

**NORTH SEA ENERGY LAW PROGRAMME**

FACULTY OF LAW

**UNIVERSITY OF GRONINGEN**

QANU  
Catharijnesingel 56  
PO Box 8035  
3503 RA Utrecht  
The Netherlands

Phone: +31 (0) 30 230 3100  
E-mail: [support@qanu.nl](mailto:support@qanu.nl)  
Internet: [www.qanu.nl](http://www.qanu.nl)

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This report was finalized on 26 August 2019



# REPORT ON THE POSTINITIAL MASTER'S PROGRAMME NORTH SEA ENERGY LAW PROGRAMME OF UNIVERSITY OF GRONINGEN

This report takes the NVAO's Assessment Framework for the Higher Education Accreditation System of the Netherlands for limited programme assessments as a starting point (September 2018).

## ADMINISTRATIVE DATA REGARDING THE PROGRAMME

### Master's programme North Sea Energy Law Programme

|                                |  |
|--------------------------------|--|
| Name of the programme:         | North Sea Energy Law Programme   |
| CROHO number:                  | 75118  |
| Level of the programme:        | master's   |
| Orientation of the programme:  | academic   |
| Number of credits:             | 90 EC  |
| Location(s):                   | Groningen  |
| Mode(s) of study:              | part time  |
| Language of instruction:       | English  |
| Joint programme:               |  |
| partner institutions involved: | University of Aberdeen (Scotland)<br>University of Copenhagen (Denmark)<br>University of Oslo (Norway) |
| type of degree awarded:        | Master of Laws   |
| Expiration of accreditation:   | 28-08-2020   |

The visit of the assessment panel North Sea Energy Law Programme to the Faculty of Law of the University of Groningen took place in Amsterdam - for practical reasons near Schiphol Airport - on 14 May 2019.

## ADMINISTRATIVE DATA REGARDING THE INSTITUTION

|  |                             |
|--|-----------------------------|
| Name of the institution:                           | University of Groningen     |
| Status of the institution:                         | publicly funded institution |
| Result institutional quality assurance assessment: | positive                    |

## COMPOSITION OF THE ASSESSMENT PANEL

The NVAO approved the composition of the panel on April 24, 2019. The panel that assessed the master North Sea Energy Law Programme consisted of:

- Em. Prof. Willem van Genugten (chair), emeritus professor of International Law at Tilburg University. Since 2008 he has been extraordinary professor at North West University, South Africa.
- Prof. Terence Daintith is a professorial fellow at the Institute of Advanced Legal Studies at the University of London (UK) and visiting professor of Law at the University of Western Australia and Senior Fellow at the University of Melbourne.
- Prof. Aileen McHarg is professor of Public Law at the University of Strathclyde, UK.
- Dylan Couck started the master programme of Law at the University of Ghent in 2017. He is actively involved in quality assurance in education.

The panel was supported by Dr. Meg Van Bogaert, who acted as secretary.



# WORKING METHOD OF THE ASSESSMENT PANEL

## *Preparation*

On 8 May 2019 the panel chair was briefed by QANU on his role, the assessment framework, the working method, and the planning of site visits and reports. A preparatory panel meeting was organised on 13 May 2019. During this meeting, the panel members were instructed on the use of the assessment framework(s). They also discussed their working method and the planning of the site visits and reports.

The project coordinator composed a schedule for the site visit in consultation with the programme. Prior to the site visit, the Faculty selected representative partners for the various interviews. See Appendix 4 for the final schedule.

Before the site visit, QANU received the self-evaluation report of the programme and sent it to the panel. The panel's chair and secretary were charged with making a selection of the theses for examination, but as in total only 14 students have graduated from the programme, all of their theses were examined, including the assessment forms.

After studying the self-evaluation report, theses and assessment forms, the panel members formulated their preliminary findings. The secretary collected the initial questions and remarks and circulated them amongst the panel members.

At the start of the site visit, the panel discussed its initial findings of the self-evaluation report and the theses, as well as the division of tasks during the site visit.

## *Site visit*

The site visit to the University of Groningen took place on 14 May 2019. A number of the stakeholders from the programme and several panel members were based abroad and flew in for the site visit. Therefore, it was decided that the site visit would take place near Schiphol Airport. Before the site visit, the panel studied the additional documents provided by the programme. An overview of these materials can be found in Appendix 5. The panel conducted interviews with representatives of the programmes: students and staff members, the programme's management, representatives of the professional field, alumni and representatives of the Board of Examiners. It also offered students and staff members an opportunity for a confidential discussion during a consultation hour. No requests for this private consultation were received.

The panel used the final part of the site visit to discuss its findings in an internal meeting. Afterwards, the panel chair publicly presented the panel's preliminary findings and general observations.

## *Report*

After the site visit, the secretary wrote a draft report based on the panel's findings and submitted it to the project coordinator for peer assessment. Subsequently, she sent the report to the panel. After processing the panel members' feedback, the project coordinator sent the draft report to the Faculty in order to have it checked for factual irregularities. She discussed the ensuing comments with the panel chair, and changes were implemented accordingly. The report was then finalised and sent to the Faculty and University Board.

## *Definition of judgements standards*

In accordance with the NVAO's Assessment framework for limited programme assessments, the panel used the following definitions for the assessment of the standards:

### **Generic quality**

The quality that, from an international perspective, may reasonably be expected from a higher education Associate Degree, Bachelor's or Master's programme.

**Meets the standard**

The programme meets the generic quality standard.

**Partially meets the standard**

The programme meets the generic quality standard to a significant extent, but improvements are required in order to fully meet the standard.

**Does not meet the standard**

The programme does not meet the generic quality standard.

The panel used the following definitions for the assessment of the programme as a whole:

**Positive**

The programme meets all the standards.

**Conditionally positive**

The programme meets standard 1 and partially meets a maximum of two standards, with the imposition of conditions being recommended by the panel.

**Negative**

In the following situations:

- The programme fails to meet one or more standards;
- The programme partially meets standard 1;
- The programme partially meets one or two standards, without the imposition of conditions being recommended by the panel;
- The programme partially meets three or more standards.

