

# T.M.C. ASSER INSTITUUT

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Stichting T.M.C. Asser Instituut - Institute for Private and Public International Law,  
International Commercial Arbitration and European Law

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**Stichting T.M.C. Asser Instituut - Institute for Private and Public International Law, International Commercial Arbitration and European Law**

Over almost forty years, the T.M.C. Asser Instituut has developed itself into a leading scientific research institute in the field of International Law. It covers Private International Law, Public International Law, the Law of the European Union, the Law of International Commercial Arbitration and increasingly International Humanitarian Law. Fundamental or applied scientific research in the aforementioned areas is the main activity of the Institute. The Institute also organises congresses and postgraduate courses. T.M.C. Asser Press publishes publications of the Institute.

Because of its inter-university origin, the Institute cooperates with the Dutch law faculties as well as with other national and foreign institutions. Within this inter-university framework, the University of Amsterdam (UvA) holds a special position as the T.M.C. Asser Instituut's governing body. On the basis of the Asser College Europe cooperation scheme and consultancy projects, many activities focus on Central and Eastern Europe. The T.M.C. Asser Instituut, with a staff of 52 persons, is located in The Hague, The Netherlands, which, as the 'City of International Law', hosts many international organisations.

## 1. INTRODUCTION

2004 was an exciting year for the T.M.C. Asser Instituut. We made significant strides in building the Institute not only as an academic and institutional community organizer but also as a knowledge centre, and in creating the networks and infrastructure to make this possible. As the Netherlands' only inter-university institute of international law, situated as we are in The Hague, the avowed City of International Law, it is clear that we are uniquely and ideally situated to fulfill an essential function not only as a centre of expertise but also as an academic and institutional community organizer.

We enjoy close relations with all of the major international institutions and are institutionally linked to all of the Dutch universities. We also have large and growing national and international networks within the various fields of competence of the Institute: Public International Law, Private International Law, EU Law, International Humanitarian Law and International Criminal Law, Sports Law, and Commercial Arbitration. In the area of research and education, we collaborate closely with colleagues both in the Netherlands and abroad. We are building on these already existing structures and working with our colleagues both at home and abroad in creating networks of enablement, collaboration and exchange. We see our role as being that of not only generating knowledge but also facilitating the generation and the exchange of knowledge.

During 2004 three collaborations were of particular significance for us in augmenting our role as an academic and institutional community organisers, namely, within the context of The Hague Institute for International Law; The Hague Academic Coalition, and particularly in this respect our integral role as part of The Hague Forum for Judicial Expertise; and the European Arrest Warrant Project.

The Hague Institute for the Internationalisation of Law (HIIL) is an international research institute which has as its objective to study the internationalisation of law in a world where national borders in the traditional sense are eroding and where the interconnectedness of societies across state borders is becoming a fact of life. In this new environment national law and international law are no longer clearly separated fields of law; they interact strongly. Traditional areas of national law, such as private law, criminal law, and administrative and constitutional law therefore acquire an increasingly internationalised character, while the area of classic international (interstate) law is becoming more and more dependent on the functioning of national legal orders. These developments have fundamental consequences for the process of national lawmaking, implementation and enforcement, and bring to the forefront important questions relating to the legitimacy and coherency of law in general. Because mechanisms such as social norms and social capital are also vital in understanding these questions, the research and knowledge transfer agenda of the Institute also includes a distinctive focus on research in the social, behavioural and economic sciences. By examining these developments in a comprehensive manner and from a multidisciplinary perspective, the Institute hopes to contribute to a better understanding of the functioning of national legal orders in an emerging international legal and social setting.

HIIL coordinates and supports international research in this area through the provision of grants. On the eve of 2004 it was agreed with the Board of the Netherlands Organisation of Scientific Research (NWO) that HIIL would be a 'lean and mean organisation' with close ties with the T.M.C. Asser Instituut. HIIL will not have its own researchers; research is principally carried out through and via the institutions/faculties which will receive the grants. All activities which will result from the research such as dissemination of the results by, for example, publications and the organisation of seminars and conferences but also possible education and consultancy projects of HIIL will principally be carried out via and organised by the T.M.C. Asser Instituut.

In this way there will be no duplication of activities, the infrastructure of the institute will be used for the activities of HIIL and at the same time there will be a whole new research area linked to the already existing ones in The Hague. The general director of the institute, Prof. Dr. F.A. Nelissen, who was instrumental in the establishment of HILL, was a member of the so-called 'kerngroep' responsible for its foundation and now serves as a member of HIIL's executive committee.

On 9 September 2004 the Hague Academic Coalition (HAC), composed of the Carnegie Foundation, the Grotius Centre of Leiden University, the Institute of Social Studies, the Clingendael Institute and the T.M.C. Asser Instituut, formalised itself into a foundation under Dutch Law. As the seat of the International Court of Justice, the Permanent Court of Arbitration and the International Criminal Court, among many other international institutions, The Hague may be regarded as the City of Peace and Justice. Each of the five cooperating academic partners of HAC work in the area of peace and justice but from different perspectives. The HAC intends to promote research, education and public debate in support of the development of international policy, law, governance and international negotiation towards justice, peace and sustainable development.

One of the first activities HAC decided to undertake was the organisation of an annual interdisciplinary conference focussing on different vital aspects of peace and justice; 'From Peace to Justice' was deemed to be the most appropriate overarching theme of such an annual conference in The Hague. In March 2004 the first conference in the 'From Peace to Justice'-Series was organised under the title: 'The Role of International Law, Negotiations and International Development'. A special feature of the conference are the sub-programmes/parallel sessions organised by each of the members of the Hague Academic Coalition, taking place at each of the participating institutions and focussing on particular topics in their field of interest. At the first conference the T.M.C. Asser Instituut, in cooperation with the Carnegie Foundation/Peace Palace, organised a successful programme under the title 'From War to Peace to Justice: the case of Iraq'. Other interesting topics discussed at the plenary sessions of HAC's first conference were: 'Internally Displaced Persons: What is their Status? How can they be protected?' and 'Conflict Management and Resolution: a Means to Reach Peace and Justice?'

Two other important activities of HAC are the developing of the so-called 'super portal': The Hague Legal Capital Portal and the establishment of a Hague Forum for Judicial Expertise. Starting with the latter in the fall of 2004 the Dutch Council for the Judiciary agreed upon a subsidy of 1 million euro for the period 2005-2007 to the HAC to set up an international training facility for judges, to be executed on behalf of the HAC by the T.M.C. Asser Instituut. In addition, the Ministry of Foreign Affairs provided a sum of € 200.000 to the HAC to execute three modules in international criminal law in 2005. The Forum will start its operations in 2005.

With respect to the portal 2004 also turned out to be a remarkable year: The Hague Academic Coalition (HAC) and the Municipality of The Hague were awarded a grant under the ANSWER programme of the EU for a project to further develop the *Hague Legal Capital Portal* ([www.thehaguelegalcapital.nl](http://www.thehaguelegalcapital.nl)). The project foresees, *inter alia*, the strengthening of the editorial board of the portal in order to expand the present portal into an authoritative source and knowledge centre in the field of peace and justice. Prof. Dr. H. Post of the University of Bologna was appointed in October as Editor-in-Chief. He will be assisted for the duration of the project by two part-time editors and a webmaster. On behalf of the HAC, the T.M.C. Asser Instituut is – together with the Municipality of The Hague - responsible for the management of the project.

The third project worth mentioning here is the European Arrest Warrant Project; which is a follow-up of the publication of the so-called *Handbook on the European Arrest Warrant* which was published by the TMC Asser Press in the spring of 2004.

On 13 June 2002 the Framework Decision on the European Arrest Warrant and Surrender Procedures between Member States of the European Union (EAW) was adopted by the Council of the European Union. The Framework Decision is to be implemented by all current and future members of the European Union in their respective legal systems. The new surrender regime replaces the system of extradition between the Member States.

The Handbook offers an introduction to the EAW, its origin and its implications. The book sets out the history of extradition as a legal system and compares the EAW with the old system. It includes the full text of the EAW with commentaries per paragraph. Attention is paid to procedural rules as well as to special issues, such as the principles of reciprocity and mutual trust, *ne bis in idem*, verdicts *in absentia* and the double criminality rule. The relation of the EAW with other relevant legal instruments, including those concerning human rights and procedural safeguards, is also covered. The handbook, with a foreword by Antonio Vitorino – member of the European Commission responsible for justice and home affairs - is written by a dozen leading legal experts in the field, practitioners as well as academics. The editorial team consists among others of Judge R. Blekxtoon, Vice-President, Presiding chairman (retired) Extradition Division, District Court of Amsterdam (initiator and editor-in-chief); Judge R. Haentjens, Court of Appeal, Amsterdam; Prof. N. Keijzer, Supreme Court of the Netherlands; Judge Prof. B. Swart, Court of Appeal, Amsterdam and Professor of Public Law, University of Amsterdam; and Prof. H. van der Wilt of the University of Amsterdam.

From the very beginning it was clear that the Handbook could create opportunities for a much wider practice-oriented documentation, research and publication project on the implementation of the EAW and the application of the surrender procedures in the Member States.

In June 2004 the T.M.C. Asser Instituut, as the principle partner of an international consortium, obtained a grant under the European Union's AGIS programme to develop a pan-European EAW Project.

Fully in line with the aim expressed in the institute's Policy Paper (2003) to develop a Platform of cooperation between the international institutions in The Hague and the academic world (Dutch as well as foreign), the consortium includes Eurojust and the International Association of Prosecutors (IAP), both international organisations based in The Hague, as well as the Amsterdam Centre for International Law (University of Amsterdam, the affiliated university of the T.M.C. Asser Instituut), the Centre of Information Services for MPs of the National Library of Estonia, the European Criminal Bar Association (ECBA), the Faculty of Law of the University of Lund (Sweden), JUSTICE (London), the Max Planck Institute (Freiburg), and the Ministry of Justice of Romania.

2004 was also memorable for T.M.C. Asser Press, because it marked the beginning of its new partnership with Cambridge University Press. Cambridge, a prestigious and well-known publishing house with an extensive network throughout the world, assumed responsibility for the international marketing, sales and distribution of Asser Press titles, and showed their commitment by given them equal attention as their own titles. Through Cambridge our journals and yearbooks will also be available online. The Press published a record number of 22 new book titles and 12 journal issues. Furthermore, the new journal *European Constitutional Law Review (EuConst)* was launched by T.M.C. Asser Press, in cooperation with the University of Amsterdam. Its first issue was presented by its Editor-in-Chief Prof. W.T. Eijsbouts (UvA) to former vice Prime-Minister Thom de Graaff at the Asser Colloquium on European Law 'The EU Constitution: The Best Way Forward?' The latter conference was organised in October and held at the Steigenberger Kurhaus Hotel, The Hague. The event was preceded by the final conference of the Matra 'Multi-Country' project 'The Hopes and Fears of New Member States and (pre)Candidate Countries'; one of the fields in EU law – EU enlargement – where the institute has strong expertise. The proceedings of the 34<sup>th</sup> colloquium will be published by T.M.C. Asser Press in the course of 2005.

This Colloquium series is another example of successful activities of the T.M.C. Asser Instituut as academic community organiser. There were 45 speakers and 190 participants, representing more than 30 countries. Leading experts in the field, practitioners and academics, participate in the Asser Colloquia, including judges and advocates-general of the European Court of Justice, key experts of the EU Commission and almost all professors in EU law at the Dutch law faculties.

The year under review showed the wide range of fundamental and applied research activities of the T.M.C. Asser Instituut; too many to mention in this introduction. By way of a last example the Asser College Europe Training Programme is worth mentioning: a cooperation scheme between the T.M.C. Asser Instituut and academic institutions in Central and Eastern Europe. The scheme is aimed at improving education, research and information in the field of International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organisation and International Commercial Arbitration.

The Asser College Europe Project is financially supported by the Social Transition Programme Central and Eastern Europe (Matra) of the Netherlands Ministry of Foreign Affairs.

Lecturers from the T.M.C. Asser Instituut, academic institutions, ministries, private enterprises etc. taught the courses. In 2004 the lecturers not only came from the law faculties of several Dutch universities (Amsterdam, Groningen, Maastricht, Rotterdam, Tilburg and Utrecht) but also from universities abroad (Cologne, Kent and Nottingham).

Furthermore, legal practitioners from a wide range of Dutch and foreign institutions and law firms (several ministries, ABN AMRO Bank, A.D.R. Institute, Allen & Overy, Arnold Siedsma, Baker & McKenzie, Clifford Chance, De Brauw Blackstone Westbroek, Essex Court Chambers, European Commission, K-legal, Legal English Services Company, Nauta Dutilh, Reti, Szegheo & Partners, Storme Leroy van Parijs, World Trade Organisation) participated in the teaching activities.



Presentation of the Proceedings of the 2003 Hague Joint Conference entitled: *From Government to Governance: The Growing Impact of Non-State Actors on the International and European Legal System* by the Chairman of the Foundation of The Hague Joint Conferences on International Law Mr. R.J. Hoekstra to Mr. P.T. van Woensel, Deputy Mayor of The Hague on 9 September 2004.

## 2. ACADEMIC COOPERATION

### 2.1. Hague Academic Coalition (HAC)

The Hague is known worldwide as the home of many regional and international organisations in the fields of justice and peace, such as the Peace Palace and the International Criminal Court. The city also has a history of hosting activities in these areas, dating back to the Peace Conferences around the beginning of the twentieth century. In 2003, five institutions - the Carnegie Foundation (the Peace Palace), the T.M.C. Asser Instituut, the Grotius Centre for International Legal Studies, the Institute of Social Studies, and the Clingendael Institute - decided to establish the Hague Academic Coalition with the intention of raising the effectiveness and efficiency of their work in relation to the Hague's role as a city of peace and justice. The HAC intends to promote research, education and public debate in support of the development of international policy, law, governance and international negotiation towards justice, peace and sustainable development.

The HAC has a rotating chairmanship. On 1 January 2005 Prof. Dr. Frans Nelissen of the T.M.C. Asser Instituut succeeded Prof. J.B. Opschoor of the Institute of Social Studies as chairman.

The Hague Academic Coalition collaborates intensively with other partners: the Dutch Council for the Judiciary, the Hague Conference on Private International Law, the law faculties of the Dutch universities, and the different international entities in The Hague in the field of international law.

To start its cooperation the HAC organised its first conference in the 'From Peace to Justice' series on 25-27 March 2004 at the Peace Palace, The Hague. The subject of the conference was International Law, Negotiations and International Development. There were 160 participants. On behalf of the T.M.C. Asser Instituut Prof. Dr. Frans Nelissen (opening speech), Dr. Avril McDonald and Maria Nybondas, LL.M. (programme) and Mr. Hans Ouwerkerk/Ms. Lyske de Vries (organisation) were involved.

In the fall of 2004, the Dutch Council for the Judiciary and the Hague Academic Coalition (HAC) agreed upon a subsidy of 1 million euro for the period 2005-2007 by the council to the HAC to set up an international training facility for judges, to be executed on behalf of the HAC by the T.M.C. Asser Instituut. In addition, the Ministry of Foreign Affairs provided a sum of € 200.000 to the HAC to execute three modules international criminal law in 2005. The name of this new facility is the *Hague Forum for Judicial Expertise*. The Forum will start its operations in 2005. For more information see chapter 6 Education and Training.

The T.M.C. Asser Instituut hosts and maintains the *Hague Legal Capital Portal* ([www.thehaguelegalcapital.nl](http://www.thehaguelegalcapital.nl)). At present the portal provides information on events, courses and sponsors; for more substantial information it links to the websites of the participating institutions. The Hague Academic Coalition (HAC) and the Municipality of The Hague were awarded a grant under the ANSWER programme of the EU for a project to further develop the *Hague Legal Capital Portal*. For more information, see Chapter 5 Information and Information Technology.

On 16 March 2005 the HAC was officially launched with a speech of its chairman Prof. Dr. F.A. Nelissen, among others, followed by the hosting of its second joint 'From Peace to Justice' conference on: 'International Criminal Accountability and the Rights of Children'.

### 2.2. Study Centre for the Internationalisation of the Law (SCIL) / Hague Institute for the Internationalisation of the Law (HIIL)

In 2003 the Netherlands Organisation for Scientific Research (NWO), the Ministry of Education, Culture and Science and the Municipality of The Hague took the initiative to actively enhance research in the field of the internationalisation of national law. In 2004

preparations were made for the foundation of the Study Centre for the Internationalisation of the Law (SCIL). The foundation of the SCIL was made possible by subsidies of NWO and the Dutch Ministry of Education, Culture and Sciences.

Prof. Frans Nelissen, the General Director of the T.M.C. Asser Instituut has been actively involved with the SCIL, both as member of the so-called 'kerngroep' responsible for the foundation of the SCIL and later as member of the Executive Committee of the SCIL. The members of the Executive Committee are Jan Karel Koppen (NWO), Frans Leeuw (WODC, Ministry of Justice), Frans Nelissen (T.M.C. Asser Instituut and representative of the Dutch law faculties) and Michiel Scheltema (chairman Programme Commission).

On 22 and 23 October the first brainstorming session took place at the NIAS at Wassenaar to set up a scientific research programme. On behalf of the T.M.C. Asser Instituut Prof. Scheltema (Chairman of the Board), Prof. Frans Nelissen and Dr. Olivier Ribbelink, Head, Department of Research, took part.

Per 1 January 2005 Dr. Sam Muller was appointed as General Director of SCIL.

In February 2005 the name was changed to the Hague Institute for the Internationalisation of the Law (HIIL) – with the subtitle National Law in a Global Society.

The Institute will be officially launched in the summer of 2005.

### **2.3. Asser Participation in the School of Human Rights Research**

In 2000 the T.M.C. Asser Instituut joined the School of Human Rights Research, a network in which the universities of Maastricht, Rotterdam, Tilburg and Utrecht participate. Per January 2005 the University of Leiden also joined the network.

Each of the participating institutions is invited to organise so-called 'network-days' during which the researchers of the particular institution can present their work to their colleagues from the other participating institutions. On 11 June 2004, the T.M.C. Asser Instituut organised for the fourth time such a 'network day' to which all researchers from the participating universities and the T.M.C. Asser Instituut itself were invited. The theme of the day was 'The European Arrest Warrant and its Human Rights Implications'. Presentations were given by: Wouter van Ballegooij (T.M.C. Asser Instituut), Nico Keijzer (Advocate General, Supreme Court) and Alette Smeulders (University of Maastricht)

From 23 – 27 August the School of Human Rights Research together with the Catholic University of Leuven (Belgium) held the Summer Course Human Rights. The first week of this course was organised in cooperation with the T.M.C. Asser Instituut (Dr. Olivier Ribbelink and operational support by the Education department). It included lectures at the T.M.C. Asser Instituut and visits to international institutions in The Hague. The second week of the course was held in Leuven with visits to Strasbourg and Brussels. There were 28 participants.

### **2.4 Handbook on Public International Law**

In 1995 the T.M.C. Asser Instituut has taken the initiative to produce a Netherlands 'Handbook on Public International Law' (the so-called 'François-project'). To a certain extent, the new Manual will likely be the 'successor' of '*Grondlijnen van het Volkenrecht*' [Fundamentals of the Law of Nations] by J.P.A. François (third edition, 1967). The T.M.C. Asser Instituut coordinates this project. For more information see Chapter 3.2 Public International Law.

### **2.5 European Arrest Warrant project**

Following the *Handbook on the European Arrest Warrant* (TMC Asser Press, 2004) this is a much wider practice-oriented documentation, research and publication project on the implementation of the EAW and the application of the surrender procedures in the Member States.

In June 2004 the T.M.C. Asser Instituut was awarded a grant by the European Commission under the AGIS-programme as the principal partner of an international consortium that include the Amsterdam Centre for International Law (University of Amsterdam), the Centre



of Information Services for MPs of the National Library of Estonia, the European Criminal Bar Association (ECBA), the Faculty of Law of the University of Lund (Sweden), JUSTICE (London), the Max Planck Institute (Freiburg) and the Ministry of Justice of Romania. Eurojust and the International Association of Prosecutors (IAP) have supported the project from the moment of conceptualisation.

The general objective of the project is to promote the uniform and transparent implementation of the EAW by forming an international network of experts, legal practitioners, researchers, and regional and national correspondents and stimulating the exchange of information and research.

An English-language Internet site <[www.eurowarrant.net](http://www.eurowarrant.net)> will be open to the public with general information about the Framework Decision and the European Arrest Warrant Project. Additionally, an English language, database-based extranet will be developed, as an integral part of the website, where up-to-date and practical information can be accessed. For more information see Chapter 5 Information and Information Technology.

