. The case of the Information Sharing Center Port Safety and Security. In Eski, Y. & Wright, M. (Eds). *Handbook on Maritime Crime & Policing*. Routledge.

Further sources to corroborate the impact

Organised seminars and meetings

- 12 September 2019 – CIROC seminar on Drugs crime and Ports – Richard Staring, Robby Roks, Elisabeth Brein, Lieselot Bisschop.

Participation in conferences, lectures, and poster presentations

- Cordes, B. (2018). 'Als je naar links kijkt, zie je rechts niks.' Een case study naar integer handelen in de haven van Rotterdam. Rotterdam, Erasmus Universiteit Rotterdam, masterscriptie criminologie, 16-10-2018. (Eindcijfer 8).

- *12 September 2019* – De aanpak van drugscriminaliteit in de Rotterdamse haven: aard en aanpak van fenomeen. CIROC conference, Erasmus University Rotterdam.
- *15 July 2019* – Presentation at seminar on ports and drugs, organised by *City of Rotterdam* – Robby Roks.
- *10 December 2019* – Report “Werkconferentie Drugsaanpak in het havengebied Rotterdam-Antwerpen en Rotterdam Antwerpen”.
- *16 June 2021*– Robby Roks & Lieselot Bisschop— Drugscriminaliteit in de Rotterdamse haven: aard en aanpak van het fenomeen: Plenaire sessie met paneldiscussie, Nederlandse Vereniging voor Criminologie

Education

- *November 2020*: dialogue with Bob van den Berghe UNODC-CCP on possible internships.
- AY 2019-2020 & 2020-2021: Teaching case for master in organised crime about drugs in the Port of Rotterdam – Robby Roks & Lieselot Bisschop.
- AY 2020-2021: guest lecture within minor criminology Lieselot Bisschop.

Engagement with public sector/impact on policy

- June-November 2020 – Executive Agenda discussed with Driehoek+.
- *January 2020* – Studio Erasmus mini-lecture on Drugs crime in Port of Rotterdam used in infographic of City of Rotterdam about approach to undermining/subversive crime https://rotterdam.raadsinformatie.nl/document/8574916/1/s20bb003893_1_46675_tds.
- *21 November 2019* – City of Rotterdam Commission on Safety and Public Order, answering questions from members of City Council – Robby Roks & Lieselot Bisschop.
- *June 2019* – Feedback given to scenario writer Glen Rider about TV series ‘Ponies’ (airs in 2020) about drugs smuggling in Dutch and Belgian ports (Submarine TV, via AVROTROS) – Lieselot Bisschop.
- *10 February 2021* – Meer smokkel of meer onderscheppingen? Contribution to website ‘Rotterdamse haven Veilige Haven’ <https://www.rotterdamsehaveneveiligehaven.nl/post/meer-smokkel-of-meer-onderscheppingen> – Robby Roks
- *26 March 2021* – Lecture about report Aard en aanpak drugscriminaliteit in Rotterdamse haven voor Kick-off Information Sharing Center ZeBra (Zeeland – West-Brabant) – Lieselot Bisschop.
- *2 June 2021* – Lecture Publiek-Private Samenwerkingen in de haven van Rotterdam voor ‘Havenbazen’ stocktakes, Gemeente Rotterdam - Lieselot Bisschop.
- *14 & 15 October 2021* – Mini-lecture *Kwetsbaarheden voor drugscriminaliteit in Nederlandse Havens*, Havens van Moerdijk, Vlissingen-Borsele & Terneuzen, in opdracht van Taskforce-RIEC Brabant-Zeeland – Lieselot Bisschop.

Engagement with private sector

- *15 January 2020* – Workshop on vulnerabilities for crime in the Port of Rotterdam for *Nationale Nederlanden, Corporate Security & Investigations*.
- *30 November 2021* – Lecture ‘De aanpak van ondermijnende criminaliteit in havens’ for Webinar North Sea Port *De haven en haar ‘license to operate’* - Lieselot Bisschop.