## SUMMARY JUDGEMENT

NSELP (North Sea Energy Law Programme) has developed strongly since its launch in 2014. The panel is of the opinion that the programme is clearly set up as a joint degree, with four partners developing and running it in four countries. The partners manage to make use of each other's strengths. The profile and objectives are clear and include a focus on academic aspects as well as professional skills. The comprehensive nature of the programme covers the broad field of energy law. The intended learning outcomes (ILOs) are adequate but very general, and more explicit attention could have been paid to the academic and professional profile. The panel praises the strong connection to and interaction with the professional field.

The programme consists of four modules, each one being offered by one of the four partner universities. Each university provides a module that matches its particular strengths and research expertise. Jointly, the four modules cover the field of energy law in a comprehensive and high-quality manner. The structure of the programme is good and fits a post-initial master's programme that is designed to be attractive to professionals. This is reflected in the design of the modules (each has a two-week teaching period preceded and followed by assignments) as well as in the focus on both an academic and a professional approach. Legal writing skills receive explicit attention throughout the four modules, but the panel considers that research methodology could be more explicitly present. Specific attention is paid to the coherence of the curriculum. The partners are actively involved in setting up the content of the modules at the other universities, while also actively participating in each module.

There is a good variety in teaching methods, with intensive teaching for two weeks and self-study being stimulated before and after each module. The set-up of the modules and the favourable student-staff ratio allows for close contact between the students and teaching staff. These aspects all add to the programme's feasibility. The number of enrolling students is adequate, but low. Admission criteria are clear and adequate, and the programme pays sufficient attention to students with a non-law background.

The panel is impressed by the high quality of the teaching staff. The four academic directors are experts in their respective fields, and in each module the programme manages to employ a group of outstanding academic and professional lecturers. The quality assurance with respect to the didactic qualities of the teaching staff, specifically guest lecturers, seems to work well.

The assessment model supports the didactic structure of the NSELP by promoting student engagement before, during and after the teaching period. The weighting of the different assignments in each module is appropriate, and the panel is of the opinion that the iterative nature of the assessment and the consistent use of the feedback format help students develop a variety of skills. The process of assessment of the master's thesis is clear, and by involving a second assessor from a different partner institute, the programme is actively working on consistency. The grading scale and the way in which the different criteria lead to the final grade deserve attention. The panel also recommends that the programme defines the criteria that are being assessed more clearly, for example by including a narrative. The Board of Examiners functions as a guardian of the quality of assessment, although it is still developing as a group that proactively deals with issues on assessment. The programme and the individual lecture(r)s are continuously evaluated. The panel is convinced of the reasons for doing that, but also would like to warn for some 'overkill', suggesting to delete some repetitive questions. Also, the anonymity of the evaluations might be an issue, given the small size of the groups and the easy recognisability of the specific characteristics of the students.

The panel reviewed the theses that were produced by graduates in the two previous cohorts. It agreed in general with the grades given by the supervisors and appreciated the clear qualitative feedback on the assessment forms, which was in line with its own findings. It is convinced of the



added value of the NSELP for the graduates: it provides them with a comprehensive understanding of the law energy discipline and promotes their career opportunities.

The panel assesses the standards from the *Assessment framework for limited programme assessments* in the following way:

*Master North Sea Energy Law Programme*

|   |                    |
|---|--------------------|
| Standard 1: Intended learning outcomes    | meets the standard |
| Standard 2: Teaching-learning environment | meets the standard |
| Standard 3: Student assessment            | meets the standard |
| Standard 4: Achieved learning outcomes    | meets the standard |
| General conclusion                        | positive           |

The chair, Em. Prof. Willem van Genugten, and the secretary, Dr. Meg Van Bogaert, of the panel hereby declare that all panel members have studied this report and that they agree with the judgements laid down in it. They confirm that the assessment has been conducted in accordance with the demands relating to independence.

Date: 26 August 2019

# DESCRIPTION OF THE STANDARDS FROM THE ASSESSMENT FRAMEWORK FOR LIMITED FRAMEWORK ASSESSMENTS

## **Standard 1: Intended learning outcomes**

The intended learning outcomes tie in with the level and orientation of the programme; they are geared to the expectations of the professional field, the discipline, and international requirements.

## **Findings**

The master's programme North Sea Energy Law (NSELP) is a part-time, post-initial joint degree that is offered by four partner universities from Denmark, Norway, Scotland/UK and the Netherlands. The University of Groningen was appointed the coordinating institution, but unlike many other joint degrees, this programme is specifically designed as a joint degree. This implies that the curriculum is designed and organised separately from other programmes at any of the institutes. The partners are not only responsible for organising one teaching module each, they also participate in other modules and often discuss the entire programme. The strong collaboration was exemplified by the real-life participation of all four academic directors during the site visit. This showed that the NSELP is considered a joint venture and a joint responsibility. The panel is of the opinion that this joint degree is indeed the result of a joint effort and collaboration by the four partner institutes.

## *Profile and objectives*

NSELP aims at offering a comprehensive law curriculum of the highest academic and professional level to experienced practitioners. The regulation of the energy sector covers a broad spectrum of laws and regulations. The four partner institutes all are at the forefront of academic and professional energy law practice and jointly worked on the development of the programme. The four countries involved in the programme have longstanding experience with offshore oil and gas production and have leading positions in the worldwide development of onshore and offshore wind energy. Offshore energy sectors are constantly undergoing technological and legal innovation, and the academics of the four participating institutes are at the centre of such developments, through EU and nationally funded research projects. This includes developments regarding climate change, emissions trading, international energy trade and those connected to the increasing reliability on renewable energy sources.

In the self-evaluation report, three main objectives of the master of law (LLM) programme NSELP were formulated:

1. NSELP is a high-quality, lifelong learning instrument. The joint degree programme is innovative because it seeks to overcome the boundaries of national legal systems and is aiming at an energy sector facing major global challenges to make energy consumption more secure, competitive and sustainable.
2. NSELP offers solid knowledge of energy law and stimulates learning by paying due attention to the knowledge, skills and attitude essential to this competence. Developments in the energy sector are very fast due to the serious energy challenges concerning sustainability and greenhouse gas emissions as well as security of supply, import dependence and the competitiveness and effective implementation of the internal energy market.
3. Environmental and climate change issues are important drivers for the changes in the energy sector. Much of the regulation arises from energy policies addressing issues such as the need to reduce greenhouse gas emissions, improve energy efficiency and increase the use of renewable energy sources. The NSELP pays due attention to these issues.

