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Newsletter of the T.M.C. Asser Instituut
Centre for International & European Law



Research & Projects

- The Legislator's Role in Establishing the Rule of Law that complies with EU and International Standards
- Manual on Preventing Fraud, Corruption and Bribery committed through Legal Entities for the purpose of Financial and Economic Gain
- Study on the Competences of the European Union and the EU Member States in the IMO (International Maritime Organisation)
- Handbook of EU Environmental Policy Implementation in the Netherlands
- Capacity Building for Judicial reform in Bosnia and Herzegovina
- Multiple Framework Contract Human Rights, Civil Society, Governance, Justice and Home Affairs
- Foundations of the draft Environmental Code ('Omgevingswet') in the light of European and international environmental law
- Publications by T.M.C. Asser Staff
- Announcements

Education, Training & Events

- Lebanon Programme
- Roundtable on Online Sports Betting
- MATRA South Programme for Arab Countries
- MATRA Pre-Accession Training Programme (MATRA PATROL)
- CLEER-ICCT CONFERENCE: "The External Dimension of EU Counter-terrorism Policy"
- Supranational Criminal Law lecture Series 2012/2013
- HILAC Law and Armed Conflict Lecture Series
- The Boundaries of the Battlefield: A Critical Look at the Legal Paradigms and Rules in Countering Terrorism
- T.M.C. Asser Staff Presentations

T.M.C. Asser Press

- International Courts and the Development of International Law: Essays in Honour of Tullio Treves

Calendar of Forthcoming Events

Research & Projects

The legislator's role in establishing the rule of law that complies with EU and international standards

At the end of March 2013, three experts from the Asser EU Law cluster, in cooperation with the Legislation Institute of the Verkhovna Rada of Ukraine (Kiev), will be delivering a training programme to legislators in Kiev. This training is part of the project "The Legislator's Role in Establishing the Rule of Law that complies with EU and International Standards", financed under the MATRA programme. The project's overall objective is to support capacity-building of legislative experts for the establishment of rule of law in Ukraine that complies with EU and international standards and improves the legal framework as well as learning from Dutch (best) practices in implementation and enforcement.

Manual on Preventing Fraud, Corruption and Bribery committed through Legal Entities for the purpose of Financial and Economic Gain

On 23 February, 2013 the "Manual on Preventive Measures and Best Practices against Fraud, Corruption and Bribery committed through Legal Entities for the purpose of Financial and Economic Gain" was finalised by the TMC Asser Instituut. This Manual was prepared by members of the EU Law cluster. It represents the final product of the EU commissioned research project "Prevention of Fraud, Corruption and Bribery committed through Legal Entities for the purpose of Financial and Economic Gain," funded by the European Commission under its ISEC Programme. The Dutch Ministry of Security and Justice are co-sponsors, and non-beneficiary partners of this project. We are most grateful to both organisations for their generous support. [The manual is available online.](#)

[>> More info](#)

Study on the Competences of the European Union and the EU Member States in the IMO (International Maritime Organisation)

In February 2013, the Dutch Ministry for Infrastructure and Environment granted the Asser Institute funding for a short study on the Competences of the European Union and the EU Member States in the IMO (International Maritime Organisation). The final report was presented to the Ministry at the beginning of March.



Handbook of EU Environmental Policy Implementation in the Netherlands

In January 2013, the Dutch Ministry for Infrastructure and Environment granted a contract to the consortium comprising the Institute for Environmental Studies (IVM, Free University Amsterdam) and the T.M.C. Asser Instituut to update the Handbook of EU Environmental Policy Implementation in the Netherlands (Handboek Implementatie EU Milieubeleid). The updated Handbook will be delivered towards the end of July 2013.

Capacity building for judicial reform in Bosnia and Herzegovina

The Asser Institute is partner in the consortium led by Human Dynamics for the project 'Capacity Building for Judicial Reform in Bosnia and Herzegovina' which is commissioned and financed by the European Commission. This consortium has been shortlisted by the EC and will be invited to participate in the tender procedure for the project during spring 2013.

