MEMORANDUM

Concerning: Annual report 2013 for CORA – Centre for Public Regulation and Administration

In accordance with the guidelines established for the research centres of the Faculty, the annual report 2013 on the activities of the centre is hereby submitted.

CORA aims to focus on the development of the fundamental values and principles of law, which takes place under the influence of societal Europeanization and globalization and manifests itself in the ongoing public regulation of specific areas of life and in the administration of the same.

The centre was established 1 September 2010, on the request of the former research group FFG - Research Group on Administrative Law. Accordingly, the centre has been active for three and a half years. In accordance with the current guidelines, the centre has been approved for a period of five years after which a possible extension of the centre activities will be considered.

Staff

Total staff: At the close of 2013, the total number of staff consisted of 23 employees including 10 professors, 2 associate professors, 1 assistant professor, 8 PhD students and 2 Master's programme students. In relation to the guidelines for the establishment and discontinuation of the centre’s categories of membership the staff consists of 19 members, 2 affiliated members and 2 project assistants.

New staff: In the period up to the close of 2013 the following staff members have joined the centre:
• Artem Anyshchenko from Ukraine (holder of a scholarship on a 2016 project Forsigtighedsprincippet i EU-regulering af GMO'er, supervisor Peter Pagh) joined 1 December 2013.

• Kristian Bruhn, academic officer at the Danish Nation Archives (holder of a jointly financed scholarship on the project Det hemmelige efterretningsvæsen i perioden 1873 – 1922, supervisor Henrik Stevnsborg) joined 1 September 2013.

• Zaneta Mikosa from Letland (holder of a scholarship on a 2016 project Adgang til domstolsprøvelse i miljøsager efter Århuskonventionen, supervisor Peter Pagh) joined 1 December 2013.

• Wen Xiang from China (postdoc fellow on a 2016 project Benefit Sharing under the Biodiversity Convention, supervisor Peter Pagh) joins 1 February 2014.

Other intake and departure: Ida Helene Asmussen, scholarship holder, now PhD (a project on conflict council, supervisor Flemming Balvig) joined the centre 1 June and later resigned to take up a position as assistant professor at SDU. Scholarship holder Christian Clement M.Sc. Sociology (project on gang criminality, supervisor Flemming Balvig) joined the centre 1 September. PhD student Emil Greve from Aarhus University (a project on the police intelligence service, supervisor Karsten Revsbech) has been affiliated to the centre as a guest student up until 1 December. Scholarship holder Sophia Tarrow is no longer affiliated to the centre. Associate Professor Morten Heiberg has also resigned from the centre after taking up a position as associate professor at the Faculty of Humanities.

Members and affiliated members: Membership of the centre on 31 December 2013 includes the following (20) people; Lin Adrian, Artem Anyshchenko, Trine Baumbach, Peter Blume, Kristian Bruhn, Christian Clement, Niels Fenger, Carsten Henrichsen, Ulla Lund, Zaneta Mikosa, Peter Mortensen, Beatriz Martinez Romera, Justry Lumumba Nyabery, Peter Pagh, Anita Rønne, Steen Rønsholdt, Henrik Stevnsborg, Eirini Tsifopoulou, Trine Vendius and Vibeke Vindeløv. – The following are also affiliated to the centre: Michael Gotze and Steen Treumer. Michael Gotze becomes a member from 1 January 2014.

Assistants and secretary: Furthermore, two project assistants are attached to the centre; Mieke Line Bjerring and Asger Tue Aaskilde Laursen. In addition the centre has received help from research secretary Heidi Pedersen.

Associated members: Special stakeholders, who are included in the academic events of the centre, are students, graduates, and former members as follows; Lawyer (L) Morten Ruben Brage (Bruun & Hjejle), Associate Professor Morten Heiberg (UCPH), Academic Officer Azad Taheri (JM), PhD fel-
low Frederik Waage (SDU) and Senior Consultant, PhD Dimitri Weil (SKAT). Felix Fröhlich (UCPH) has resigned as associate member. Assistant Professor Ida Helene Asmussen (SDU) has joined as a new member.

**Centre management**
The management of the centre is unchanged and consists of Carsten Henrichsen (day-to-day Head), Peter Blume (responsible for the external representation of the centre), Niels Fenger (responsible for the international relations of the centre) and Trine Baumbach (responsible for the centre’s meeting activity and contact with partners).