In addition, the programme aims at the following three general academic qualifications:

1. To enhance the professional career of the students
2. To enable students to develop skills, knowledge and insight in a specialized area of the field of law, with a focus on insight into and approach to scientific problems;

3. To enable students to develop the ability to communicate the acquired knowledge clearly and concisely to others.

Students informed the panel that they specifically appreciate the broad focus of the programme, with the opportunity to apply their individual focus in the assignments. They also appreciate the combination of students with and without a previous education in law, which provides a variety of perspectives on legal issues and includes, for example, commercial aspects in the discussions.

The panel is of the opinion that the NSELP is an innovative programme, in terms of both its aim to cover the energy law field in a comprehensive way and its structure as a two-year, part-time programme across four universities aimed at professionals. The profile and design of the programme appear to be very well tailored to the needs of its target market, enabling the enhancement of the students' academic knowledge and skills in a way which is relevant to, and useful for, their future professional development. It offers excellent opportunities for students to pursue their own particular interests within the energy law field, whilst ensuring a broad basis across the discipline as a whole, through the compulsory nature of the four modules.

#### *Intended learning outcomes*

NSELP formulated a set of ten intended learning outcomes (ILOs) in three categories that reflect how graduates can undertake independent academic research or solve complex cases in the professional practice. The three categories are: A) Knowledge and Insight; B) Application of knowledge and understanding, formulating judgements and communication; and C) Learning skills. Appendix 2 provides an overview of the ILOs. The profile of a broad, innovative programme in the field of energy law is reflected in the ILOs. For example, ILO A.1 refers to knowledge and understanding of the entire chain of energy law, and ILO B.4 includes application of knowledge and understanding and problem-solving skills in multidisciplinary contexts. In the self-evaluation report the programme emphasises the connection between the ILOs and the Dublin descriptors, which is straightforward as the ILOs are designed according to the five Dublin descriptors. The programme also connects the ILOs to the subject-specific framework for law, which is provided in Appendix 1. The panel is of the opinion that the ILOs are adequate and fulfil the requirements of an academic master's programme in Energy Law. However, it feels that the ILOs are formulated rather generally and believes that they could more explicitly reflect the subject-specific framework in Law provided in appendix 1 of this report. Although the examples of the students' work that were read by the panel were clearly of a master's level (see standard 4), more explicit emphasis could be given to the academic aims of the programme, emphasising not merely knowledge and understanding of energy law, but also a critical appreciation of the relevant theories, values and contexts. Being a post-initial programme, combining academic reflection with professional practice is a key feature. The panel would have appreciated more explicit attention being paid in the ILOs to the balance between academic and professional objectives, which is rather implicit at present. By making this explicit, it will be clearer to students what is expected of them.

#### *Benchmark*

During the site visit the panel discussed the unique selling proposition of the programme. At an international level there are other institutes offering programmes that include similar topics and courses. However, the panel was convinced that the structure of the NSELP curriculum, with four two-week teaching modules at four different institutions, is unique. It considers the comprehensiveness remarkable in terms of covering the entire energy chain. Students informed the panel that in addition to the comprehensiveness of the programme, there are ample opportunities to focus on specific interests.

#### *Connection to the professional field*

The NSELP has an advisory board that is regularly contacted with respect to the development of the programme. In this way, the programme management is working on a good connection between the programme and the expectations of the professional field. A significant number of lectures is provided by guests from the practical field, connecting the practice to academic aspects. The programme



management informed the panel that it is a challenge to keep up with developments (both academic and professional) in this rapidly changing field.

The panel compliments the programme for this close connection to the professional field. In the interview with stakeholders, they indicated that they specifically appreciate the broad perspective students develop during the programme and their ability to look beyond the borders of the discipline. During the site visit it was suggested that the programme could pay more explicit attention to the perspective of developing nations. Although the panel understands this point of view, it is of the opinion that the programme is already doing well in covering many legal issues that transcend national regulations.

#### *Proposal of new name*

Ever since the accreditation in 2014, recurring confusion regarding the name and thus scope of the programme has been observed. The term *North Sea* was intended to refer to the involvement of four countries bordering the North Sea rather than to a focus on this area in the programme. Therefore, the participating institutes propose changing the name of the programme. During the site visit the panel discussed this issue with the management of the programme. It considers changing the name a sensible idea, as the programme would benefit from having a name that more accurately reflects its content. The proposed new name for the programme is Advanced Master in Energy Law, a Joint degree for Professionals provided for by the North Sea Energy Law Partnership. The panel is of the opinion that this proposed name much better reflects the scope and aim of the programme as well as the post-initial approach compared to NSELP. The panel therefore recommends that the proposed name change be approved.

#### **Considerations**

The panel encountered an impressive and unique programme that has developed strongly since its launch in 2014. The NSELP is clearly designed as a joint degree programme, with four partners developing and running the programme, making use of the strengths of each partner institute. According to the panel, the NSELP is innovative in terms of its content (comprehensive) and structure. The profile and general objectives of the programme are clear, including the focus on academic aspects as well as professional skills. The panel concludes that the ILOs are adequate but could have been formulated more explicitly to do justice to both the academic and the professional profile. Finally, the strong connection to and interaction with the professional field deserve a compliment.

#### **Conclusion**

*Master North Sea Energy Law Programme*: the panel assesses Standard 1 as 'meets the standard'.

#### **Standard 2: Teaching-learning environment**

The curriculum, the teaching-learning environment and the quality of the teaching staff enable the incoming students to achieve the intended learning outcomes.

