

**RESEARCH REVIEW**

# **FACULTY OF LAW**

**2009-2015**

**UNIVERSITY OF GRONINGEN**

**MARCH 2017**

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# Report on the Research review of the Faculty of Law at the University of Groningen

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## **1. FOREWORD COMMITTEE CHAIR**

In accordance with the Standard Evaluation Protocol 2015-2021 (SEP) the committee has reviewed and assessed the research of the Groningen Centre for Law and Governance over the years 2009-2015. It has included the assessment of the Programme Sources of Byzantine-Roman Law, a programme that deliberately has been maintained by the Faculty of Law without incorporating it into one of the six research programmes. The committee has taken into account the request of the Board of the University of Groningen to give its opinion on future perspective of the Faculty's research programme.

This report presents the review and assessment by the committee. First the committee expresses its gratitude to the Faculty for the cordiality and cooperation it experienced during its work. The committee highly appreciates the openness of the information provided and of the discussions with all members of the Faculty.

The main, substantive part of the report, the review and assessment of the research is to be found in chapters 3 and 4. In chapter 3 the research of the Faculty is reviewed and assessed on six core elements. Chapter 4 contains the review and assessment of the six research programmes of the Groningen Centre of Law and Governance. Separately the committee reviewed the programme Sources of Byzantine-Roman Law. In chapter 2 the committee explains how it has proceeded, among which the way the committee has used the SEP scores. The report finally contains recommendations with respect to the future research policy of the Faculty and the various research programmes. Apart from the information on formal issues the report presents quantitative data from the self-evaluation report as one of the sources the committee has based its report in the appendices.

The committee has acted in conformity with the SEP protocol as established by the Faculties of Law in The Netherlands. That implies that this report reflects the review and assessment of the research of the Faculty of Law of the University of Groningen. It is based on the mandate of the University of Groningen.

An important objective of the current exercise is enhancing the transparency and accountability of the policy and practice by the Faculty of Law of Groningen. The review enables the Faculty to reflect on its operation and achievements in the field of research to which the committee members as external peers hope to contribute by this report and its recommendations.

This report has been established in good cooperation and dedication of the members of the committee. I would like to thank my colleague members for that. A special word of gratitude I would like to address to the secretary of the Committee for her professional support.

Professor A. Jaspers  
Chair



## 2. THE REVIEW COMMITTEE AND THE PROCEDURES

### 2.1. SCOPE OF THE REVIEW

The review committee was asked to perform a review of research conducted at the Faculty of Law of the University of Groningen. The review of the research unit was performed at the level of the Faculty. This leads to a qualitative and quantitative assessment at the level of the Faculty. At the request of the Faculty of Law, the committee included a qualitative evaluation of the following research programmes:

- Effective Criminal Law;
- Energy and sustainability;
- Protecting European Citizens and Market Participants;
- Public Interests and Public Law;
- Public Trust and Public Law;
- User-friendly Private Law.

In addition to these six research programmes, the committee evaluated *Sources of Byzantine-Roman law*, which is not included in any of the research programmes of the Groningen Centre for Law and Governance.

In accordance with the Standard Evaluation Protocol 2015-2021 (SEP) for research reviews in the Netherlands, the committee's tasks were to assess the quality, the relevance to society, and the viability of the scientific research at the research unit as well as the strategic targets and the extent to which the unit is equipped to achieve them. Furthermore, a qualitative review of the PhD training programme, research integrity policy and diversity formed part of the committee's assignment.

### 2.2. COMPOSITION OF THE COMMITTEE

The composition of the committee was as follows:

- Prof. mr. Teun Jaspers (em.), professor in Social Law, Utrecht University;
- Mr. Gerard Roes, Council of State, The Hague;
- Prof. dr. Leigh Hancher, professor in European Law, Tilburg University;
- Prof. mr. Bert Niemeijer, professor in Sociology of Law, Vrije Universiteit Amsterdam and rector of the Academy for Legislation in The Hague;
- Prof. Jacques Steenberghe, president of the Belgian Competition Authority, Brussels;
- Prof. Francois du Toit, full professor of Private Law, University of the Western Cape, Republic of South Africa.

The curricula vitae of the committee members are included in Appendix 2.

The committee was supported by Dr. Meg Van Bogaert, who acted as secretary on behalf of QANU.

### 2.3. INDEPENDENCE

All members of the committee signed a statement of independence to safeguard that they would assess the quality of the Faculty of Law at the University of Groningen in an unbiased and independent way. Any existing personal or professional relationships between committee members and the research unit(s) under review were reported and discussed in the first committee meeting. The committee concluded that there were no unacceptable relations or dependencies and that there was no specific risk in terms of bias or undue influence.

## 2.4. DATA PROVIDED TO THE COMMITTEE

The committee received the self-evaluation report and appendices of the unit under review, including all the information required by the SEP. The committee also received the following documents:

- the Terms of Reference;
- the SEP 2015-2021;
- lists with an overview of publications;
- key publications.

## 2.5. PROCEDURES FOLLOWED BY THE COMMITTEE

The committee proceeded according to the SEP. Prior to their first meeting, all committee members independently formulated a preliminary assessment of the unit under review based on the written information provided prior to the site visit. The final review is based not only on the documentation provided by the research unit, but also includes the information gathered during the interviews with management, representatives of the research programmes and representatives of the Faculty of Law. The interviews took place on 23 and 24 November 2016 (see the timetable in Appendix 3) in Groningen.

Preceding the interviews, the committee was briefed by QANU about research reviews according to the SEP. The committee discussed the preliminary assessments and decided upon a number of comments and questions. It also agreed on procedural matters and particular aspects of the review. After the interviews the committee discussed its findings and comments to enable the chair to present the preliminary findings and to provide the secretary with argumentation to draft a first version of the review report.

The draft report was presented to the Faculty of Law for factual corrections and comments. In close consultation with the chair and other committee members, the comments were reviewed and incorporated in the final report. The final report was presented to the Board of the university and to the management of the research unit.

The committee used the criteria and categories of the Standard Evaluation Protocol 2015-2021 (SEP). For more information, see Appendix 1.

## 2.6. USE OF SEP SCORES BY COMMITTEE

The SEP scores for very good and excellent explicitly have an international component. There are disciplines in Law with a predominantly national focus, for example criminal and administrative law as well as some parts of private law. The research programmes with this primary national focus therefore could never be scored higher than *good*. The committee is of the opinion that *very good* and even *excellent* scores should be achievable for research programmes with a mainly national focus if the research in this programme qualifies according to the research quality standards: one of the few most influential research groups at national level in its particular field (excellent) or conducting very good, nationally recognised research (very good); and accordingly for the standards in respect of relevance to society and viability.

### **3. RESEARCH REVIEW OF THE FACULTY OF LAW AT THE UNIVERSITY OF GRONINGEN**

#### ***3.1. The mission, strategy and targets of the Faculty***

The mission of the Faculty of Law is formulated as follows:

To be an ambitious, top-ranking Faculty of Law with both outstanding education and high-quality research with a strong international orientation, firmly rooted in the north of the Netherlands. The Faculty creates and shares knowledge through outstanding education and high-quality research, which is beneficial to society.

In addition, the Faculty has formulated a specific mission for research:

To be a high-quality, nationally leading and internationally recognised research institution for law and governance which provides an academic climate that stimulates researchers to strive for excellence, while meeting the needs of the academic community and society by conducting and stimulating high-quality research that is both fundamental and applied, and mono-, cross- and interdisciplinary.

The mission of the Faculty of Law is very ambitious in aiming at high-quality research that is nationally leading and internationally recognised. At the same time it is striving to fulfil the needs of society. In addition, the research is expected to be fundamental as well as applied and mono-, cross- and interdisciplinary. The committee shares the Faculty's opinion that in the broad discipline of law, not all research should primarily have an international focus; on certain topics a national approach makes more sense and might have more impact. This opinion is reflected in the programmes of the Faculty of Law at the University of Groningen. Some research programmes do not comply with the international ambition that is formulated in the mission statement. Most of the programmes (four out of six) have a mixed international and national approach and are very successful at both levels.