**Advisory board**
*Board members:* The advisory board is unchanged and consists of 12 members; Director of International Law Jon Andersen, Parliamentary Ombudsman, Director Jannie Christoffersen, the Danish Data Protection Agency, Professor Paul Craig, Oxford University, Director Agnete Gersing, the Danish Competition and Consumer Authority, Professor Hans Petter Graver, University of Oslo, Attorney to the Government Karsten Hagel-Sørensen, Professor Jan Jans, Groningen University, Professor Lena Marcusson, Uppsala University, Permanent Secretary Claes Nilas, Ministry of Housing and Building, Cabinet Member Søren Schønberg, EU Commission, Supreme Court Judge Oliver Talevski and Deputy Permanent Secretary Hans B. Thomsen, Ministry of Economic Affairs and the Interior.

*Annual meeting of the board:* A meeting was held with the panel (Danish-speaking members) on 21 November, where the centre's affairs were discussed. The meeting was led, in the absence of the Centre Head, by Peter Blume. Trine Baumbach kept the minutes. The annual report for 2012 – as in previous years - has been sent to the two English speaking members of the panel for comment. The centre has not received any comments.

**Funding and financial statement**
*Funding:* In 2013 the centre received funding of DKK 492,943 including the transfer of DKK 170,000 a surplus from the 2012 funding. The remainder from a discontinued project account of DKK 21,652 was transferred to the centre 1 October. The funding included the transfer of DKK 60,000 from external funds (grant from DANIDA), primarily to cover activities related to Vibeke Vindeløv’s STAKE project. The centre’s accumulated funding was later reduced to DKK 365,943.

*Accounts:* The Faculty’s financial report as of 30 November shows expenditure of DKK 239,173. The final account for 2013 is not yet available.

*Transfer:* The Associate Dean has announced that, unlike in early years, the transfer of surplus funds will no longer be possible.
Research funding

Several of the centre’s members of staff receive funding from external funds etc. as follows:

- **Vibeke Vindeløv** in collaboration with LIFE for a project on forest preservation in Kenya: Stabilizing Kenya by Solving Forrest Related Conflicts (8.5 million funded by DANIDA in 2011 for the period 1 January 2012 – 31 December 2015).

- **Peter Pagh** in collaboration with the Faculty of Science, the Faculty of Health and Medical Sciences and the Faculty of Humanities for a project on Plants for a Changing World (4 million granted by Copenhagen University’s 2016 fund for the period 1 January 2013 – 31 December 2016).

- **Henrik Stevnsborg** has received external funding amounting to DKK 761,600 from the Ministry of Culture and the National Archives for the financing of Kristian Bruhns’ PhD scholarship. In addition, he has received a grant of EUR 8,000 from the NFsK to finance the Second CCCH Copenhagen Seminar 11 and 12 November.

Study tour 2013

Members of the centre paid a study visit to a number of the European Institutions in Strasbourg on the 17 to 20 September. The visit included the European Parliament, the European Ombudsman and the European Court of Human Rights (with Judge Peer Lorentzen).

Workshop 2013

**Agenda:** The centre held its annual workshop 11 June with the participation of almost all centre members. The workshop focused on important internal matters (i.e. well-being and management) along with the opportunities for conducting new, collective centre projects, amongst other things, in order to make collective grant applications, appointments, etc.

**Project themes:** Three particular project themes were discussed in groups at the meeting: Digitalization (with Peter Blume as minute taker), Administrative sanctions (with Carsten Henrichsen as minute taker) and Privatization (with Steen Treumer as minute taker). All themes were found suitable.

**Centre projects:** It was decided later at a meeting (20 June) to continue working with the Administrative sanctions theme. This is an important research – and practical – area that contains many relatively unexplored issues and one that is considered suitable for collective scholarly analysis. Since the autumn, a number of project meetings have been held (26 August, 13 September, 25 October and 6 December) which have resulted in support for the project from half a dozen centre members, in that the possible publica-
tion of an anthology has been proposed. An invitation to contribute, sent to the members of the advisory panel, has resulted in the additional support of one panel member.

Minutes of the meeting: A record of decisions taken at the meeting is available (Centre Head 20 June).