### 3. RESEARCH

#### 3.1 GENERAL

##### 3.1.1. Asser Dissertations Programme

The *Asser Dissertations Programme (ADP)*, introduced in January 1996, offers young, promising researchers the opportunity to work exclusively on their doctoral thesis over a maximum period of four years in the fields of public and private international law, international commercial arbitration and the law of the European Union. Participation is open to Dutch as well as foreign candidates.

The T.M.C. Asser Instituut only accepts new candidates when their appointment and financing is shared with another institution, preferably a law faculty.

##### *Doctorates*

- Maurice Kenge Kamga (Cameroon) defended his thesis on 'Délimitation maritime sur la côte Atlantique africaine' at the Graduate Institute of International Studies, Geneva, Switzerland (supervisors: Prof. Lucius Caflisch and Prof. G. Abi-Saab, Graduate Institute of International Studies, Geneva) in December 2003. Mr. Kamga was awarded a doctorate (cum laude) in March 2004. The research project of Mr. Kamga was co-financed by the Graduate Institute of International Studies, Geneva, Switzerland and the T.M.C. Asser Instituut.
- Janneke Nijman was awarded a doctorate at the University of Leiden on 14 October 2004 after defending her thesis on 'The Concept of International Legal Personality – An inquiry into the history and theory of international law'. Supervisors: Prof. Dr. C.J.R. Dugard (University of Leiden) and Prof. Dr. Th.J.M. Mertens (Catholic University of Nijmegen). Ms. Nijman participated in the ADP from 1 October 1996 till 28 February 2001.
- Jolande Prinssen was awarded a doctorate at the University of Amsterdam on 6 February 2004 after defending her thesis on 'Doorwerking van Europees Recht. De verhouding tussen directe werking, conforme interpretaties en overheidsaansprakelijkheid'. Supervisor: Prof. Dr. J. Jans (University of Amsterdam). Ms. Prinssen participated in the ADP from 1 May 1997 till 1 February 1998. Since 1 February 1998 Ms. Prinssen worked as a research fellow at the University of Amsterdam.
- Jan-Koen Sluijs was awarded a doctorate at the Free University of Amsterdam on 27 May 2004 after defending his thesis on 'Gereguleerde Marktwerking van sociaizekerheidsbelangen. Supervisors: Prof. Dr. E. Lutjens (Free University of Amsterdam) and Prof. Dr. K.J.M. Mortelmans (University of Utrecht). Mr. Sluijs participated in the ADP from 1 November 1996 till 31 December 2000 and worked as

junior researcher European Law at the T.M.C. Asser Instituut from 1 January 2001 till 31 December 2002.

#### *Appointed*

The T.M.C. Asser Instituut and the University of Utrecht have jointly created a new position for a researcher under the ADP. On 1 January 2004 Ms. Tamara Takacs started a research project on ‘The Implications of EU Law for Hungarian constitutionalism’. Her supervisors are: Prof. Dr. S. Prechal, University of Utrecht and Dr. József Petrétei, University of Pécs, Hungary.

In 2004 the following researchers continued with their research in the ADP:

- Julie King, ‘The Legal Protection of Personality Rights of Sports Persons in Europe’ (Supervisors: Dr. Frank Hendrickx, Tilburg University and Dr. Robert C.R. Siekmann, T.M.C. Asser Instituut).
- Mariëlle Matthee, ‘The Harmonisation of National and Regional Biosafety Measures’ (supervisor: Prof. Ellen Vos, University of Maastricht).
- Rianne Letschert, ‘Supervisory mechanisms on the protection of national minorities: a comparative analysis of aims, strengths and weaknesses’ (supervisors: Prof. W.J.M. van Genugten and Prof. M. van der Stoel, Tilburg University and Prof. Asbjørn Eide, Norwegian Institute on Human Rights).
- Jaap van de Velden, ‘The influence of EC law on private international law with respect to the autonomy to choose the law applicable to contractual obligations’ (supervisors: Prof. M.H. ten Wolde and Prof. M.H. Wissink, University of Groningen).

Ms Julie King left the ADP in December 2004.

Ms. Mariëlle Matthee left in June 2004 and accepted a post at the Ministry of Agriculture, Nature and Food Quality. She will continue to work on her Ph.D.

#### **3.1.2. Asser Research Fellowships Programme**

The *Asser Research Fellowships Programme* started in 1997. It aims to support and stimulate academic research in one of the fields of law covered by the Institute.

Participation is open for foreign post-graduate lawyers who wish to come and stay at the Asser Instituut for a period of, in principle, three months maximum.

In 2004 the following researchers participated:

- *Roberto Branco Martins*, secretary to the European Federation of professional Football Clubs (EFFC) stayed at the Institute to cooperate with Dr. Robert Siekmann of the T.M.C. Asser Instituut on a research project on the Social Dialogue in Professional Football in Europe from 30 April 2003–1 June 2004. After the European Commission granted the EFFC a subsidy for the project the EFFC and Mr. Roberto Branco Martins was able to prolong its stay at the T.M.C. Asser Instituut.
- *Jurian Langer*, the European University Institute in Florence, stayed at the Institute to work on his Ph.D. on: ‘Tying and bundling as a theory of anti-competitive harm under EC competition law’ from 6 September – 1 November 2004.
- *Marianne de Jong* stayed at the Institute to work on her Ph.D. on the influence of European law on national procedural law from 15 November 2004 on.

#### **3.1.3. Academic lunch lectures**

In order to promote academic discussion within the Institute, 17 (numbers 111-128) *academic lunch lectures* were held in 2004. The lectures offer the Institute’s research staff members and guest researchers the opportunity to present their own research, or to comment on current issues in international law.

## 3.2 SECTIONS OF THE DEPARTMENT OF RESEARCH

### 3.2.1. European Law

In 2004 the European Law section consisted of the following full time members: Wybe Douma (head), Wouter van Ballegooij, Steven Blockmans, Marlies Bos, Adam Lazowski and Karolien Swinnen-Pieters. Tamara Takacs, participant in the Asser Dissertations Programme and Ph.D. researcher at the University of Utrecht, was seconded to the team on a part-time basis. Furthermore, in spite of his official retirement, Fred Kellermann played an invaluable role on several occasions, notably in the preparation, acquiring the necessary financing and execution of the 34th Asser Colloquium on European Law entitled ‘The EU Constitution, the best way forward?’, which was held in the Kurhaus hotel between 13-15 October 2004. Almost all other members of the team also assisted here, and were involved in compiling the publication of the conference proceedings and the reporting of the sessions. On the occasion of the 34<sup>th</sup> Asser Colloquium, Fred Kellerman’s longstanding reputation in the field of European integration was commemorated with a Liber Amicorum entitled ‘*The European Union: An On-going Process of Integration*’ with contributions from numerous Dutch and foreign colleagues and friends.



Reception 34<sup>th</sup> Asser Colloquium on European Law, 13 October 2004 with from left to right Dr. Wybe Th. Douma, Prof. Dr. Frans A. Nelissen, Mr. A.E. Kellermann (T.M.C. Asser Instituut) and Mr. W.J. Deetman (Mayor of The Hague).

### Research

The members of the section continued their own personal research. Wybe Douma focussed on European environmental law and he also lectured on the preliminary reference procedure and WTO law.

Adam Lazowski edited and co-authored two books on European law, one of which may be considered as a handbook, the other which focuses on Institutional Law. His research also

covered judicial protection, free movement and issues related to enlargement/ the adoption of the *acquis* by the new Member States plus EU relations with Switzerland.

Steven Blockmans continued work on his Ph.D. on the enforcement of international law by the European Union. In his research and lecturing activities he also focused on judicial protection and issues related to enlargement and the relations with the Western Balkan countries.

Karolien Swinnen-Pieters continued work on preparing her Ph.D. on EU relations with the Mediterranean countries. Her research further focussed on competition law.

Wouter van Ballegooij continued preparation on his Ph.D. on judicial cooperation in criminal matters between the EU Member States. He edited and co-authored a book on the framework decision on the European arrest warrant.

Tamara Takacs continued work on her Ph.D. on the Implications of European Law on Hungarian Constitutionalism, focussing on the institutional triangle (Council-Commission-European Parliament) and the institutional balance from the point of view of Member States' participation in the EU decision-making procedures.

### *Applied Research*

See chapter 4. Contract Research and Consultancies, for detailed descriptions.

- *Harmonisation of Environmental Standards, Russia (September 2000–February 2004)*  
Wybe Douma and Fred Kellermann participated in this TACIS project, aimed at supporting the alignment of Russia's national environmental legislation and regulations with the EU environmental *acquis*.
- *Implementation of EU Directives in the Transport Sector (May–November 2004)*  
Steven Blockmans, Wybe Douma, Karolien Swinnen-Pieters and Adam Lazowski were involved in this project.
- *The Impact of Accession on the National Legal Orders of the Candidates Countries (January 2000–December 2004)*  
Fred Kellermann and Steven Blockmans were involved in this 'multi-country project'. In 2004 nine seminars were organised in the project countries, work was accomplished on the General and Country Reports and a Final Conference took place in The Hague in October 2004.
- *Technical Assistance for the Preparation of a Recruitment and Training Strategy for the Judiciary in Bulgaria (June 2003–December 2004)*  
In 2004, numerous Asser experts (including Steven Blockmans, Wybe Douma, Adam Lazowski and Karolien Swinnen-Pieters) contributed to reports and training sessions. Marlies Bos was involved as long term expert.
- *Evaluation of Transposition and Implementation by the Netherlands of EC Environmental Directives (November 2004–March 2005)*  
The T.M.C. Asser Instituut provided professional services for the conformity checking for European environmental directives, including completion of the deliverables for the Netherlands report. Our experts reviewed and analysed the Dutch legislation and case law related to the directives and investigated the conformity with EC law of the Dutch legislation transposing the directives. Wybe Douma and external researcher Marianne de Jong were involved.
- *European Environmental Law Website (July 2004–April 2005)*  
The existing website's network of national editors was expanded, content was improved (notably by adding numerous dossiers) and preparations for a new layout of the website were made. Furthermore, the number of subscriptions to the bi-monthly electronic news service grew as a result of a marketing campaign.
- *Admission to the Occupation of Road Transport Operator: Review of Current Arrangements in Member States and acceding Member States (December 2003–April 2005).*  
As subcontractor to the Dutch firm NEA – Transport Research and Training a group of T.M.C. Asser Instituut's researchers participated in this project aimed at the

identification of how the three criteria for admission to the occupation of road haulage operator are applied in practice in Member States and a selection of acceding Member States.

- *European Arrest Warrant project (October 2004-September 2006)*  
Wouter van Ballegooij was involved in a project which aims to set up a network of experts on the implementation of the framework decision on the European Arrest Warrant and surrender procedures in the Member States.  
For more information about this project see Chapter 5 Information and Information Technology.
- *UPU Project*  
A Study of the Relationship between the Constitution, Rules and Practice of the Universal Postal Union, the WTO Rules (in particular the GATS) and the European Community Law (September 2003–April 2004). This project was mainly carried out by the Public International Law section (see section 3.2.5). From the European Law section Karolien Swinnen-Pieters, Wouter van Ballegooij and Adam Lazowski assisted in this project.

### **Education and Training**

There were four major projects that involved a substantial amount of lecturing by members of the EU law section. Apart from Asser College Europe at the T.M.C. Asser Instituut in The Hague, these projects were carried out in Bulgaria, Estonia and Poland.

- *Asser College Europe*  
Steven Blockmans coordinated Module A on the Law of the European Union.  
Wybe Douma, Steven Blockmans, Adam Lazowski, Karolien Swinnen-Pieters and Wouter van Ballegooij were involved in lecturing. Consequently the module was almost completely covered by members of the Asser EU law section.
- *Training Seminars for the European Institute of Łodz (Poland)*  
Continuing a good relationship between the T.M.C. Asser Instituut and the European Institute in Łodz, a series of seven seminars was developed and delivered in Poland in 2004. Adam Lazowski coordinated the seminars from the side of the T.M.C. Asser Instituut. From the European Law section, besides Adam Lazowski, Steven Blockmans and Wybe Douma were also involved in lecturing.
- *Building Competence in European Law in the Estonian Judiciary*  
Several members of the European law team were involved in training and teaching activities (including Wybe Douma, Marlies Bos, Adam Lazowski, Steven Blockmans, Karolien Swinnen-Pieters and Wouter van Ballegooij).
- *Technical Assistance for the Preparation of a Recruitment and Training Strategy for the Bulgarian Judiciary*  
The experts from the T.M.C. Asser Instituut helped in the harmonisation of the legal education system in Bulgaria, both by providing ‘train-the-trainers’ lectures and by writing general reports. Marlies Bos, Wybe Douma, Steven Blockmans, Adam Lazowski were involved in this project.

### **Publications** (see Annex 4 for detailed overview)

- Wybe Douma was editor-in-chief of the European Environmental Law website (<http://www.eel.nl>), the *Praktijkboek Milieu* and *Jurisprudentie Milieurecht*. Together with Fred Kellermann he edited a book entitled *Economic Aspects of Environmental Policy in Russia*, for which he also provided the concluding chapter. His publications also include a chapter in Chr. Holtwisch, T. Fajardo del Castillo and T. Tichá (eds.), *Strengthening European Environmental Law in an Enlarged Union* and a chapter in J. de Zwaan, S.F. Blockmans and F.A. Nelissen (eds.), *The European Union, an On-going Process of Integration – Liber Amicorum Alfred E. Kellermann*, Asser Press, 2004, plus several annotations in *Jurisprudentie Milieurecht*.

- Adam Lazowski edited and co-authored two books; *Prawo Unii Europejskiej. Testy, kazusy, tablice* [Law of the European Union. Tests, cases and graphs] and *Prawo instytucjonalne Unii Europejskiej* [Institutional Law of the European Union], published by C.H. Beck, 1<sup>st</sup> ed., Warsaw 2004, XX + 415 pp. His publications also included a chapter in E. Piontek (ed.), *The Role of the European Union Law in the Internal Legal Order of Member States*.
- Steven Blockmans edited a book entitled *The European Union: An On-going Process of Integration – Liber Amicorum Alfred E. Kellermann* in which he also wrote two chapters. His publications also included a chapter on 'EU Conflict Prevention in the Western Balkans' in V. Kronenberger & J. Wouters (eds.), *The European Union and Conflict-prevention*.
- Steven Blockmans, Karolien Swinnen-Pieters and Wouter van Ballegooij compiled the *Wetgevingskroniek Europees Recht 2003*, in *Sociaal Economische Wetgeving*, 2004.
- Karolien Swinnen-Pieters wrote an article on 'Commissions paid by major airlines to travel agents and the abuse of dominant position' that was published in the *European Law Reporter*, (February 2004, pp. 68-73) and an Annotation of the ECJ Judgment of 29 April 2004, Case C-159/01, *The Netherlands v. Commission* (in Dutch) published in *Jurisprudentie Milieurecht 2004*.
- Wouter van Ballegooij co-edited the *Handbook on the European Arrest Warrant* (together with Rob Blekxtoon) in which he also wrote a chapter. He also edited the Report of the 2003 European Law Colloquium *Europees burgerschap en de rechtsgevolgen voor de burgers in de EU*, to which he wrote a summary and synthesis.
- Tamara Takacs wrote an article on 'How to become a European? On the doorstep of the European Union - From a Hungarian Perspective', that was published in *Merkourios* (2004, Nr. 57, pp. 24-31) and a Book Review on Neill Nugent: *The Government and Politics of the European Union*, which was published in *Európai Tükör* (2004, Nr. 7, pp. 141-142).

### 3.2.2. International Commercial Arbitration

In 2004 the section of International Commercial Arbitration consisted of Dr. Vesna Lazic on a part-time basis (50%).

#### Research

Dr. Vesna Lazic was invited at the Conference/Seminar 'Bankruptcy and Arbitration: The Effects of Insolvency Proceedings on the Conduct of Arbitration' held on 8 March 2004 in Jakarta, Indonesia to present the results of research offered in her study *Insolvency Proceedings and Commercial Arbitration*, Kluwer Law International, London/Boston/The Hague, 1999. The judiciary in Indonesia encountered problems in finding a proper balance between the underlying policies of arbitration and insolvency proceedings. Just as in many other jurisdictions, the absence of express provisions in this respect in the relevant statutory law makes this task even more difficult. A workshop for the judiciary in Indonesia was organised on 9 March 2004. Both events were organised by the Institute for International Law in Jakarta (PPH) and the International Monetary Fund. Thereby the results of a comparative research, mainly contained in the study entitled *Insolvency Proceedings and Commercial Arbitration*, as well as the recent developments in this field of law, were presented to Indonesian lawyers - arbitrators, judges, corporate lawyers and insolvency practitioners. The seminar on the relationship between bankruptcy and arbitration, as well as a workshop with Commercial Court judges were organised within the programme intended to advance the legal reform efforts of the Indonesian authorities in the areas of corporate restructuring, including in particular the application of the bankruptcy law.

Asser College Europe Alumni Day was held on 19 November 2004 in Prague, Czech Republic, presenting a seminar entitled 'Private International Law and Arbitration in the

Enlarged European Union'. The session on international commercial arbitration entitled 'Settlement of International Commercial Disputes: Contemporary Problems' was chaired by Prof. M. Hunter (Essex Court Chambers). Dr. Lazic presented a report on the 'Enforcement of Arbitral Awards Annulled in the Country of Origin'. Other topics addressed in the Session on International Commercial Arbitration were: 'The UNCITRAL Model Law on Conciliation' (by Dr. Jernej Sekolec, UNCITRAL, Vienna), 'Arbitration of Commercial Disputes involving State Parties' (presented by Prof. Dr. V. Balas, University of Prague), 'The New On-line Arbitration Rules of the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic' (by Dr. B. Klein, President of the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic). During the Session entitled 'Arbitration and Private International Law in the Enlarged European Union', the questions concerning the application of mandatory rules by states courts and by arbitrators were addressed (on the basis of the Report presented by Dr. A. N. Zhiltsov). When and why arbitration can be a more effective method of dispute settlement than litigation was also discussed (Report presented by Prof. Dr. K. Sajko, University of Zagreb). See also chapter 6: Education and Training, 6.1.4. ACE Alumni-Day.

### **Education and Training**

A course on International Commercial Arbitration is given within the framework of the Asser College Europe Course on International Trade Law (1 February until 30 June 2004), where various aspects of international commercial arbitration as a dispute settlement mechanism are studied in considerable depth.

Dr. Vesna Lazic drafted the Programme, coordinated the Module on International Commercial Arbitration and the Module on International Commercial Transactions and participated as a lecturer. Also a number of leading arbitration specialists, with different legal backgrounds, lectured on the course, including Prof. Dr. K.P. Berger (University of Cologne), Dr. B. Demeulenaere (Storme Leroy van Parijs, Gent), Dr. J. van Haersolte-van Hof (De Brauw Blackstone Westbroek, The Hague), Prof. M. Hunter (Essex Court Chambers), Mr. T. Landau (Essex Court Chambers) and Mr. G. Meijer (Freshfields, Bruckhaus Deringer, Amsterdam).

Mr. Mihail Danov (Bulgaria), a Ph.D. student of the Central European University, Budapest stayed at the T.M.C. Asser Instituut for three months as a guest-researcher within the framework of Asser College Europe Research Project. During his stay at the Institute, he wrote some parts of his dissertation entitled 'Jurisdiction of Courts and Jurisdiction of Arbitral Tribunals in Competition Cases within the European Union'. Ms. Lazic acted as thesis supervisor during his stay.

Dr. Vesna Lazic led a course on International Commercial Arbitration at the University of Groningen in the academic year 2003/2004.

### **Publications**

Dr Vesna Lazic presented papers at aforementioned conferences/seminars and is a member of the Editorial Board of the *European Business Organisation Law Review* and the *Croatian Arbitration Yearbook*.

### **3.2.3 International Humanitarian Law and International Criminal Law**

In 2004 the section on International Humanitarian Law (IHL) and International Criminal Law (ICL) consisted of three researchers: Dr. Avril McDonald, Maria Nybondas, LL.M and Tanya Mehra, LL.M.

## Research

The members of the section continued with their own personal research. Avril McDonald focused her research efforts in the areas of victims of international crimes; depleted uranium weapons; direct participation in hostilities; and military and security contractors and subcontractors. Maria Nybondas continued to research her Ph.D. thesis on individual criminal and command responsibility. Tanya Mehra continued her Ph.D. research into the subject of the protection of cultural property in armed conflict.

