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Doctoral Regulations of the Faculty of Business, Economics, and Law of Friedrich-Alexander-Universität Erlangen-Nürnberg for the Doctoral Title Doktor der Rechte – Dr. jur. (FPromO RW)

Dated 21 January 2013

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I. General Conditions

§ 1 Scope

¹These Faculty Doctoral Regulations (FPromO RW) supplement the General Doctoral Regulations of Friedrich-Alexander-Universität Erlangen-Nürnberg (RPromO) for the School of Law of the Faculty of Business, Economics, and Law. ²These regulations shall apply to awarding the doctoral degree (Doktor der Rechte) according to Section 3 (1)(3), RPromO.

§ 2 Doctoral Degrees

§ 3 Doctoral Titles

§ 4 Bodies Responsible and Procedural Regulations

(1) ¹The Doctoral Affairs Committee is responsible for administering the doctorate procedure. All professors according to Section 2 (1)(1), BayHSchPG of the School of Law of the Faculty of Business, Economics, and Law are members of the Doctoral Affairs Committee. ²The chairperson of the Doctoral Affairs Committee is the speaker of the School of Law. ³Professors on leave from the previous Faculty of Law and retired professors from the School of Law are eligible to vote at meetings of the Doctoral Affairs Committee. Their vote shall be considered in the calculation of the majority. ⁴The Doctoral Affairs Committee can transfer individual tasks to the chairperson revocably, especially admissions decisions.

(2) ¹The Examining Committee responsible for the oral examination (Section 12 (1)(3), RPromO) consists of the chairperson of the Doctoral Affairs Committee and a professor appointed as chairperson according to Section 5 (1)(1) and two further authorised doctoral degree examiners according to Section 5 (1)(1) and (2) appointed by the Doctoral Affairs Committee. ²The supervisor shall be appointed as examiner.

(3) The tasks of the Office of Doctoral Affairs are administered by the School of Law's administration department.

§ 5 Reviewers and Supervisors

(1) The following parties are authorised to examine doctoral degrees.

1. University lecturers belonging to the School of Law at the Faculty of Business, Economics, and Law at the University of Erlangen-Nürnberg (Section 2 (3)(1), BayHSchPG)
2. All other professors in law and professors on leave or retired professors from the Faculty of Business, Economics, and Law at the University of Erlangen-Nürnberg.

(2) ¹After admission to the doctorate procedure and submission of the thesis, the chairperson of the Doctoral Affairs Committee appoints two reviewers; these must be authorised examiners of doctoral degrees according to (1). ²Generally the supervisor of the doctoral proposal is appointed as reviewer, even if they have become a university lecturer at another university or equivalent higher education institution in the meantime.

³One reviewer must be a professor of the School of Law.

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(3) In the case of Section 6 (4) the Doctoral Affairs Committee can appoint a professor from another University as a secondary reviewer.

(4) If nobody apart from the supervisor is eligible to examine doctoral degrees according to (1) for assessing the thesis in the relevant subject, the chairperson of the Doctoral Affairs Committee can appoint a university lecturer eligible to examine doctoral degrees from another Faculty of Law or School of Law as a second reviewer.

(5) If the topic of the thesis goes beyond the subject of law, the chairperson of the Doctoral Affairs Committee can request an evaluation from university lecturers from another school, faculty or another university (or equivalent higher education institution).

II. Admission to a Doctorate

§ 6 Admission Requirements

(1) ¹Candidates will be admitted to a doctorate if they meet the requirements in Section 8 (4), RPromO and have a subject-related degree with a final grade which demonstrates successful completion of the degree according to Section 2, RPromO; evidence of this is

1. a pass in the university part of the State Examination in law at a university in a state of the Federal Republic of Germany with an overall grade of at least 'vollbefriedigend' according to the 'Verordnung des Bundesministers der Justiz über eine Noten- und Punkteskala für die Erste and Zweite Juristische Prüfung' in its current version and
2. a pass in the state part of the first State Examination in law or the second part of the State Examination in law in a state of the Federal Republic of Germany with an overall grade of at least 'vollbefriedigend' according to the 'Verordnung des Bundesministers der Justiz über eine Noten- und Punkteskala für die Erste and Zweite Juristische Prüfung' in its current version.

²Admission with other degrees and exceptions to Clause 1 are governed in (2) to (9).

(2) ¹As an exception to (1)(2) the chairperson of the Doctoral Affairs Committee may admit the candidate to a doctorate if:

1. The candidate has passed the state part of the first State Examination in law in a state of the Federal Republic of Germany with at least the grade 'befriedigend' or the second State Examination in law with at least the grade 'befriedigend' and
2. The candidate has completed assessments in two seminars at the School of Law in Erlangen or at the former Faculty of Law in Erlangen which have been graded as 'gut' by members of the School or the former faculty who are authorised examiners of doctoral degrees and

has fulfilled all other requirements.