Collaborative projects

*Trine Baumbach* has taken part in a Nordic research project on punishment for rape and participates in several international and Nordic networks, including the Nordic woman’s network in criminal law.

*Carsten Henrichsen* has been Danish rapporteur in a Nordic research project on development trends in municipal legislation in the Nordic countries. The project, that was launched in early 2012 under the auspices of Høgskolen in Oslo and Akershus after being commissioned by the Municipal and Regional Department in Norway, was completed with the rapport: *Kommunallovene i Norden – En kortlegging og sammenligning* [Municipal Laws in the Nordic Countries – a mapping and comparing] by Ingun Sletnes, Carsten Henrichsen, Olle Lundin and Eija Määkinen, HiOA Rapport 2013, no 13 (798 pages). It has been decided to follow up on the publication with a centre event in 2014.

*Peter Pagh* is participating in a cross-faculty research project (with the Faculty of Science, the Faculty of Health and Medical Sciences and the Faculty of Humanities) on *Plants for a Changing World* that is financed by the UCPH’s 2016 fund. The project stems from ideas of a ‘new green revolution’ based on the results of new bio-scientific insights (*bio-fortification*) and focuses on the connection between climate-change, agriculture and food production in causing plant diseases. Peter Pagh will specifically be examining the possibility of benefit sharing under the Nagoya Protocol and the European Court of Justice’s practice regarding the harmonisation of GMO regulation.

*Anita Rønne* is represented in several collaborative projects, including two educational collaborations; *Master of Environmental and Energy Law* in cooperation with the AU, SDU and UCPH and *Climate Change Impacts, Adaptation and Mitigation* (CCIAM), which is an interdisciplinary e-learning course at the Faculty of Life Sciences. Also, a number of research collaborations as follows; *Sustainable Transitions* under the research alliance ‘Enabling and Governing Transitions to a Low Carbon Society’, funded by the Strategic Research Council, and with participants from DTU, AUC, AU and UCPH; *Infrastructure and the Law* under the Academic Advisory Group of the International Bar Association, Section on Energy, Environment, Natural Resources and Infrastructure Law.
Vibeke Vindeløv takes prime responsibility for the DANIDA supported collaborative project Stabilizing Kenya by Solving Forest Related Conflicts carried out under the platform Strategic Partnership Agreements (STAKE) in collaboration with representatives from LIFE, Wangari Maathai Institute at Nairobi University and the Green Belt Movement.

Events

As in previous years CORA has prioritised the provision of seminars, conferences and guest lectures on current issues and topics, which for some reasons stand out, e.g. because they cover a special (further) educational need. The major events - conferences and guest lectures – are offered to all interested parties and with the possibility of acquiring a diploma for participation for the assistant attorneys’ education programme. Moreover, smaller events are held within the centre in the form of seminars and the like.

05.04 Open lunch seminar on Borgmesterens stilling i kommunestyrel [Position of the Mayor in local government] with a presentation by Carsten Henrichsen.

06.05 Guest lecture on Fair Governance by the Dutch Ombudsman Alex Brenninkmeijer (main organizer: Lin Adrian).

17.05 Presentation of PhD project PET i offentligretlig og straffeprocessuel belysning [Police intelligence service in the light of public law and criminal proceedings] by guest student Emil Greve (AU).

03.06 Mini-conference on Undersøgelseskommissioner [Investigative commissions], with Professor Emeritus Jørgen Grønnegaard Christensen as keynote speaker. (Carsten Henrichsen and Michael Gøtze).


01.11 Open lunch seminar on Hemmelige agenter, honningfælder og hjemmelskrav [Secret agents, honey traps and authorization requirements] with PhD student Emil Greve.

11-12.11 The internationalization of Crime, Police and Criminology in a historical perspective – as seen from Scandinavia, the Second CCCH Copenhagen Seminar, arranged by Henrik Stevnsborg and Trine Vendius.

21.11 Årsmøde med det rådgivende panel for CORA [Annual meeting of the CORA advisory committee] arranged by Carsten Henrichsen, chaired by Peter Blume.
Joint seminar with Dansk Energietsforening on *Hydrocarbon Licensing in the Danish North Sea*, main organizer Anita Rønne.