The international ambition of the programmes has been increased substantially since the introduction in 2013 of the Faculty's new research policy. One programme is obviously nationally oriented and is of a very high standard. Another programme has a clear international ambition and approach in accordance with its theme. The committee is convinced that the Faculty has deliberately chosen this policy, which is justifiable at the faculty level provided the international ambition for all programmes is in accordance with its mission, and targets will be strengthened also for the programmes with a more national orientation in order to incorporate international developments in their research.

A similar view holds for the mono-, cross- and interdisciplinary approach. The Faculty's ambition to combine various methodological approaches is strongly supported by the committee. This ambition conforms fully to the choice for a coordinating theme: Law and Governance. Classical monodisciplinary research will be enriched by research that transcends the boundaries within the legal discipline (intra- or cross-disciplinary research) and by taking into account the social context of legal arrangements (interdisciplinary). The committee supports this approach at the Faculty level, but feels that not all aspects of this ambition should be fulfilled by each of the research programmes. The committee advises the Faculty to be accountable for this ambition and put it into practice through conscious choices of the ways each of the research programmes contribute to it and to what extent.

The Faculty of Law has deliberately chosen a bottom-up steering approach, in which the six research programmes are given a large degree of autonomy. The committee can understand why the Faculty has opted for this approach of giving staff members the opportunity to develop and implement new ideas in all areas of research, within the

parameters and focus areas of the programmes. It is seen by the committee as the instrument for research innovation. The committee nevertheless has some concerns regarding the degree of steering and the power of the Board. Fall-back mechanisms seem to be absent or not well implemented. Looking at the reorganisation of the research programmes in 2012 and 2013, the Faculty proved that with careful guidance and steering by the Faculty's management, the bottom-up approach has been successful. The number of research programmes has been reduced, and the new strategy has been introduced and carried out. Nevertheless, the committee is somewhat critical of the management's ability to steer the actual research that is done. Over the past few years and also at the moment the developments have been positive, but reflection on present and future developments is crucial for securing the continuation and in particular the further improvement of the research in order to achieve the set goals and targets. In view of this observation, the committee refers to its recommendation regarding the ambitious mission of the Faculty and the instruments to be used.

The committee would like to address the complexity of the organisation within the Faculty. The management as well as the persons interviewed emphasised that the relatively small size of the Faculty with its rather flat organisational structure enables and facilitates direct communication between management and the academic staff members as well as among the members. Nevertheless, the committee is somewhat worried about the complexity even when none of the people who were interviewed seemed concerned. It took the committee quite some time to get a grip on the position of the research programmes in relation to the departments, centres of expertise and individual research lines. More specifically, the lines of accountability are confusing to the committee but potentially also to the individual researchers. In his or her capacity as researcher (and teacher, since in most cases these functions are combined in one person), a staff member is accountable for his/her performance to the department leader. It is unclear to the committee in what way a programme leader influences the appraisal of performances of the researchers in his/her research programme, beyond having a signalling function. For solving a potential collision of appraisals and tasks, the programme leader has to communicate with the department leader. According to the policy of the faculty, one person can be department leader and research programme leader simultaneously, but this is not a desirable situation. In one case the programme leader was also head of a department.

Generally – except in the case just mentioned – research programmes are not exclusive to one department, and researchers from multiple departments take part in a research programme. The committee has two observations on this. First, it noticed significant differences in the embedding of the research programmes in the departments and wondered if this affects the size, coherence and steering of the research programmes in a problematic way. Second, although the situation currently seems to work well as it is, it depends very much on the individuals who together constitute the organisation at a certain time. The relatively small size of the Faculty allows for an informal communication structure in which short lines between researchers and with management can be seen as a strength. The committee is not as convinced as the Faculty Board of the long-term strength of this structure. In case of a change of personnel and in particular when a change of programme leaders and/or department leaders takes place and new leaders arrive from outside the Faculty, the informal balance might be disturbed. The committee would therefore like to suggest that the Faculty Board introduce mechanisms that can be used if the highly valued consensus approach is at risk. It learned that the Faculty is considering a regrouping of the organisational structure, in particular the departments, in order to align the research programmes better. With respect to this planned reorganisation, the committee would like to offer the following observation without providing a direction or proposed solution. In the present structure an individual researcher can participate in two research programmes. On the one hand, this stimulates and supports the choice for intra-disciplinary and cross-boundary research, and makes efficient use of the resident expertise. On the other hand, there is a risk of disintegration

of research time and subsequent loss of quality (depth and prominent participation in scientific debate).

### **3.2. Research quality**

Over the past few years the objective of the Faculty has been to stimulate high-quality scientific output, to strengthen the position of the Faculty as a recognized and well-reputed European Centre for legal research. The recommendations in the report by the previous evaluation committee, chaired by Professor Koers, have led to major changes in the organisation of the Faculty, specifically in the research programmes. The twelve existing, often small, programmes were reshuffled, and in 2012 six larger research programmes were introduced. One major objective during this reshuffling was inclusion; all existing researchers were given a position in at least one of the six research programmes, and the bottom-up approach was used to create consistency within each research programme.

In all of the interviews held, the committee met researchers who are committed to the Faculty and were part of the major improvement that has taken place over the past few years. Despite the recommendations made in this report to encourage further improvements, the committee would first and foremost like to mention its recognition of the accomplishments achieved. They are clearly the result of the development of the six research programmes and of creating more focus in order to increase the quality and quantity of the output at various levels. The participation and contributions of the researchers to the results have been increased over the last three years. The number of contributions to peer-reviewed journals and scientific (partly reviewed) books has increased since 2013, which underlines the progress the Faculty has made in regard to improving the quality of its research output.

The bottom-up approach seems an inspiration for researchers to develop their own research line within one or two research programmes. The committee is of the opinion that a bottom-up approach can lead to high-quality research, and many examples of this were observed in Groningen. Although the bottom-up approach seems to work well at the Faculty level, it is not per se a guarantee for a high-quality output of the programmes. If it does not work well for an individual researcher or for one research programme, the Faculty should not hesitate to use adequate steering mechanisms to remedy the situation. A regular assessment of the output of the research can be used as an effective instrument.

The committee favours the new approach of the Faculty towards talented researchers. The Faculty rightfully indicated that the number of grants awarded by the various research councils was very low in the past period. Proposals were written, but hardly any were successful. The Faculty has hired a staff member to support and train selected, talented researchers in writing a proposal. Although no successful results could be presented to the committee during the site visit, the committee believes that the approach will pay off in time. It encourages the Faculty to keep focusing on acquiring grants from the research councils and to aim for a balance in first-, second- and third-stream funding. It suggests rewarding researchers with grant proposals that received the highest scores (in NWO terms: A+), but were not successful. Faculty funds could be used either to award highly qualified research proposals or to help these researchers start their project while applying for other grants.

The income from third stream, or contract funding, is very good. Since 2013 there has been a substantial increase. That is the case for programmes that are more nationally oriented as well as for programmes with an international profile. A significant part of this contract funding comes from European projects and fits well with these research programmes. This seems less clear for other sources of contract funding. It is not always clear in what way it contributes to the objectives of a research programme. Although it is important to obtain this funding, the committee advises the Faculty to systematically

consider the scientific value of this contract research and how it fits within the research programme or contributes to the qualitative output of the research done.

### **3.3. Relevance to society**

Regarding societal relevance and impact, the Faculty also takes a bottom-up approach. It is difficult for the committee to give an overall assessment since all of the research programmes have different objectives inspired by the different (sub)disciplines they work in.

To facilitate the societal mission, a total of nine centres of expertise are in place. Each centre focuses on a specific, clearly recognisable topic and consists of a group of researchers with specialisations in the relevant discipline(s). The topics of the centres do not coincide with the themes of the research programmes. The centres reflect the specific fields of expertise currently present in the Faculty. The centres function well as links to societal demands and connect researchers to societal partners outside academia. Although the centres add to the complexity of the Faculty's organisational structure, they seem to work well.

All of the research programmes have activities directed towards society, although differences are observed between, as well as within, them. This should not be a cause for alarm as long as it is part of a deliberate strategy. Some research topics and outcomes are more easily disseminated than others, while more fundamental research will take time to have a societal effect. The Faculty should monitor the research programmes to make sure that all have a proper strategy regarding societal relevance and follow up on this.