²Candidates whose dissertation is supervised by an authorised examiner of doctoral degrees according to Section 5 (1)(1) can submit confirmation that they have participated in a law seminar at the Faculty which the supervisor belongs to to replace the seminar achievements required in (1)(2). ³Seminar achievements required in (1)(2) can be replaced by an assignment completed at a foreign faculty of law which does not focus on German law and is determined by the speaker as equivalent to the seminar achievements at the School of Law in Erlangen assessed with a minimum grade of 'gut'.

⁴Alternatively, the seminar achievements required in (1)(2) can be replaced by an

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academic publication. The Doctoral Affairs Committee shall decide whether the example submitted constitutes an academic publication. ⁵In the cases in points 3 and 4, the additional seminar achievement must be supervised by an examiner authorised for doctoral examinations according to Section 5 (1)(1) who is not the supervisor of the thesis.

(3) ¹Points 1 and 2 of (1)(1) shall not apply to candidates whose thesis was accepted for supervision by a professor at the Erlangen School of Law or at another university or an equivalent higher education institution in the Federal Republic of Germany if the requirements for the doctoral degree Doktor der Rechte were fulfilled at the other university or equivalent higher education institution and the candidate successfully completed an academic degree programme with an examination; evidence of this issued by the other university or equivalent higher education institution shall be submitted. ²The admission requirements shall remain unaffected by this.

(4) ¹Candidates who have completed a Master's degree in law or an equivalent degree within German jurisdiction may be admitted to a doctorate if they completed their studies among the top 15% of their year. ²A degree in law according to (1) requires the studies to have covered a similar scope of legal disciplines as the first State Examination in law and sufficient academic specialisation. ³The Doctoral Affairs Committee shall decide in individual cases if the degree in question fulfils these requirements. ⁴It shall particularly take into consideration the content of the studies reflected in the diploma supplement and the final examination as well as other such evidence submitted by the candidate.

(5) ¹Candidates who have not completed a State Examination or final examination in Law but have completed another degree with a State Examination or equivalent final degree examination at another university or equivalent higher education institution in Germany may be admitted to the degree programme in contrary to (1)(1)(1) and (2), and (3).

1. The State Examination or final examination must have been passed with above-average success. The candidate shall present proof of this issued by the institution responsible for carrying out the State Examination or final examination.
2. The other subject of study must contribute to a better understanding of the historical development, the philosophical foundation or the social importance of law.
3. The candidate shall have studied at least five semesters of law in a degree programme within the meaning of the German legal definition, with two of the semesters having been at the University of Erlangen-Nürnberg.
4. The candidate must have achieved a certificate for each of the three legal disciplines (private law, criminal law, public law) in an advanced tutorial at the School of Law and must have taken part in one seminar at the School of Law, as part of which the candidate must have given a presentation that was graded at least 'gut'.

²The Management Committee of the School of Law may in justified cases and on request decide to waive the requirements in Section 6 (2)(2), according to which the listed achievements must have been obtained at the University of Erlangen-Nürnberg, if the candidate obtained these achievements in German-language courses at a university in the Federal Republic of Germany, in Austria or in Switzerland. ³This shall not apply to the seminar participation stipulated in (1) clause 4, which must in all cases have taken place at the University of Erlangen-Nürnberg.

(6) ¹Candidates who completed the International Business Law degree programme at Friedrich-Alexander-Universität Erlangen-Nürnberg shall be admitted to a doctorate if

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they passed the Diplom examination with the grade 'sehr gut' or 'gut'. ²Admissions according to (5) shall remain unaffected by this.

(7) Candidates who have completed a degree programme in law at a university or equivalent higher education institution outside German jurisdiction with a State Examination or final examination in law may also be admitted to a doctorate despite not fulfilling the requirements according to (1) to (4) if the State Examination or final examination was passed with a grade equivalent to the grades stipulated in (1)(1) clauses 1 and 2; (2)(1) shall apply accordingly.

(8) ¹Candidates who have been awarded the overall examination grade 'sehr gut' for the Master's of Law degree at the Faculty of Business, Economics, and Law at the University of Erlangen-Nürnberg according to Section 8 of the Master's regulations at this faculty in its current version, may be admitted to the doctorate. ²If the grade 'gut' is awarded, (2)(1) shall apply.

(9) Candidates who have obtained a Master's degree in German and French Law at Friedrich-Alexander-Universität Erlangen-Nürnberg can be admitted to the doctorate if:

1. The Master's examination was graded 'sehr gut' or 'gut'
2. The Master's examination was graded 'vollbefriedigend' and the Master's thesis was graded 'gut'

(10) For candidates who have passed the first or second State Examination in law before application of the regulations in (1)(1)(1), the chairperson of the Doctoral Affairs Committee shall decide in individual cases if the result is equivalent to the grades according to (1)(1) or (2)(1)(1).

(11) ¹If the first State Examination in law (Erste Juristische Prüfung or Erste Juristische Staatsprüfung) was passed before 18 January 2010, (1) shall not apply. ²A pass in the first State Examination in Law (Erste Juristische Prüfung, Erste Juristische Staatsprüfung or Zweite Juristische Staatsprüfung) with the grade 'vollbefriedigend'. ³If (2) applies, the grade 'befriedigend' is sufficient in one of the above examinations.

