

# Introduction

Kristin Henrard\*

This issue of *Erasmus Law Review* continues and completes the bridge initiated by issue 9:3 between the original format of working exclusively with thematic issues, and also having issues on submissions. It gives the floor to three promising doctoral students of Erasmus School of Law, who are now nearing the completion of their research. In addition, this issue carries an inspiring contribution by one of our esteemed professors. Typical for a non-thematic issue, a broad variety of topics are covered, ranging from the methods of investigation at the disposal of private investigators in the corporate sector, and the Court of Justice of the EU's case law regarding restrictions to the free movement of capital, over the methodology of comparative tax research, to discussing policy responses to hedge funds activism.

1. *Clarissa Meerts* highlights the methods of investigation at the disposal of private investigators in the corporate sector. While not aiming to provide an exhaustive comparison between public and private methods of investigation, she argues that lack of formal investigative powers of the latter goes hand in hand with more flexibility. Also, Meerts highlights the need for more research into the field of corporate investigations inter alia because of the lack of oversight of these private investigations, notwithstanding their often large impact on the lives of people involved.
2. *İlektra Antonaki* investigates whether the development in the case law of the Court of Justice of the EU regarding the definition of a trade restriction to the free movement of goods could be transposed somehow to the terrain of free movement of capital, thus moving beyond the three criteria that have been developed to define capital restrictions in the golden shares case law. Antonaki advocates the narrowing down of the current wide interpretation of capital restrictions so that member states would be allowed to act as shareholders of strategically sensitive privatised companies to protect public interest requirements.
3. *Reneta Buijze* provides an important contribution to the methodology of comparative tax research concerning cross-border tax issues, while focusing on tax

incentives for cross-border donations. She advocates the use of categorisations of tax jurisdictions while identifying ideal types for each category. As these categorisations already take into account the different relevant legal levels, and the ideal types (common characteristics) of these categories are at a high level of abstraction, and thus not that quickly outdated, the typical challenges of the study of cross-border tax issues are tackled.

4. Finally, Professor *Alessio Paces* discusses the policy response to hedge funds activism from a law and economics perspective, more particularly by analysing this in light of Hirschmann's seminal study of feedback mechanisms in large organisations. In this piece, he argues that Hirschman's theory can help frame the question of whether and under what conditions activism is desirable, which in turn can inform policy-making in this field. Ultimately, Paces claims that regulation should enable individual companies to choose whether to curb hedge funds activism depending on what is efficient for them.

We hope that you will enjoy reading this mosaic of articles.

Kristin Henrard, Editor-in-Chief

161

\* Kristin Henrard is professor of fundamental rights and minorities at the Erasmus School of Law as well as associate professor International and European Law. She teaches courses on advanced public international law, international criminal law, human rights, and on minorities and fundamental rights.