Multiple Framework Contract Human Rights, Civil Society, Governance, Justice and Home Affairs

The Asser Institute will participate as a consortium member in the tender procedure for the multiple Framework Contract, financed by the European Commission, to recruit short-term services in the exclusive interest of third countries benefiting from European Commission external aid. Of particular interest is LOT 7: Human Rights, Civil Society, Governance, Justice and Home Affairs. The consortium led by GDSI Ireland has been selected and invited to tender. The tender dossier should be published soon.

Foundations of the draft Environmental Code ('Omgevingswet') in the light of European and international environmental law

The Dutch Ministry of Infrastructure and Environment has commissioned the T.M.C. Asser Instituut, in collaboration with the Centrum voor Omgevingsrecht- en Beleid/NILOS of the University of Utrecht and Element Advocaten (Eindhoven) to investigate the foundations of the draft Environmental Code ('Omgevingswet') in the light of European and international environmental law. The investigation is scheduled to be finalised by 1 July 2013.



T.M.C. Asser Instituut Staff Publications

- Claudio Matera, "The Influence of international Organisations on the EU's Area of Freedom, Security and Justice: A First Inquiry" in R.A. Wessel and S. Blockmans (eds.), *Between Autonomy and Dependence. The EU Legal Order under the Influence of International Organisations*, Springer/T.M.C. Asser Press, 2013, pp. 269-296
- Ben Van Rompuy, "Cunning as a Fox. Dutch competition authority clears long-term acquisition of Dutch football broadcasting rights" (2013) 34 *European Competition Law Review* 1, 223.

Announcements

Ben van Rompuy is included on List of Experts to assist the European Parliament's Committee on Culture and Education (CULT).

The list of experts may be used to award service contracts in the area of sports policy or media policy (briefing notes, presentations, research study, etc.) and is valid until 30 June 2014.

On the 31st of January, 2013 Steffen van der Velde hosted a student visit for a group of students from the European Law Study Association Rotterdam. Steffen gave a presentation on the Asser Institute and on his PhD research. Furthermore, Wybe Douma discussed the Shell/Nigeria case, and Petr Pribyla and Petroula Lisgara talked about their experiences as interns at the Institute.

Claudio Matera's paper proposal "Much ado about "opt-outs"? The impact of 'Variable geometry' in the AFSJ and the EU as a Global Security Actor" will be presented at the conference 'How to legally accommodate variable geometry in EU External action?' that will take place on the 6th of May, 2013 in Brussels at the Centre for European Policy Studies (CEPS).

Education, Training & Events

Lebanon Programme

Good evening Lebanon! This is The Hague calling...

The T.M.C. Asser Instituut is proud to announce that [the inter-university programme on international criminal law and procedure](#) has obtained three more years of funding. The programme was launched in November 2011 by the T.M.C. Asser Instituut in cooperation with the Special Tribunal for Lebanon.



*“Dear T.M.C Asser Instituut,
I want to say thanks for this big opportunity that you gave me: first to let me explore the real world of justice. Second to introducing us to respectful professors and judges in this program which is first of its kind in Lebanon and the Middle East.
And finally, all the words of thanks will not be enough to express my gratitude and appreciation for your efforts to build a better future for young generations.”*

Participant of the Lebanon Programme 2011/2012

The programme is unique in that 14 lectures on international criminal law and procedure are delivered by prominent (international) academics and practitioners in the field and streamed, via internet, from the T.M.C. Asser Instituut in The Hague, the Netherlands, to one of the lecture halls in the participating universities in Lebanon.

[>> More info](#)

Roundtable on Online Sports Betting

On 6 March 2013, the Asser International Sports Law Center organised a Round Table to discuss the opportunities and challenges of online sports betting for sports organisers in the Netherlands. The Asser Institute is currently working on a study on Sports Organisers’ Rights for the EU. One of the topics this study covers is the exploitation of the rights to sports events by betting operators. Increasingly more European sports organisers are signing commercial agreements with remote betting operators to generate new revenues. Betting operators are, for example, interested in obtaining digital rights to live-stream sports events for which they offer live betting opportunities. Several sports organisers in the Netherlands are exploring similar partnerships. The Asser Institute brought together more than 50 experts and stakeholders to exchange views and know-how on the opportunities (e.g. new revenue streams, more exposure) and challenges (e.g. image problems, increased risk of match-fixing) of online sports betting.