#### **Findings**

##### *Curriculum*

NSLEP is a two-year, part-time, post-initial master's programme of 90 EC that is jointly organised by four international universities. The first year of the curriculum covers three of the four modules in two-week teaching periods, while in the second year students attend the fourth module and write their master's thesis (see figure 1). Each module starts four to six weeks ahead of the teaching period, with students being given access to reading materials relevant to the module and their first writing assignment. The module subsequently features the two-week teaching period on location, during which students present their first paper and write and present a second one. The module is finalized eight weeks after the teaching period when students submit their final paper.

As described under Standard 1, the objective of the curriculum structure is to give experienced professionals a broad view on energy law as a continuously developing discipline in Europe and beyond. The curriculum is therefore focused on four main areas of energy law in four modules. The first module starts with the liberalisation and subsequent regulation of the energy markets. The entire energy chain is included. The second module focuses on a specific part of the energy chain: exploration and production of fossil resources. The third module has energy security in the broadest sense as its main topic. The final module relates to the way in which climate change affects the energy sector.

| <b>Year 1</b>   |    |  |    |  |    |
|---|----|--|----|--|----|
| Module 1 (Sept – Dec)                                       |    | Module 2 (Jan-April)   |    | Module 3 (May – Aug)                   |    |
| Electricity and Gas: Liberalising and Regulating the Market | 15 | Upstream Oil and Gas Law: Public and Contractual Law Aspects | 15 | Energy Investments, Trade and Security | 15 |
| Taught in Groningen   |    | Taught in Oslo   |    | Taught in Aberdeen                     |    |
| <b>Year 2</b>   |    |  |    |  |    |
| Module 4 (Sept – Dec)                                       |    | Master-concluding course unit (Jan-Aug)                      |    |  |    |
| Green Energy, Climate and Sustainable Development           | 15 | Master's thesis  |    |  | 30 |
| Taught in Copenhagen  |    | Supervised remotely  |    |  |    |

Figure 1: overview of the NSELP curriculum

The approach of the curriculum is to provide the students with academic knowledge of the entire sector along with a proper understanding of how the acquired knowledge impacts society. The latter is achieved by having some key experts from government, industry and legal practice give guest lectures and share their knowledge. On-site visits add to the technical understanding and provide a hands-on perspective of each of the main areas of energy law. Students told the panel that they appreciate the design of the curriculum and the attention paid to both academic and professional aspects.

The panel confirmed that the curriculum successfully covers the energy law field in a comprehensive manner. It had digital access to the Blackboard information of the Groningen and Oslo modules and found the content of the curriculum to be very good. There is some coverage of preliminary issues regarding the character and historical development of the energy industries and of the values and limits of energy law in the first module. The panel also verified the balance between academic and professional aspects in the modules. In this respect, there are differences between the modules: The Groningen and Aberdeen modules have a more academic approach compared to the Oslo module. The balance between academic and professional lectures and activities is good across the entire curriculum, although the panel thinks that within the individual modules, continuous attention should be paid to keeping a good balance.

The NSELP explicitly pays attention to the training of legal writing skills as some students have a non-legal background or received their previous academic degree a while ago. Each module includes at least one legal writing session, and builds on the previous sessions. The panel is pleased with this increased attention to legal writing skills, which is indeed important for graduates of an LLM programme. It examined the amount of research methodology included in the modules. The academic directors stated that this aspect is implicitly present in a number of modules. Students agreed that attention is paid to research methodology but could not give specific examples. The panel is of the opinion that including research methodology explicitly in the curriculum is a point requiring attention. This also relates to the panel's findings on the quality of the theses (see Standard 4).



### *Coherence of the curriculum*

The four partners have developed a *Guideline to Organising Teaching Periods* to ensure coherence between the four modules. Most teaching takes place at the university organising the module, with one or two days being organized on location and featuring lectures from members of that organization. In each module, one day is used for excursions to, for example, a wind farm, gas storage facility or hydrogen production facility. One or two evenings in each module are used to visit, for example, law firms or public institutions, and feature presentations and discussions. The hosting academic director is present during all presentations and lectures to make sure that the essential topics are covered, provide additional information and verify the quality of the lectures. To ensure coherence and connection between the four modules, the partners of the other three universities contribute to the teaching during the second part of the final week. They participate in a comparative panel where they present a topic. All of the partners are also involved in reading the papers that are written during the two-week teaching period. During the design and set-up of the modules, the academic directors discuss the contribution of each module to the curriculum, which topics are best presented in each module, and if teaching staff of other institutes should be involved. The Management Board officially meets six times during each round. In addition, there are frequent contacts between the partners via email, phone or meetings.

The panel concludes that the four partners regularly meet and discuss the programme, fine-tune the four modules, and consider all modules to be a joint responsibility. Appropriate steps are taken to ensure that the different modules are coherent and that their content does not overlap. The inclusion of staff from all four institutions in the teaching of each module is particularly commendable. This allows for a good coherence, both within each module and between the four modules. The modules show coherence and build-up, but do not necessarily have to be taken in the proposed order. As the NSELP only starts every two years, students may enrol in another module. There is also the opportunity to participate in some but not all modules. According to the panel, it is not self-evident that there is an optimal order in which topics should be taught. The coverage of certain preliminary material, plus the integration of skills development into the substantive modules, does suggest that having students take the modules out of order is not ideal. The panel nevertheless understands that the programme provides this option as it starts only every other year. Most students start in the first module and informed the panel that they appreciate the order of the modules.

### *Realization of the ILOs in the curriculum*

In an appendix of the self-evaluation report, the NSELP provides a matrix in which the ILOs are connected to the modules and thesis. Different subjects are covered in the four modules, while working towards realizing the ILOs in a similar manner. This implies that all modules and the thesis contribute to attaining all ILOs. The panel confirmed that all modules (and the thesis) indeed contribute to all ILOs, which is the consequence of having very general ILOs. It is of the opinion that if the ILOs are made more explicit, as recommended under Standard 1, certain ILOs might be emphasized in specific modules. Nevertheless, it agrees that the ILOs are covered adequately in the curriculum.

### *Teaching methods*

The combination of extensive self-study with intensive teaching modules is particularly attractive and appropriate for the target market of professionals. The overall contact hours compare favourably with standard LLM programmes, though distributed in a different way. The panel appreciates the opportunity students have to develop a close relationship with teaching staff and other students during the two-week teaching blocks. This is also an aspect of the NSELP particularly valued by the students.