At the same time, the team began developing a research programme for the Section of IHL and ICL. Initial discussions regarding the focus of a research programme commenced. The Section plans to launch its research programme in 2005.

The Section also continued its cooperation with the International Committee of the Red Cross (launched in 2003) in the context of the Expert Meetings on the Concept of Direct Participation in Hostilities, a process which was expected to continue at least until 2006. The second of four planned meetings took place in The Hague in October 2004.

## Education and Training

The Section began developing its Education and Training Programme. It identified as target groups for education and training both students and professionals. Its key partner in the area of education and training remained the Grotius Centre (Leiden University Campus The Hague).

- *Training Course for Diplomats on the International Criminal Court*  
Together with the Grotius Centre, the Section of IHL and ICL developed a discrete training programme for diplomats on the International Criminal Court. This three-day programme, which focuses on issues of the ICC of particular importance for members of the diplomatic community, found a receptive target audience. The teaching was undertaken both by the members of the Section as well as members of our network, including key staff of the International Criminal Court and the International Criminal Tribunal for the Former Yugoslavia and external academic experts and practitioners in international criminal law. The course will continue to be offered on a regular basis.
- *Training Course for Defence Counsel*  
Together with the Grotius Centre and in cooperation with the Association of Defence Counsel of the ICTY, the Section of IHL offered multidisciplinary training for defence counsel appearing before international criminal courts.
- *Training around Article 1F: The Exclusion Clause*  
The Members of the Section continued to train members of the Article 1F (exclusion) teams of the Ministry of Justice's Immigration and Naturalisation Department in the subjects of international humanitarian law, international criminal law and human rights law.
- *Advanced International Law: University of Amsterdam School of International Relations*  
Avril McDonald continued to teach the Advanced International Law Course (International Peace and Security) at the University of Amsterdam's School of International Relations.
- *Ad hoc Lecturing*  
The members of the section participated in *ad hoc* teaching both within and outside the Institute. Avril McDonald was a guest lecturer at the Amsterdam School of International Law, the University of Leiden and the Clingendael Institute, while Maria Nybondas lectured at the Dutch Defence College. Both gave lectures on aspects of international criminal law within the Asser Institute, within the Asser College Europe and Documentalists' programs. See also Annex 5.
- *Supranational Criminal Law Lecture Series*  
Together with its partners the Grotius Centre and the Coalition for an International Criminal Court, the Section of IHL and ICL continued to host the weekly Thursday evening Supranational Criminal Law Lecture Series.



- *From Peace to Justice*

With its partners in The Hague Academic Coalition (the Grotius Centre, the Institute for Social Studies, the Clingendael Institute and the Carnegie Foundation), the Section of IHL and ICL co-organised the first of what will be an annual conference on the theme From Peace to Justice in March 2004. The Section of IHL and ICL hosted a parallel session as part of the conference, in collaboration with the Carnegie Foundation, on several legal aspects of the Iraqi invasion of 2003.

### **Publications**

Volume four of the *Yearbook of International Humanitarian Law (YIHL)* was produced by Avril McDonald and Maria Nybondas (Managing Editor and Assistant Managing Editor, respectively).

The members of the section also published several articles (see for the publications of the individual members Annex 4 - Publications).

### **Outreach and Networking**

The section of IHL and ICL continued its work to develop a website of international humanitarian law, with the launch expected in 2005. The website will form a key plank of the section's outreach programme.

The section continued to build its network of experts in the field of IHL, within the context of the Correspondents' Reports section of the *YIHL*, *inter alia*.

### **3.2.3. Private International Law**

In 2004 the Private International Law section consisted of three full-time researchers: Dr. Guus Schmidt, Mr. Bart-Jan van het Kaar and Mr. Michiel de Rooij. A fourth researcher, Mr. Jaap van de Velden, Ph.D. Candidate of the University of Groningen is seconded to the team on a part-time basis (20%).

### **Research**

Mr. De Rooij en Mr. Van het Kaar made further progress with their doctoral studies on respectively, Conflicts of Law Issues of Carriage by Sea and Evidence in Private International Law.

#### *Applied Research*

With respect to consultancy activities, the team offers an information service to Netherlands legal practitioners who deal with questions of private international law or the content of foreign law. In total, more than 100 legal advices were provided during 2004. The majority of the advices were provided to small to medium-sized law firms in the Netherlands. Members of the section were also appointed as expert witnesses on foreign law by Dutch courts in two cases.

The section further tried to attract larger contracts from governmental or European bodies and was involved in making several offers. A contract that was awarded and commenced in 2004 concerned a study for the Netherlands Advisory Commission of Alien Affairs on forced marriages. Another contract that will involve the section, and that was awarded in 2004 but will commence in 2005, concerns a feasibility study for the EU Commission, Directorate Home and Justice Affairs, on the creation of a structure or network to increase European research into private international law, civil law and civil procedure from an EC point of view.

### **Documentation**

With respect to documentation, during 2004 the team became involved in two documentation projects that were commissioned by the EU Commission. These projects concern the documentation of case law of the courts of all EU member states (with the exception of Denmark) on EU legislation on jurisdiction and enforcement in civil and commercial cases and in the area of marriage dissolution and parental responsibility (the

two regulations presently in force are often referred to as 'Regulations Brussels 1 and Brussels 2/2bis). The project also covers the case law of the predecessors of these regulations). The team is responsible for the selection of relevant case law from the courts in the Netherlands, which is summarised in English. In the future, the data collected through this project, which is led by the German publisher IPR-Verlag, will be fed into the 'Jure' database of the EU.

### **Publications**

The team contributes to the legal quarterly *Nederlands Internationaal Privaatrecht*, which documents Dutch private international law and contains legal writing on this subject. The members of the section are responsible for the documentation part of the quarterly, which consists of the collection and publication of relevant case law, the indexing of relevant legal writing and the monitoring of relevant legislation and treaty law. Members of the team are also active, with others, as members of the board of editors. In particular, Dr. G.E. Schmidt has been closely involved in maintaining the academic standard of the quarterly as a member of the executive committee of the board of editors.

The members of the section published several articles (see for the publications of the individual members Annex 4 - Publications).

### **Education**

In the area of education members of the section taught in Module D (Capita Selecta of International Trade and Business Law) of the Asser College Europe Post-Graduate Course in International Trade and Business Law.

Members of the team were tutors to researchers who participated in the Asser College Post-graduate Research project. Furthermore, all members were active in various education programmes (run by the T.M.C. Asser Instituut or by others) directed to members of the judiciary of the 'new' EU member states or of the accession states. Tuition took place in the states concerned (Slovakia, Poland, Romania) and covered the private international law legislation of the EU. Dr. Schmidt, Mr. Van het Kaar and Mr. Van de Velden further spoke at the Asser College Alumni Day in Prague, Czech Republic. See also the Annexes.

#### **3.2.5. Public International Law**

In 2004 the section Public International Law consisted of the full-time researchers Dr. Olivier Ribbelink, Mr. Bert Barnhoorn and Mr. Jan Anne Vos, while the director of the Institute, Frans Nelissen, also participates in its activities.

### **Research**

For articles and lectures at conferences of the members of the section see under individual members in the Annexes.

#### *Doctoral Research*

- J.A. Vos, The Function of International Law (supervisor: D.L. Bethlehem, University of Cambridge) (The study is planned to be completed in 2005).
- Bert Barnhoorn, Interpretation of treaties by the Dutch law courts [Interpretatie van verdragen door de Nederlandse rechter] (supervisors: Prof. A.M. Hol and Prof. C. Flinterman, University of Utrecht).

#### *Applied Research*

In 2004 the members of the section participated in various consultancy projects:

- *Project Study concerning the Relation between UPU Law, WTO Law and EC Law*  
In July 2004, the project Study concerning the Relation between UPU Law, WTO Law and EC Law was completed. This project, which was commissioned by the European Commission, had been commenced in November 2003. The object of the Study was to assess the consistency of the Constitution, rules and practice of the Universal Postal Union (UPU) with, on the one hand, the rules of the World Trade Organisation (WTO),

in particular the GATS (General Agreement on Trade in Services), and, on the other hand, European Community law. The assessment provided by the Study was used by the European Commission for the purpose of defining the position of the European Community and the Member States in the process of reform of the UPU, which was the subject of the Congress of the UPU held in Bucharest in September/October 2004. The project was carried out by Jan Anne Vos, Robert Siekmann and Olivier Ribbelink.

- *Project Speelruimte in de WTO-Jurisprudentie (Room for manoeuvre in the WTO Jurisprudence)*

In October 2004, the project Speelruimte in de WTO-Jurisprudentie (Room for manoeuvre in the WTO Jurisprudence) was completed. This project, which was commissioned by the Ministry of Agriculture, Nature and Food Quality, had been commenced in September 2003. The object of this project was to determine whether in the WTO jurisprudence relating to the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and to the Agreement on Technical Barriers to Trade (TBT Agreement) disturbances affecting the establishment or maintenance of a level playing field between WTO Members can be identified and, if so, whether such disturbances derive from particular legal systems, methods or theories. The results of the project served as input to the formulation of policy by the Ministry and were presented in a workshop held in November 2004. The project was carried out by Marielle Matthee and Jan Anne Vos.

- *Project Consequences of Intellectual Property Rights as Enforced by WTO/TRIPS for Farmer Seed Systems*

In November 2004, the project Consequences of Intellectual Property Rights as Enforced by WTO/TRIPS for Farmer Seed Systems was completed. This project, which was commissioned by the Agromisa Foundation, had been commenced in February 2002. The object of this project was to assess whether the recognition of intellectual property rights on genetic material, by virtue of exclusive rights conferred thereby, could affect the operation of traditional Farmer Seed Systems, which are based on the concept of exchange. The results obtained were presented to the Commission on Plant Genetic Resources for Food and Agriculture of the Food and Agriculture Organisation of the United Nations (FAO) in November 2004 and distributed to farmers in developing countries. The project was carried out by Jan Anne Vos.

- *Revision Internal Handbooks Ministry of Defence*

On request of the Ministry of Defence the internal publications of the Ministry on relevant international treaties of public international law and international humanitarian law were revised and updated. The project was completed in November 2004. Together with Maria Nybondas and Tanya Mehra of the Section of International Humanitarian Law and International Criminal Law, Bert Barnhoorn of the Section of Public International Law assisted with the selection of international instruments to the Department of Information and Information Technology, which was primarily responsible for the updating of the existing information and the change to electronic storage and availability.

- *Project 'Apologie du terrorisme' and 'Incitement to Terrorism' as Criminal Offences in the National Legislation of Member States and Observers of the Council of Europe.*

In October 2004 the Project on 'Apologie du terrorisme' and 'Incitement to Terrorism' as criminal offences in the national legislation of member States and observers of the Council of Europe was concluded. The project involved an analytical report for the CODEXTER, the Committee of Experts on Terrorism, of the Council of Europe, on the basis of a Questionnaire. The report focused on the sanctioning of 'apologie du terrorisme' and 'incitement to terrorism' as specific criminal offences or as non-specific criminal offences, with an emphasis on the safeguarding of human rights, in particular the freedom of expression. The report, including all the state replies, has been published by the Council of Europe in 2004: '*Apologie du terrorisme' and incitement to*

*terrorism*' Council of Europe Publishing, Strasbourg, ISBN 92-871-5468-6. The project was carried out by Dr. Olivier Ribbelink.

- *Legal Advisory Service*

In 2004 the Section on Public International Law continued offering its legal advisory service. The advices were in the field of diplomatic and state immunity and immunity of international organisations, international administrative law, consular law, human rights law and NATO treaty law.

### **Education and Training**

Olivier Ribbelink taught the Introduction Course Public International Law, Amsterdam School for International Relations, University of Amsterdam, Autumn semester.

Bert Barnhoorn gave a lecture in the Training Course for Legal Information Specialists of Asser College Europe (ACE) 2004.

Mr. D. Labine, associate professor at the Moscow State Institute for International Relations, carried out scientific research in the Asser Instituut within the scope of his thesis on 'International law and World Economic Order' during the period of 1 October – 30 November 2004 within the framework of the Post-graduate Research project of Asser College Europe. He worked under the supervision of Bert Barnhoorn. He presented a lunch lecture on the topic on 16 November 2004.

### **Publications**

#### *Handbook on Public International Law*

In 1995 the T.M.C. Asser Instituut took the initiative to produce and coordinate a Dutch 'Handbook on Public International Law' (the so-called 'François-project'). To a certain extent, the new Manual will likely be the 'successor' of '*Grondlijnen van het Volkenrecht*' [Fundamentals of the Law of Nations] by J.P.A. François (third edition, 1967). In 2001 an editorial committee was formed, consisting of Dr. Olivier Ribbelink, Dr. Nathalie Horbach, and Dr. Rene Lefeber. The three joint editors are also authors of chapters in the book. Although, unfortunately, the project had seriously slowed down, it has recently picked up pace again.

#### *Netherlands Yearbook of International Law*

Volume 34 (NYIL 2003) appeared in October 2004 and contained next to the regular documentary section on Dutch state practice on public international law four academic articles: 'Sustainable development, normative development and the legitimacy of decision making' (E. Hey), 'The shifting laws on the use of force and the trivialization of the UN collective security system, the need to reconstitute it' (N. Tsagourias), 'The constitutional duty to promote the development of the international legal order: the significance and meaning of article 90 of the Netherlands constitution' (L. Besselink) and 'Democracy and international law' (by J. Wouters, B. de Meester and C. Ryngaert).

The documentary section was prepared by Els Tange (state practice and municipal legislation of 2001- 2002), Marco van der Harst (treaties of 2002), Bert Barnhoorn (judicial decisions of 2001-2002) and Madelien Bierema (literature of 2002).

The Editorial Board for Volume 34 consisted of Niels Blokker (Ministry of Foreign Affairs and University of Leiden), Nico Schrijver (Free University of Amsterdam) (General Editors) and Marcel Brus (University of Leiden), Deirdre Curtin (University of Utrecht), Ige Dekker (University of Utrecht), André Nollkaemper (University of Amsterdam), Hanna Sevenster (Ministry of Foreign Affairs and University of Amsterdam) and Friedl Weiss (University of Amsterdam) (Editors).

Bert Barnhoorn was the Managing Editor and Karin Peters the Assistant Managing Editor.

In September 2004 Niels Blokker and Nico Schrijver resigned according to schedule and were replaced as General Editors by Deirdre Curtin and André Nollkaemper. Willem van Genugten of Tilburg University and Ellen Hey of the Erasmus University of Rotterdam accepted the invitation to join the Editorial Board as from 1 January 2005 on.

## Information Systems

- *Database Dutch case law on public international law*  
Student assistant Manon Ketelaars of Tilburg University entered the case law of the years 2002 and 2003 into the Asser database on Dutch judicial decisions on public international law ([www.asser.nl/public international law/documentation](http://www.asser.nl/public%20international%20law/documentation)). The database now contains more than 6,000 decisions dating from 1839 to the present day, and also includes a nearly complete survey of Dutch judicial decisions in which international human rights instruments are applied. The database has references to written and electronic sources. She worked under the supervision of Bert Barnhoorn.
- *Databases Treaties to which the Netherlands is a party and Dutch literature in the field of public international law*  
The cumulative databases Treaties to which the Netherlands is a party and Dutch literature in the field of public international law (on [www.asser.nl/public international law/documentation](http://www.asser.nl/public%20international%20law/documentation)) were updated with materials of 2002 from the related surveys in Volume 34 of the Netherlands Yearbook of International Law (2003).

### 3.2.6. Sports Law

#### Asser International Sports Law Centre

In 2004 the staff of the Asser International Sports Law Centre consisted of Dr. Robert Siekmann, Mr. JanWillem Soek and Mrs. Marjan Olfers (part-time). In 2004 the section cooperated closely on two projects with Mr. Roberto Branco Martins of the European Federation of Professional Football Clubs (EFFC), who had taken domicile at the Asser International Sports Law Centre. Prof. Simon Gardiner, Associate Professor in Sports Law, Griffith University, Brisbane, Australia, participated as research fellow in the Asser International Sports Law Centre.

#### Research

##### *Doctoral research*

- Marjan Olfers, Sports and Competition Law: A Comparison between the United States and Europe (supervisor: Prof. Dr Heiko van Staveren, Free University of Amsterdam).
- JanWillem Soek, Doping Law: The Persecution by Sports Organisations of the Use of Doping and the Human Rights of the Athlete (supervisor: Prof. Dr. Hans de Doelder, Erasmus University of Rotterdam).

##### *Applied research*

- *Project Promoting the Social Dialogue in European Professional Football*  
In September 2004 both Final Reports on the project: Promoting the Social Dialogue in European Professional Football (pp. 322 and 134 respectively) were presented to the European Commission in Brussels (Directorate-General for Employment and Social Affairs). This two-tier project, which was carried out in cooperation with the European Federation of professional Football Clubs (EFFC), addressed the 15 'old' EU Member States on the one hand and the 10 'new' EU Member States plus the candidate Member States Bulgaria and Romania. In the first Report a proposal was made to the European Commission for the reasoning it should adopt when dealing with a joint request from organisations who wish to establish a Social Dialogue Committee in the European professional football sector. In the other Report it was concluded that it is of utmost importance that a serious initiative for a social dialogue at European level is taken in the 'old' Member States as soon as possible, since it is expected that it will have a positive impact on the present state of industrial relations in professional football in the 'new' Member States.  
As part of the project in 2004 seminars (or workshops) were held for sports lawyers and practitioners, academics as well as the football world at large (national football association, professional clubs, players' union) in Dublin, Ireland (16 January),

Dortmund, Germany (26 January), Nicosia for Cyprus and Malta (29 January), Vilnius, Lithuania, for the Baltic States (5 February), Brussels, Belgium (13 February), Paris, France (20 February), Athens, Greece (19 March), Ljubljana, Slovenia (25 March), Warsaw, Poland (2 April), Prague, for the Czech Republic and Slovakia (22 April), Rome, Italy (26 April), Vienna, Austria (7 May), Madrid, Spain (13 May), Copenhagen, Denmark (18 May), Lisbon, Portugal (24 May), Stockholm, Sweden (27 May), Bucharest, for Bulgaria and Romania (24 June).

At each seminar (or workshop) in the 'old' EU Member States presentations were given by Prof. Roger Blanpain and Prof. Frank Hendrickx, Universities of Leuven, Belgium, and Tilburg, the Netherlands, on Social Dialogue in international and European labour law, and Roberto Branco Martins (EFFC) on the results of the 'pilot studies' that had been undertaken on industrial relations in professional football in the Member State(s) in question. In the 'new' Member States Dr. Richard Parrish, Edge Hill College of Higher Education, Lancaster University, Preston, United Kingdom, gave a general presentation on EU and Sport: Law and Policy ('EU Sport Aquis'), next to Roberto Branco Martins who introduced the generalised results of the 'pilot' studies in the 'old' Member States and Asser team members Tina Drolec and Dovile Vaigauskaite who presented the results of the 'pilot studies' per country or countries in question. At each seminar representatives of the national football association, professional premier football league and the national players' union were invited to comment on Social Dialogue *in situ*.

The Asser/EFFC team for the 'Social Dialogue European Tour' consisted of Dr Robert Siekmann (general project manager), Roberto Branco Martins (co-project manager; EFFC), Gerard Slager (EFFC), Tina Drolec and Dovile Vaigauskaite (trainees).

- *Project Football Hooliganism with an EU Dimension: Towards an International Legal Framework*

In November 2004 the Final Report on the research project Football Hooliganism with an EU Dimension: Towards an International Legal Framework (pp. 193) was presented to the European Commission in Brussels under the AGIS Programme (Directorate-General for Justice and Home Affairs). The Report contains chapters on the Council of Europe and football hooliganism, the European Union and football hooliganism, the relevance of the Schengen acquis in this context, a comparative study on national public legislation as well as football rules and regulations in the 25 EU Member States, and a study on the European Football Championship 2000 in Belgium and The Netherlands and football hooliganism. It is recommended to convert the Council Resolution of 17 November 2003 on the mutual recognition by Member States of bans on access to venues of football matches with an international dimension, from an invitation into a binding instrument for Member States in order to essentially strengthen the international framework for combating football hooliganism on a crucial point. In such a binding instrument Member States should also guarantee the effective national implementation of stadium bans by means of the withdrawal of passports, controlled house arrest and/or a duty for stadium-banned persons to report at the police during match periods.