The roundtable comprised two parts. The first part focused on the commercial and sportive opportunities and challenges, whilst the second part discussed the applicable - current and upcoming - legislative framework. Both parts kicked off with short interventions of stakeholders who addressed the topic from their own perspective. Among the speakers were representatives from e.g. sports federations (i.e. football and basketball), the gambling authority, De Lotto, and the sports marketing world. The interventions were followed by an interesting and lively discussion amongst the attendees. Ben Van Rompuy closed the roundtable by presenting the key take away points of the discussion. The event ended with a reception for the attendees and Press representatives.





In the context of the roundtable, Dr. Ben Van Rompuy was interviewed by NOS Radio and Television and various other media.

<http://nos.nl/op3/artikel/481708-gokken-moet-basketbal-redden.html>

MATRA South Programme for Arab Countries

Commissioned by Agentschap.NL EVD Internationaal, the TMC Asser Instituut will implement the MATRA South Programme for Arab Countries - Supporting Democratic Transition in the Arab Region - on behalf of the Netherlands Ministry for Foreign Affairs, during the period 2012-2014.

This programme aims to stimulate and support the democratic transition in the Arab region and to strengthen relations between the Netherlands and the target countries by sharing the necessary knowledge and skills with policy advisors, members of the judiciary and other civil servants working for the administration of justice in order for them to lead and inspire the modernisation of the judicial systems of their home countries building from the Dutch experience.

From 2 – 12 December, 2012 the first training of the Matra South Training Programme, ‘Administration of Justice’, took place at the T.M.C. Asser Instituut.

A follow-up workshop with the participants took place in Tunis 7 & 8 March, 2013.



The next “Administration of Justice’ training will take place at the T.M.C. Asser Instituut from 21 – 31 May 2013.

More information and registration at <http://www.matra-south.nl>

MATRA Pre-Accession Training Programme (MATRA PATROL)

Commissioned by the Netherlands Ministry of Foreign Affairs, Europe Department (DEU), the T.M.C. Asser Instituut, in cooperation with Ecorys Nederland BV and The Hague Academy for local governance will implement the MATRA Pre-Accession Training Programme (Matra PATROL) - Strengthening Institutional capacity in the Rule of Law - during the period 2012 – 2015.



The first 3 trainings of 2013, namely ‘Quality, Implementation and Enforcement of Legislation’, ‘Alternative Dispute Resolution’ and ‘Administration of Justice’ took place in January and February at the T.M.C. Asser Instituut.





Mr F. Teeven, State Secretary of Security and Justice, was the guest speaker at the reception of participants and stakeholders of the Administration of Justice training, held on 5 February, 2013 at the T.M.C. Asser Instituut.



Imagine yourself ... waking up, getting out of bed and ... meeting a stranger standing at the door of your bedroom. Someone must have been telling lies about you. You know you have done nothing wrong. But this morning, you were arrested. "And why am I under arrest?" you ask. "That's something we're not allowed to tell you," the stranger replies. "Go into your room and wait there. Proceedings are underway and you'll learn about everything all in good time."

This quote is from "The Trial", a famous novel from the Czech Franz Kafka. The story of Joseph K tells me all about the importance of the Administration of Justice. In the worst case it is bureaucratic paranoia. In the best case it is based on the rule of law, efficient and transparent. That is what I stand for. And that is what you are here for. This fills me with gladness.

.....

Excerpt from Mr F. Teeven's speech, State Secretary of Security and Justice, at the Matra Patrol – Administration of Justice Reception 5 February, 2013 T.M.C. Asser Instituut

[>> Full speech](#)

For more information and a complete overview of all MATRA PATROL trainings in 2013 please visit www.asser.nl/matrapatrol

Follow Matra Patrol on 



CLEER-ICCT Conference: The External Dimension of EU Counter-terrorism Policy

The Centre for the Law of EU External Relations (CLEER) and the ICCT-The Hague invited academics, legal and policy experts, policy makers, and stakeholders to Brussels on 22 February, 2013 where they discussed some ten years of EU external action in countering terrorism.