The modules the panel reviewed on Blackboard as well as the information provided in the self-evaluation report and by students indicated that suitable care is taken to provide a varied learning experience, combining didactic teaching, student-led sessions, site visits, external lectures and time for research and writing. Intensive teaching of this nature can be overwhelming for students, but

care seems to have been taken in the design of the programme to balance a rich learning experience with time for preparation, reflection and relaxation.

#### *Language and programme name*

The joint degree is taught in English, which the panel considers appropriate given that it is taught in four countries and the multinational nature of the student body. Students who apply have to show that they are adequately proficient in English. The qualification of teaching staff with respect to their proficiency in English was stated in the curricula vitae that were provided for each staff member in the self-evaluation report. Furthermore, given the frequent evaluations of lecturers, any issues relating to this topic would be quickly recognised. Under Standard 1, the panel provided feedback on the proposed name change of the programme, so it will more accurately reflect the content of the programme.

#### *Enrolment and feasibility*

The admission of students to the NSELP is a selective process. To be admitted, the international applicants must have completed a law-based undergraduate degree, an LL.M or any other university master's diploma. Proven command of the English language is also required. The professional feature of the programme means that candidates must have a minimum of two years of relevant work experience in the energy sector or other fields of law. In practice, half of all participants have over 15 years of work experience.

The NSELP would like to increase the number of enrolling students. With an average intake of eight students per round, the executive, non-funded programme manages to break even. However, it would like to increase student numbers to approximately twelve per round. The programme management is working on strategies to attract more students. The panel is of the opinion that engaging alumni and external lecturers is a promising approach. It also suggests that targeting energy companies might lead to more applications. At the same time, more students apply and are admitted than actually start the programme. This has to do with them not being able to arrange the finances to pay the fee. The programme management is looking into scholarship opportunities, and the panel encourages them to continue doing so. Specifically, students from developing countries might benefit from this.

The panel has discussed in depth the consequences of admitting students with a non-law background, specifically in relation to legal writing and legal research methodology. It concluded that the academic directors of the NSELP are aware of this challenge and are dealing with it properly, for example by paying specific attention to legal writing skills in the assignments. The Admissions Board seems to be considering the ability to cope with these aspects in the admissions procedure, and there is a systematic approach to supporting them in catching up. The panel emphasizes how important it is for these students to start the NSELP in the first module, with respect to both the content and the build-up of legal writing skills.

The NSELP has paid attention to its feasibility for the target group of professionals. The modules are offered over a time span of one and a half years, and a considerable amount of work can be done remotely. Students have to attend the two-week teaching periods and can do their research for the master's thesis at any location. The programme has strict deadlines for handing in papers before and after the teaching periods. Students state that the design of the programme structure does make it feasible to graduate within two years. The modules are of high quality. There is a lot of personal contact between the teaching staff and students, and a lot of support from staff during the execution of the module assignments. This support and frequent contact set a standard for the thesis supervision, during which contact is often via email and phone calls. In addition to the support offered by staff members, students told the panel during the site visit that they strongly appreciate the contact with their fellow students. Both within a cohort as well as between cohorts, there is a lot of contact and interaction. The basis for this close contact lies in the intensive teaching periods but continues in between modules and even after graduation. Additionally, Blackboard provides a digital learning environment that supports students in their studying. Each module has its own Blackboard



page, which is intensively used by academic staff to provide students with ample information and documentation.

#### *Programme-specific services*

Although the quality assurance is not part of the limited framework, as it is an international joint degree, the NSELP faces specific challenges in this respect. The panel talked to students and staff members of the Programme Committee (PC), which was established in the 2016-2018 round. The PC advises on the curriculum, the assessment and any other matters. It meets at least twice per academic year via Skype and is active in identifying aspects of the programme which are considered to be positive or require improvement. The programme management provides feedback on the actions taken based on input from the PC.

During the teaching periods of the modules, students have to fill out evaluation forms on a daily basis. This results in a lot of feedback that is used for improvement of the curriculum. Students evaluate the modules and curriculum highly, but also feel free to provide critical feedback when necessary. They informed the panel that they appreciate the fact that NSELP values their feedback, but that the number of evaluations to be filled out is very high. The panel agrees with that criticism, the programme and individual lecture(r)s are continuously evaluated. On the other hand, the panel observed that the questions on the evaluation forms are tailored to the individual lectures and served a purpose. The panel is convinced of the reasons for many evaluations, but also would like to warn for some 'overkill', suggesting to delete some repetitive questions. Also, the anonymity of the evaluations might be an issue, given the small size of the groups and the easy recognisability of the specific characteristics of the students.

#### *Teaching staff*

The core staff of the NSELP consists of the four coordinating partners from the Universities of Aberdeen, Copenhagen, Groningen and Oslo. They are responsible for the organisation and the majority of the teaching in the NSELP and for involving other academic and non-academic lecturers. The academic directors are present during all lectures, site visit and other activities during the module at their university. This allows them to engage in discussions during the lectures, be available for questions, and steer the professional and academic lecturers when needed. They can ensure that overlap within and between modules is avoided.

The majority of academic teaching is done by lecturers who are scientific researchers at one of the four participating universities. Parts of each module are taught by lecturers who are employed outside the universities, in the professional field. These external lecturers are recognised specialists in their fields and sometimes are former academics or current PhD researchers. The majority of the teaching staff has a PhD or is working on their PhD research project. The panel is of the opinion that the quality of staff involved in the programme is excellent. The academic directors in each of the participating universities are experts in their respective fields and are assisted by a range of other academic experts and external lecturers.

The academic staff members employed by the University of Groningen are expected to have a University Teaching Qualification (UTQ) or to be working on one. The other three universities have comparable requirements for their teaching staff. Teaching qualities and student satisfaction are monitored on a daily basis during each of the modules. In addition, the academic directors are present during all presentations of guest lectures to verify their didactic qualities. During the site visit, it was mentioned that a lecturer, whether academic or professional, should be able not only to provide a good presentation but also interact with students and deviate from the planned presentation when necessary. If a lecturer is not doing well, or is evaluated poorly, s/he is informed, and a solution is sought. The academic directors informed the panel that the consequence might be that s/he is not invited to give another lecture. The panel concludes that the NSELP has organised the quality assurance for the didactic qualities of the teaching staff in a good manner.