The Asser research team consisted of Dr. Robert Siekmann (project manager), Prof. Simon Gardiner, JanWillem Soek, Marjan Olfers and Hans Mojet (trainee).

## **Publications**

- Robert Siekmann and JanWillem Soek (Eds.), *The European Union and Sport: Legal and Policy Documents* (T.M.C. Asser Press, The Hague 2005). The book was published in December 2004.
- Ian Blackshaw and Robert Siekmann (Eds.), *Sports Image Rights in Europe* (T.M.C. Asser Press, The Hague 2005). The book was published in January 2005.
- *The International Sports Law Journal (ISLJ)*

In 2004 two double issues of The International Sports Law Journal (ISLJ) were published by the Asser International Sports Law Centre (AISLC) (general editors Robert Siekmann and JanWillem Soek): nos. 1-2, May: pp. 88; nos. 3-4, December: pp. 88. In 2005, it is also planned to converse ISLJ into the official journal of the International Association for Sports Law (IASL), Athens, Greece (President: Prof. James Nafziger, Willamette University, Salem, Oregon, USA) by merging with its official journal 'Pandektis'. The new name then will be *ISLJ Pandektis*.

The members of the section published several articles; see under individual members in Annex 4.

### **Cooperation with SENSE**

In 2004 the Asser International Sports Law Centre, started its cooperation with SENSE, Sports & Entertainment NetworkS of Excellence, Amsterdam/Brussels (Director: Drs Dick Weiss). Sense was established as a global network that offers its members the opportunity to acquire and exchange knowledge and expertise in the field of sports law in particular.

### **Lectures, conferences, seminars**

- On 5 April 2004 a twin guest lecture on *Gender Discrimination in Sport* was delivered by Tia Janse van Rensburg and Prof. Steve Cornelius from the Faculty of Law of Rand Afrikaans University, Johannesburg, South Africa.
- On 16 April 2004 De Keersmaecker Vromans Law Firm, Brussels, in co-operation with the Asser International Sports Law Centre organised a seminar in Antwerp on *Holland-Belgium: Option Clauses and Training Compensation in Professional Football in Belgium and the Netherlands* [Holland-Belgie: Optieclausules en opleidingsvergoedingen in het betaalde voetbal. Wachten op een nieuwe Bosman?]. Speakers were Prof. Evert Verhulp, University of Amsterdam; Sander Nieuwland, Diederik Dewaele, Van Aerde and Partners, Bruges and Luc Nilis, former football player.
- On 6 May 2004 the Third Asser-Clingendael International Sports Lecture on *Brazil: Football, Culture and National Identity*. Speakers were Luiz Roberto Martins Castro, President-Director of the Instituto Brasileiro de Direito Desportivo (IBDD) in Sao Paulo and Alex Bellos, correspondent for The Guardian and The Observer in Rio de Janeiro and author of *Futebol, The Brazilian Way of Life* (Bloomsbury).
- On 12 May 2004 Marjan Olfers, Free University of Amsterdam and researcher at the Asser International Sports Law Centre, gave a lecture at the T.M.C. Asser Instituut on *Sport and Competition Law in the United States and Europe* within the framework of the Sport Management Summer School held in the Netherlands and organised by LanCon Sport Medics Education for students of the Sport Centre of Virginia Commonwealth University (VCU), Richmond, USA.
- On 25 May 2004 a seminar was organised at the University of Tilburg in the series of Asser/Leuven/Tilburg seminars on international sports law on *Foreigners in Sport: Law and Practice*. Speakers were Helen Staples, University of Tilburg, Frank Hendrickx, Universities of Leuven and Tilburg, Liesbeth van Amersfoort, Department of Legal Affairs of CWI (Centre for Work and Income), Marc Willems, Partner Van Bekel Smits and Willems, Tax Consultants, and Treasurer of Willem II, Tilburg, Roberto Branco Martins, research fellow Asser International Sports Law Centre, and Serge Rossmeisl, lawyer of FBO (Federation of Dutch Professional Football Clubs).
- On 28 May 2004, on the eve of the World Championship Duathlon in Geel (Belgium) and on the occasion of EU Enlargement, a seminar was organised in Geel on *The European Union and Sport: The acquis communautaire sportive*. Speakers were Dr. Richard Parrish (Edge Hill College, UK), Frank Hendrickx (Universities of Leuven and Tilburg), Marjan Olfers, Roberto Branco Martins and JanWillem Soek (the Asser International Sports Law Centre) and Prof. Simon Gardiner, Griffith University, Brisbane, Australia.

- On 19 November 2004 the Fourth Asser-Clingendael International Sports Lecture took place at the Clingendael Institute in The Hague on *Sport and Development Cooperation from the UN Perspective / The Netherlands-Surinam Case*. Speakers were Mr. Adolf Ogi, Former President of Switzerland and Special Adviser on Sport for Development and Peace to UN Secretary-General, Humberto Tan, anchorman of NOS Studio Sport, Diederik Samwel, journalist and Will van Rhee, Royal Dutch Football Association (KNVB) .
- On 30 November 2004, a seminar was organised in The Hague – in cooperation with CMS Derks Star Busmann, Utrecht – on *Sports Legislation and Football Act: The Netherlands, England and Europe: Using Special Legislation to Combat Football Hooliganism*. Speakers were Dr. Robert Siekmann, Director of the Asser International Sports Law Centre, Heiko van Staveren, Free University of Amsterdam, Michael van Praag, former Chairman of Ajax Amsterdam and President of the Eredivisie CV (Dutch Premier League), Prof. Ian Blackshaw, Centre for International Sports Studies, University of Neuchâtel, Switzerland and a Member of CAS, and JanWillem Soek, senior researcher at the Asser International Sports Law Centre.
- On 2 December 2004, the fourth Asser International Sports Law Lecture on *European Sports Law – A Comparative Analysis of the European and American Models of Sport*. The speaker was Prof. Dr. Lars Halgreen, Partner, Johan Schlüter, Copenhagen / Professor in International Sports Law, University of Copenhagen, and a Member of CAS.

#### 4. CONTRACT RESEARCH AND CONSULTANCIES

##### 4.1 Contract Research

- *Football Hooliganism with an EU Dimension: Towards an international legal framework (September 2003 – December 2004)*  
Within the AGIS Programme 2003, the European Commission awarded the T.M.C. Asser Instituut a grant to realise a project whose objective is to collect and analyse relevant international and national legislation and pertinent rules and regulations of international (FIFA and UEFA) and national football associations in the EU Member States and candidate countries in order to determine the legal differences and make recommendations for the development of a common and consistent legal framework. The Final Report was submitted at the beginning of December 2004.
- *Promoting the Social Dialogue in European Professional Football (Candidate EU Members States) (September 2003 – August 2004)*  
A grant awarded by the European Commission made it possible to follow up on research activities on the compliance of national labour laws in the candidate countries with relevant EU legal norms. As part of the project activities, round tables took place in the candidate countries in order to promote the social dialogue.
- *European Arrest Warrant project (October 2004 –September 2006)*  
The institute and its consortium partners (Amsterdam Centre for International Law, European Criminal Bar Association, Centre for Information Services for MP's of the National Library of Estonia, Justice (London), Max Planck Institute (Freiburg), the Ministry of Justice of Romania and the University of Lund) were awarded a grant by the European Commission's AGIS 2004 Programme. The aim of the project is to promote the uniform and transparent application of the surrender procedures on the European Arrest Warrant in the 25 EU member states. It fosters the free exchange of information and the promotion of practical application and applied research in the field of judicial cooperation in criminal matters by providing information on the European Arrest Warrant and its implementation and application on the national level, creating a platform for discussion and exchange of information and offering an environment for research. For more information, see [www.euowarrant.net](http://www.euowarrant.net)



## 4.2 Consultancy Projects

This year, some major consultancy projects have either been launched or continued:

### Bulgaria

- *Technical Assistance for the Preparation of a Recruitment and Training Strategy for the Judiciary (June 2003 – December 2004)*

The general objectives of this ambitious project, financed through the PHARE Programme of the European Commission, was the harmonisation of the legal education system in Bulgaria, the improvement of the systems for selection, evaluation, professional development and qualification of magistrates and for professional development of clerical staff in the judicial institutions; development of a system of clear common criteria for recruitment and appointment of magistrates and clerical staff; development of a national training of the judiciary of Bulgaria and the delivery of pilot trainings. The project was carried out by a consortium of British Council (leader), T.M.C. Asser Instituut and the Collège de Bruges. In 2004, numerous Asser experts contributed to reports and training sessions.

### Estonia

- *Building Competence in European Law in the Estonian Judiciary (July 2004 – June 2006)*

The overall objective of the project is to ensure that Estonian courts have expertise to provide rulings for the implementation of EC Law and international conventions relevant for the EU membership. The project has the purpose to improve the competence of the Estonian courts to handle claims based on European law. The T.M.C. Asser Instituut provides the relevant EU law expertise as subcontractor of the Centre for International Legal Cooperation (CILC) who acts in this Phare Twinning project on behalf of the Dutch government.

### Hungary

- *Training of judges and prosecutors in EU-law HU/IB/2001/JH/02 (June – October 2004)*

Within the framework of this large twinning project (carried out by the German government), the T.M.C. Asser Instituut was responsible for a feasibility study concerning the documentation centre of the future training centre for the magistrates. In June 2004, a group of Hungarian prosecutors visited the Institute for a short seminar. In October 2004, four Hungarians participated in the Asser College Course for Legal Information Specialists.

### Lithuania

- *Design and Delivery of a Training Programme for Administrative Courts of Lithuania (February – September 2004)*

The global objective of the project was to enhance the professional capacity of judges and legal clerks of administrative courts of Lithuania in the competition, taxation, agriculture and energy sectors. The specific objectives of the project were to design and deliver a training programme for judges of the administrative courts of Lithuania and to design and deliver a training programme for legal clerks of the administrative courts of Lithuania. A number of researchers of the Institute travelled to Vilnius to deliver lectures within this project.

### Poland

- *Training Seminars for the European Institute of Łodz*

Based on a Twinning Agreement between the T.M.C. Asser Instituut and the European Institute in Łodz, a series of seven seminars was developed and delivered in Poland in 2004. The topics of the seminars, organised in cooperation with the Office for European Integration of the Polish government, ranged from general issues regarding the *acquis communautaire* to specialised issues such Cooperation between the National Courts and European Court of Justice in the field of preliminary rulings, Intellectual Property Law and Harmonisation of Polish Law in this Field or European Judicial Network in civil and commercial matters or Industrial property and commercial property law in EU Member States.

## **Romania**

- *Establishing a National Institute of Public Administration in Romania (May 2003- June 2004)*

In this PHARE project, carried out by a consortium of VNG International, the National School of Administration (ENA), the National Institute of Public Administration (INAP), and the Academy of the Federation of German Civil Servants (dbb akademie), SchlumbergerSema (SEMA) the T.M.C. Asser Instituut was in charge of developing a documentation centre at the National Institute of Public Administration of Romania.

## **Russian Federation**

- *Harmonisation of Environmental Standards, Russia (September 2002 – February 2004)*

Through two of its experts, functioning as senior legal expert and as team leader on a permanent basis in Russia during the project, the T.M.C. Asser Instituut participated in this TACIS project, aimed at supporting the alignment of Russia's national environmental legislation and regulations with the EU environmental acquis. After carrying out an extensive gap analysis covering Russian and EC environmental norms for industry, the expert team set up recommendations with regard to improving Russian environmental legislation, its appropriate implementation and its enforcement for the State Duma. Both in Moscow and in the three pilot regions (Archangelsk, Penza and Moscow Region), over twenty conferences and workshops were held covering a wide range of topics, including the Kyoto Protocol.

## **Multi Country**

- *The Impact of Accession on the National Legal Orders of the Candidates Countries (January 2002 – December 2004)*

The overall objective of this multi-country project was to improve the capacity to implement, enforce and apply Community and European Union law in the applicant countries through the sharing of experiences with the project activities in other candidate countries and EU Member States in a multi-country context. In 2004, nine seminars were organised in the project countries, the work was accomplished on the General and Country Reports and a Final Conference took place in The Hague in October 2004.

- *Study of the Relationship between the Constitution, Rules and Practice of the Universal Postal Union, the WTO Rules (in particular the GATS), and the European Community Law (September 2003 – April 2004)*

This study reviewed the constitution, rules and practice of the UPU, based on the concept of the single postal territory (one country, one Post) in the light of the WTO rules (in particular the GATS), and the postal European Community law, in order that the Commission and the Member States have a more detailed and meaningful view on the relationship between their UPU and WTO commitments.

- *Study of the Comparison of Legal Systems (October 2003 – March 2004)*

This study described the international legal context in which the policy issues, dealt with by the Dutch Ministry of Agriculture, Nature and Food Quality are situated, as well as the possible disruptions of or obstacles for the level playing field that sustains or creates that international legal context. The study focused on WTO issues.

- *Implementation of EU Directives in the transport sector (May – November 2004)*

In this project, carried out for the Dutch Ministry of Transport, Public Works and Water Management, the implementation of EC directives in the field of maritime transport was investigated in the Netherlands, France, Germany, the United Kingdom, Italy, Spain, and Denmark. For some time, the Netherlands has been in arrears with regards to the implementation of especially these directives into national legislation. The project described what lessons can be learned from experiences in other countries in order to contribute to a more timely implementation of EC directives in the Netherlands. The final report was published by the Ministry as a booklet, with the country reports attached on a CD-ROM. The findings were discussed during a conference that was

attended by representatives from numerous other Dutch ministries and the Council of State.

- *Evaluation of transposition and implementation by the Netherlands of EC Environmental Directives (November 2004 – March 2005)*

The T.M.C. Asser Instituut provided professional services for the conformity checking for European environmental directives, including completion of the deliverables for the Netherlands report. Our experts reviewed and analysed the Dutch legislation and case law related to the directives and investigated the conformity with EC law of the Dutch legislation transposing the directives.

- *Professionalization of the European Environmental Law Website (July 2004 – April 2005)*  
This project, financed by the Dutch Ministry of Housing, Spatial Planning and the Environment, was to promote research and exchange of information in the field of European and International Environmental law as well as its effect on national law. The existing website's network of national editors was expanded, content was improved (notably by adding numerous dossiers) and preparations for a new layout of the website were made. Furthermore, the number of subscriptions to the bi-monthly electronic news service grew as a result of a marketing campaign.
- *Admission to the occupation of road transport operator: review of current arrangements in Member States and acceding Member States (December 2003 – April 2005)*

As subcontractor to the Dutch firm NEA – Transport Research and Training a group of researchers from the T.M.C. Asser Instituut participated in this project aimed at the identification of how the admission to three criteria for admission to the occupation of road haulage operator are applied in practice in Member States and a selection of acceding Member States.

- *Data-input services relating to the Brussels I database (February 2004 - December 2007)*  
The T.M.C. Asser team is determining and capturing electronically the texts of the already existing as well as new judgements, or the relevant excerpts, and proofreading them. Furthermore, a summary of each judgement in the language of the judgement is being provided.
- *Legal Aspects of Forced Marriages (September 2004 – May 2005)*  
The T.M.C. Asser Instituut was awarded this project by the Dutch Advisory Committee on Alien Affairs [*Adviescommissie voor Vreemdelingenzaken*]. The study looked into the legal aspects of forced marriages, such as the legal definition, legal possibilities of prosecution, policy development in the fight against forced marriages and other aspects.

#### **4.3 Legal Advisory Service**

In 2004, the T.M.C. Asser Instituut continued offering its legal advisory services to law firms, courts, companies and ministries.

The legal advices provided in 2004 totalled *one hundred and two*. Most advices related to the field of private international law, and covered topics ranging from protection of children and inheritance to building contracts.

## **5. INFORMATION AND INFORMATION TECHNOLOGY**

### **5.1 Introduction**

The emphasis in the activities of the department of Information and Information Technology (I&I) has been very much on the further development and maintenance of information systems and websites on the specializations of the Institute in close cooperation with the research teams and on improving the ICT-infrastructure. Members of the department have also been actively involved in the execution of consultancy projects

and the acquisition and initiation of new projects, such as the European Arrest Warrant project (see below).

## 5.2 Library and Information services

The acquisition policy of the library has been revised to allow for more and continuous adaptation to the electronic information services provided by subscription services, academic libraries and publishing houses. The library services are becoming more and more dependent on such services, in particular to the services provided by the Library of the University of Amsterdam. A user registration and lending system has been installed in the library, as well as an anti-theft device.

Apart from the information services to customers of the library, information services have been provided on a regular basis to:

- *Corvers Procurement Services*  
EU legislation, policy documents and case law of the Court of Justice of the EC on procurement measures of the EU as well as Dutch case law on procurement issues is being delivered to Corvers Procurement monthly.
- *Kluwer*  
For the purpose of publication in *International Transport Treaties, including Transport News*, Kluwer Law International, the status of international transport treaties is regularly updated by Marco van der Harst (assistant editor).
- *SDU*  
The cooperation with the SDU in the delivery of information on the implementation of EC-directives by the Netherlands and the case law of the Court of Justice of the EC for the purpose of the two CD-ROM publications *CD-JURIS Europa* and *Register Officiële Publicaties* and the online information system *Europmaat* was continued.
- *SEW*  
S.F. Blockmans, M.A. van der Harst, K. Swinnen-Pieters prepared the annual overview of EU legislation 2003 [EU-wetgevingskroniek 2003, in: *SEW Tijdschrift voor Europees en economisch recht*].

## 5.3 Information systems and databases

The following information systems/databases have been updated with the documentation and information collected by the research sections and the department of I&I:

- Decisions of the Court of Justice of the EC and the Court of First Instance of the EC and the EFTA Court
- EU-cases on European Environmental law
- EC-directives and JHA framework decisions: implementation by the Netherlands
- EU-enlargement agreements
- Proposals for EC-directives and JHA framework decisions
- EU-literature
- Dutch case law on private international law
- Dutch literature on private international law
- Dutch legislation on private international law
- Treaties on private international law
- Legal practice on private international law
- Treaties on public international law
- Dutch State Practice
- Dutch case law on public international law
- Dutch literature on public international law
- Terminology public international law

- International Humanitarian Law documents
- International Transport Treaties
- EU-doping rules
- Comparative database on the Framework decision on the European Arrest Warrant

The information systems are being made available on CD-ROM and/or the Intranet and Internet of the Institute.

#### 5.4 Websites

- *Asser portal*  
The concept of the Asser site has been revised in order to facilitate the community organizing desire of the various research sections of the Institute. Working prototypes of the new Asser portal and most of the sub-sites of the research sections were completed by the end of the year. The new Asser portal will be launched in February 2005.
- *Asser Intranet*  
A completely revised Intranet site was launched in April 2004. Together with the launch of this site the in-house developed Content Management System (CMS) was made available to the staff of the Institute. The Intranet is meant to serve as the main platform for internal communication and permanent source of information for the staff, students, trainees and visitors.
- *European Environmental Law website - EEL*  
Within the framework of its environmental programme 2004 a grant was awarded by the Ministry of Housing, Spatial Planning and the Environment for a project to professionalize the European Environmental Law website - EEL ([www.eel.nl](http://www.eel.nl)). The project entails, *inter alia*, the strengthening of the Editorial Board, expanding the existing network of correspondents in Austria, Belgium, Czech Republic, Germany, Finland, Hungary, Italy, Netherlands, Spain, United Kingdom and Russia with correspondents in the other EU Member States and Candidate Countries and Environment for Europe countries, a revision of the EEL News Service and the preparation of a multi-annual action plan for the EEL-website. The editorial team of the EEL-website includes Jens Hamer (Europäische Rechts Akademie ERA, Trier, Germany) and Wybe Th. Douma (T.M.C. Asser Instituut) (Editors) and Ms. Pamela van der Goot and Ms. Daria Ratsiborinskaya (Assistants to the editors).
- *The Hague Legal Capital Portal / Peace and Justice Portal*  
The Hague Academic Coalition (HAC) and the Municipality of The Hague were awarded a grant under the ANSWER programme of the EU for a project to further develop the *Hague Legal Capital Portal* ([www.thehaguelegalcapital.nl](http://www.thehaguelegalcapital.nl)). Based on the recommendations made in the business plan for the portal which was presented to the Hague Academic Coalition (HAC) at the end of 2003, the project foresees, *inter alia*, in the strengthening of the editorial board of the portal in order to expand the present portal into an authoritative source and knowledge centre in the field of peace and justice. Prof. Dr. H. Post of the University of Bologna was appointed in October as Editor-in-Chief. He will be assisted for the duration of the project by two part-time editors and a webmaster. On behalf of the HAC, the Institute is – together with the Municipality of The Hague - responsible for the management of the project. The ANSWER project will end in December 2005.
- *Sports law portal*  
The [www.sportslaw.nl](http://www.sportslaw.nl) website is the community organizing tool for the ASSER International Sports Law Centre. The website has been substantially enriched with researched information and sports law documentation. The completely revised website was launched on the 1<sup>st</sup> of October 2004 in the framework of the EU financed project on

Football hooliganism. Marco van der Harst and Julien Simon participated in this project for the development of the new website. The site also serves as a source of documentary information supplementary to publications and reports originating from the sports law section.