### **3.4. Viability**

The committee has assessed the viability in response to the explicit question of whether the Faculty's research policy and strategy are suited to achieve its objectives and whether its organisational structure effectively contributes to realising the research strategy.

The management indicated that after the introduction of the six research programmes in 2012, it wanted to give all programmes and researchers time to settle in and develop. In fact, the management wants to use the recommendations from this committee to take the next step. Although the committee considers it a wise decision to allow time for the research programmes to find their way, it is also of the opinion that the necessary next steps have to be taken in the near future. It seems to be the time for making choices, which is not automatically in line with the bottom-up approach. The Faculty Board might have to start explicitly steering in order to achieve the goals projected. In this section, the committee provides some overall observations and recommendations.

First, the Faculty is considering regrouping the departments in the near future to better match the research programmes. The committee fully supports this intention and is of the opinion that this will lessen the complexity of the organisational structure and have a positive effect on the research quality. It hopes, however, that this will not be considered a disincentive against cooperation between members of different departments.

Second, some of the research programmes seem coherent and have a clear focus, while others seem hesitant to make choices or decide on a direction. It is not likely that a research programme can excel when focussing on numerous different topics, and the committee therefore advises the Faculty to support the research programmes in selecting criteria to define the direction of their research in the future. This does not imply that any topics should be discarded in advance, but rather that focus should be applied.

Third, special attention should be paid to staffing. To guarantee the quality of the research and its programmes, it is advisable to promote or to keep promoting a balanced composition of the group of researchers of the different programmes by hiring qualified staff members. It should be an explicit objective to keep the group of qualified

researchers contributing to as broad an output of the research as possible. In particular, attention should be paid to the recruitment policy when there is a change of programme leaders and/or department leaders, specifically when recruiting from outside the Faculty.

According to the committee, the most important aspect with respect to a viable future is finding a balance between the bottom-up approach on the one hand and steering or correcting mechanisms by the Faculty Board on the other. Continuous reflection on the quality of the academic work and the functioning of the organisation is crucial when excellence is the aim. The bottom-up approach should be cherished, but at the same time steering mechanisms have to be in place to interfere when the bottom-up approach fails.

### **3.5. PhD programmes**

The Groningen Graduate School of Law (GGSL) is responsible for the research master programme and the PhD programme. There is a yearly enrolment of about 14 PhD students, which should increase to 20 in 2022 as the result of university policy on scholarship PhD candidates. These students are selected in an open competition. In addition, PhD students enrol who are financed by staff members' personal grants and contract research. Regardless of their funding, all PhD students are provided with a training programme which is tailor-made to best fit the individual's needs.

In the past period the success rates of PhD students have not been impressive. Many PhD students dropped out or took much longer than four years to graduate. This problem has been recognised by the Faculty, and in the interview with the committee the GGSL director specified which measures were being taken to improve it, for example establishing groups in which PhD students who started at the same time regularly meet to discuss all kinds of issues. According to the committee, the GGSL is doing a lot to improve the success rate, and results should follow.

The committee was impressed by the way PhD students are supported and guided from the start of their project towards obtaining their PhD. The way the guidance has been improved in the last three years is very promising for future success. The introduction of a regular assessment of the research progress of the PhD students, including a go/no-go interview after nine months, will yield results, as will the introduction of two promoters guiding the student, either from the same programme or more frequently from different programmes. A pivotal role is given to the GGSL director and GGSL coordinator, who seem to be closely monitoring the PhD students and take action when any problems occur. Another important aspect is the smooth transition between the research master and PhD programme, providing PhD students with the best starting position possible. The committee appreciates that the Faculty is stimulating PhD students to give presentations of their research projects externally – at conferences, colloquiums and workshops. It is also promoting co-authorship of PhD students with senior researchers, where possible. Both will have the effect of introducing them to the scientific network to which the senior researcher belongs.

The Scientific Research and Ethics Committee approves all PhD proposals, which is an important step in order to be able to assure the quality of the research question and the feasibility of the project. The committee is positive regarding the plan to pay more attention to the responsibilities and expectations of supervisors of PhD students.

Overall, the committee is very positive regarding GGSL and the training of PhD students. The response by the graduate school to the low success rates resulted in a positive effect on the way PhD students are trained, supervised and guided. This was also reflected in the pleasant interview with PhD and Research Master students during the site visit.

### **3.6. Research integrity policy**

The Faculty has a Scientific Research and Ethics Committee in place which made a good impression on the committee during the site visit. It has a clear, proactive attitude

towards scientific research, as evidenced for example by the fact that it approves the research proposals of PhD students prior to the start of a project. With respect to integrity, it has a somewhat more waiting attitude, but the committee is convinced that the Faculty is in control. Master and PhD students are trained in aspects of integrity, and the discussion on data collection and storage is taking place. Although no examples were available, the committee is convinced that in case of fraud or breaches of integrity, the Scientific Research and Ethics Committee is fit to act upon it. The one recommendation by the committee is to screen more actively for plagiarism in PhD theses.

### **3.7. Conclusion**

From the documentation received, but more specifically from the interviews held during the site visit, the committee encountered a Faculty of Law that has implemented many improvement measures since the previous review. This has clearly had a major, positive effect on the organisation of the Faculty in general as well as on the quality of the research. The reduction in the number of research programmes can perhaps be seen as the most important achievement. The committee hopes and expects that the present review will help the Faculty to take the next steps that are required to keep improving its organisation and at least continue the high quality of the work.

#### **Overview of quantitative assessment**

Research quality:	very good (2)
Relevance to society:	very good (2)
Viability:	very good (2)

## **4. QUALITATIVE REVIEW OF THE UNDERLYING RESEARCH PROGRAMMES**

### **4.1. EFFECTIVE CRIMINAL LAW**

The committee was very interested to review the Effective Criminal Law research programme. Its research is intended to produce insights to boost the effectiveness of criminal law in modern Western countries such as the Netherlands.

Overall, the committee was impressed by the robustness, diversity and consistency within this research programme. The programme strikes an impressive balance between the breadth of research topics on the one hand and depth on specific themes on the other. Some of the examples presented showed that, in situations of surplus value, attention is paid to comparative law. This is particularly the case for topics related to national law. According to the committee, the attention to comparative law could be further extended throughout the entire research programme. At the same time, comparative law should not be an end in itself; the surplus value should always be considered.

The committee highly appreciated the improved quality of publications by the programme over the past few years as well as the quality of the journals chosen for publication. It observed a development towards more peer-reviewed journals. Despite the fact that there is not a set strategy for a specific means of publication, there is a balance between publications aimed at an academic audience and those geared towards a more general audience. Similar to other research programmes, a potential pitfall of this case-to-case publication strategy might be tunnel vision. From the interviews held during the site visit, the committee was able to determine that the research programme is led and executed by dedicated and enthusiastic staff. The quality of the output certainly reflects this leadership.

The Effective Criminal Law research programme is strongly focussed on national debates regarding positive law questions on criminal law, criminal procedure law and criminology. This is a traditional topic for the Groningen research programme, with a focus on the legislator, policymakers and jurisdiction. It is a deliberate choice of the research programme to emphasise the international context much less than other research programmes at the Groningen Faculty of Law.

The rather national approach is understandable and even logical on the one hand, since many topics of criminal law do not easily translate to the international level. This partly explains the Faculty's choice to opt for a mainly national approach. On the other hand, the committee considers that the broad, international context deserves more attention within this research programme. The objectives and ambition of the Faculty of Law and the aim of the research programme itself are to boost the effectiveness of criminal law not only in the Netherlands, but in modern Western countries. The committee recommends the research programme include an international focus more explicitly, for example with respect to comparative law, without losing sight of the national focus.

The Effective Criminal Law research programme, like other research programmes at the Faculty of Law of the University of Groningen, critically depends on the expertise and experience of a few researchers. Attention should be paid to this issue. While acknowledging that it is a very difficult task, the committee advises the Faculty of Law to focus explicitly on this in the coming period and develop a policy to deal with the restricted basis on which much of the research is built.

Taking all aspects into consideration, the committee considers the Effective Criminal Law research programme to be a broad and outstandingly developed research programme

with a high degree of societal relevance as evidenced by the subjects of the research projects as well as by the intensive cooperation with the practitioners (judges, lawyers, policymakers).