The student-staff ratio is currently 8:1, which is very favourable. As the teaching-learning environment is characterized by small groups and the academic director is present during all lectures of his/her module, there is a lot of opportunity for interaction during lectures. The students informed the panel that they greatly appreciate this small-scale and activating teaching environment.

#### *Programme-specific facilities*

The NSELP is jointly offered by four universities. The panel did not visit all four universities but received sufficient information about the facilities from management and students to conclude that the facilities are good at all locations. Up-to-date lecture rooms are used at all universities. Students have access (digital) to the library collection of all four partners and informed the panel that they appreciate the facilities. The fact that the programme is shared by four universities provides the students with a variety of site visits and company visits.

#### **Considerations**

The NSELP successfully covers the field of Energy Law in a comprehensive manner with high-quality content in four modules offered by the four partners. Each university provides a module that fits with its strengths and research expertise. The curriculum focuses on professionals who have already worked in the field for a number of years and does this by successfully combining an academic and a professional approach. Explicit attention is paid to the legal writing skills throughout the four modules, but the panel considers that research methodology could be more explicitly present.

The four partners pay specific attention to the coherence of the curriculum. Not only are they informed about what is taking place in modules other than their own, they also actively participate in the design and execution of all modules. The panel concludes that this shows that the NSELP truly is a joint degree programme.

There is a good variety in the teaching methods, with intensive teaching for two weeks and self-study being stimulated before and after each module. The design of the modules and the favourable student-staff ratio allow close contact between the students and teaching staff. These aspects all add to the feasibility of the programme. The number of enrolling students is adequate, but low, and should preferably be increased up to 12 students per round. The admission criteria are clear and adequate, and the programme pays sufficient attention to students with a non-law background.

The panel is impressed by the high-quality teaching staff. The four academic directors are experts in their respective fields, and in each module the NSELP manages to employ a group of outstanding academic and professional lecturers. The quality assurance with respect to the didactic qualities of the teaching staff, specifically guest lecturers, seems to work well.

#### **Conclusion**

*Master North Sea Energy Law Programme*: the panel assesses Standard 2 as 'meets the standard'.

#### **Standard 3: Student assessment**

The programme has an adequate system of student assessment in place.

#### **Findings**

##### *Assessment of modules*

The assessment of the four teaching modules has the same structure and form: papers and oral presentations. The assessment method is designed to facilitate the modular teaching method as it allows for more flexibility than assessment through examinations. This way of assessment suits the ILOs and the post-initial character of the programme. Assignment deadlines and procedures are shared with the students before the start of the programme.



The first assessment in each module is a bullet-point paper and a PowerPoint presentation, to be submitted before the start of the teaching period. Topics are defined by the academic director responsible for the module according to the background of each student. The second assignment is a paper which will be presented on the final day of the teaching period during which one of the fellow students acts as an opponent. For this paper the student can choose a relevant topic from the theme of the module in coordination with the academic director of the module. For the third and final paper, the student chooses a relevant topic in consultation with the academic director, which is different from the first and second assignments. The topic has to be selected within ten days after the teaching period. A first draft is handed in two weeks after the choice of topic, and the final version is submitted eight weeks after the conclusion of the teaching period.

The self-evaluation report states that all assessments should be reliable and transparent. The NSELP uses standardized feedback forms and has assignment guidelines available for both students and assessors. In each module students have to write three assignments and present two of them. All papers are assessed by two assessors based on the assessment feedback form. Completed forms including written feedback are provided to the student.

According to the panel, the assessment model is indeed similar in all modules and seems to be designed to promote student engagement before, during and after the teaching period. As the teaching of the module is not yet complete when writing the first and second papers, the weighting of these papers is limited compared to that of the third paper. The panel is positive about the iterative nature of the assessments, and the consistent format of the feedback on those assessments should help students with the development of skills in legal research, writing and oral presentation. Consistent marking is ensured by the involvement of partners from all four institutions in the marking of papers (specifically the second one).

#### *Master's thesis*

The master's thesis requires students to apply their acquired knowledge and skills. The student has to show that s/he is capable of independently drafting a research question, conducting the research, and writing about and defending it. The topic has to be in the field of energy law in the broadest sense. The student selects a topic for the master's thesis which should not overlap with any of the other papers they have already written. Each student is assigned a supervisor from one of the four partner institutions who will guide them through the process of writing the thesis. Assessment by a second assessor, preferably based at a different partner institute, increases the reliability of the assessment. The first and second assessors have to come jointly to a final assessment. Finally, the Board of Examiners randomly checks the quality and assessment of master's theses. After the graduation ceremony a symposium is organised at which all of the students present their thesis findings. The criteria for assessment on the thesis feedback form include a number of categories: understanding, analysis and arguments, structure, clarity, research and referencing, and cover the ILOs of the programme.

The panel discussed the grading scale used for the assessment of the theses in depth. The NSELP has chosen to use the Aberdeen assessment scale from A (Outstanding) to F (Fail). At first, the grading scale was not totally clear to the panel, and it did not understand how the overall grade related to the marks assigned to the different assessment criteria. However, during the site visit it became clear that the criteria are used by the assessors to come to a more reliable final grade. The panel considers the development of the common assessment form a major step in the right direction, but would prefer it to be combined with a common narrative of what defines a certain grade for each of the criteria (e.g. a rubric). In the process of defining the requirements in a master's thesis and the subsequent assessment, it might help to organise a calibration session around a number of theses that are read and assessed by all partners. In addition, students should be made more explicitly aware of the criteria.