8 November 2021 – Panelist for Talkshow Vers Beton Live about cocaine smuggling and the impact on the city of Rotterdam <https://www.versbeton.nl/2021/11/kijk-terug-vers-beton-live-over-cocainehandel-en-impact-op-de-stad/> - Lieselot Bisschop.

Engagement in follow-up research

- *November 2020/April 2021*– Research reflections/action research during a confidential police investigation in the Port of Rotterdam (Seaport police, Customs); Lieselot Bisschop, Robby Roks & Richard Staring, 2021
- *2021*–"The control of risks of corruption by Customs in the Port of Rotterdam (De beheersing van corruptierisico's door de Douane in de Rotterdamse haven), KPMG (2021), member of the steering committee - Richard Staring
- *1 case focused on Port of Rotterdam within Process evaluation and action research about strengthening the approach to 'undermining criminality'* (June 2019 – June 2021), commissioned by the Research and Documentation Centre (Wetenschappelijk Onderzoeks- en Documentatiecentrum, WODC) (*Procesevaluatie en actieonderzoek versterking aanpak ondermijnende criminaliteit*). Research team: Prof. Hans Nelen (uMaastricht), Prof. Karin van Wingerde, Prof. Lieselot Bisschop, Dr Moerland (uMaastricht) and Dr Flory (RSM) (175,000 euro).
- *April 2022 - Preparing NWO proposal Subversive crime (Ondermijnende criminaliteit) 'Focusing On the Right Things in the Port of Rotterdam (FORT-PORT)'* - This project uncovers the criminal business processes underlying the illicit flows of drugs and humans through the Port of Rotterdam, and simultaneously develops, implements, and evaluates strategies to help professionals working on tackling subversive crime make better informed decisions about what to focus on. Collaborative research proposal with Erasmus School of Law, and colleagues from Delft University, Utrecht University. Public partners are the Seaport police, Municipality, Customs, FIOD, Public Prosecution, Strategic Knowledge Center on Subversive Crime, Aliens Police, MIT Fieldlab, Defense Academy. Private partners are Secure Logistics, Deltalinqs, Port of Rotterdam, Deloitte, Pandora Intelligence, Information Sharing Center, Stichting Verre Bergen. Many of them are committing resources to help co-finance this (15% of the 2.5 million).

Media appearances or consultation

- 28 March 2022 – How the Netherlands became a 'narco state'; UnHerd <https://unherd.com/2022/03/how-the-netherlands-became-a-narco-state/> – Lieselot Bisschop
- 21 September 2021 - De drugsuithalers hebben nu bijna vrij spel in de haven, NRC Handelsblad - <https://www.nrc.nl/nieuws/2021/09/22/de-drugsuithalers-hebben-nu-bijna-vrij-spel-in-de-haven-a4059311> - Robby Roks
- 23 July 2021- Weer duizenden kilo's cocaïne gepakt, maar of dat echt impact heeft, valt te bezien, Volkskrant, <https://www.volkskrant.nl/nieuws-achtergrond/weer-duizenden-kilo-s-cocaine-gepakt-maar-of-dat-echt-impact-heeft-valt-te-bezien~b48f83ce/> – Lieselot Bisschop
- 15 July 2021 – The Netherlands and Organized Crime. Deutsche Welle <https://www.dw.com/de/die-niederlande-und-das-organisierte-verbrechen/a-58282075> – Lieselot Bisschop
- 16 June 2021 – De onderschatting van de cocaïnehandel, Follow The Money <https://www.ftm.nl/artikelen/de-onderschatting-van-de-cocainehandel> – Lieselot Bisschop