## 4.2. PROTECTING EUROPEAN CITIZENS AND MARKET PARTICIPANTS

The Protecting European Citizens and Market Participants (PECM) research programme consists of a group of top experts who have been able to attract and motivate good researchers consistently for almost 50 years under the leadership of a number of highly reputed professors. The committee was impressed by the range and originality of the publications, as well as by the fact that the research programme has produced a considerable output, much of it published in high-ranking journals or by respected publishers. The productivity strategy seems very sound when considering the output over the past three years.

The research programme, its output and team are highly respected and influential at the highest judicial level, which is corroborated by the fact that the programme is regularly consulted by policymakers and that its output is referred to in judicial procedures.

The profile of the PECM research programme is, however, defined more by the people and the quality of their contributions than by the topics covered. This diversity is at least partly the consequence of the effort to remain relevant in an often rapidly changing environment that covers a broad range of topics such as constitutional issues on citizenship, competition, free movement of persons and goods, and company law, tax law and fields like ICT. The committee understands this approach and can agree with it, but more focus might be considered for future profiling. Regarding the interplay between Dutch and European law, the collaboration with the Corporate Law Department will continue to be very important. The scientific staff members in the research programme continue to contribute in this respect to a traditional strength of the Groningen Faculty regarding European corporate law thinking.

Although the programme aims to pursue excellence in research, the societal elements seem to be very well developed on certain topics, e.g. citizenship and data protection. This high quality is not uniform across all topics. Taking into account that team members are consulted by the government and legislative bodies, referred to by AGs in Luxembourg, receive invitations to contribute to significant conferences and publications listed in the self-evaluation report, and willing to take new and original positions without being marginalised as eccentric, the social quality and valorisation can be ranked as very good.

As the programme moves into digitalization and consumer protection, there should be useful common topics for closer collaboration with the User-Friendly Private Law (UFPL) and the Energy and Sustainability (E&S) research programmes. The important topics listed for future research, including tax issues, should allow the PECM, UFPL, E&S and also PTTL research programmes (or the PECM research programme with members of the relevant departments) to work together in a productive way in the next evaluation period. It would be useful to have a clearer outline of how this will be accomplished.

The PECM research programme generates a significant amount of EU-funded (third stream) resources, which tends to confirm the appreciation at the EU level of the high quality of the research programme and its output.

Given the visibility achieved by several researchers in the team, and the abovementioned productive and highly relevant cooperation with corporate law, the researchers seem to have put in place a strategy that can allow them to cope with the succession of one of the programme leaders in the upcoming evaluation period. The committee noticed that expertise on many of the leading themes – especially citizenship – seems to be concentrated in one individual, and it would be useful to know how robust the research programme would be if such a key member were to leave. In this respect, the committee

wonders whether profiling (perceived) around people rather than topics will prove to be a relative weakness or a strength.

The committee concludes that the PECM research programme scores very high on quality and societal relevance, both at the European level and domestically. It acknowledges that this is no small achievement in a field of research where their 'market' is if not worldwide, at least European, and in which competition both in the EU and in the Netherlands is particularly strong. The research programme has a team, reputation and strategy that should enable it to continue to do well in the coming period despite the need to organise the succession of a key programme leader. The committee would nevertheless welcome a more structured articulation of the cooperation with other research programmes or departments in order to facilitate a focus on joint endeavours as much as on individual contributors.

### 4.3. ENERGY AND SUSTAINABILITY

The Energy and Sustainability research programme has concentrated on topical and often novel issues and has established a very good reputation in the field of energy law, both domestically and internationally. The topics covered by the research programme are of considerable relevance to national as well as European and international law and policy debates.

The research output is high and clearly interdisciplinary. It combines different fields of law, but also law with other disciplines, especially economics. The group has maximised its leverage through extensive co-operation with other, mainly external institutions. The programme – especially the energy-related research – has attracted an impressive and substantial volume of external funding (from national as well as European sources) over the short time it has been in existence.

The Energy and Sustainability research programme is one of the smaller research programmes and has an equivalent number of PhD students to the larger groups. Its output is therefore impressive given the relatively small academic staff. Publications are often in specialised journals, and the committee suggests that it would be useful to see a few key publications in more generalist publication outlets so that a wider audience is reached. There are many chapters in books and conference proceedings which may not always have been double-blind peer-reviewed. The research programme's output has appeared in higher ranking publications, but care should be taken not to publish important research with smaller publishing houses without international reach as this detracts from visibility and, in the longer run, viability.

Based on both the documentation, for example the selection of key publications, and impressions from the site visit, it became clear that the two programme leaders are not active to the same degree in the organisation of the work. Given the upcoming retirement of one of them, it would be good for the ongoing viability of the overall programme to ensure the added input from the other programme leader as well as from the public international law group at Groningen more generally.

The research programme has actively been involved in a series of conferences on topical energy issues, with considerable involvement from stakeholders. It has attracted funding for highly innovative projects. Several senior researchers contributed regularly to debates in the Dutch media on their project results. In the self-evaluation report not much emphasis was given to valorisation, although online education was touched on. During the interviews it became clear that the research programme has been very active in Groningen in the wake of the earthquakes experienced there. However, there are many other areas of research and expertise that could and should be showcased to a wider national audience beyond a mainly academic one. Given that the research programme has attracted large-scale external funding, it would be useful to ensure that the results of these funded projects are disseminated in a variety of ways and not only in academic publications.

The research programme has six ongoing external projects, several of which are interdisciplinary, and has ambitions to grow further. This will also have to be externally funded (through either second- or third-stream financial support), and it is not clear to the committee whether co-funding from the Faculty will be forthcoming. Active support from the Faculty may well be necessary to ensure the stability and continuity of the research programme, especially through a change in leadership.

From the interviews the committee could not ascertain whether much detailed consideration had been given to a coherent future strategy, as a rather passive approach was observed. The programme seems to be waiting to see what external funding projects

are on offer, although in the interview with senior staff, a more structured vision was provided.

Given the overall importance of research on the topic of energy at the University of Groningen, it is crucial that the Energy and Sustainability research programme collaborate closely with the available expertise within other faculties. This is considered an important means to ensure the continuity and viability of what has proved to be a successful research programme.

#### 4.4. PUBLIC INTERESTS AND PRIVATE RELATIONSHIPS

The strength of this interesting and innovative programme lies in its explicit thematic approach to the connection between public interests and private relationships based on the methodological approach which fits well in the overall Faculty approach of Law and Governance. According to this approach, the programme combines classical legal research – in the sense of mono- and intradisciplinary research – with interdisciplinary research as it includes the social context of legal arrangements. It could be interesting to include a historic dimension, looking for the developments over time of the interference of public interests (policy) in private relationships.

The ambition is quite high (including national, supranational and international law and governance) and aims at comparative studies. The programme has chosen ten areas mainly linked to the expertise of the various researchers. While ambitious, this could endanger the coherence and might hamper the depth of the research on all of these areas. The number of areas covered is high, and some have numerous sub-foci. Such a diversified and wide-ranging approach might require measures to avoid further fragmentation. The quality of the research in terms of substance as well as output varies, which might be due to the diversity.

A number of very strong aspects characterises the quality of this programme. There are high-level publications in peer-reviewed, international journals and contributions to peer-reviewed books, involving a broad cross-section of very good researchers in its various research projects, and the establishment of, and active participation in, international networks of researchers in the different fields.

The main option and focus on peer-reviewed (double-blind) international journals and books and on peer-reviewed national journals and books – in the fields mainly oriented on national law – support a deliberate strategy. The results show that this goal has been achieved in particular since 2013/2014. The assessment of the publications is based more on the quality of the top publications than on the overall quantity. Since 2013, the numbers have increased, mainly in peer-reviewed publications (internationally and nationally), which can be considered remarkable. The productivity of the group measured per research fte has increased in the last few years. The strategy is clearly paying off. The publications range from good to very good, while some are even excellent.

The main programme leader is brilliantly leading the research programme in respect of initiating the research and approach of the programme, its maintenance and development. She is safeguarding the mission and goals of the programme and guiding the researchers. Evidence of this can be found in the fact that most of the programme's key research areas have yielded outputs, at both the international as well as the national level. It can be deduced that the programme's leadership takes astute strategic decisions when deciding on how best to realise the research objectives.