- *Asser Press*  
Within the framework of her studies a trainee of the Hague University of Professional Education prepared some recommendations and proposals for the revision of the design of the website of the TMC Asser Press.
- *Nederlandse Vereniging voor Internationaal Recht (NVIR)*  
In its capacity of community organiser the Institute gladly agreed to the request of the Nederlandse Vereniging voor Internationaal Recht (NVIR) to facilitate and host their newly developed website [nvir.org/nvir.net](http://nvir.org/nvir.net). On behalf of the Association the domains were registered and hosted.

### **5.5 European Arrest Warrant project**

In October 2002 Judge Robert Blekxtoon, then President of the Extradition Division, District Court of Amsterdam took the initiative to publish a Handbook on the Framework Decision on the European Arrest Warrant (EAW) and surrender procedures in the Member States which had been formally adopted earlier that year. It was clear from the very beginning that the *Handbook on the European Arrest Warrant* (TMC Asser Press, 2004) could create opportunities for a much wider practice-oriented documentation, research and publication project on the implementation of the EAW and the application of the surrender procedures in the Member States. A team consisting of Philip van Tongeren, publisher TMC Asser Press, Julien Simon (I&I), and Wouter van Ballegooij (researcher European Law) together with Judge Blekxtoon prepared a concept for a project and a grant application was filed by the Institute under the AGIS programme (2004) of the European Commission.

The grant was awarded in June to the T.M.C. Asser Instituut, as the principal partner of an international consortium. The partners in this consortium include the Amsterdam Centre for International Law (University of Amsterdam), the Centre of Information Services for MPs of the National Library of Estonia, the European Criminal Bar Association (ECBA), the Faculty of Law of the University of Lund (Sweden), JUSTICE (London), the Max Planck Institute (Freiburg), the Ministry of Justice of Romania and the T.M.C. Asser Instituut (The Hague). Eurojust and the International Association of Prosecutors (IAP) have supported the project from the moment of conceptualisation.

The general objective of the project is to promote the uniform and transparent implementation of the EAW by forming an international network of experts, legal practitioners, researchers, and regional and national correspondents and stimulating the exchange of information and research. It is expected that this network will produce peer-reviewed commentaries and documentation on the EAW, including its implementation in the Member States, national case law and articles based on (comparative) research. An English-language Internet site <[www.eurowarrant.net](http://www.eurowarrant.net)> will be open to the public with general information about the Framework Decision and the European Arrest Warrant Project. Additionally, an English language, database-based extranet will be developed, as an integral part of the website, where up-to-date and practical information can be accessed. The EAW-project officially started on October 1<sup>st</sup> and will take two years. A project kick-off meeting with all consortium partners was held on December 13 in The Hague to discuss the basic concepts of the project, the project organisation, reporting procedures, communications and the concept research plan. A Steering Committee was formed, as well as a provisional Research Team. Judge Blekxtoon will operate as the key expert in the project. Responsible for the overall project coordination and project results is Jan de Jongh of the T.M.C. Asser Instituut.

The project results will include:

- Network of legal practitioners and academics
- Website with general information on the project and public information
- Website providing up-to-date on-line and peer-reviewed information on national implementation and application
- Discussion forum and e-mail service
- Frequently Asked Questions database
- Research information, best practices, publications, etc.
- International EAW Conference (2006)
- Expert meetings and training seminars

### **5.6 Student readers**

In consultation with the Dutch universities a revised edition has been prepared by Bart Jan van het Kaar of the student-reader *Internationaal Privaatrecht rechtspraak 1866-2004* [Dutch Case law in Private International Law] published by Ars Aequi Libri.

### **5.7 ICT-infrastructure**

The Institute renewed its servers and migrated from the MS Windows 2000 platform to MS Windows 2003. Anti-virus protection and spam control requiring more and more attention and resources, the security of the network has been enhanced in cooperation with the Informatiseringscentrum of the UvA (IC-UvA) and TdV Automatisering.

A first version of the Asser Content Management System was completed and put into operation in April 2004. A trainee/young professional was involved in the development of this content management system (CMS). New technologies, like SQL and ASP scripting, were adopted to facilitate further developments in the field of relational databases.

### **5.8 Other**

At the request of the Ministry of Defence the internal publications of the Ministry on relevant international treaties of public international law and international humanitarian law were revised and updated.

Within the framework of two EU sponsored projects Jan de Jongh was involved as key expert on documentation, i.e.:

1. Establishing a National Institute of Public Administration in Romania (June 2003 – January 2005)

On request of a the consortium of the Ecole Nationale d'Administration (National School of Public Administration) (ENA, France), the National Institute of Public Administration (Portugal), the Academy of the Federation of German Civil Servants, SchlumbergerSema and VNG International a Knowledge and Information Centre was set-up at the Institutul National de Administratie, Romania.

2. Training of Judges and Prosecutors in EU Law (February 2004 - May 2004)

Within the framework of a twinning project carried out by the German government a feasibility study was carried out concerning a documentation centre of the future training centres for the Judiciary and Prosecution Offices. A study tour was organised to The Hague for two members of staff of the Office of the National Council of Justice (ONCJ) and the Office of the Prosecutor General (OPG).

## 6. EDUCATION AND TRAINING

### 6.1 ASSER COLLEGE EUROPE (ACE)

Asser College Europe is the result of a cooperation scheme between the T.M.C. Asser Instituut and academic institutions in Central and Eastern Europe.

#### Participating Institutions in 2004

- Belarussian State University, International Law Department, Minsk, Republic of Belarus, (Dr. U.A. Astapenka)
- Central European University, Legal Studies Department, Budapest, Hungary, (Prof. Dr. T. Varady)
- University of Bucharest, Faculty of Law Bucharest, Romania (Prof. Dr. I.A. Motoc)
- Eötvös Loránd University, School of Law, Civil Law Department, Budapest, Hungary, (Prof. Dr. L. Vékás)
- T.M.C. Asser Instituut, The Hague, The Netherlands, (Prof. Dr. F.A. Nelissen)
- A. Mickiewicz University, Faculty of Law, Poznan, Poland, (Prof. Dr. M. Kepinski)
- University of Sofia, Faculty of Law, Sofia, Bulgaria (Prof. Dr. R. Tashev)
- University of West Bohemia, Law Faculty, Pilzen, Czech Republic, (Prof. Dr. V. Balas)
- University of Zagreb, Institute for International and Comparative Law, Zagreb, Croatia, (Prof. Dr. K. Sajko)

The scheme is aimed at improving education, research and information in the field of International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organisation and International Commercial Arbitration. It further seeks to achieve conditions for the favourable development of international legal science and education in the institutions of the countries involved as well as in international legal practice. The Asser College Europe Project is financially supported by the Social Transition Programme Central and Eastern Europe (Matra) of the Netherlands Ministry of Foreign Affairs (in short: Matra Programme, Netherlands Ministry of Foreign Affairs) for the period of three years: 2004-2006.

The 2004 Programme consisted of the following projects:

- 6.1.1 Postgraduate course in International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organisation and International Commercial Arbitration
- 6.1.2 The postgraduate research project
- 6.1.3 Hennie Blackford Fellowship
- 6.1.4 The training course for legal information specialists
- 6.1.5 Alumni Day

#### **6.1.1 The postgraduate course in International Trade and Business Law, including the Law of the European Union, the Law of the World Trade Organisation and International Commercial Arbitration**

The postgraduate course of five months' duration (February - June) was divided into four modules. They consisted of lectures, projects, assignments, working groups and excursions to relevant organisations and institutions in the Netherlands and in Brussels/Luxembourg.

- Module A (7 weeks) dealt with institutional, substantive European Law and external relations: the structure and the principles of the EU legal order, instruments and decision-making, judicial protection, protection of human rights, the internal market and its freedoms, competition law, state aids and anti-dumping legislation, intellectual



property law, employment law and social policy, external economic relations, cooperation in the Third Pillar, police and judicial cooperation in criminal matters, impact of enlargement on the EU and EC environmental law.

- Module B (2 weeks) dealt with the GATS and the WTO, TRIPS, SPS and TBT Agreement, Government procurement agreement, environmental protection, the Doha Ministerial Conference and dispute settlement.
- Module C (5 weeks) dealt with International Commercial Arbitration. The following topics were covered in this module: the Procedural Framework and Sources, German Arbitration Law, Applicable Law, Arbitrability and Public Policy, Alternative Dispute Resolution, Establishment and Organisation the Arbitral Tribunal, Powers, Duties and Jurisdiction of Arbitrators, Conduct of Arbitral Proceedings, Challenge, Recognition and Enforcement of Arbitral Awards.
- Module D (6 weeks) dealt with Capita Selecta of International Trade and Business Law. Attention was paid to International Business Contracts, Company Law, Contract Drafting, Conflicts of Law in Product Liability, Insolvency, and International Civil Procedure.

#### *Teaching staff*

Lecturers from the T.M.C. Asser Instituut, academic institutions, ministries, private enterprises etc. taught the courses. In 2004 the lecturers not only came from the law faculties of several Dutch universities (Amsterdam, Groningen, Maastricht, Rotterdam, Tilburg and Utrecht) but also from universities abroad (Cologne, Kent and Nottingham).

Furthermore, legal practitioners from a wide range of Dutch and foreign institutions and law firms (several ministries, ABN AMRO Bank, A.D.R. Institute, Allen & Overy, Arnold Siedsma, Baker & McKenzie, Clifford Chance, De Brauw Blackstone Westbroek, Essex Court Chambers, European Commission, Klegal, Legal English Services Company, Nauta Dutilh, Reti, Szegheo & Partners, Storme Leroy van Parijs, World Trade Organisation) participated in the teaching activities.

#### **Participants**

- Lina Aleknaite, Lithuania
- Aliaksej Anishchanka, Belarus
- Hrvoje Bardek, Croatia
- Ioana Calin, Romania
- Ghenadie Cretu, Romania
- Zuzana Fastnerova, Czech Republic
- Ida Filoniuk, Poland
- Sandra Fiser, Serbia & Montenegro
- Eleonora Gerasimchuk, Russia
- Nathalia Hrin, Belarus
- Károly Kiss, Hungary
- Aleksandra Michalik, Poland
- Perica Miović, Croatia
- Srdjana Petronijevic, Serbia & Montenegro
- Gianina Popescu, Romania
- Marianna Svobodova, Czech Republic
- Irisz Szel, Hungary
- Derya Tarman, Turkey
- Delyana Tomova, Bulgaria
- Teodora Tsenova, Bulgaria



Participants in the Postgraduate course in International Trade and Business Law studying in the library of the T.M.C. Asser Instituut.

### **6.1.2 The postgraduate research project**

The postgraduate research project provides grants for individual research in the fields of law covered by the ACE scheme at the T.M.C. Asser Instituut in The Hague. The maximum length of stay is three months. In exceptional cases this period may be limited to a period of a minimum of two months. The T.M.C. Asser Instituut provides all the necessary facilities, including academic consultation and monitoring. Candidates for the research project should have a few years of professional experience and must submit a detailed research proposal together with their application. Researchers are required to present a written contribution at the end of their stay at the Institute. Researchers were allocated a personal tutor during their stay at the T.M.C. Asser Instituut.

During the year 2004 fourteen researchers stayed at the Institute:

## Participants

- Ghenadie Cretu (Romania), period: July 1<sup>st</sup> – September 30<sup>th</sup>, 2004; personal tutor: Michiel de Rooij; subject: ‘Securing performance and payment in Project Finance – infrastructure construction contracts ‘.
- Aliaksandr Danilevich (Belarus), period: January 1<sup>st</sup> – March 31<sup>st</sup>, 2004; personal tutor: Rob Siekmann; subject: ‘Basics of Sports Law ‘.
- Mihail Danov (Bulgaria), period: October 1<sup>st</sup> – December 24<sup>th</sup>, 2004; personal tutor: Vesna Lazic; subject: ‘Jurisdiction of Courts and Jurisdiction of Arbitral Tribunals in Competition Cases within the European Union‘.
- Erzsebet Fitori (Hungary), period: September 1<sup>st</sup> – November 30<sup>th</sup>, 2004; personal tutor: Wybe Douma; subject: ‘The reality of the European Internal Market – the gap between aims and facts.
- Isil Gul (Turkey), period: October 1<sup>st</sup> – December 24<sup>th</sup>, 2004; personal tutor: Wybe Douma; subject: ‘Public International Law and WTO Dispute Settlement‘.
- Dimitri Labine (Russia), period: October 1<sup>st</sup> – December 24<sup>th</sup>, 2004; personal tutor: Bert Bartnhoorn; subject: ‘International law and World Economic Order ‘.
- Vyacheslav Manukyan (Ukraine), period: October 1<sup>st</sup> – December 24<sup>th</sup>, 2004; personal tutor: Maria Nybondas; subject: ‘International Criminal Law, the Rome Statute and Constitutionalism: Limiting Constitutions? ‘.
- Veronica Outla (Czech Republic), period: January 1<sup>st</sup> – March 31<sup>st</sup>, 2004; personal tutor: Steven Blockmans; subject: ‘Protection of Human Rights in the system of the European Union ‘.
- Mihailo Papazoglu (Serbia), period: October 1<sup>st</sup> – December 24<sup>th</sup>, 2004; personal tutor: Adam Lazowski; subject ‘Approximation of Serbian Competition Legislation to EC Law ‘.
- Konstantin Pehlivanov (Bulgaria), period: April 1<sup>st</sup> – June 30<sup>th</sup>, 2004; personal tutor: Wouter van Ballegooij; subject: ‘Administrative Intervention on behalf of the Consumer’s Safety ‘.
- Tamara Perisin (Croatia), period: April 1<sup>st</sup> – June 30<sup>th</sup>, 2004; personal tutor: Adam Lazowski; subject: ‘Non-pecuniary restrictions on free movement of goods in the EU and the WTO ‘.
- Antanas Sabanas (Lithuania), period: September 1<sup>st</sup> – November 30<sup>th</sup>, 2004; personal tutor: Michiel de Rooij; subject: ‘Europeanization of private law – on possible ways of harmonisation ‘.
- Martin Sokolowski (Poland), period: April 1<sup>st</sup> – June 30<sup>th</sup>, 2004; personal tutor: Guus Schmidt; subject: ‘The major problems in application of the EEIG into the Polish Company Law ‘.
- Nina Tepes (Croatia), period: April 1<sup>st</sup> – June 30<sup>th</sup>, 2004; personal tutor: Vesna Lazic; subject: ‘Law applicable to International Product Liability ‘.

### 6.1.3 Hennie Blackford Fellowship

In memory of Hennie Blackford, who was for many years the person responsible for Asser College Europe and who in 2003 passed away, the Hennie Blackford Fellowship was founded with support from family, friends, alumni of ACE and staff of the T.M.C. Asser Instituut, as well as a grant of the Matra Programme. This allows Asser College Europe to provide for at least the three next years each year one fellowship for a student of the Central European University in Budapest to follow the 5 months Postgraduate Course as well as a the three months postgraduate research project, leading to a masters degree at the CEU. In 2004, the first Hennie Blackford Fellow was Ghenadie Cretu from Romania, who performed as best student at the postgraduate course, and did his research project in the

period July 1<sup>st</sup> – September 30<sup>th</sup>, 2004, with as personal tutor: Michiel de Rooij, and as subject: ‘Securing performance and payment in Project Finance – infrastructure construction contracts ‘.

#### **6.1.4 Training Course for Legal Information Specialists**

The training course of three weeks’ duration in October was provided for law librarians and legal documentalists from the participating and other academic institutions and from various specialized information centres on European Union law.

The purposes of the course were:

- a. improving the participants’ knowledge of European Union law, policies and documentation;
- b. improving their skills in using international legal materials in general; and,
- c. improving their skills and knowledge of disseminating information to various target groups and in various ways.

To these ends, the curriculum included lectures, demonstrations, hands-on sessions and practice-oriented exercises on European law, policies and documentation, documentation of other international organisations, the use of databases, information management, content management and knowledge transfer.

Excursions to selected institutions were an integral part of the course (the Peace Palace Library, the Dutch office of the European Commission, the Central Information Department of the Dutch Parliament and, in Luxemburg, the Publications Office and the Court of Justice).

#### *Teaching staff*

The course was taught by the staff of the I&I department and researchers of the T.M.C. Asser Instituut, guest lectures were given by Ms. Selma Hinderdael of the EU Liaison Office and Ms. Saskia Bal of the Netherlands Institute of Human Rights, and other contributions were given by the hosts at the visited Institutions.

#### **Participants**

- Ms. E. Dalos, Hungary
- Ms. T. Dimitrova, Bulgaria
- Mr. L. Dobos, Hungary
- Ms. M. Harachová, Slovak Republic
- Ms. L. Laube, Poland
- Ms. M. Meriheiu, Estonia
- Ms. I. Molnarova, Slovak Republic
- Ms. H. Peycheva, Bulgaria
- Ms. E. Popova, Bulgaria
- Ms. A. Slavic, Croatia
- Ms. A. Verro, Estonia

#### **6.1.4 ACE Alumni Day**

On 19-20 November ACE organised in Prague the second overall ACE Alumni Day at the Ibis Smichov Hotel. By way of our database of alumni, the participants in the three different ACE programmes over the past 15 years have been invited to take part in this event. A total of 70 alumni and external guests took part in the two days programme.

The Alumni Day consisted of a seminar on Friday 19 November, followed by a reception, and a social event on Saturday 20 November, followed by an ‘Alumni dinner ‘.

The theme of the seminar was: ‘Private International Law and Arbitration in the Enlarged European Union ‘.

Apart from several members of the ACE Steering Committee and employees of the T.M.C. Asser Instituut (Frans Nelissen, Bart-Jan van het Kaar, Vesna Lazic, Guus Schmidt and Jaap

van de Velden), some guest speakers contributed to the seminar: Prof. Martin Hunter (Essex Court Chambers and lecturer ACE, module C), Dr. B. Klein (Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic), Dr. Jernej Sekolec (UNCITRAL) and Dr. Alexei N. Zhiltsov (Research Centre for Private Law at the Office of the President of the Russian Federation, former ACE participant).

On Saturday the social event started with a visit to the Strahov Monastery, where Ms. Lenka Pítrová of the Parliamentary Institute of the Czech Republic held a presentation on the practical problems in connection with the transposition and the implementation of EU law in the Czech Republic. This presentation was followed by a tour through the Monastery and its library and by a lunch at the restaurant of the Monastery. The afternoon was spent individually in Prague and the Alumni Day ended with an Alumni Dinner.

## 6.2. HAGUE FORUM FOR JUDICIAL EXPERTISE

In the fall of 2004, the Dutch Council for the Judiciary and the Hague Academic Coalition (HAC) agreed upon a subsidy of 1 million euro for the period 2005-2007 by the council to the HAC to set up an international training facility for judges, to be executed on behalf of the HAC by the T.M.C. Asser Instituut. In addition, the Ministry of Foreign Affairs provided a sum of € 200.000 to the HAC to execute 3 modules international criminal law in 2005. The name of this new facility is the *Hague Forum for Judicial Expertise*. The Forum will start its operations in 2005. Hans de Wit, Senior Policy Advisor, will become the Director of the Forum. Tanya Mehra, researcher at the Asser Instituut, and Janna van der Meulen of the Institute of Social Studies as well as a new administrative staff member will complete the team that will coordinate the Forum.

### 6.2.1. Objectives of the Forum

In 2004 the HAC has launched the *Hague Forum for Judicial Expertise*. This training facility allows judges and magistrates in the world to upgrade their knowledge and expertise in international law. The aim is to provide national judges a firm grounding in international law and an insight to the interaction between international and national law.