- 13 February 2021 - Corruptie bij politie of douane iets van deze tijd? ‘Zeker niet, in de jaren 60 werd er ook al omgekocht’. Algemeen Dagblad. <http://hdl.handle.net/1765/134741> - Robby Roks
- 24/26 November 2020 – Bijtende Bende livestream on waste from drug crime (synthetic drugs) organised by Trimbos institute and Studium Generale TU Eindhoven.
- 18-11-2020, verkennend gesprek met Hanneke de Jonge, Journalist Nieuwsuur.
- 29 October 2020 - Verkennend gesprek journalist Jelle Gunneweg (Havenverslaggever) & Sjoerd Bootsma RTV Rijnmond – Lieselot Bisschop.
- Video “Onderzoek bij ESL” EUR Dies Natalis 2020 – Lieselot Bisschop.
- 26 October 2020 – verkennend gesprek journalist Dominique Soenens in opdracht van weekblad Humo – Lieselot Bisschop.
- 10 December 2019 - Mini-lecture by Lieselot Bisschop, who conducted a comprehensive study with her team on drugs, crime and corruption in Europe's largest port. Studio Erasmus– Lieselot Bisschop.
- 14 November 2019 - Waarom er steeds weer recordvangsten coke in de Rotterdamse haven zijn. Erasmus Magazine: <https://www.erasmusmagazine.nl/2019/11/14/waarom-er-steeds-weer-recordvangsten-coke-in-de-rotterdamse-haven-zijn>.
- 11 November 2019 - Cocainesmokkel stoppen kan Rotterdam niet in z'n eentje. Trouw <https://www.trouw.nl/binnenland/cocainesmokkel-stoppen-kan-rotterdam-niet-in-z-n-eentje~b9f5a2aa>.
- 13 September 2019- Drugsmokkelaars volgen havenwerkers tot aan de voordeur van hun huis. Algemeen Dagblad <https://www.ad.nl/rotterdam/drugsmokkelaars-volgen-havenwerkers-tot-aan-de-voordeur-van-hun-huis~a9300a34>.
- 29 May 2019 - Rotterdamse havenbedrijven melden drugsmokkel-incidenten liever niet – NRC Handelsblad <https://www.nrc.nl/nieuws/2019/05/28/rotterdamse-havenbedrijven-melden-drugsmokkel-incidenten-liever-niet-a3961841>.
- 28 May 2019 - Onderzoekers naar drugsmokkel: sluit lakse bedrijven in de Rotterdamse haven – AD/RD <https://www.ad.nl/rotterdam/onderzoekers-naar-drugsmokkel-sluit-lakse-bedrijven-in-de-rotterdamse-haven~ae696ae8/>.
- 28 May 2019 – De ingewikkelde strijd tegen kalasnikovs op het Rotterdams haven terrein - Nieuwsuur NOS (3^e item – reportage) <https://nos.nl/nieuwsuur/>.
- 28 May 2019 - De Rotterdamse haven blijkt uitermate geschikt voor drugsmokkel – Trouw <https://www.trouw.nl/home/de-rotterdamse-haven-blijkt-uitermate-geschikt-voor-drugsmokkel~a11198d3>.
- 28 May 2019 - Onderzoekers naar drugsmokkel: sluit lakse bedrijven in de Rotterdamse haven – AD/RD <https://www.ad.nl/rotterdam/onderzoekers-naar-drugsmokkel-sluit-lakse-bedrijven-in-de-rotterdamse-haven~ae696ae8>.
- 28 May 2019 - Rotterdamse haven nauwelijks opgewassen tegen mondiale drugshandel: bazen blijven buiten schot – Volkskrant <https://www.volkskrant.nl/nieuws-achtergrond/rotterdamse-haven-nauwelijks-opgewassen-tegen-mondiale-drugshandel-bazen-blijven-buiten-schot~bd8a5fa3>.

- 28 May 2019 - Drugscriminelen hebben vrij spel in haven Rotterdam – Telegraaf
<https://www.telegraaf.nl/nieuws/3661501/drugscriminelen-hebben-vrij-spel-in-haven-rotterdam>.
- 28 May 2019 - Blinde vlekken bij bestrijders drugssmokkel in Rotterdamse haven – NOS
<https://nos.nl/artikel/2286702-blinde-vlekken-bij-bestrijders-drugssmokkel-in-rotterdamse-haven.html>.
- 28 May 2019 – Blinde vlekken bij bestrijders drugssmokkel in Rotterdamse haven - RTV Rijnmond
<https://www.rijnmond.nl/nieuws/182228/Blinde-vlekken-bij-bestrijders-drugssmokkel-in-Rotterdamse-haven>.
- 28 May 2019 – Nieuwe aanpak nodig tegen drugs in de haven – Transport Online
<https://www.transport-online.nl/site/103896/nieuwe-aanpak-nodig-tegen-drugs-in-de-haven/>.