The police law group has held the following research meetings:

- **29.01** *Transnasjonalt politiarbeid lokalt* [*Transnational police work locally*], with PhD scholar Helene Ingebrigtsen Gundhus, Norwegian Police University College, Oslo.
- **09.04** *Politiets brug af peberspray* [*Police use of pepper spray*], with Associate Professor Lars Holmberg.
- **25.05** *Begreberne fare og risiko* [*The concepts of danger and risk*], with PhD scholar Eva Marie Vestergaard Møller, Faculty of Law, Bergen University.
- **05.12** *Europol og privat efterforskning* [*Europol and private investigation*], with Jan Jarlbæk and Henning Bøgelund Hansen (Europol).

For the coming year (2014), it has been decided to hold the following four major events:

- **April, May:** *De nordiske kommunallove – hvad kan vi lære?* [*The Nordic municipal laws – what can we learn?*] (org. Carsten Hennrichsen).
- **May, June:** *Forvaltningsloven – nye regler, udtalelser og afgørelser mv.* [*The Public Administration Act – new rules, opinions and decisions etc.*] (org. Niels Fenger).
- **September:** *Straffeteoriens anvendelighed – årsmøde i Nordisk Kvindenetværk i Strafferet* [*The usefulness of criminal theory - annual meeting of the Nordic women’s network in criminal law*] (org. Trine Baumbach).
- **November:** *Centerprojekt om administrative sanktioner* [*Centre project on administrative sanctions*] (org. Peter Pagh).

In addition, the centre intends to offer an interdisciplinary seminar for bachelor of law students in 2014. The subject will be criminal record certificates and will cover, amongst other things, administrative law and criminal law issues and as such cross traditional disciplinary borders.
Research activities

The centre's research activities are divided into a number of topics, which fall into three groups as indicated on the centre’s website; general topics (7 projects), specific topics (9 projects) and interdisciplinary topics (7 projects). For an overview of the centre’s - current or planned - research projects, please see the centre website (reviewed 31 December 2012); www.jura.ku.dk/cora/aktuelle-forskningsprojekter.

Within these areas, the centre members - incl. associated members – have published 101 articles and books in 2013 and held a somewhat smaller number of conference presentations. Annex 1 contains a publication list for 2013. For an overview of the centre members' research 2010 - 2013, please see the centre website; www.jura.ku.dk/cora/forskningspublikationer.

Most of the centre members' research focuses on the project topics, which the centre has announced above. In addition, respect for scientific freedom allows for research on topics which have not been projected in advance within the framework of the centre. Among the substantial research work, the following, in particular, should be mentioned (listed by legal area in alphabetical order):

- **Administrative law**: Studies in administrative law (Niels Fenger with a new edition of ‘Forvaltningsloven med kommentarer’ to replace Vogter’s commentary on the same act, 2013, 947 pages); preliminary references to the EU court (with 6 publications in English, French and German together with Morten Broberg); the Danish Ombudsman’s practice from the EU legal perspective (Michael Gøtze with 4 publications in Danish and English); Nordic municipal law (Carsten Henrichsen with a contribution to the Norwegian report on ‘Kommunallovene i Norden’, 798 pages); agreements in administrative law (together with two commemorative articles); experiments in legislation (together with a commemorative article); the principle of equality from the EU legal perspective (Steen Rønsholdt with two publications, one in collaboration with Azad Taheri).

- **Environment, energy and climate law**: continuous commentary on environmental law judgments and decisions (Peter Pagh as editor of ‘Tidsskrift for Miljø’ and ‘Miljøretlige afgørelse og domme’); environmental law from the EU perspective (together with a publication in English); energy law studies (Anita Rønne with two publications in English); climate law studies (Annalisa Savaresi with PhD thesis, 281 pages + bibliography, 36 pages).
• **Mediation**: Studies in mediation (Vibeke Vindeløv with 3rd edition of Mediation, 496 pages); conflict council (Ida Helene Asmussen with a PhD thesis, 269 pages).

• **Personal data law**: Studies in data protection law (Peter Blume with 4th edition of ‘Databeskyttelsesret’, 508 pages and 3rd edition of ‘Ret, privatliv og teknologi’, together with Janne R. Hermann, 333 pages); commentary on new EU regulation of personal data protection (with a publication in English).