The top researchers have a very good reputation, internationally as well as nationally. Given that some have focussed their attention and contributions on the national academic arena, they have a very good to good reputation. The research does have a substantial impact and significance in the field, both internationally and nationally. It contributes substantially to the scientific debate in the researchers' field of expertise. In particular, the methodological approach of the programme has a significant impact on scientific debates.

A point of concern requiring attention is the ambition of cross-boundary research: crossing the traditional boundaries of the legal (sub)disciplines as well as interdisciplinary research. The Faculty's theme of combining law and governance enables this in principle. To achieve this objective, the composition and expertise (including development and maintenance) of the researchers are crucial. The programme's attention should be fully

focused on that. So the committee's question of whether the number of fields covered is too big is justified. The focus on a selection of fields seems to be necessary in order to remain a truly influential player of high quality in the field, scientifically as well as professionally. To secure its qualified position, a robust recruitment policy has to be carried out. The potential for it is certainly present.

The societal relevance in general is high in respect of the subjects of research. Some research projects are more academic as they contribute to the theoretical debate, but even then the societal relevance is not absent. The programme's theme has a high potential of societal relevance since it looks at whether and how public interests relate to private relationships in a double way: do public interests interfere/intervene in private relationships (and how), and do private relationships hamper or block the implementation of public interests, which are almost societal questions by nature. A high societal impact has been achieved with the projects on land, expropriation and property policies and law, health policies, housing and family and succession matters. The centres of expertise related to the programme (Global Health Law Groningen, Groningen Centre for Children's Rights in Health Care, Notarial Institute Groningen in particular) are key institutions to establish and elaborate collaboration with societal institutions and other stakeholders. By publishing research findings and results in various journals and media and by organising conferences and seminars on the various subjects of research (nationally and internationally), the group of researchers are in productive contact with the different stakeholders.

Societal impact is not always easy to assess, which can be the result of the programme's theme and methodological approach. The programme leaders are aware of the efforts to be made while searching for an effective way to improve the relations and interactions with its stakeholders to the benefit of both. The wide range of fields that the programme covers could be an obstacle. Dissemination of the results of the research is taking place at conferences, meetings, seminars.

The extensive networks and the topical nature of the research projects and the outputs provide a firm basis for the future. The programme and its leaders are capable of attracting quality PhD candidates, who can certainly contribute to the programme's future sustainability. The programme can also secure outside research funding, and its strategic alliances with research partners enhance its ability to attract financial resources as well as high-quality scholarly expertise in the future. A final factor that contributes positively to its viability is its methodological approach. It can keep the programme flexible and adaptable to developments in the future in the fields covered.

## 4.5. PUBLIC TRUST AND PUBLIC LAW

The theme of the Public Trust and Public Law research programme is very well chosen. It is interesting, innovative and unique within the Netherlands. Its central question is: *How can public law promote public trust in government and among different bodies and levels of government?* The programme studies this relationship in five different areas: political decision making, regulation, procedural justice, state structures, and public enforcement and supervision. This gives it a clear profile and continues the long-lasting Groningen public law tradition, started by Scheltema, which aims to combine top scientific quality with societal relevance and practical relevance of the results.

The theme of the Public Trust and Public Law research programme calls for a challenging mono-, intra- and interdisciplinary approach, which is realised well within the programme. On the one hand, there is the combination of different legal perspectives (Dutch and European administrative and constitutional law, public international law, public order law), and on the other the combination of legal perspectives with socio-legal, legal theoretical, philosophical and political science perspectives.

The strong ambition of combining mono-, intra- and interdisciplinary research in combination with five different areas could have easily led to a lack of coherence or thoroughness. However, that appears not to be the case. The central theme lends itself very well as the basis of this coherent programme, which is an important feature of its quality, even more so when realising the difficulty of keeping a research programme coherent while the size of the programme significantly increased over the past period.

The output of the research programme is considered of very good quality. It is an excellent exponent of the Faculty's research ambitions. The staff include a significant number of well-known researchers and professors with an outstanding academic reputation, at the national as well as international level.

The programme has produced significant results, which represent the variety of its themes and subjects. The number of publications is impressive. They contribute substantially to the scientific national and, in particular, international debate on the key themes covered by the programme. The publications are well distributed over peer-reviewed national and international journals, as well as peer-reviewed books. Furthermore, the distribution also reflects their scientific, professional and societal relevance. The high quality of the grant proposals was recognized by their success, and various publications have received awards (national as well as international). Overall, the publications range from at least good to very good, and some of them even approach excellence.

The research programme is societally very relevant, current and aimed at the impact and dissemination of results from the research, with dissemination being mainly focussed on the national and local levels. Various indications of the societal relevance of the programme can be given. First, the research programme is involved in a significant number of contract research projects. Second, various groups of stakeholders are served by the research programme, both local, regional and national. For example, regional and local collaboration with legal partners (e.g. courts of justice) is taking place. Third, within the research programme time is devoted to studying local problems (issues regarding earthquakes, accommodation of asylum seekers). Several research staff members are on national and regional committees and involved in various networks. At the same time national activities are carried out, e.g. with the Ministry of Foreign Affairs or the Ministry of the Interior and Kingdom Relations. Fourth, frequent conferences and seminars are organised.

With respect to the coming period, the research programme is in a very favourable position. Given the mix of researchers involved in the programme (variation in experience and research subthemes), the future viability of the programme is strong. The theme of the connection between public trust and public law will undoubtedly remain on the scientific and societal agenda for years to come. However, even an excellent programme is vulnerable as it is dependent on the presence and participation of well-known and expert researchers. If changes in staff occur, particularly programme leaders and highly qualified, senior researchers, recruitment of top-notch replacements is crucial. The fact that a research programme and the Faculty as a whole are able to sustain continuity and high quality by hiring worthy successors is a sign of the power of their attraction and quality. The programme's leadership has so far succeeded in this, and there is no reason to doubt this power of attraction. But being aware of the vulnerability of any research programme, the committee recommends that the Faculty develop a strategy for this.

## 4.6. USER-FRIENDLY PRIVATE LAW

The User-Friendly Private Law research programme proclaims that scholarship on Dutch private law constitutes its primary research focus and, therefore, that *international publications do not necessarily take priority*. This focus on domestic private law was deliberately chosen and understandable, especially in light of the programme's thematic approach to scholarship under the overarching rubric of 'user-friendliness'. It requires the programme to direct its research primarily at those users who will benefit optimally from its research outputs, namely judges, lawyers, notaries, corporations and consumers in the Netherlands. Although some members have published internationally, the ratio of international-to-national publications is weighted heavily in favour of national publications. Moreover, only a handful of international publications appeared during the evaluation period in peer-reviewed law journals. The committee wishes to draw attention to a possible tension between the Law Faculty's overarching mission of internationalising its research and the predominantly domestic scholarly focus of this programme.

The research outputs produced annually since its establishment exhibit quantitative stability. Significantly, the number of peer-reviewed publications authored by staff members has steadily increased. A commensurate, stable, and even upward trend in the quality of the research programme's scholarly outputs was observed.

In light of the foregoing, it is recommended that the UFPL research programme advance a greater proportion of its published research outputs beyond the domestic realm by increasing its publication in peer-reviewed, international law journals. Two of its focus areas, namely modernisation and Europeanisation, lend themselves ideally to such an expanded approach to scholarship, particularly regarding research and publication with a constructive legal-comparative focus.

Leadership of the programme rests in the hands of very competent, experienced and established researchers. Apart from the challenge of increasing the number of publications in peer-reviewed international law journals to enhance the programme's international research standing, there is another challenge for improvement: ensuring that the emerging (early-career) and mid-career researchers in the research programme contribute quantitatively as well as qualitatively to the research outputs. The latter challenge can be met without detracting significantly from the programme's strategic focus.