### *Board of Examiners*

The Board of Examiners has an autonomous and independent role in safeguarding the quality of assessment, which is laid down in the Examination Regulations. It consists of members of all four participating universities and is chaired by the University of Groningen. It has reviewed the ILOs and established that they fit the programme. It also ascertained that the modules (and thesis) cover the ILOs. It has been intensively involved in improving the feedback forms used in the modules. During the site visit the panel discussed the functioning of a joint Board of Examiners that has to deal with four participating institutions. Although the members of the Board are aware of issues that arise and deal with them accordingly, they seem to be struggling with how to deal with these issues as a group. This can be partly explained by the fact that the members of the Board of Examiners come from the four universities and predominantly meet via Skype. The panel encourages the Board of Examiners to work on this aspect so it will become more proactive and can prevent issues coming up.

The panel concludes that the Board of Examiners acts as an independent quality assurance mechanism. It is independent of the teaching staff in the programme and of the assessors. The Board of Examiners complies with the formal (Dutch) regulation of having an external member. However, the panel is of the opinion that being independent is not necessarily the same as having a distant perspective of the programme.

### **Considerations**

The assessment model supports the teaching structure of the NSELP by promoting student engagement before, during and after the teaching weeks. The weighting of the different assignments in each module is appropriate, and the panel is of the opinion that the iterative nature of the assessment and the consistent use of the feedback format helps students develop a variety of skills. Involvement of the four partners in the assessment of all modules stimulates consistent marking throughout the programme.

The process of assessment of the master's thesis is clear, and by involving a second assessor from a different partner institute, the programme is actively working on consistency. The panel did not fully understand the grading scale that is being used and the way the grading of different criteria leads to the final grade. It recommends including a narrative on what defines a certain grade for each of the criteria to be used by assessors. This should also be clearly communicated to students.

The Board of Examiners functions as a guardian of the quality of assessment, although it is still developing as a group that proactively deals with issues on assessment.

### **Conclusion**

*Master North Sea Energy Law Programme:* the panel assesses Standard 3 as 'meets the standard'.

### **Standard 4: Achieved learning outcomes**

The programme demonstrates that the intended learning outcomes are achieved.

### **Findings**

To assess the achievement of the ILOs, the panel studied the results of the papers, the master's theses and the performance of graduates in the professional field. So far, the NSELP has a 100% success rate. The panel thinks that this is a tribute to the quality of teaching as well as the calibre and dedication of the students, albeit the numbers involved are small.

### *Master's theses*

The panel studied all theses that were written in the previous two rounds of the programme, which added up to a total of 14 theses. It also looked at the accompanying assessment forms. It concluded that all but one thesis clearly met the standards required of a master's level research project. With respect to one thesis, it was more critical than the assessors. However, it has no insight into the



initial feedback provided on draft version(s) and the development of the student and accepts the passing grade of a D.

The panel agreed in general with the grading of the sub-criteria on the assessment forms. The qualitative feedback on the assessment forms was clear and useful. The panel agreed with both the grades and the qualitative feedback. Without disregarding the quality of the theses it read, the panel considers that the NSELP should more clearly define what is expected of an academic master's thesis report.

#### *Performance of graduates*

The NSELP's ideal student is a professional with at least two years of experience in the field of energy law. This leads to alumni seeking to remain in their field of expertise and developing further in their career in the energy sector. Through contact with alumni, the programme concluded that better positions and more job opportunities (including international ones) were presented to the students and alumni as a result of their acquired knowledge and experience in the programme. Alumni and students confirmed that this is indeed the case. In addition, they claimed that the network established with their fellow students and alumni helps them to build or extend their practice in energy law. A number of graduates are discussing the potential establishment of an alumni association in the near future that will be supported and facilitated by the NSELP. The panel also talked to representatives of the professional field, and it became clear that employers and stakeholders are also very positive about the impact of the programme. They specifically complimented the comprehensive aspect of the NSELP, which gives the graduates added value. The panel concludes that the NSELP clearly has added value in the professional field of energy law, for both graduates and employers.

#### **Considerations**

The high success rate of the first two cohorts, 100%, is a tribute to the quality of the teaching and the calibre and dedication of the students. The panel reviewed the theses that were produced by graduates in the two previous rounds of the NSELP. It agreed in general with the grades given by the supervisors and appreciated the clear qualitative feedback on the assessment forms that was in line with its own findings. It is convinced of the surplus value of the NSELP for the graduates: it provides them with a comprehensive understanding of the energy law discipline and stimulates their career opportunities.

#### **Conclusion**

*Master North Sea Energy Law Programme:* the panel assesses Standard 4 as 'meets the standard'.

## GENERAL CONCLUSION

By the end of the site visit, the panel concluded that the NSELP is a promising and impressive programme that offers its students a lot of opportunities. With a clear objective, a demanding but well-designed programme, assessment that fits the teaching philosophy, theses that meet the quality standards and career opportunities for graduates, the NSELP is compliant with all requirements in the framework. The panel has complete faith in the future of the programme and expects that it will also manage to attract the desired student numbers.

#### **Conclusion**

The panel assesses the *Master North Sea Energy Law Programme* as 'positive'.