The internationalisation of law and the establishments of international tribunals have profoundly changed the legal landscape. Nowadays national courts are more and more confronted with international aspects in their daily work. States are party to a large number of treaties and have the duty to implement the international rules into domestic legal systems. National courts play an important role in this process. Through the application of international law national judges cannot only improve compliance with and enforcement of international law but also contribute to the development of international law. International law has changed rapidly in the last few decades and continues to develop which one of the reasons why there is a lack of application of international law at national level. The main objective of the *Hague Forum for Judicial Expertise* is to assist national courts in the application of international law. Specialized modules on international law should enable national judges to meet the challenges they face nowadays in their work.

### 6.2.2. The Forum Programme Format

The *Hague Forum for Judicial Expertise* will organise short modules in the different branches of international law, such as international criminal law, international private law, arbitration, communitarian law, and court management. Judicial concepts and good governance are included in the modules as part of the training.

The modules will consist of lectures, and visits to relevant international organisations in The Hague, where the participants will have the opportunity to exchange thoughts with the judges staff.

The participants will come from different countries but in general with a regional concentration and a common legal background. In general, the modules take 1-2 weeks.

The centre will also develop tailor-made courses meeting the specific needs of judges. The Modules will be given in The Hague but can also be organised in other parts of the world.

### 6.3. OTHER COURSES

#### **6.3.1. Specialized Training Programme for Diplomats on the ICC**

On 18, 19 and 20 March 2004 the T.M.C. Asser Instituut and the Grotius Centre for International Legal Studies (Leiden University) organised for the second time a Training Programme for Diplomats and Embassy Staff on 'The International Criminal Court from States' Perspective'. The course was jointly developed by Dr. Avril McDonald (T.M.C. Asser Instituut) and Dr. Roelof Haveman (Grotius Centre).

This time the training programme took place at the Grotius Centre for International Legal Studies. There were 7 participants in total, 6 of whom represented embassies in The Hague (United Arab Emirates, Republic of Korea, and Italy), Berlin (Sudan) and London (Sudan, Honduras) and one representative from NATO.

#### **6.3.2. Summer Course Human Rights**

From 23 – 27 August 2004 the School of Human Rights Research of the University of Utrecht, in which the T.M.C. Asser Instituut participates, together with the Catholic University of Leuven (Belgium) organised the Summer Course Human Rights.

The first week of this course was organised in co-operation with the T.M.C. Asser Instituut (Dr. Olivier Ribbelink and operational support by the Education department). It included lectures at the T.M.C. Asser Instituut and visits to international institutions in The Hague. The second week of the course was held in Leuven with visits to Strasbourg and Brussels. There were 28 participants.

## **7. EVENTS: CONGRESSES, SEMINARS AND ACADEMIC MEETINGS**

- *Philip C. Jessup International Law Moot Court Competition 2004*

In the year 2004, four Dutch teams, representing the University of Amsterdam, Maastricht University, Utrecht University and Tilburg University, entered this yearly competition. The National Rounds were held on the 14<sup>th</sup> February 2004 at the Academy Building of the Peace Palace, The Hague. The organisation of the National Rounds is in the hands of the T.M.C. Asser Instituut in co-operation with the Jessup Organizing Committee, which consists of representatives of the various Dutch Law faculties.

The team from the University of Amsterdam won the Dutch National Rounds. The prize for the Best Memorials went to the University of Amsterdam. The awards for Best Oralists were given to Eveline Hertzberger (Utrecht) and Cassandra Steer (Amsterdam). The team of the University of Amsterdam represented The Netherlands on 29 March – 3 April 2004 at the International Rounds in Washington, D.C., USA. The results of the Jessup 2004 Competition are available on: [www.ilsa.org](http://www.ilsa.org).

- On 4 March a seminar was organised in cooperation with Clifford Chance. The theme of the day was 'Corporate Liability under Public International Law - A seminar on the enforcement of corporate responsibility under international law in domestic courts in The Netherlands and the United States'. There were 40 participants.

- On 18, 19 and 20 March 2004 the T.M.C. Asser Instituut and the Grotius Centre for International Legal Studies (Leiden University) organised for the second time a Training Programme for Diplomats and Embassy Staff on *The International Criminal Court from States' Perspective*. The course was jointly developed by Dr. Avril McDonald (Asser Instituut) and Dr. Roelof Haveman (Grotius Centre).

This time the training programme took place at the Grotius Centre for International Legal Studies. There were 7 participants in total, 6 of whom represented embassies in The Hague (United Arab Emirates, Republic of Korea, Italy, Berlin (Sudan) and London (Sudan, Honduras) and one representative from NATO.

- On 25, 26 and 27 March 2004 the first conference in the 'From Peace to Justice' conference series of the Hague Academic Coalition was held at the Academy Building of the Peace Palace, The Hague. Subject of this first conference was *International Law, Negotiations and International Development*. There were 160 participants. A written impression of this first conference by the Hague Academic Coalition will be published early 2005.
- On 5 April 2004 Tia Jense van Rensburg and Dr. Steve Cornelius of the University of Johannesburg, South Africa, held a guest lecture about *Gender Discrimination in Sport*. There were 20 participants.
- On 6 May 2004 the Third Asser-Clingendael International Sports Lecture was organised on *Brazil: Football, Culture and National Identity*. The lecture was organised and co-chaired by Dr. Robert Siekmann and Mr. Roberto Branco Martins of the T.M.C. Asser Instituut.
- On 12 May 2004 Mr. Marjan Olfers held a lecture about *Competition Law and Sport: a Comparison between the United States of America and Europe*. This lecture was held within the framework of the Summer School Sport Management of the Sport Centre of Virginia Commonwealth University, Richmond, USA.
- On 13, 14 and 15 October 2004 the 34<sup>th</sup> Session of the Asser Instituut Colloquium on European Law, entitled *The EU Constitution: The Best Way Forward?*, was held at the Steigenberger Kurhaus Hotel, The Hague. The event was preceded by the final conference of the Matra Multi-Country project *The Hopes and Fears of New Member States and (pre)Candidate Countries*. There were 45 speakers and 190 participants. The proceedings of the 34<sup>th</sup> colloquium will be published by T.M.C. Asser Press in the course of 2005.
- On 25 and 26 October Dr. Avril McDonald organised together with Jelena Pejic of the International Committee of the Red Cross, an expert meeting on *The Notion of Direct Participation in Hostilities under International Humanitarian Law*. 50 participants attended this meeting which was held at the Netherlands Congress Centre, The Hague.
- On 4 November 2004 a second seminar was organised in cooperation with Clifford Chance. The seminar was entitled *The Protection of Privileges and Immunities in the Netherlands* and was held at the Asser Instituut. There were 75 participants.
- On 11 November 2004 a seminar on public procurement was organised in cooperation with the Netherlands Ministry of the Interior and Kingdom Relations, Corvers Procurement Services B.V. and the bureau Europe Decentraal. The seminar, entitled *Rechtmatigheid en (Europees) aanbesteden* was held in the Jaarbeurs convention centre in Utrecht. There were 440 participants and 9 speakers, Dr. Adam Lazowski (senior researcher at the EU-law section of the T.M.C. Asser Instituut) being one of the speakers.
- On 19 November 2004 the Fourth Asser-Clingendael International Sports lecture was organised. The topic was *Sport and Development Cooperation from the UN Perspective / The Netherlands-Surinam Case*. Speakers were Mr. Adolf Ogi, Former President of Switzerland and Special Adviser on Sport for Development and Peace to UN Secretary-General, Humberto Tan, anchorman of NOS Studio Sport, Diederik Samwel, journalist and Will van Rhee, Royal Dutch Football Association (KNVB). The session was chaired by Dr. Robert Siekmann of the T.M.C. Asser Instituut.
- On 26 and 27 November 2004 the T.M.C. Asser Instituut and the Grotius Centre for International Legal Studies (Leiden University) organised an Expert Meeting for NWO-SCIL entitled *State Cooperation during the stage of investigations: the implementation of the Rome Statute and other mechanisms*. The meeting was chaired by Chantal Joubert. There were 25 participants.
- On 30 November 2004 a seminar was organised in cooperation with CMS Derks Star Busmann, Utrecht, on *Sports Legislation and Football Act: The Netherlands, England and Europe: Using Special Legislation to Combat Football Hooliganism*.



- On 2 December 2004, the fourth Asser International Sports Law Lecture was organised. The topic was *European Sports Law – a Comparative Analysis of the European and American Models of Sport*. The speaker was Dr. Lars Halgreen, Partner, Johan Schlüter, Copenhagen and Professor in International Sports Law, University of Copenhagen.
- On 7 December 2004 the Nobel Peace Prize Lecture 2004 was organised in cooperation with the Embassy of Norway. Mrs. Eva Joly held a lecture about *The Fight against Corruption – where are we now?* There were 65 participants. Due to the demise of H.R.H. Prince Bernhard, the traditional reception at the Norwegian ambassador's residence was cancelled.



Nobel Price Lecture by Mrs. Eva Joly in the presence of the Ambassador of Norway H.E. Mr. K. Bryn, chaired by Prof. Dr. Frans A. Nelissen, T.M.C. Asser Instituut, 7 December 2004.

## 8. T.M.C. ASSER PRESS

### 8.1 General

The year 2004 was an extremely busy year for T.M.C. Asser Press, not only entering the first year with our new marketing, sales and distribution partner Cambridge University Press, but also with the launch of the new journal *European Constitutional Law Review* and the publication of the record number of 22 new book titles and 12 journal issues. A number of successful English language publications were reprinted.

The transition to Cambridge University Press went smoothly, but was, of course, accompanied by extra start up activities and teething troubles which had not all been overcome at the close of the year. Cambridge has shown that they consider us as true partner and have started positioning us in the market place. They are fully committed to our list, by giving the same marketing and sales attention to our publications as they give to their own.

The year was also marked by the first time on-line publication of our *Netherlands International Law Review (NILR)* and the *European Business Organisational Law Review (EBOR)* through Cambridge Journals Online (CJO). An added benefit of this on-line service is that our journals are now also available through various consortium deals to libraries worldwide, which will greatly enhance their visibility.



The Dutch-language publications are continued to be distributed by Boom Distributiecentrum.

For an overview of the 2004 publications, see the *List of Publications* below. The following titles, published in 2004, deserve special mention:

- *Handbook on the European Arrest Warrant*, edited by Judge Blekxtoon, which laid the foundation for a pan-European European Arrest Warrant project by the T.M.C. Asser Instituut and its consortium partners, which has received a substantial grant under the EC AGIS programme.
  - Two volumes of the *NYIL* were published (2002 and 2003) which brings the Yearbook almost back to schedule.
  - *The European Union: An On-going Process of Integration*, a *Liber Amicorum* dedicated to Alfred Kellermann, edited by J.W. de Zwaan, J. Jans, F. Nelissen and S. Blockmans.
  - Three new volumes appeared in the IT&Law Series, which is co-published with the Netherlands Organisation for Scientific Research (NWO):
    1. *IT Support of the Judiciary: Australia, Singapore, Venezuela, Norway, the Netherlands and Italy* (Volume 4: edited by A. Oskamp et al.)
    2. *Electronic Signatures: Authentication Technology from a Legal Perspective* (Volume 5: authored by M.H.M. Schellekens)
    3. *Virtual Arguments: On the Design of Argument Assistants for Lawyers and Other Arguers* (Volume 6: authored by B. Verheij)
  - *The Consolidated Asylum and Migration Acquis: The EU Directives in an Expanded Europe*, the sixth publication of Peter J. van Krieken with T.M.C. Asser Press.
  - *Civil Society, International Courts and Compliance Bodies*, editors T. Treves et al., was published in collaboration with the London-New York Project on International Courts and Tribunals (PICT).
  - *From Government to Governance: The Growing Impact of Non-State Actors on the International and European Legal System*, Proceedings of the 2003 Joint Conference on Contemporary Issues of International Law, under the auspices of the American Society of International Law, the Netherlands Society of International Law, and the T.M.C. Asser Instituut, edited by Wybo Heere.
  - The new journal *European Constitutional Law Review (EuConst)* was launched in October of 2004 at the Asser Colloquium on European Law, 'The EU Constitution; the best way forward?' The journal is a joint effort with the HOGENDORPcentre of the University of Amsterdam, under the editorship of W.T. (Tom) Eijsbouts, assisted by a team of experts. The first issue was presented to former Vice-Premier Thom de Graaff at the Colloquium and subsequently to former French President Giscard d'Estaing in Italy.
- In addition, three Dutch language publications were published; among them *De Nationaliteit in Internationaal en Europees Perspectief*, Preadviezen of the Netherlands Society of International Law (NVIR).



The presentation of the first issue of the new journal *European Constitutional Law Review* to the Vice Prime-Minister Mr. T. de Graaff by the editor-in-chief Prof. Tom Eijsbouts, 14 October 2004.

## 8.2 Preview 2005

The year 2004 also marked the development of the new *Permanent Court of Arbitration Award Series*, which was started, in collaboration with the Permanent Court of Arbitration. Its first volume, *Eritrea-Yemen*, is scheduled for an early 2005 publication.

Another important title in development for a 2005 publication date is *Principles of International Criminal Law* by Gerhard Werle (Humboldt-Universität zu Berlin), which will be appear both in hardcover and paperback.

In 2005 T.M.C. Asser Press will launch the Hague Academic Press, a new imprint under which the publications of the Hague Institute for the Internationalisation of Law (HIIL) and the Hague Academic Coalition will appear.

More information about the T.M.C. Asser Press publications can be found on its website: [www.asserpress.nl](http://www.asserpress.nl)

## 8.3 Publications and other productions T.M.C. Asser Press

- *Netherlands International Law Review - Volume LI - 2004*  
Editor-in-Chief: P. Vlas  
ISSN 0165-070X; 3 issues  
Online ISSN 1741-6191  
A publication in co-operation with the T.M.C. Asser Instituut
- *European Business Organisation Law Review (EBOR) - Volume 5 - 2004*  
Editor-in-Chief: R. Kulms  
ISSN 1566-7529; 4 issues  
Online ISSN 1741-6205  
A publication in co-operation with the T.M.C. Asser Instituut
- *Nederlands Internationaal Privaatrecht - NIPR - Volume 22 - 2004*  
Eds.: A.P.M.J. Vonken et al.  
ISSN 0167-7594; 4 issues  
A publication in co-operation with the T.M.C. Asser Instituut
- *European Constitutional Law Review – EuConst – Volume 1 – 2005 (issue 1)*  
Eds.: W.T. Eijsbouts et al.  
ISSN 1574-0196; 3 issues  
Online ISSN 1744-5515  
A publication in co-operation with the G.K. VAN HOGENDORPcentre for European Constitutional Studies, University of Amsterdam
- *Yearbook of International Humanitarian Law - Volume 4 - 2001*  
Editor-in-Chief: H. Fischer  
ISBN 90-6704-169-6 / ISSN 1389-1359; 865 pages, hardcover  
A publication in co-operation with the T.M.C. Asser Instituut
- *Netherlands Yearbook of International Law (NYIL) - Volume XXXIII - 2002*  
General Editors: N.M. Blokker and N.J. Schrijver  
ISBN 90-6704-170-X / ISSN 0167-6768; 492 pages, hardcover  
A publication in co-operation with the T.M.C. Asser Instituut
- *Netherlands Yearbook of International Law (NYIL) - Volume XXXIV - 2003*  
General Editors: N.M. Blokker and N.J. Schrijver  
ISBN 90-6704-188-2 / ISSN 0167-6768; 406 pages, hardcover  
A publication in co-operation with the T.M.C. Asser Instituut
- *Intercontinental Cooperation through Private International Law: Essays in Memory of Peter E. Nygh*  
Eds.: T. Einhorn and K. Siehr  
ISBN 90-6704-178-5; 509 pages; hardcover  
A publication in co-operation with the T.M.C. Asser Instituut

- *Handbook on the European Arrest Warrant*  
Judge R. Blekxtoon – Editor-in-Chief  
ISBN 90-6704-181-5; 283 pages; hardcover
- *The European Union and Conflict Prevention: Policy and legal aspects*  
Eds.: V. Kronenberger and J. Wouters  
ISBN 90-6704-171-8; 614 pages; hardcover
- *The European Union: An on-going process of integration - Liber Amicorum Alfred E. Kellermann*  
Eds.: J.W. de Zwaan, J.H. Jans, F.A. Nelissen, S. Blockmans  
ISBN 90-6704-187-4; 371 pages, hardcover
- *The European Community, the European Union and the International Law of Treaties: A comparative legal analysis of the Community and Union's external treaty-making practice*  
D.R. Verwey  
ISBN 90-6704-182-3; 320 pages; paperback
- *EU Principles on Jurisdiction and Enforcement of Judgements in Civil and Commercial Matters – according to the case law of the European Court of Justice*  
J.A. Pontier and E. Burg  
ISBN 90-6704-17304; 270 pages; hardcover
- *The European Union and Sport: Legal and policy documents*  
Eds.: R.C.R. Siekmann and J.W. Soek  
ISBN 90-6704-194-7; 921 pages; hardcover  
A publication in co-operation with the ASSER International Sports Law Centre
- *The Consolidated Asylum and Migration Acquis: The EU directives in an expanded Europe*  
Ed.: P.J. van Krieken  
ISBN 90-6704-180-7; 345 pages; paperback
- *The Concept of International Legal Personality: An inquiry into the history and theory of international law*  
J.E. Nijman  
ISBN 90-6704-183-1; 494 pages; hardcover
- *Civil Society, International Courts and Compliance Bodies*  
Eds.: T. Treves et al.  
ISBN 90-6704-186-6; 318 pages; hardcover
- *Watercourse Co-operation in Northern Europe – A model for the future*  
M. Fitzmaurice and O. Elias  
ISBN 90-6704-172-6; 220 pages; hardcover
- *Minority Protection: Standards and Reality  
Implementation of Council of Europe standards in Slovakia, Romania and Bulgaria*  
A.K. Meijknecht  
ISBN 90-6704-191-2
- *From Government to Governance: The growing impact of non-state actors on the international and European legal system*  
2003 Hague Joint Conference on Contemporary Issues of International Law  
Edited by: Wybo P. Heere  
ISBN 90-6704-177-7; 533 pp., paperback

INFORMATION TECHNOLOGY AND LAW SERIES:

- *IT Support of the Judiciary: Australia, Singapore, Venezuela, Norway, The Netherlands and Italy*  
*IT & Law Series - Volume 4*  
Eds.: A. Oskamp, A.R. Lodder, M. Apistola  
ISBN 90-6704-168-8; 158 pages, hardcover

- *Electronic Signatures: Authentication technology from a legal perspective*  
IT & Law Serie - Volume 5  
M.H.M. Schellekens  
ISBN 90-6704-174-2; 160 pagina's; hardcover
- *Virtual Arguments: On the design of argument assistants for lawyers and other arguers*  
IT & Law Serie - Volume 6  
B. Verheij  
ISBN 90-6704-162; 162 pagina's; hardcover

#### DUTCH LANGUAGE TITLES

- *Europees Burgerschap*  
*33<sup>e</sup> Zitting van het Asser Instituut Colloquium Europees Recht, gehouden september 2003*  
ISBN 90-6704-175-0; 158 pagina's; paperback  
Een uitgave onder redactie en auspiciën van het T.M.C. Asser Instituut.
- *De Nationaliteit in Internationaal en Europees Perspectief*  
*Preadviezen - Mededelingen van de Nederlandse Vereniging voor Internationaal recht -*  
Nr. 129  
F.J.A. van der Velden en G.-R. de Groot  
ISBN 90-6704-192-0; 99 pagina's; paperback
- *Verslag van de Algemene Ledenvergadering, 7 november 2003*  
Mededelingen van de Nederlandse Vereniging voor Internationaal Recht Nr. 128  
Exclusively produced for the NVIR

#### ADDITIONAL PRINTRUNS WERE PRODUCED OF THE FOLLOWING TITLES:

- *The European Union and the International Legal Order: Discord or harmony?*  
V. Kronenberger  
ISBN 90-6704-129-7; 640 pages; hardcover [first appeared in 2001]
- *Migration and International Legal Norms*  
Eds.: T.A. Aleinikoff and V. Chetail  
ISBN 90-6704-157-2; 382 pages; hardcover [first appeared in 2003]
- *Regional Trade Agreements in the GATT/WTO; Article XXIV and the Internal Trade Agreement*  
J.H. Mathis  
ISBN 90-6704-139-4; 350 pages; paperback [first appeared in 2002]
- *Elementair Internationaal Recht 2003*  
*Collegemateriaal*  
T.M.C. Asser Instituut  
ISBN 90-6704-16405; 432 pages; paperback [first appeared in 2003]
- *Arresten Institutioneel Recht 2003*  
*Collegemateriaal Europees Recht*  
T.M.C. Asser Instituut  
ISBN 90-6704-165-3; 504 pages; paperback [first appeared in 2003]
- *An Introduction to Financial Accounting*  
Exclusively produced for Clifford Chance, The Academy [first produced in 2001]

## 9. STAFF

At 31 December 2004, a total of 52 persons were employed by the T.M.C. Asser Instituut, consisting of 20 academic staff members and 32 supporting staff members, including temporary and project employees. Three persons worked for the Asser Press, three persons worked for publications, six persons worked for the Information and Information Technology department. Three employees supported the consultancy activities of the

institute, two persons supported the organisation of education and events. The rest of the supporting staff consisted of 15 persons.