9 Beyond positive tax law: Educating the next generation of tax lawyers in a changing tax landscape

How can we prepare the next generation of tax lawyers for working in a constantly changing tax landscape? By confronting students with insights from other fields of study and by training them to conduct academic research themselves. That approach is at the forefront of the mastercourse *Fiscaal Confrontatievak*.

Today's tax landscape is not only characterised by increased internationalisation of tax regulations but also by the swift pace with which these regulations are changing. Moreover, stirred by international scandals like the Panama Papers (and other scandals since then) and the focus on reducing illicit financial flows as set out in the Sustainable Development Goals (SDG 16.4), a growing public debate on and scrutiny of the social responsibility of tax advisors to safeguard that their services do not contribute to criminal or socially harmful activities is witnessed.

For the next generation of tax lawyers these developments imply that they need to be able to look beyond the boundaries of positive tax law, to include other perspectives such as moral and societal considerations into their work, and that they need to be able to systematically analyse and report on these developments.

The master course, *Fiscaal confrontatievak*, aims to familiarize students in the final phase of their studies with what it actually means to be a fiscal lawyer, either in research or in practice. Co-designed and co-taught by Prof. Wibren van der Burg, professor of legal philosophy and jurisprudence, and tax lawyers Prof. Sigrid Hemels and Dr Erik Ros, this course centers around the students' individual thesis projects. By bringing in researchers from other fields of study who discuss their (empirical) research, students not only gain insight into how comparative law and various non-legal disciplines can be supportive (and are often indispensable) in tax law research but are also trained in how to conduct academic research and the challenges associated with it. These other fields of study, include inter alia, economics, history and philosophy of law, mathematics and computer science, and criminology.

The course also features guest lectures on specific topics. For example, Dr Ir. Jansen (TU Delft) presented his research on how software systems can aid the understanding and use of spreadsheets, an instrument often used in tax research and advisory, yet an instrument that is prone to errors.

Criminologist Prof. Van Wingerde (Erasmus School of Law) discussed qualitative empirical research on how anti-money laundering gatekeepers, including tax advisors, comply with their responsibilities, discussed the strengths and weaknesses of the research design, and discussed how such research can aid fiscal lawyers to reflect on their role and position amidst the developments described above.

Based on these guest lectures, students decide on a research topic and use the methodological insights to shape their research design. Students are encouraged to actively engage with the guest lecturers and to provide feedback on each other's work through mandatory peer reviews.

Finally, students must present their master thesis on a poster during a plenary poster presentation. Each year, several students manage to transform their thesis into an academic article. For example, in 2021 former student Michelle Klootwijk and supervisor Dick Molenaar published an article entitled 'Sporters, artiesten en de belastingheffing van de digitale economie' in *Weekblad Fiscaalrecht*. An English version of the paper was published in *Sports, Law & Taxation*.⁶ (Reversely) Developing and teaching this course has also provided Prof. Van der Burg with valuable insights and feedback for his research project on the methodology of interdisciplinary doctrinal research. This will result in a book in 2024 (with Prof. Taekema): *Contextualizing legal research. A Methodological guide*.

Lecturers/researchers

Prof. dr. mr. W. (Wibren) van der Burg

Prof. dr. S.J.C. (Sigrid) Hemels

Mr.dr. E.W. (Erik) Ros

Master course

Fiscaal confrontatievak

10 Digital Programme Erasmus Graduate School of Law

How to provide external PhD researchers with the necessary training and education whilst considering their needs for flexibility and tailor-made solutions? That was the challenge that Erasmus Graduate School of Law's Digital Educational programme aimed to overcome.