# APPENDICES





## APPENDIX 1: DOMAIN-SPECIFIC FRAMEWORK OF REFERENCE

| Topic subject-specific reference framework  |  | Learning outcome  |
|---|--|-------------------|
| In Bachelor's programmes in Law, the following characteristics play a central role:   |  |                   |
| a.  | the social function of the law;  | N.a.              |
| b.  | the core concepts in the most important areas of law: private law, constitutional law, administrative law, criminal law, European law, international law and, for tax-related and notarial programmes, tax law;  | N.a.              |
| c.  | the law as a coherent system;  | N.a.              |
| d.  | the theoretical basic principles and historical development of the law and, for tax-related and notarial programmes, the economic aspects of the law.  | N.a.              |
| Master's programmes in Law involve further in-depth study of knowledge relating to one or several areas of the law or specific subjects within them. Key characteristics include: |  |                   |
| e.  | the social function of the area covered by the programme, its boundaries and related areas;  | A1 A2 A3<br>C1    |
| f.  | more intensive or extensive study of core concepts in one or several areas of the law (private law, constitutional law, administrative law, criminal law, European law and international law);   | A2                |
| g.  | the position of the area of the law covered within the system of the law as a whole;   | A2 A3 B2          |
| h.  | the theoretical basic principles and historical development of the law and, for tax-related and notarial programmes, the economic aspects of the law.  | A1 A3 B4          |
| Academic programmes in Law also aim to achieve the following:   |  |                   |
| i.  | the acquisition of knowledge and understanding of the law, in which law is considered also in its European, international and comparative law context;   | A1 A2 A3          |
| j.  | reflecting on the boundaries of the law as well as its related areas;  | A3 B2             |
| k.  | acquiring academic and legal skills. In this context, this is understood to mean:  |                   |
|   | 1. the capacity to think about the law as an academic;   | B1 B2 B3<br>B4 B5 |
|   | 2. the ability to communicate with fellow lawyers and non-lawyers based on the knowledge and understanding acquired, making use of an analytical attitude and outstanding speaking and writing skills;   | B4 B5             |
|   | 3. the ability to apply a relevant set of academic tools;  | B1 B2 B3          |
|   | 4. the ability to participate in an academic debate;   | B4 B5             |
|   | 5. the ability to gather, evaluate, process and apply knowledge;   | B1 B2 C2          |
|   | 6. the ability to apply specific knowledge of an area of the law in a wider academic, historical, philosophical, ethical and socio-cultural context;   | B2 B4             |
|   | 7. the ability to deal critically with the rules of law and case law, and seek out and find new solutions;   | B1 B2 B3          |
|   | 8. the ability to keep abreast of and explore new developments and new areas of the law;   | A2 B2 C2          |
|   | 9. the ability to deal with the increasing globalization, Europeanization and internationalization of the law;   | A1 A2 A3          |
| l.  | the development of academic citizenship that includes an understanding of a professional ethical attitude and awareness of the social context in which the law operates, as well as the social responsibility that this implies for the academically-qualified lawyer. | A2 A3 B2<br>C1 C2 |



## APPENDIX 2: INTENDED LEARNING OUTCOMES

### **Programme Learning Outcomes:**

#### **A. Learning Outcomes Knowledge and Insight**

1. Knowledge and understanding of energy law, i.e. the law applying to the entire chain;
2. Knowledge and understanding of relevant specializations influencing energy law;
3. Knowledge and understanding of the functioning and workings of international and European organizations within energy law;

#### **B. Learning Outcomes application of knowledge and understanding; formulating judgements and communication**

1. The competence to find, assess and use relevant facts and data, law, jurisprudence, research outcomes and literature in the field of international and comparative energy law;
2. The competence to do independent legal research in the field of international and comparative energy law and to contribute to a deeper understanding of energy law. This includes the ability to analyse, interpret, and draw conclusions from incomplete or limited information and to evaluate such information within a reasonable time span; and to sustain a structured legal argument;
3. The competence to make himself/herself familiar with a topic of energy law and to formulate a research plan based on a global problem description in a topic of the own discipline;
4. The competence to participate independently in the debate in the discipline of energy law; applying knowledge and understanding and problem-solving skills in multidisciplinary contexts;
5. The competence to formulate a complex theory in the discipline of energy law and present this theory in writing and in oral presentations in English and to be clearly understood by colleagues and non-colleagues;

#### **C. Learning Outcomes learning skills**

1. Knowledge and understanding of the role of energy law in society so as to be able to make well-considered choices in professional practice;
2. Understanding the benefits and applying the skills of lifelong learning and personal opinion building through the ongoing development of the discipline energy law.



## APPENDIX 3: OVERVIEW OF THE CURRICULUM

|                        |  |
|------------------------|--|
| Educational format (E) | l = lectures<br>s = seminar  |
| Assessment forms (A)   | o = oral examination<br>p = paper<br>pp = presentation(s)<br>w = written (essay) examination |

| Module | Course name   | ECTS | E   | A     |
|--------|---|------|---|-------|
| 1      | Electricity and Gas: Liberalising and Regulating the Market | 15   | l (10 hours)<br>s (60 hours)                                    | P, PP |
| 2      | Upstream Oil and Gas: Public and Contractual Law Aspects    | 15   | l (10 hours)<br>s (60 hours)                                    | P, PP |
| 3      | Energy Investments, Trade and Security                      | 15   | l (10 hours)<br>s (60 hours)                                    | P, PP |
| 4      | Green Energy, Climate and Sustainable Development           | 15   | l (10 hours)<br>s (60 hours)                                    | P, PP |
| 5      | Master's thesis   | 30   | Individual supervision<br>(5 contact hours/<br>835 study hours) |       |



## APPENDIX 4: PROGRAMME OF THE SITE VISIT

|               |   |
|---------------|---|
| 09.00 – 09.30 | Reception /preparatory meeting panel  |
| 09.30 – 10.30 | <b>Session 1</b> – meeting with programme management (Academic Directors of the four participating universities). |
| 10.30 – 10.45 | Short break for panel (confidential)  |
| 10.45 – 11.15 | <b>Session 2</b> meeting with four lecturers  |
| 11.15 – 11.45 | <b>Session 3</b> – meeting with members of Board of Examiners   |
| 11.45 – 12.45 | Lunch and deliberations panel (confidential)  |
| 12.45 – 13.30 | <b>Session 4</b> - meeting with three representatives work field  |
| 13.30 – 14.15 | <b>Session 5</b> - meeting with three students and two alumni   |
| 14.15 – 14.45 | Panel meeting and deliberations (confidential)  |
| 14.45 – 15.30 | <b>Session 6</b> - Second meeting with programme management   |
| 15.30 – 16.30 | Deliberations panel and formulating preliminary findings (confidential)   |
| 16.30 – 17.00 | Presentation of initial findings  |
| 17.00 – 17.30 | Development dialogue  |

## APPENDIX 5: THESES AND DOCUMENTS STUDIED BY THE PANEL

Prior to the site visit, the panel studied fourteen theses of the master North Sea Energy Law Programme. Information on the theses is available from QANU upon request.

During the site visit, the panel studied, among other things, the following documents (partly as hard copies, partly via the institute's electronic learning environment):

- Information on the modules for the 2018 cohort
- Reports by the programme committee