Supranational Criminal Law lecture Series 2012/2013

Since 2003, the T.M.C. Asser Instituut, the Grotius Centre for International Legal Studies of Leiden University and the Coalition for the International Criminal Court (CICC) have been organising, on an almost weekly basis, the well-known lecture series on international criminal law: the Supranational Criminal Law (SCL) Lecture Series.

This – free! – lecture series deals with a variety of issues related to international criminal law and is attended by LLM and PhD students, academics, diplomats, international lawyers and others working in The Hague's international legal community. Previous lecturers have included: Mr. Luis Moreno-Ocampo, Mr. David Crane, Mrs. Silvana Arbia, Prof. Cherif Bassiouni, Philippe Kirsch and many others. The lectures typically last about 30 to 45 minutes, after which the floor is opened for a question and answer session of approximately 20 minutes.

In the autumn/winter season of the year 2012-2013, the T.M.C. Asser Instituut organized nine lectures. The first lecture, on 12 September 2012, was kicked off by ICTY Prosecutor Serge Brammertz ('International Criminal Justice: Lessons Learned, Future Challenges'). The following week, a lecture on 'The ICC and Palestine: A Closed Chapter?', featuring Prof. Dugard, Prof. Zegveld and Dr. Meloni, attracted a record-breaking audience of some 150 participants. Other lectures of this season have explored 'International Justice and the Arab Spring', 'Engaging with Victims and Affected Communities in ICC Situations', 'Civil Society Participation at the Assembly of States Parties', 'The Principle of Equality of Arms in International Criminal Proceedings', 'Palestine and International (Criminal) Law: Progress and Challenges?' and 'When Judges Violate the Rome Statute: Regulation 55 and the Legal Re-characterization of Facts at the ICC'.

The final lecture ('Rome Statute Plus or Minus? Assessing the proposal for an African Regional Court to Prosecute International Crimes') took place on 11 February 2013 and was given by Charles C. Jalloh, the former court-appointed, interim defense counsel to former-President Charles Taylor.



The Grotius Centre for International Legal Studies will take over the next (Spring/Summer) season from the T.M.C. Asser Instituut. Please keep an eye on the [Grotius' website](#) for new upcoming SCL lectures. The T.M.C. Asser Instituut will host the lecture series again from fall 2013.

HILAC Law and Armed Conflict Lecture Series

The Asser Instituut hosts the HILAC Law and Armed Conflict lecture series - an occasional lecture series on law and armed conflict. The series is organized by a consortium comprising the Hague Initiative for Law and Armed Conflict (HILAC), the T.M.C. Asser Instituut, the Netherlands Red Cross and the Amsterdam Center for International Law.

Professor Laurie Blank, Director of the International Humanitarian Law Clinic at Emory University School of Law, opened the 2013 season on January 9th, with a HILAC lecture on *The Law of War and Military Operations in the Courtroom: Thoughts from the Gotovina Case*. She spoke about the linkages between international criminal accountability and the conduct of military operations, especially with respect to the recent ICTY *Gotovina* case.

On January 29th 2013, Professor Emeritus Yoram Dinstein delivered a HILAC lecture titled *The Changing and Unchanging Law of War*, addressing the ways in which law in general, and international humanitarian law in particular, adapts to changing realities.

[>> More information on upcoming HILAC lectures](#)

The Boundaries of the Battlefield: A Critical Look at the Legal Paradigms and Rules in Countering Terrorism

On 10 & 11 January, 2013 in The Hague, The T.M.C. Asser Instituut and the International Centre for Counter-Terrorism – The Hague, in cooperation with the International Humanitarian and Criminal Law Platform, the Konrad Adenauer Stiftung, the Municipality of The Hague and The Netherlands Ministry of Foreign Affairs, hosted a symposium with the aim of discussing the contours of various approaches States take against non-state actors with the goal of countering terrorism.