• **Police and criminal law**: Police law studies (Henrik Stevnsborg with two articles in English, one on Frontex and the other on the development of the Danish police as an investigative authority). Studies in Danish criminal law from the EU legal perspective (Trine Baumbach with a publication in English); criminal law from a human rights perspective with focus on violence against women (idem).

• **Procurement law**: Studies in EU procurement law (Steen Treumer with 6 publications in English).


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**Research groups**

The centre's activities are partly organised in groups, of which by the end of 2013 there were – as before – three groups, an Environmental law group (led by Peter Pagh), a Police law group (led by Henrik Stevnsborg) and a group concerning Governance and Mediation (led by Vibeke Vindeløv).

The police law group is responsible for the interdisciplinary network Politiforskertræf – Forum for tævervidenskabelig politiforskning, who meet 5-6 times a year as a collegiate framework of police research in Denmark. The group of participants are researchers at the Faculty of Law, National Archives Administration, Copenhagen Business School, Border Region Research Institute, Danish School of Education, Police Museum and Danish National Police Information and Research Centre.

The group concerning Governance and Mediation includes among others the above mentioned DANIDA funded project, 'Stabilizing Kenya by Solving Forest Related Conflicts' (STAKE), with Vibeke Vindeløv as mainly responsible. Furthermore, Vibeke Vindeløv and Lin Adrian are responsible for the Faculty's new Master's programme in mediation, which began in 2012, and which involves a professional network of 'stakeholders' of about 1500 persons.
Research programmes and recruitment

**PhD course:** Niels Fenger and Peter Pagh held an PhD course in *Public Law* with 20 participants on 11 December. A new PhD course to be held by Peter Blume and Henrik Stevnsborg is planned for 2014.

**Project topics:** The centre has offered the following project topics for the F2014 round of applications:

- *Administrative sanktioner – tilsyn og retshåndhævelse* (with Carsten Henrichsen as contact person; the topic has also been offered in English: Administrative Sanctions).
- *Whistleblowing* (with Michael Gøtze as contact person; the topic has also been offered in English).
- *Forsæt og uagtsomhed ved forbydelser mod liv og legeme* (with Trine Baumbach as contact person).

**PhD defence:** See below for PhD defences held under the auspices of the centre:

- Annalisa Savarese, former centre member, has been awarded the title of PhD for her thesis: *An international framework for reducing emissions from deforestation and forest degradation in developing countries* (defence took place on 23 August).
- Ida Helene Asmussen, former centre member, has been awarded the title of PhD for her thesis: *Fra retsstat til omsorgsstat. Om syndsforsørladelse i konfliktråd* [From Law State to Welfare State – upon absolution in conflict councils] (defence took place on 20 December).

Other educational activities

The members of the centre staff are involved in a wide range of educational activities both at this university, in collaboration with other universities and externally (including Djøf Efteruddannelse and Juristernes Videreuddannelse/JUC). For an overview of centre employees’ involvement in the Faculty’s own Master’s, graduate and undergraduate programmes.

Centre newsletter

The centre publishes a newsletter, *News from CORA*, approx. 2-3 times a year. Interested parties can subscribe to it via the centre's mail service. In 2013, 3 newsletters have been published (1 February, 18 March and 20 December). By the end of 2013 approx. 155 people had registered with the centre's news service.
Centre structure
CORA has issued a response on the 25 March to the evaluation committee, established by the Faculty, concerning the centre structure. The committee issued a report in August 2013, subsequently discussed by the central governing bodies, the recommendations of which are still being considered. The centre’s response emphasizes, amongst other things:

- That the creation of the centre meets a basic need for the division of a large organization into smaller units, and that the centre structure has also generated a considerable increase in the Faculty’s research and communication activities compared with the earlier institute and department structure.

- At the same time, the structure has limitations in connection with collaboration between centres, interdisciplinary efforts and broader research in legal science disciplines. Moreover, the centres have had mandatory tasks imposed upon them that pose specific challenges in relation to the obligations of centre members.

- It is recommended that the centres be recognized as a framework for both collective and individual research efforts, in that respect for scientific freedom requires that centre members in their choice of research topics must have room to explore other directions than those covered by the centrally established research plans and strategies.

I hope that this report will be of use to all those who take an interest in the work of the centre.

Kind regards

Carsten Henrichsen
Head of centre

Annex: List of publications in 2013