In 2004 the total Full-Time Equivalent (FTE) was 43,83: 19,32 FTE academic staff and 24,51 FTE supporting staff.

In the year under review in the supporting and controlling staff were appointed: Ms. K.A. Borms, Ms. A. de la Parra and Ms. N.H.C. Versteegen.

Ms. Mechteld Rouppe van de Voort left the Academic Staff. Mr. Ishar van Herwijnen, Mrs. J.T. Mooren-Hooijmans and Ms. N.H.C. Versteegen left the supporting and controlling staff. The relevant facts and figures concerning personnel have been included in Annex 1.

## 10. GOVERNING BOARD, SCIENTIFIC COUNCIL AND SCIENTIFIC COMMISSIONS

### Governing Board

Chairman: Prof. Mr. M. Scheltema

#### Universiteit van Amsterdam

Prof. Dr. Mr. J.A. Peters

#### Radboud University of Nijmegen

Prof. Dr. C.J.H. Jansen

#### *vrije* Universiteit *amsterdam*

Prof. Mr. Dr. P. Vlas

#### Erasmus University Rotterdam

Prof. Dr. J.W. de Zwaan

#### University of Groningen

Prof. Mr. L.J.A. Damen

#### Tilburg University

Prof. Dr. Ph. Eijlander

#### Leiden University

Prof. Dr. C.J.J.M. Stolker

#### Utrecht University

Prof. Dr. A.F.M. Dorresteijn

#### Maastricht University

Prof. Dr. G. R. de Groot

### Composition of the Scientific Council

Chairman: Prof. Dr. N.J. Schrijver (*vrije Universiteit amsterdam*)

#### Universiteit van Amsterdam

Prof. Dr. P.A. Nollkaemper

Prof. Dr. J.H. Jans, Deputy Member

#### Erasmus University Rotterdam

Prof. Dr. F.J.M. De Ly

Dr. J.M.P.H. Noortmann, Deputy Member

#### University of Groningen

Prof. Dr. W.D. Verwey

Prof. Dr. L.W. Gormley, Deputy Member

#### Tilburg University

Prof. Dr. W.J.M. van Genugten

Mr. L.Th.L.G. Pellis, Deputy Member

#### Leiden University

Prof. Dr. P.J. Slot

Prof. Dr. M.V. Polak, Deputy Member

#### Utrecht University

Prof. Dr. A.H.A. Soons

Mrs. Prof. Dr. D.M. Curtin, Deputy Member

#### Maastricht University

Prof. Mr. M. Kamminga

Prof. Mr. R. de Groot, Deputy Member

#### Council of State

Mr. R.J. Hoekstra

#### University of Nijmegen

Prof. Dr. K.C. Wellens

#### T.M.C. Asser Instituut

Prof. Dr. F.A. Nelissen

Dr. O.M. Ribbelink

### Composition of the Scientific Commissions

<b>Commission on European Law</b>	<b>Commission on Private International Law</b>	<b>Commission on Public International Law</b>
Chairman: Prof. Dr. J.H. Jans, Universiteit van Amsterdam	Chairman: Prof. Mr. Dr. P. Vlas, <i>vrije</i> Universiteit <i>amsterdam</i>	Chairman: Prof. Dr. W.J.M. van Genugten, Tilburg University
Vice-Chairman: Mrs. Prof. Dr. S. Prechal, Tilburg University	Vice-Chairman: Prof. Dr. M.H. ten Wolde, University of Groningen	Vice-Chairman: Prof. Dr. C. Flinterman, Utrecht University
Secretary: Mrs. K. Swinnen-Pieters LL.M, T.M.C. Asser Instituut, The Hague	Secretary: Mr. B.J. van het Kaar, T.M.C. Asser Instituut, The Hague	Secretary: Dr. O.M. Ribbelink, T.M.C. Asser Instituut, The Hague
Members: 30	Members: 31	Members: 25

## ANNEXES

### Annex 1 Staff - Facts and Figures

#### Management and executives

General Director	F.A. Nelissen
Head Research Department	O.M. Ribbelink
Head General Support	J.G. Ouwerkerk
Senior Policy Advisor a.i.	J.W.M. de Wit
Head Information Services and Information Technologies	J.S. de Jongh
Publisher T.M.C. Asser Press	P.E. van Tongeren
Financial Controller	P. Bakker
Manager Human Resource	J.M.W. de Man-Slijpen
Senior Advisor Education	M.L. Bos-Buurman
Senior Advisor Contract Research	R.C.R. Siekmann

#### Academic Staff (WP) (alphabetical order)

		FTE *
W.F.W. van Ballegooij	European Law	1
L.A.N.M. Barnhoorn	Public International Law	1
S.F. Blockmans	European Law	1
M.L. Bos-Buurman	European Law	1
W.Th. Douma	European Law	1
M. Harinck-Olfers	European Law/International Sports Law	0.4
B.J. van het Kaar	Private International Law	1
V. Lazic	International Commercial Arbitration	0.5
A.W. Lazowski	European Law	1
A. J. M. McDonald	International Humanitarian Law	1
T. Mehra	International Humanitarian Law/Public International Law	1
F.A. Nelissen	Public International Law	1
M.L. Nybondas	International Humanitarian Law/Public International Law	1
K.F.H. Swinnen-Pieters	European Law	1
O.M. Ribbelink	Public International Law	1
M.J. de Rooij	Private International Law	1
M.B.E.G.J.M. Rouppe van de Voort (Resigned 1 June)	Private International Law	1
G.E. Schmidt	Private International Law	1
R.C.R. Siekmann	International Sports Law/ Public International Law	1
J.W. Soek	International Sports Law	1
J.A. Vos	Public International Law	1

#### Supporting and Controlling Staff (OBP)

I. van Amerongen	Manager Consultancy	0.85
A. Assoufi	Janitor	1
P. Bakker	Financial Controller	1
M.D. Barendrecht-Deelen	Project Manager Education and Events	0.6
M.H. Bastiaans	Assistant Publisher Asser Press	1

D.G. Blom	Library assistant	1
A.M. Bolweg	Assistant General Support	0.6
K.A. Borms	Project Manager Education and Events	0.8
(Appointed 13 April; resigned 31 December)		
I. van Dun-van den Bosch	Editorial Assistant	0.5
E. Gorkovoi	Librarian	1
M.A. van der Harst	Webmaster	1
I. van Herwijnen	Webmaster	1
(Resigned 1 January)		
D. de Jongh	Administrator	1
J.S. de Jongh	Head Information Services and Information Technologies	1
A.A.M. van Kersbergen	Management Assistant Research	0.75
T.N.J. Kok-Maan	Project Manager Consultancy	0.8
J.M.W. de Man-Slijpen	Manager Human Resources	0.6
J.T. Mooren-Hooijmans	Assistant Human Resources	0.475
(Resigned 1 April)		
T.J.M. Olsthoorn	Assistant Human Resources	0.6
J.G. Ouwerkerk	Head General Support	1
A. de la Parra	Project Manager Consultancy	1
(Appointed 19 October)		
K. Peters-Moes	Editorial Assistant	0.5
M.H.A. Piekaar	Executive Secretary	0.75
W.G.M. van Sas-Wildeman	Editorial Assistant	0.8
J.J.M. Simon	Content Manager	1
A.L.D. Smit	Receptionist	1
A.A.J. Straman	Printing and reproduction assistant	1
P.E. van Tongeren	Publisher Asser Press	0.85
V.P. Verkruisen	Information Specialist	1
N.H.C. Versteegen	Project Manager Consultancy	1
(Appointed 1 June – Resigned 26 October)		
L. de Vries	Project Manager Education and Events	1
A.H.C. Wessels-Voorbij	Management Assistant	0.6
J.W.H. de Wit	Senior Policy Advisor a.i.	0.4

### The Haque Academic Coalition Project employees

G. Gonzales	Project Assistant	1
(Appointed 1 November)		
H.H.G. Post	Project leader	0.47
(Appointed 15 October)		

\* Full-time equivalent

### Participants in the Asser Dissertations Programme – ADP

Name:	Supervisor(s)
Maurice Kamga	Prof. Lucius Caflisch and Prof. G. Abi-Saab (Graduate Institute of International Studies, Geneva)
Julie King	Dr. Frank Hendrickx (Tilburg University) and Dr. Robert C.R. Siekmann (T.M.C. Asser Instituut)
Mariëlle Matthee	Prof. Ellen Vos (University of Maastricht)
Rianne Letschert	Prof. W.J.M. van Genugten (Tilburg University), Prof. M. van der Stoel (Tilburg University) and Prof. Asbjørn Eide (Norwegian Institute on Human Rights).
Tamara Takacs	Prof. Dr. S. Prechal, University of Utrecht and Dr. József Petrétei, University of Pécs, Hungary.
Jaap van de Velden	Prof. M.H. ten Wolde and Prof. M.H. Wissink (University of Groningen)

### Participants in the Asser Research Fellowships Programme – ARFP

Name:	Period
Roberto Branco Martins (The Netherlands)	30 April 2003 – 1 June 2004
Jurian Langer	6 September 2004 – 1 November 2004
Marianne de Jong	since 15 November 2004



## Student Assistants and Trainees (not Asser College Europe)

Name	Period	Tutor(s)
M.A. Beernink	5 July 2004 - 1 September 2004	A.J.M. McDonald/Research
M.J.Th. Bierema	1 January 2004 - 1 April 2004	J.A. Vos/Research
K. Feenstra	1 May 2004 - 1 November 2004	S.F. Blockmans/Research
G. Gonzales	1 February 2004 - 1 May 2004	S.F. Blockmans/Research
	1 June 2004 - 1 September 2004	S.F. Blockmans/Research
	1 September 2004 - 1 November 2004	J.S. de Jongh/I&I
P.A. van der Goot	8 September 2004 - 1 April 2005	W.T. Douma/Research
N. van der Hoek	1 November 2004 - 1 April 2005	M.H. Bastiaans/Asser Press
M.A.W. Ketelaars	1 August 2003 - 1 August 2004	L.A.N.M. Barnhoorn/Research
	13 September 2004 - 26 December 2004	L.A.N.M. Barnhoorn/Research
V.N. Kirkilis	1 October 2004 - 1 January 2005	R.C.R. Siekmann/Research
T.M. Krieger	16 August 2004 - 1 February 2005	J.G. Ouwerkerk/General Support
M.A.H. Loubert	1 March 2004 - 1 July 2004	L.A.N.M. Barnhoorn/Research
H.W. Mojet	1 March 2004 - 1 July 2004	R.C.R. Siekmann/Research
A.C.M. Mulder	1 February 2004 - 1 August 2004	L.A.N.M. Barnhoorn/Research
P. Otten	1 September 2004 - 17 January 2005	A.J.M. McDonald/Research
M. Roebeling	13 September 2004 - 12 February 2005	J.S. de Jongh/I&I
R. Rootert	1 December 2004 - 1 December 2005	L.A.N.M. Barnhoorn/Research
R.P.A. Stulemeijer	16 October 2004 - 16 January 2005	R.C.R. Siekmann/Research
A. van de Wolk	1 November 2003 - 1 June 2004	R.C.R. Siekmann/Research

## Annex 2

### *Staff – Advisory and Board Functions*

#### M.H. Bastiaans

- Member of the Board (Secretary) of the ‘Stichting Juridisch Woordenboek Spaans’ (The Spanish Legal Dictionary Foundation).

#### W.Th. Douma

- Redactieraad Sdu Mail RO, Milieu en Natuur (Editorial board member for an electronic newsletter on spatial planning, environment and nature).
- Senior legal expert to the Tacis project ‘Harmonisation of environmental standards, Russia’, Moscow, January-February 2004.
- Legal expert for medical appliances company OMRON, Hoofddorp on the European WEEE Directive, April - July 2004.
- Team leader advice to Dutch Ministry of Transport on Implementation of Transport Directives (report based on country studies).

#### B.J. van het Kaar

- Secretary of the Scientific Commission on International Private Law of the T.M.C. Asser Instituut.

#### A.A.M. van Kersbergen

- Chairman of the Works-Council (Ondernemingsraad) of the T.M.C. Asser Instituut since September 2004.

#### F.A. Nelissen

- Part-time Professor in International Environmental Law, University of Groningen, The Netherlands.
- Advisor to the National Institute of Public Health and the Environment (RIVM).
- Member of the Governing Board of the Centre for International Legal Co-operation, Leiden, The Netherlands.
- Member of the Board, Nederlandse Vereniging voor Internationaal Recht (NVIR), The Hague, The Netherlands.
- Member of the Board of Directors, ‘Stichting The Hague Joint Conferences’, The Hague, The Netherlands.
- Secretary of the Nomination Committee ‘The Hague Prize for International Law’.
- Advisor to the International Commission for Impact Assessment (ICIA).
- Chairman of the Platform Kennisnetwerk Den Haag /The Hague Legal Capital Portal (a co-operation between the Chamber of Commerce The Hague, the Dutch Ministry of Justice, Municipality of The Hague,

the Clingendael Institute, the Hague Academy of International Law/Carnegie Foundation and the T.M.C. Asser Instituut).

- Vice-chairman of the Board of the Hague Academic Coalition (a co-operation between the Carnegie Foundation, the Clingendael Institute, T.M.C. Asser Instituut, Institute of Social Studies and the Grotius Centre for International Legal Studies of the University of Leiden).

M.L. Nybondas

- Member of the Editorial Board of the Newsletter of the School of Human Rights Research.

M. Olfers

- Deputy Member of the Disciplinary Commission (Doping/International Aspects), Netherlands Institute for Adjudication in Sport [Stichting Instituut Sportrechtspraak].

J.G. Ouwerkerk

- National Administrator and Member of the Organising Commission for the Dutch National Round of the Philip C. Jessup International Law Moot Court Competition.

O.M. Ribbelink

- Secretary-General, Association of Attenders and Alumni of The Hague Academy of International Law (AAA).
- Member, Board of the School of Human Rights Research.
- Member, Scientific Council of the T.M.C. Asser Instituut.
- Secretary, Scientific Commission on Public International Law of the T.M.C. Asser Instituut.
- Member, Committee on the Law of State Succession of the International Law Association (ILA).
- Member, Committee on the Space Law of the International Law Association (ILA).
- Member, Advisory Board, European Business Organisation Law Review.
- Member, Advisory Board, 'Stichting Democratie en Media'.
- Member of the Interdepartmental Consultation Group on space related issues.

M.J. de Rooij

- Assistant Secretary to the to the Netherlands Government Standing Government Committee on Private International Law.
- Chairman of the Works-Council (Ondernemingsraad) of the T.M.C. Asser Instituut till September 2004.
- Deputy-Member of the Board of Appeal (Doping), Netherlands Institute for Adjudication in Sport [Stichting Instituut Sportrechtspraak].

R.C.S. Siekmann

- Member of the Board of Appeal (Doping), Netherlands Institute for Adjudication in Sport [Stichting Instituut Sportrechtspraak].

J.W. Soek

- Member of the Disciplinary Commission (Doping/International Aspects), Netherlands Institute for Adjudication in Sport [Stichting Instituut Sportrechtspraak].

K. Swinnen-Pieters

- Secretary of the Scientific Commission on European Law of the T.M.C. Asser Instituut.

Ph. Van Tongeren

- Member, European Society of International Law.
- Member, European Union Publishers Forum.

### **Annex 3**

#### *Staff – Editorial Functions*

L.A.N.M. Barnhoorn

- Managing Editor, *Netherlands Yearbook of International Law*.

S.F. Blockmans

- Managing editor for J. de Zwaan et al (eds.), *The European Union: An On-going Process of Integration*, a *Liber Amicorum* dedicated to Alfred Kellermann, T.M.C. Asser Press 2004.

W.F.W. van Ballegooij

- Managing editor for R. Blekxtoon et al (eds.), *Handbook on the European Arrest Warrant*, The Hague, T.M.C. Asser Press 2004.
- Managing editor, *Europees burgerschap* Asser Instituut Colloquium Europees Recht, drieëndertigste zitting-2003 (Report of the Asser Instituut European Law Conference 2003, 33rd session) The Hague, T.M.C. Asser Press 2004.

#### W.Th. Douma

- Editor, *Praktijkboek milieu* (Dutch manual on environmental law).
- Editor, *Jurisprudentie milieurecht* (Dutch journal on environmental case law).
- Editor, *European Environmental Law Homepage* (an internet website: <http://www.eel.nl>) and EEL News Service (a bimonthly electronic newsletter).

#### B.J. van het Kaar

- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht – NIPR* (Netherlands Private International Law- NIPR).

#### V. Lazic

- Member of the Editorial Board, *Croatian Arbitration Yearbook*.
- Member of the Editorial Board, *European Business Organisation Law Review*.
- Correspondent, *Nederlands Tijdschrift voor Handelsrecht* [Dutch journal on commercial law].

#### A.J.M. McDonald

- Managing Editor, *Yearbook of International Humanitarian Law*.
- Correspondent (Korrespondierende Mitarbeiter), *Humanitaires Volkerrecht*.

#### F.A. Nelissen

- Co-editor, *The European Union: An On-going Process of Integration*, a *Liber Amicorum* dedicated to Alfred Kellermann, edited by J.W. de Zwaan et al (eds.) T.M.C. Asser Press, 2004.

#### M.L. Nybondas

- Assistant Managing Editor, *Yearbook of International Humanitarian Law*.

#### O.M. Ribbelink

- Editor, *Manual on Public International Law* (with N. Horbach and R. Lefeber).

#### M.J. de Rooij

- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht – NIPR* (Netherlands Private International Law- NIPR).

#### G.E. Schmidt

- Member of the Board of Editors, *European Business Organisation Law Review*.
- Member of the Board of Editors, *Nederlands Internationaal Privaatrecht (NIPR)* (Netherlands Private International Law- NIPR).
- Correspondent, *Tijdschrift voor Familie-en Jeugdrecht (FJR)*.

#### R.C.R. Siekmann

- General Editor, *International Sports Law Journal*.

#### J.W. Soek

- Deputy General Editor, *International Sports Law Journal*.

#### P. van Tongeren

- Member of the Editorial Board, The Hague Legal Capital Portal.
- Publishing Editor, *Information Technology & Law Series (IT&Law)*.

## **Annex 4**

### *Staff – Publications*

#### **A. Books**

W.Th. Douma

- *Economic aspects of environmental policy in Russia*, together with A.E. Kellermann (eds.), Moscow, January 2004.

A.W. Lazowski

- *Prawo Unii Europejskiej. Testy, kazusy, tablice* [Law of the European Union. Tests, cases and graphs], editor and co-author, published by C.H.Beck, 2<sup>nd</sup> ed., Warsaw 2004, XXII + 353 pp.
- *Prawo instytucjonalne Unii Europejskiej* [Institutional Law of the European Union], co-author (4 chapters), published by C.H.Beck, 1<sup>st</sup> ed., Warsaw 2004, XX + 415 pp.

O.M. Ribbelink

- *'Apologie du terrorisme' and 'incitement to terrorism'*, Council of Europe Publishing, Strasbourg, ISBN 92-871-5468-6.

R.C.R. Siekmann

- Editor with J.W. Soek: *The European Union and Sport: Legal and Policy Documents*, T.M.C. Asser Press, The Hague 2005, pp. 921.- Editor with Ian S. Blackshaw, *Sports Image Rights in Europe*, T.M.C. Asser Press, The Hague, pp. 419.

J.W. Soek

- Editor with R.C.R. Siekmann: *The European Union and Sport: Legal and Policy Documents*, T.M.C. Asser Press, The Hague 2005, pp. 921.