The reputation of the programme is acknowledged at the national level – members publish regularly (and abundantly) in high-level Dutch law journals and books (on Dutch private law); members participate in national private-law discourse and debate through conferences, seminars and preliminary advisory reports; and members are involved in law-making processes. The UFPL research programme would be fully justified if it decided to retain its primary scholarly focus on Dutch private law in the future. Nevertheless, this research programme has the requisite scholarly impetus and capacity to elevate a greater percentage of its published research to the international level.

The societal quality of the scholarship produced by the UFPL research programme is beyond doubt. The very nature of the programme's overarching research theme places user-friendliness at the forefront of its scholarly objectives and endeavours; moreover, it attests to a keen sense of the need to produce research beneficial to a broad cross-section of stakeholders. This is most evident in the programme's interpretation of 'user-friendliness' as a concept that typifies the facilitative role of private law 'as an instrument in the hands of citizens and businesses'. The research programme makes a significant and valuable contribution to society. Apart from the abundant research output on wide-ranging private-law topics in leading Dutch law journals and handbooks and monographs, its members organise and participate in national and international conferences. The societal impact is evidenced by being cited by, among others, the Advocate-General and

in Dutch parliamentary documents. The second- and third-stream funding show the success of the research programme to undertake research at the intersection of legal theory and legal practice.

By embracing and effectuating the 'user-friendliness' of private law as its credo, and by utilising its cooperative and collegial networks, the research programme has created various and diverse platforms from which it disseminates its members' scholarship to a variety of stakeholders, thus ensuring that its research has an enduring societal impact within the Netherlands and beyond its borders. An increased international presence will ensure that the programme advances its societal impact more significantly beyond the domestic realm. The research programme utilises appropriate media and fora to disseminate its research. A move toward greater internationalisation will sustain and improve this aspect of its scholarship.

The programme has a clear and reliable strategy, also for the future, by focusing pertinently on its research endeavours and publications. It is aiming at a pro-active approach towards cooperation with (inter)national researchers in the field of private law as well as a variety of stakeholders with their practical needs and demands. Its research outputs engage diverse issues at the intersection of legal theory and legal practice in the Netherlands.

The research programme is undoubtedly a viable programme, particularly where the expertise of its members and its ability to attract high-quality academic staff and PhD students are concerned. The viability is enhanced by the fact that its members are, by and large, also members of the Law Faculty's Department of Private Law and Notarial Law. The realisation of the need to accelerate the production of English-language research outputs, and English-language PhD projects in particular, stresses further the focus on the sustainable growth of its scholarly enterprises beyond the Netherlands.

The research programme's robustness, stability and, indeed, responsiveness to stakeholder demands are enhanced by its ability to obtain national and international second- and third-stream funding, which has enabled it not only to engage in high-level collaboration with national and international research partners, but also to deliver research outputs and publications that address very specific issues and needs in Dutch legal practice. In doing so, the research programme has fulfilled its mandate to make private law 'user friendly' and, thus, accessible to its principal stakeholders, namely Dutch legal academics, judges and legal practitioners.

The research programme has successfully established a niche for its scholarly endeavours in the northern Netherlands, which ideally positions the programme to adapt its research foci and outputs to the needs and demands of its immediate geographical constituency in the north of the country, thereafter its other Dutch stakeholders, and ultimately (and, hopefully, increasingly) its European and global audiences.

## 4.7. BYZANTINE-ROMAN LAW

The programme on Byzantine law, as it existed under the former research programme structure, was left out of the new programme structure. The reason not to incorporate this programme into one of the larger programmes is due to the fact that it is concerned with a very specific field of research. The committee agrees with the Faculty that the topic of the programme is unique and would not thrive when placed within one of the six research programmes.

The subject of Byzantine-Roman Law requires legal, historical and philological skills. The combination of these skills is found in the section which comprises both legal historians and classicists. From a global perspective, Byzantine law is studied systematically almost exclusively in Groningen. The section has built up an international reputation and according to the Faculty the expertise and competence that were developed over time, merit to be preserved.

Overall, the committee was very positive regarding this small section. The output is of very high quality. More specifically, the high number of peer reviewed articles can be considered an example of the high quality of the group. The fact that Byzantine Law is studied almost exclusively at Groningen is both a strength and a threat. The small size of the programme makes it vulnerable and very much depending on very few researchers. This makes continuity of the programme uncertain, specifically when staff members leave or – maybe more likely – retire.

The committee thinks it is up to the Faculty and University to choose to protect this small, but one-of-a-kind programme. Based on the current high quality of the work, the past performance and the unique position of the programme in the Dutch legal research landscape, plenty of arguments can be raised in favour of the programme. Regular attention should be given to the composition of staff, both in quantity and quality.



## 5. RECOMMENDATIONS

### ***General recommendations***

The Faculty has the ambition to combine various methodological approaches, and although classical monodisciplinary research will be enriched by research that transcends the boundaries within the legal discipline, the committee feels that not all aspects of this ambition should be completely fulfilled by each of the research programmes. The Faculty is recommended to take accountability for the ambition and put it into practice by deliberate choices of the ways each of the research programmes contribute to it and to what extent.

Research programmes are not exclusive to one department and researchers from multiple departments take part in a research programme. The small size of the Faculty allows for an informal communication structure in which short lines between researchers and with management can be seen as a strength. This situation currently seems to work well as it is, but it depends very much on the individuals who together constitute the organisation at a certain time. The committee would like to suggest to the Faculty Board to introduce mechanisms that can be used in case the highly valued consensus approach is at stake.

The committee stimulates the Faculty to keep focusing on acquiring grants from the research councils to aim for a balance in first, second and third stream funding. The committee suggests to reward researchers who wrote grant proposals that received the highest scores, but were not granted. Faculty funds could be used either to award highly qualified research proposals or to help these researchers to start their project while applying for other grants.

A significant part of contract funding comes from European projects and fits well within the research programmes. It is, however, less clear in what way other sources contract funding contribute to the objectives of a research programme. Although it is important to have this funding, the committee advises the Faculty to systematically consider the scientific value of the research involved and how it fits within the research programme or contributes to the qualitative output of the research done.

To facilitate the societal mission, a total of nine centres of expertise are in place. Each centre focuses on a specific, clearly recognisable topic and consists of a group of researchers with specialisations in the relevant discipline(s). The topics of the centres do not coincide with the themes of the research programmes. The centres reflect the specific fields of expertise currently present in the Faculty. The Faculty should keep an overview across research programmes to make sure that all have a proper strategy regarding societal relevance and follow up on this.

The Faculty considers to regroup the Departments in the near future to better match the research programmes. The committee fully supports this intention and is of the opinion that this will lessen the complexity of the organisational structure and will have a positive effect on the research quality. The committee hopes, however, that this will not be considered as a disincentive against cooperation between members of different departments.

Some of the research programmes seem coherent and have clear focus, while other research programmes seem hesitant to make choices or take direction. It is not likely that a research programme can excel when focussing on numerous – too many - different topics and the committee therefore advises the Faculty to support the research programmes in selecting criteria in order to define the direction of research in the future. This does not imply that any topics should be discarded in advance, but rather that focus should be applied.

Special attention should be paid to HRM. To guarantee the quality of the research it is advisable to keep promoting a balanced composition of the group of researchers in the different programmes by hiring and/or preserving qualified staff members. It should be an explicit objective to keep the group of qualified researchers contributing to the output of the research as broad as possible.

The Faculty has a bottom-up approach in its management, in which the six research programmes are given a large degree of autonomy, hereby giving staff members the opportunity to develop and implement new ideas in all areas of research within the parameters and focus areas of the programmes. The committee is critical of the management's ability to steer on the actual research that is done and refers to its recommendation regarding the ambitious mission of the Faculty and the instruments to be used. After all, reflection on the present and future developments is crucial for securing the continuation and in particular the further improvement of the research in order to achieve the goals and targets. According to the committee the most important aspect with respect to a viable future is finding a balance between the bottom-up approach on the one hand and steering or correcting mechanisms by the Faculty Board on the other.

Regarding the PhD success rates, the committee considers that although the Faculty has taken measures to improve the guidance of PhD students that most likely will affect the success rate in a positive way, continuous attention is necessary in order to attain that goal.

### ***Effective Criminal Law***

The rather national approach of the Effective Criminal Law programme is understandable, since many topics of criminal law do not easily translate to the international level. However, the committee considers that the broad, international context deserves more attention and recommends to more explicitly include an international focus, for example with respect to comparative law, without losing sight of the national focus.