By its nature, the legal discipline is very intertwined with legal practice. Erasmus Graduate School of Law (EGSL) therefore not only provides a home to fulltime employed PhD researchers, but also to external PhD researchers who often combine their PhD research with a fulltime job in legal practice. For those PhD researchers, participating in EGSL's comprehensive educational programme, which is mandatory for all full-time (0.8 research time or more) PhD researchers, appeared too onerous. The courses of the educational programme are taught on campus, in groups and at specific times throughout the academic year, while external PhD researchers often work on their PhD outside office hours and away from campus. However, providing these part-time PhD researchers with adequate training was considered crucial by Erasmus School of Law.

Fully in line with its professionalisation objectives to further stimulate the integration and inclusion of all PhD researchers and provide them with sufficient opportunities to get the most out of their PhD trajectory, EGSL developed a brand-new, self-standing digital educational programme (hereinafter: 'digital programme'). This programme was launched in 2020 and is mandatory for all

⁶ M. Klootwijk (Michelle), & Molenaar, D. (2021). Sportspersons, entertainers and taxing the digital economy. *Sports Law & Taxation*, 12(1), 41–44. Retrieved from <http://hdl.handle.net/1765/135349>

PhD researchers who are not obliged or (for some reason) unable to participate in the on-campus educational programme. In effect, this means that all ESL PhD researchers, whether full-time or part-time, receive state-of-the-art training in research design and methodology, academic writing, academic integrity and responsible science, and data management. This dovetails with EGLS's role of safeguarding the overall quality of PhD research conducted at Erasmus School of Law. Ultimately, the academic work of all PhD researchers, regardless of their type of contract or available research time, is assessed against the same criteria and all PhD researchers are awarded the same doctoral degree.

The content of the on-campus programme and the digital programme is very similar. Both programmes focus on academic integrity and responsible science, drafting the research proposal, selecting the right research methods, successfully initiating the actual writing process, and meaningfully giving and receiving feedback. The concrete setup of both programmes, however, is fundamentally different. Because flexibility and offering tailor-made solutions are key in the digital programme, all the courses are (exclusively) available online through the platform Canvas and can be taken whenever suitable. The courses are composed of (short) video lectures, recorded by ESL professors with proven expertise in the subject matter, a collection of readings and one or more assignments. The flexibility of the digital programme largely enables part-time PhD researchers to shape their own educational programme and to take ownership of it, which, in line with EGLS's strategic objectives for the period 2016-2021, strengthens these PhD researchers' opportunity to get the most out of their PhD trajectory. To ensure that the part-time PhD researchers, like their full-time colleagues, feel part of a broader community and have the opportunity to connect with fellow PhD researchers while following the digital programme, the programme includes several peer-reviewed assignments and discussion fora.

At the time of writing, 24 PhD researchers have successfully completed the online programme and another 9 are expected to do so soon.⁷ The overall reception and evaluation of the digital programme have been very positive, as the following quotes indicate. *"For an external PhD researcher, having forced deadlines can be nice to have. I also appreciated the practical approach to the methodology modules! Lastly, the peer reviews were nice. It not only provided interesting feedback, but also allowed me to get to know fellow students". "I liked the structure of the course, the fact that many modules were introduced by a video and that chapters from books were provided to illustrate each topic better. In addition, it was very flexible. I could decide when to do the assignments and choose in which sections to make more effort and which to gloss over."*

The success of the digital programme has also caught the attention of other law faculties, both national and international, some of which have shown an interest in enrolling their PhD researchers in the digital programme.

As for the future, EGLS has created a [brochure](#) to facilitate the communication with other schools in the Netherlands and abroad that are keen to let their PhD researchers participate in the programme. Moreover, the modular setup of the digital programme makes it relatively easy to add new modules and update existing ones.

⁷ Moreover, the programme is used for tailor-made solutions, by giving access to PhD researchers who have their own programme (e.g., MC-ITN) or to PhD researchers who started 6 months before the start of the educational programme, or PhD researchers who were unable to join the digital or regular educational programme for personal reasons.