## **B. Articles**

W.F.W. van Ballegooij

- 'The Framework decision on the European Arrest Warrant' (together with M. Plachta) in R. Blekxtoon and W. van Ballegooij (eds.), *Handbook on the European Arrest Warrant*, The Hague, T.M.C. Asser Press, 2004.
- 'Samenvatting en synthese Asser Instituut Colloquium Europees Recht 2003' (Summary of the Asser Instituut European Law Conference 2003) in *Europees burgerschap*, Asser Instituut Colloquium Europees Recht, drieëndertigste zitting-2003, T.M.C. Asser Press, 2004.

S.F. Blockmans

- 'Alfred E. Kellermann: Academic Community Organiser', in J. de Zwaan, J. Jans, F. Nelissen & S. Blockmans (eds.), *The European Union: An On-going Process of Integration, a Liber Amicorum* dedicated to Alfred E. Kellermann, T.M.C. Asser Press, The Hague, 2004, VII-IX.
- 'The European Union's Troubled Relations with the Federal Republic of Yugoslavia (1991-2001)', in J. de Zwaan, J. Jans, F. Nelissen & S. Blockmans (eds.), *The European Union: An On-going Process of Integration, a Liber Amicorum* dedicated to Alfred E. Kellermann, T.M.C. Asser Press, The Hague, 2004, pp. 337-356.
- 'EU Conflict Prevention in the Western Balkans', in V. Kronenberger & J. Wouters (eds.), *The European Union and Conflict-prevention – Policy and Legal Aspects*, T.M.C. Asser Press, The Hague, 2004, pp. 293-321.
- 'Application of Community Law by National Courts', in T.C. Adalet Bakanligi (ed.), *Avrupa Birliğine Katılınan Yeni Üye Devletlerin Ve Aday Devletlerin Ulusal Hukuk Düzenlerine Etkisi*, EDA, Ankara, 2004, pp. 67-79.
- 'Flexibility and Differentiation in an Enlarged European Union', in T.C. Adalet Bakanligi (ed.), *Avrupa Birliğine Katılınan Yeni Üye Devletlerin Ve Aday Devletlerin Ulusal Hukuk Düzenlerine Etkisi*, EDA, Ankara, 2004, pp. 57-66.
- 'Flexibilitate si diferentiere in Uniunea Europeana extinsa' [Flexibility and Differentiation in an Enlarged European Union], in *3 Revista Romana de Drept Comunitar* (2004), pp. 122-129.

W.Th. Douma

- 'Concluding remarks', in: W.Th. Douma and A.E. Kellermann, *Economic aspects of environmental policy in Russia*, Moscow, January 2004, pp. 73-76.
- 'Как не погрязнуть в отходах?' (How to avoid getting stuck in waste?), in: *Evropa*, no. 2, 2004, p. XVI
- 'Legal issues on waste', in: Chr. Holtwisch, T. Fajardo del Castillo and T. Tichá (eds.), *Strengthening European environmental law in an enlarged Union*, Shaker Verlag, Aachen, 2004, pp. 204-213.
- 'Russia and the enlarged European Union. Mending fences whilst shaping a Wider European environment', in: J. de Zwaan, J. Jans, S.F. Blockmans and F.A. Nelissen (eds.), *The European Union, an On-going Process of Integration, a Liber Amicorum* dedicated to Alfred E. Kellermann, T.M.C. Asser Press, The Hague, 2004, pp. 319-336.
- 'Евроремонт' российского законодательства ['European style' renovation of Russian legislation], with prof. I. Krasnova, in: *Ecology and Life*, nr. 5, 2004, pp. 24-27.

A.W. Lazowski

- 'Reform of Administrative Courts in Poland', in: *European Current Law Monthly Digest*, August 2004, pp. xi-xv.
- 'Stosowanie rozporządzeń wspólnotowych na płaszczyźnie wewnętrznej państw członkowskich' [Application of EC regulations at the domestic level], in: E. Piontek (ed.), *The Role of the European Union law in the Internal Legal Order of Member States*, Warsaw 2004, pp. 83-102.

A.J.M. McDonald

- 'The Year in Review', Volume 4 *Yearbook of International Humanitarian Law* (2001).
- 'The Special Court for Sierra Leone and the Truth and Reconciliation Commission', *Encyclopedia of Genocide*, Dinah Shelton, et al, eds. (Macmillan publishers 2004).
- 'Guns and Butter for Hire: Some Legal Issues Concerning Private Military Companies' (paper prepared for Clingendael Conference on the Privatisation of Warfare, 2 June 1994)  
[http://www.ikv.nl/detail\\_page.phtml?page=privatisering](http://www.ikv.nl/detail_page.phtml?page=privatisering).

F.A. Nelissen

- 'The Europeanisation of the International Maritime Safety Agenda: are we better off leaving it to the IMO?' In: J.W.de Zwaan, J.H.Jans, F.A. Nelissen en S. Blockmans (ed.), *The European Union an on-going Process of Integration - Liber Amicorum Alfred E. Kellermann*, pp. 223-235, T.M.C. Asser Press, 2004.
- 'De Europese Unie en de roep van de bevolking om duidelijkheid inzake ongevallen met zeeschepen', in: P.L. Meurs en M. Sie Dhian Ho (red.), *Democraat met beleid. A Liber Amicorum as a farewell to Michiel Scheltema as chairman of the WRR*, pp. 109-116.

O.M. Ribbelink

- 'The Protocol on Matters Specific to Space Assets' in *European Review of Private Law*, 1-2004, pp. 37-45.

G.E. Schmidt

- 'Valt de revindicatie onder artikel 5 sub 3 EEX?' (Does a property claim fall within the scope of Article 5(3) Brussels Regulation?); in: *NIPR 2004*, pp. 296-300.
- 'De openbare orde-exception: hoe maatgevend is de lex fori?' (The public policy exception: to what extent is the *lex fori* determinative? in: R. Kotting et al., *Voorkeur voor de lex fori*, pp. 103-126.

R.C.R. Siekmann

- With J.W. Soek: 'The Ethology of a Paper Tiger: The European Union and Doping in Sport', in: Jaap W. de Zwaan, Jan H. Jans, Frans A. Nelissen (Eds.), *The European Union: An Ongoing Process of Integration - Liber Amicorum Alfred E. Kellermann*, T.M.C. Asser Press, The Hague 2004, pp. 207-222.
- 'Promoting the Social Dialogue in Professional Football in the New EU Member States', *The International Sports Law Journal (ISLJ)*, 2004/3-4, pp. 31-33.
- 'Article III-282 of the Constitution for Europe and an EU Policy for Sport', *The International Sports Law Journal (ISLJ)*, 2004/3-4, pp. 77-78.

J.W. Soek

- With R.C.R. Siekmann: 'The Ethology of a Paper Tiger: The European Union and Doping in Sport', in: Jaap W. de Zwaan, Jan H. Jans, Frans A. Nelissen (Eds.), *The European Union: An Ongoing Process of Integration - Liber Amicorum Alfred E. Kellermann*, T.M.C. Asser Press, The Hague 2004, pp. 207-222.

K. Swinnen-Pieters

- Commissions paid by major airlines to travel agents and the abuse of dominant position, *European Law Reporter*, February 2004, pp. 68-73.

T. Takács

- 'How to become an European? On the doorstep of the European Union - from a Hungarian Perspective', *Merkourios* 2004, Nr. 57, pp. 24-31.

**C. Others**

L.A.N.M. Barnhoorn

- Netherlands Judicial Decisions Involving Questions of Public International Law, 2001-2002, 35 *NYIL* (2003) pp. 339-411.

W.F.W. van Ballegooij

- EU-wetgevingskroniek 2003 [EU Law Chronicle 2003], in *10 SEW (2004)*, 421-431 (with S.F. Blokman, M.A. van der Harst & K. Swinnen-Pieters).
- 'Challenge of international terrorism and the international security system-designing responses within the UN system, report on session C1' in 2003 Hague Joint Conference: *From Government to Governance? The Growing Impact of Non-State Actors on the International and European Legal System*, T.M.C. Asser Press, 2004.

#### S.F. Blockmans

- EU-wetgevingskroniek 2003 [EU Law Chronicle 2003], in *10 SEW (2004)*, 421-431 (with W. van Ballegooij, M.A. van der Harst & K. Swinnen-Pieters).

#### W.Th. Douma

Annotations to the following cases:

- European Court of Justice, 7 January 2003, nr. C-201/02, *Delena Wells*, JM 2004/23, p. 126-135.
- European Court of Justice, 25 November 2003, nr. C-278/01, *Commission v Spain (Spanish bathingwater)*, JM 2004/11, p. 54-62.
- European Court of Justice, 15 January 2004, nr. C-235/02, *Saetti and Frediani*, JM 2004/46, p. 265-272.
- European Court of Justice, 29 January 2004, nr. C-209/02, *Commission v Austria*, JM 2004/111, p. 708-713.
- European Court of Justice 7 September 2004, nr. C-127/02, *Landelijke Vereniging tot Behoud van de Waddenzee v. Staatssecretaris van Landbouw, Natuurbeheer en Visserij (Cockles fisheries)*, JM 2004/112, p. 714-726.
- Voorzitter Raad van State, 14 September 2004, nr. 200407395/1, *Coöperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij v Minister van Landbouw, Natuur en Voedselkwaliteit*, JM 2004/113, p. 727-729.

#### M.A. van der Harst

- EU-wetgevingskroniek 2003 [EU Law Chronicle 2003], in *10 SEW (2004)*, 421-431 (with W. van Ballegooij, S.F. Blockmans & K. Swinnen-Pieters).

#### B.J. van het Kaar

- Internationaal privaatrecht (Ed.). *Rechtspraak 1886-2004*, 6e druk, 2004.

#### A. McDonald

- Numerous print and broadcast interviews on the subject of international humanitarian law and international criminal law (for, *inter alia*, BBC, Associated Press, Agence France Press, Reuters, Time Magazine, Radio Netherlands, New York Times).

#### F.A. Nelissen

- Foreword in *Handbook on the European Arrest Warrant*, T.M.C. Asser Press 2004.

#### M. Nybondas

- Case report: The Semanza Case, in *Nordic Journal of Human Rights*, No. 3 2004.
- Case report: The Cyangu Case, in *Nordic Journal of Human Rights*, No. 4 2004.

#### O.M. Ribbelink

- Judge, Semi Finals Telders International Law Moot Court Competition, 15 –16 April 2004.
- Comments on international legal developments for various radio stations and newspapers.

#### G.E. Schmidt

- 'Annotation on Rechtbank Rotterdam 24 september 2003' (on jurisdiction in matters of precontractual obligations); in: *Jurisprudentie Burgerlijk Procesrecht* 2004, p. 43.
- Literatuuroverzicht IPR [Survey of literature on private international law], in: *Tijdschrift voor Familie- en Jeugdrecht (FJR)* 2004, pp. 322-324.

#### K. Swinnen-Pieters

- EU-wetgevingskroniek 2003 [EU Law Chronicle 2003], in *10 SEW (2004)*, 421-431 (with W. van Ballegooij, S.F. Blockmans and M.A. van der Harst).
- Annotation of the ECJ Judgment of 29 April 2004, Case C-159/01, *The Netherlands v. Commission* (in Dutch), *Jurisprudentie Milieurecht* 2004.

#### T. Takács

- Book Review: Neill Nugent: *The Government and Politics of the European Union*, *Európai Tükör*, 2004, Nr. 7, pp. 141-142.

## **Annex 5**

### **Staff – Guest Lectures**

#### **W.F.W. van Ballegooij**

- Slovak Ministry of Justice, 'Judicial cooperation in criminal matters between the Member States of the EU, national implementation of the framework decision on the European arrest warrant', Bratislava, Slovakia, October 2004.
- The Clingendael Institute 'The European legal order', for members of the Netherlands Ministry of Agriculture, The Hague, September 2004.
- Advanced level training to the Estonian judiciary, lectures on: Sources of European Law; EC Internal Market; EU and Human Rights, and EU Judicial cooperation in Criminal Matters; Framework decision on the European Arrest Warrant and surrender procedures in the Member States, September 2004.

#### **L.A.N.M. Barnhoorn**

- Lecture in the Training Course for Legal Information Specialists of Asser College Europe (ACE) 2004 on the law of international organisations and especially the United Nations.

#### **S.F. Blockmans**

- Inter University Centre Dubrovnik, 'National Legal Concerns in Negotiating Accession to the EU', 6 March 2004.
- The European Institute, Lodz, Poland, 'Non-contractual liability of the European Communities', 19 April 2004.
- The European Institute, Lodz, Poland 'The principle of state liability for breach of EC law in the jurisprudence of the ECJ', 20 April 2004.
- The Clingendael Institute, 'The Legal and Institutional Foundations of the European Union', for diplomats from Indonesia', 19 May 2004.
- In the framework of the 2003/4 Matra Multi Country project, papers on 'The application of EU law by national courts' and 'The flexible future of the European Union: integration and differentiation' presented in Ljubljana (12 March 2004), Timisoara (2 & 3 April 2004), Sofia (16 & 17 April and 26 & 27 November 2004), Zagreb (14 & 15 May 2004), Belgrade (18 & 19 June 2004), Istanbul (2 & 3 July 2004), Cluj (5 & 6 November 2004) and Ankara (10 & 11 December 2004).
- Final Conference of the Matra Multi Country project, on: 'The Impact of European integration on the role and functioning of the national executive', The Hague, 13 October 2004.

#### **W.Th. Douma**

- 'Introduction on the precautionary principle', Environment, Security and Sustainable Development conference, organised by Institute for Environmental Security, Peace Palace, The Hague, 9-12 May 2004.
- 'Recent case law of the European Court of Justice in environmental matters', TAIEX conference Evolving Case Law of the EU, Warsaw, Poland, 3-4 June 2004
- 'Russia and the Kyoto Protocol, a short update', EU Climate Policy Conference, Leuven, Belgium,
- 'Waste management developments and Climate change and emissions trade (chair), Recent developments in European Environmental Law conference, European Law Academy, Trier, October 2004
- Guest lectures on 'Russia's prospects to WTO membership', MGIMO, Moscow, December 2004.

#### **B.J. van het Kaar**

- Lecture on 'Judicial Cooperation and Future Developments: Towards Greater Simplicity', 2nd Asser College Europe Symposium on Private International law and Arbitration in the Enlarged European Union, Prague, Czech Republic, 19-20 November 2004, available at: [www.asser.nl/ipr/documents/cms\\_ipr\\_1\\_1Judicial%20Cooperation.pdf](http://www.asser.nl/ipr/documents/cms_ipr_1_1Judicial%20Cooperation.pdf)

#### **V. Lazic**

- 'Interaction between Arbitration and Insolvency Proceedings: a Comparative view', Paper presented at the Conference on 'Bankruptcy and Arbitration: The Effects of Insolvency Proceedings on the Conduct of Arbitration', held on 8 March 2004, Jakarta, Indonesia.
- Lecture on 'Enforcement of the Arbitral Awards Annulled in the Country of Origin', 2nd Asser College Europe Symposium on Private International Law and Arbitration in the Enlarged European Union, Prague, Czech Republic, 18 November 2004.
- Course on 'International Commercial Arbitration', University of Groningen, academic year 2003/2004.

#### **A. Lazowski**

- Presentation of a paper 'The EU Ombudsman and EU Constitution: a Wasted Opportunity for a Reform' at the conference The European Union of 25 Member States, the University of Warsaw, Poland, 28-29<sup>th</sup> May 2004.

- Presentation of a paper 'The European Union and Switzerland: Co-operation of Co-existence or co-operation of integration', European Law conference, Cardinal Wyszyński Catholic University in Warsaw, Serock (Poland), 1<sup>st</sup> June 2004.
- Presentation of a paper 'Co-operation of Integration or Co-operation of Co-existence – The Union and Switzerland', conference on 'Enlargement and the Future of the European Union. Parallel Paths or Crossroads', University of Ghent & University of Maastricht, Warsaw, 1<sup>st</sup>-4<sup>th</sup> July 2004.
- Presentation of a paper 'The Non-Judicial Remedies at the EU Level: The Accidental Jigsaw Puzzle or Attempt to Create the Coherent System?' at the UACES 34th Annual Conference and 9th Research Conference on The European Union: New Neighbours, New Challenges, at Birmingham, U.K. 6<sup>th</sup>-8<sup>th</sup> September 2004.
- Presentation of a paper 'Lawfulness and EC Public Procurement Directives', conference on 'Rechtmatigheid en (Europees) aanbesteden', Utrecht, 11 November 2004.
- Presentation of a paper 'Access of Individuals to the European Court of Justice', conference of the University of Warsaw & Council of Europe Information Office and Heinrich Böll Stiftung, Warsaw, 17<sup>th</sup> December 2004.

#### A.J.M. McDonald

- Guest speaker at colloquium in Tehran on the Interplay between human rights and international humanitarian law, held at the University of Teheran, co-organised by Harvard University and University of Teheran, April 2004.
- Lecture on the International Criminal Court at the Clingendael Institute to members of the Sudanese Governments (attended by Her Royal Highness Princess Maxima).
- Lecture on the International Criminal Court at the Clingendael Institute to members of the Sudanese armed opposition group, the SPLA.
- Lecture on the international legal institutions of The Hague, The Clingendael Institute, February 2004.
- Lecture on International Humanitarian Law in the Occupied Palestinian Territories, TMC Asser Instituut
- Lecture at the University of Amsterdam on occupation law.
- Lectures at the University of Amsterdam on human rights in armed conflict as part of LL.M. course in International Humanitarian Law.
- Lecture at Leiden University on international criminal law as part of LL.M. course in international criminal law.
- Lecture on Direct Participation in Hostilities, TMC Asser Instituut.
- Numerous print and broadcast interviews on the subject of international humanitarian law and international criminal law (for, *inter alia*, BBC, Associated Press, Agence France Press, Reuters, Time Magazine, Radio Netherlands, New York Times).

#### F.A. Nelissen

- Opening speech EU Congress: The EU Constitution: The Best Way Forward?, 34<sup>th</sup> Session Asser Instituut Colloquium on European Law, 13-16 October 2004.
- Speech during the Final Conference of the Matra Multi Country project on Impact of EU Accession on the Legal Orders of New Member States and (Pre-) Candidate Countries, Hopes and Fears, The Hague 13 October 2004.
- Opening speech at 'The Protection of Privileges and Immunities in the Netherlands, A seminar on law and Practice', in collaboration with Clifford Chance, 4 November 2004.
- Opening speech at the 2nd Asser College Europe Symposium on Private International Law and Arbitration in the Enlarged European Union, Prague, Czech Republic, 18 November 2004,

#### M.L. Nybondas

- Lecture on Command Responsibility at the Netherlands Defense College, 24 September 2004.

#### O.M. Ribbelink

- 'The Future Relationship between the EU and ESA', LL.M. Air and Space Law, Leiden University, 28 May 2004.
- 'The Unidroit Space Assets Protocol', Summer Course on Space Law and Policy of the European Centre for Space Law (ECSL/ESA), University of Graz, Austria, 8 September 2004.
- Introduction Course Public International Law, Amsterdam School for International Relations, University of Amsterdam, Autumn 2004.
- 'Apologie' of Terrorism, Incitement to Terrorism and Freedom of Expression', Second International Law Conference of the Indian Society of International Law, New Delhi, India, 14-17 November 2004.

#### G.E. Schmidt

- Four lectures on International Civil Litigation, Asser College Europe, T.M.C. Asser Instituut, The Hague, 14-17 June 2004.



- Lecture on 'European Judicial Network in civil and commercial matters – procedures and practice' (together with B.J. van het Kaar), Seminar co-organised by Instytut Europejski and T.M.C. Asser Instituut 23-24 September 2004.
- Lecture on 'Searching for Brussels in Luxemburg: interpretation questions of the new uniform jurisdiction rules', 2nd Asser College Europe Symposium on Private International law and Arbitration in the Enlarged European Union, Prague, Czech Republic, 18 November 2004.

#### R.C.R. Siekmann

- Session Chairman and Introduction on Social Dialogue in European Professional Football: New EU Member States, 10<sup>th</sup> I.A.S.L. (International Association for Sports Law) Congress, Athens, 25-27 November 2004.
- Chairmanships: Seminars on 'Promoting the Social Dialogue in European Professional Football', Dublin, 16 January, Dortmund, 26 January, and Vilnius, 5 February 2004.

#### J.W. Soek

- Guest lecture on 'Sport, Doping and Disciplinary Law', Sports Law Course, University of Leuven, Belgium, 29 October 2004.
- Introduction on 'The European Union and Doping in Sport', 10<sup>th</sup> I.A.S.L. (International Association for Sports Law) Congress, Athens, 25-27 November 2004.