The research programme strongly depends on the expertise and experience of few researchers. The committee considers it important that the Faculty of Law, although agreeing it being a very difficult task, explicitly focuses on this in the upcoming period and develops policy to deal with the small basis on which much of the research is built.

### ***Protecting European Citizens and Market participants***

The committee understands that the perspective to contribute to the developments that rapidly take place in this field, leads to a diversity of issues to be covered, but for future profiling more focus might be considered.

The committee would welcome a more structured articulation of the cooperation with other research programmes or departments in order to facilitate a focus on joint endeavours as much as on individual contributors.

### ***Energy and Sustainability***

More consideration should be given to a coherent future strategy to ensure continuity and viability of what has proved to be a successful research programme. It is crucial that the research programme collaborates closely with the available expertise within other Groningen faculties. It would also be useful to see a few key publications in more generalist publication outlets so that a wider audience is reached. There are many other areas of its research and expertise that could and should be showcased to a wider national audience beyond a mainly academic one. Active support from the Faculty may well be necessary for the stability and continuity of the research programme, especially if a change of leadership may be approaching.

### ***Public Interests and Private Relationships***

The ambition of the research programme is quite high, ten areas mainly linked to the expertise of the various researchers were chosen. While ambitious, this could endanger the coherence and might hamper the depth of the research on all of these areas. The number of areas covered is high, and some have numerous sub-foci. Such a diversified and wide-ranging approach might require measures to avoid further fragmentation. The ambition of cross boundaries research at a high level requires full attention on a robust recruitment policy of highly qualified staff.

### ***Public Trust and Public Law***

Since even the best programmes are vulnerable as they are dependent on the presence and participation of well-known and excellent researchers, the faculty is recommended to be aware of the vulnerability and develop a strategy on this respect.

### ***User-friendly private law***

The committee wishes to draw the attention to a possible tension between the Faculty of Law's overarching mission of internationalising and this programme with a predominantly domestic scholarly focus. It is recommended that the research programme must advance a greater proportion of its published research outputs beyond the domestic realm by increasing its publication in peer-reviewed international law journals. Two of the research programme's focus areas, namely modernisation and Europeanisation, lend themselves ideally to such an expanded approach to scholarship, particularly regarding research and publication with a constructive legal-comparative focus.



# APPENDICES



## APPENDIX 1: EXPLANATION OF THE SEP CRITERIA AND CATEGORIES

There are three criteria that have to be assessed.

- Research quality:
  - Level of excellence in the international field;
  - Quality and Scientific relevance of research;
  - Contribution to body of scientific knowledge;
  - Academic reputation;
  - Scale of the unit's research results (scientific publications, instruments and infrastructure developed and other contributions).
- Relevance to society:
  - quality, scale and relevance of contributions targeting specific economic, social or cultural target groups;
  - advisory reports for policy;
  - contributions to public debates.

The point is to assess contributions in areas that the research unit has itself designated as target areas.

- Viability:
  - the strategy that the research unit intends to pursue in the years ahead and the extent to which it is capable of meeting its targets in research and society during this period;
  - the governance and leadership skills of the research unit's management.

Category	Meaning	Research quality	Relevance to society	Viability
1	World leading/excellent	The unit has been shown to be one of the most influential research groups in the world in its particular field.	The unit makes an outstanding contribution to society	The unit is excellently equipped for the future
2	Very good	The unit conducts very good, internationally recognised research	The unit makes a very good contribution to society	The unit is very well equipped for the future
3	Good	The unit conducts good research	The unit makes a good contribution to society	The unit makes responsible strategic decisions and is therefore well equipped for the future
4	Unsatisfactory	The unit does not achieve satisfactory results in its field	The unit does not make a satisfactory contribution to society	The unit is not adequately equipped for the future

## APPENDIX 2: CURRICULA VITAE OF THE COMMITTEE MEMBERS

**Professor Teun Jaspers (chair)** studied Law at Radboud University Nijmegen and obtained his PhD in 1980 at the same university on the topic *Rechtspreken in de maatschappij*. He subsequently held positions as assistant professor and associate professor at Utrecht University, where he became full professor in 1987 and was Dean for a number of years. Since his retirement in 2008, he has been emeritus professor of Labour Law at the Europe Institute. From 1992-1996 he has been director of the Dutch Research Institute of Social and Economic Law and from 1994 - 2001 president of the board of the Netherlands School for Social and Economic Policy Research. Both at Utrecht University. Since his retirement in 2008 he is emeritus professor of Labour law at the Europe Institute Of Utrecht University. In 2014, Jaspers became senior research fellow at the Hugo Sinzheimer Instituut at the University of Amsterdam. Between 1990 and 1996 he was member of the European Committee of Social Rights of the Council of Europe. For NWO he was chairing the Veni, Vidi, Vici committees between 2000 and 2008. He has been member of the Evaluation Committee of legal research 2003-2009. He is frequently asked as an independent chair of reorganisation committees of companies and organisations. He has published numerous articles and books on national, European and international labour law.

**Mr. Gerard Roes** studied Law at Leiden University and started his career as a civil servant at the Ministry of Interior and Kingdom Relations, where he was Head of the staff of the Public Order and Security Department and deputy director-general of Public Order and Safety. In 1996 he transferred to the Ministry of Justice, where he was successively Director of Legislation and deputy director-general of Legislation, International Affairs and Migration. Between 2007 and 2011 he was a member of State Council at the *Bestuursrechtspraak van de Raad van State* Department. Subsequently (2011 – 2016), he was Director-general of Jurisdiction and Law Enforcement, as well as deputy-secretary-General of the Ministry of Security and Justice. From February 2016 onwards, he has been a member of State Council in extraordinary service at the *Advisering* Department of the State Council. His additional functions include being extraordinary advisor of the top management group ABD and vice-chair of *Stichting Marechausseecontact*.

**Professor Leigh Hancher** graduated from the University of Glasgow. She worked with LeBoeuf Lamb Leiby and Greene as an Of Counsel and as a partner with Kennedy Van der Laan in Amsterdam before becoming an Of Counsel at Allen & Overy. Hancher is professor of European Law at the University of Tilburg and was a member of the Scientific Council for Government Policy (WRR). Prior to 1997 she was a professor of European Law at the Erasmus University Rotterdam and a visiting professor at the University of Calgary, Canada. Furthermore, she was Head of Legal Services at the Energy Charter Secretariat until 1999. She is the author of the leading handbook on European State Aids Law (1999) and one of the first comprehensive studies of European Electricity Law (1991) as well as of numerous articles and books on competition law and regulated industries. She is also Vice-Chairman of the Appeals Panel of the Amsterdam Power Exchange.

**Professor Bert Niemeijer** studied law (University of Groningen) and sociology (University of Amsterdam). He has worked as a sociologist of law at various universities. He was a Fellow of the Institute for Legal Studies (Madison, Wisconsin, USA). Thereafter he worked as deputy director at the research center (WODC) and at the Strategy Direction of the Ministry of Justice. He has been on the board of various professional associations and journals. At present, he works as dean and director of the Academy for Legislation and the Academy for Government Lawyers and as professor sociology of law at VU University Amsterdam (part-time). He conducts social scientific research on dispute processing and the judiciary, on legislation and on the position of lawyers within organisations.

**Prof. em. Jacques Steenbergen** has been president of the Belgian Competition Authority since its establishment as an independent authority in 2013. From 2007 to 2013 he was director-general of the directorate-general for competition in the Belgian Ministry of Economic Affairs. He taught competition law at the University of Leuven from 1980 to 2014. Before joining the competition authority, he was a partner in the Brussels office of Allen & Overy, and he has been legal secretary to the President of the Court of Justice under the presidency of Prof. J. Mertens de Wilmars. He is also a member of the Bureau of the OECD Competition Committee, member of the board of editors and former editor-in-chief of the Dutch-Belgian European law review SEW, member of the scientific committee of the law review *Concurrences*, member and former president of the Board of the Stichting van het Koninklijk Conservatorium of Brussels (the foundation of the Royal Academy for Music of Brussels), and honorary member of the Bar of Brussels (Nederlandse Orde van Advocaten bij de Balie te Brussel). He is a former member of the Brussels and Flemish Bar Councils. He obtained a PhD at KU Leuven under Prof. W. van Gerven on legal remedies and ailing industries (1978). He holds a master's degree in law from KU Leuven (1972), and bachelor degrees or equivalent certificates in law, philosophy and economics from the University of Antwerp (UFSIA) (1969).