Specifically, the conference addressed issues related to uses of force and how these may affect and define the geographic and temporal scope and limitations of the laws of armed conflict in relation to counterterrorism. Besides this main theme, which operates within the armed conflict paradigm, the conference also discussed and assessed the law-enforcement paradigm.

[>> *Boundaries of the Battlefield Symposium Insight*](#)

T.M.C. Asser Instituut Staff Presentations

- Ben van Rompuy presented the Study on Sports Organisers' Rights in the EU, which the T.M.C. Asser Instituut and the Institute for Information Law (University of Amsterdam) conducted for the European Commission, at the Conference on the Protection of Sports Intellectual Property Rights organized by the Association of European Professional Football Leagues (EPFL) in Lisbon on 14 March, 2013.
- Ben Van Rompuy delivered a guest lecture on "Sport, Media, and EU law: New Issues & Unfinished Business" at the University of Amsterdam Law School on 11 March, 2013.
- Wybe Douma delivered a lecture on WTO law and Protection of the Environment at the Catholic University of Lille on 7 March, 2013.
- Ben Van Rompuy was an invited speaker at [the Sports Bites lunch debate](#), jointly organized by Burson-Marsteller and Sport & EU, Brussels, 22 February, 2013.
- Claudio Matera gave a presentation "The External dimension of EU Counter-terrorism policy in the fields of police cooperation and criminal law" at the CLEER-ICCT The Hague conference 'External dimensions of EU Counter-terrorism' on 22 February, in Brussels.
- Ben van Rompuy lectured on "Levelling the European Football Playing Field? EU (competition) law challenges to Financial Fair Play" at the Certificate of Advanced Studies in European Sports Law and Policy at the KU Leuven on 7 February, 2013.
- Wybe Douma was an invited speaker at the conference "Organised crime on the EU: cases, trends and tools" held 31 January – 1 February, 2013 in Trier.
- Tamara Takács presented a paper on "Transatlantic regulatory cooperation in trade: objectives, challenges and instruments for economic governance" at a workshop on Transatlantic relations organized by the University of Amsterdam (UvA) on 21 January, 2013.



International Courts and the Development of International Law: Essays in Honour of Tullio Treves

On the occasion of Tullio Treves' retirement, T.M.C. Asser Press published the book *International Courts and the Development of International Law: Essays in Honour of Tullio Treves*, which was presented on March 14 at a well-attended conference at the University of Milan. Tullio Treves is an eminent scholar in the field of international law, especially in the area of the law of the sea. He is a member of the Curatorium of the Hague Academy of International Law.

[International Courts and the Development of International Law Essays in Honour of Tullio Treves](#)

N.Boschiero, T.Scovazzi, eds.

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Workshop on

**'EU environmental norms and third countries: the EU
as a global role model'**

19 April 2013

T.M.C. Asser Instituut, The Hague

[>> www.cleer.eu](#)



Calendar of Forthcoming Events

April 7 - 17	<u>Matra Patrol - Public Finance Management</u>
April 7 - 17	<u>Matra Patrol - Quality, Application and Enforcement of Legislation</u>
April 19	<u>CLEER Workshop 'EU environmental norms and third countries: the EU as a global role model?'</u>
May 8	<u>Sports Law Lunch & Learn FIFA and DRC update</u>
May 21 - 31	<u>MATRA South Programme for Arab Countries</u>
June 3 - 26	<u>Summer Law Programme on International Criminal Law</u>
July 1 - 5	<u>Summer Programme on International Sports Law: The Expanding Area of Sports Law</u>
August 26 - 30	<u>Advanced Summer Programme on Countering Terrorism in the Post 9/11 World</u>
September 2 - 6	<u>Summer Programme on Disarmament & Non-Proliferation of Weapons of Mass Destruction</u>



>> www.asser.nl/summerprogrammes





Asser Today

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The editors retain the privilege not to publish received copy.

The T.M.C. Asser Instituut is a distinctive, inter-university research Institute specialised in International and European law. The institute's international community of scholars is engaged in research, postgraduate training and dissemination of knowledge in furtherance of the purposes and principles of international law. Its research covers the domains of public international law, private international law the law of the European Union and international and European sports law.

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