**Professor Francois Du Toit** obtained his degree in Law as well as his doctorate at the University of Stellenbosch, South Africa. He holds a full professorship in the Department of Private Law at the University of the Western Cape, where he specializes in succession and trust law. He is a NRF-rated researcher in the aforementioned two disciplines. He was Subject Group Head (Private Law) as well as Head of Department (Public Affairs and Academic Planning) between 2001 and 2008. He served as the Law Faculty's Deputy Dean (with the Teaching and Learning portfolio) from 2009 to 2013. He was a visiting research fellow at the institute of European and Comparative Law at the University of Oxford (2013) and the Melbourne Law School (2014).



## APPENDIX 3: PROGRAMME OF THE SITE VISIT

### **23 November 2016**

11.30 – 12.00	Arrival at Van Swinderen Huys
12.00 – 14.00	Preparatory meeting and lunch (including short welcome by Rector Magnificus of University of Groningen)
14.00 – 14.15	Walk to Academiegebouw
14.15 – 15.15	Interview with the Board of the Faculty
15.15 – 15.30	Break
15.30 – 19.00	Interview with programme leaders (6 research programmes and Byzantine-Roman law)
19.30 – 22:00	Dinner committee and evaluation of day 1

### **24 November 2016**

09.00 – 10.30	Interview with staff members
10.30 – 10.45	Break
10.45 – 11.15	Interview with Graduate School of Law
11.15 – 12.00	PhD students and ReMa students
12.00 – 12.45	Committee Wetenschapsbeoordeling en Ethiek
12.45 – 14.15	Lunch and committee meeting
14.15 – 15.30	Final interview with Faculty Board
15.30 – 17.15	Formulation of preliminary findings by committee
17.15 – 17.30	Oral presentation by chair of preliminary findings
17.30	Closure of site visit with drinks

## APPENDIX 4: QUANTITATIVE DATA

The quantitative data provided in this appendix are similar to those presented in the self-evaluation report by the Faculty of Law. These data cannot be compared as such with the quantitative data in other reports reviewing research in Law at other universities.

Although the tables may appear to provide similar data, there has been no synchronization of these data between Faculties of Law. Furthermore, the definition of research unit to be assessed differs between universities.

### Research staff at Faculty level

Faculty	2009		2010		2011		2012		2013		2014		2015	
	#	FTE	#	FTE										
Professors	36	8.5	40	7.7	39	9.2	39	10.2	40	9.8	37	10.0	36	10.2
Associate professors	26	7.2	27	7.6	26	7.1	24	9.2	27	9.6	22	8.3	23	8.3
Assistant professors	47	11.4	47	10.5	39	9.9	39	9.0	42	10.1	41	10.5	43	10.1
Post-docs	15	5.3	27	7.4	20	6.2	22	9.8	22	8.3	17	6.2	22	8.3
PhD students <sup>1</sup>	58	37.4	57	36.4	65	42.8	68	47.3	77	51.9	84	65.6	90	64.5
<b>Total research staff</b>	<b>182</b>	<b>69.8</b>	<b>198</b>	<b>69.2</b>	<b>189</b>	<b>75.2</b>	<b>192</b>	<b>85.5</b>	<b>208</b>	<b>89.7</b>	<b>201</b>	<b>100.6</b>	<b>214</b>	<b>101.4</b>
Honorary professors and other staff with research output <sup>2</sup>	52		49		66		40		33		50		73	

NB: not included is support staff

Note 1: includes all PhD students whose main task is to write a PhD thesis (PhD students with a contract or scholarship); excludes external PhD students and other employees who do a PhD next to a job.

Note 2: includes teachers without research fte but with research output; honorary professors; visiting professors and visiting fellows; unpaid and unemployed staff with research output.

### Research funding at Faculty level

Faculty Funding	2009		2010		2011		2012		2013		2014		2015	
Funding:	FTE	%	FTE	%	FTE	%								
Direct funding	54.2	77	56.6	81	56.9	75	69.9	80	69.9	76	68.0	67	67.0	66
Research grants	6.2	9	4.0	6	9.8	13	7.4	8	3.9	4	3.9	4	4.9	5
Contract research	9.7	14	9.4	13	9.3	12	10.1	12	17.7	19	29.7	29	29.8	29
<b>Total funding</b>	<b>70.1</b>	<b>100</b>	<b>70.0</b>	<b>100</b>	<b>76.0</b>	<b>100</b>	<b>87.4</b>	<b>100</b>	<b>91.5</b>	<b>100</b>	<b>101.2</b>	<b>100</b>	<b>101.7</b>	<b>100</b>
<b>Expenditure</b>	<b>€</b>	<b>%</b>	<b>€</b>	<b>%</b>	<b>€</b>	<b>%</b>								
Personnel costs (x 1000)	4503	77	4478	78	4748	76	5613	75	5960	77	6086	82	6415	84
Other costs (x 1000)	1350	33	1263	22	1517	24	1862	25	1746	23	1357	18	1207	16
<b>Total expenditure</b>	<b>5853</b>	<b>100</b>	<b>5740</b>	<b>100</b>	<b>6266</b>	<b>100</b>	<b>7475</b>	<b>100</b>	<b>7705</b>	<b>100</b>	<b>7442</b>	<b>100</b>	<b>7622</b>	<b>100</b>

NB: Data based on scientific staff (professors, associate professors, assistant professors, post-docs and PhD students)

## Research output at Faculty level

Faculty research output	2009	2010	2011	2012	2013	2014	2015
Peer-reviewed journal articles	56	103	88	87	103	152	132
Other journal articles	75	81	77	107	90	39	63
Scientific books and reports	28	29	39	42	49	23	26
Scientific book chapters and report chapters	103	148	133	119	154	185	171
Scientific conference proceedings	19	17	15	16	15	5	3
PhD theses (also by external PhD students)	10	11	16	14	15	13	12
Publications aimed at a professional public	404	315	419	417	456	404	368
Publications aimed at a lay public	66	75	55	75	46	15	12
All other output, activities and press clippings (1)	--	--	--	--	--	613	639
<b>Grand total</b>	<b>891</b>	<b>965</b>	<b>1091</b>	<b>1147</b>	<b>1261</b>	<b>1448</b>	<b>1426</b>

NB: Publications have only been counted once (even though some of them belong to more than one programme)

NB: (1) Only published material has been included, except for the last category which includes among other things, unpublished papers and abstracts, book/article reviews, results of editorial activities, inaugural speeches, blogs, media participation and conference participation/organisation (most of these were not registered before 2014)

## PhD enrolment and completion

Enrolment			Completion rates												
Cohort	Male/female		Total (M+F)	Graduated in year 4 or earlier		Graduated in year 5 or earlier		Graduated in year 6 or earlier		Graduated in year 7 or earlier		Not yet finished		Discontinued	
2007	6	5	11	1	9%	2	18%	4	36%	7	64%	2	18%	2	18%
2008	7	2	9	0	0%	2	22%	4	44%	5	56%	3	33%	1	11%
2009	3	9	12	1	8%	4	33%	7	58%	7	58%	2	17%	3	25%
2010	3	4	7	1	14%	3	43%	3	43%	3	43%	4	57%	0	0%
2011	13	13	26	1	4%	3	12%	3	12%	3	12%	20	77%	3	12%
<b>TOTAL</b>	<b>32</b>	<b>33</b>	<b>65</b>	<b>4</b>	<b>6%</b>	<b>14</b>	<b>22%</b>	<b>21</b>	<b>32%</b>	<b>25</b>	<b>38%</b>	<b>31</b>	<b>48%</b>	<b>9</b>	<b>14%</b>

NB: End date: approval of manuscript by assessment committee

NB: Table included all PhD students conducting research with the primary aim/ obligation of graduating, based on a 0.8 – 1.0 fte contract. This includes employed as well as scholarship PhD