(12) The Doctoral Affairs Committee decides at the candidate's or chairperson's request if there is any doubt whether the candidate meets the admissions requirements for the doctorate.

§ 7 Doctoral Qualification Examination

§ 8 Admission to a Doctorate

(1) In addition to the documents named in Section 8 (2)(1) RPromO, proof of the requirements according to Section 6 (1)(11) shall be submitted with the application.

(2) The Doctoral Affairs Committee shall take decisions on admission to a doctorate.

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III. The Doctorate Procedure

§ 9 Initiation of the Doctorate Procedure

(1) In addition to the declarations specified in Section 9 (2)(2), RPromO, the following must be submitted with the application:

A written declaration in which the candidate lists:

1. any past criminal or disciplinary convictions
2. if they are aware of any pending criminal proceeding, public prosecution investigation or disciplinary action against them.

(2) The Doctoral Affairs Committee shall take the decision on the initiation of the doctorate procedure.

§ 10 Requirements for the Thesis

A cumulative thesis is not permitted.

§ 11 Evaluation, Acceptance and Refusal of the Thesis

(1)¹The evaluation shall include a grade. ²The following grade scale shall apply:

summa cum laude =	an outstanding achievement (= 1)
magna cum laude =	a commendable achievement (= 2)
cum laude =	a good achievement(= 3)
satis bene =	a satisfactory achievement (= 4)
rite =	satisfactory achievement (= 5)
insufficenter =	insufficient achievement (= 6).

(2) ¹If the evaluations have the same grade, the grade is determined by the chairperson of the Doctoral Affairs Committee. ²If the grades of the evaluation differ by one grade level, the chairperson shall determine the median grade.

(3) ¹The display period according to Section 11 (4), RPromO is two weeks. ²If the evaluation grades differ, the display period shall last four weeks according to Section 11 (3)(1), RPromO.

(4) ¹If a member of the School who is authorised to examine doctoral degrees submits a written statement that they are not in agreement with the grade accepted according to (3), the chairperson of the Doctoral Affairs Committee may appoint an additional reviewer from the members of the school who are authorised to examine doctoral degrees. ²The additional evaluation shall be submitted within three months. ³As soon as the additional evaluation is received, the chairperson of the Doctoral Affairs Committee shall call a meeting with the three reviewers and determine the final grade of the thesis, in the case of a tie, the chairperson's vote is the deciding vote.

(5) The chairperson of the Doctoral Affairs Committee must immediately notify the candidate of the final grade in writing.

§ 12 Oral examination

(1) The oral examination must take place within six months after the final grade of the thesis has been determined.

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(2) ¹The candidate must be notified of the oral examination at least two weeks before the examination date by the chairperson of the Doctoral Affairs Committee. ²The candidate may forego the notification period in writing. ³The notification of the oral examination may be combined with notification of the final grade of the thesis according to Section 11 (5). ⁴The candidate may request the chairperson of the Doctoral Affairs Committee to reschedule the examination date if the candidate cannot attend the oral examination for circumstances beyond their control.

(3) ¹The oral examination shall be held in front of the Examining Committee in a session which is open to members of the faculty. ²The candidate shall hold a 20-minute presentation in which the fundamental arguments of the thesis are expressed freely. ³A discussion shall follow the presentation. ⁴Professors of the Faculty may participate in the discussion. ⁵The oral examination should not last longer than 45 minutes.

(4) The fundamental arguments of the thesis should be submitted to the chairperson of the Doctoral Affairs Committee at least one week before the oral examination.

(5) The Examining Committee shall determine the grade for the oral examination in a non-public session with a grade according Section 11 (1).

(6) The oral examination is considered as failed if it is assessed as 'insufficient' by the majority of the members of the Examining Committee.

§ 13 Resitting the Oral Examination

§ 14 Results of the Doctorate Procedure, Notification

(1) ¹If the candidate has passed the oral examination, the Examining Committee determines the final grade of the doctoral degree on the examination date. ²The final grade is calculated from the arithmetic mean of the double-weighted grade of the thesis and the grade of the oral examination. ³The overall grades according to the average are:

up to 1.50		summa cum laude
over 1.50	to 2.50	magna cum laude
over 2.50	to 3.50	cum laude
over 3.50	to 4.50	satis bene
over 4.50	to 5.00	rite

(2) ¹The chairperson of the Examining Committee announces the grade of the examination and the overall grade of the examination on the examination date. ²The chairperson of the Examining Committee records the overall grade of the doctoral degree in the examination report (Section 12 (3), RPromO).

§ 15 Thesis Publication and Submission of Mandatory Copies

§ 16 Completion of the Doctoral Degree

¹The doctoral degree certificate shall be issued in German. ²The Dean of the Faculty of Business, Economics, and Law shall sign the certificate on behalf of the School of Law. ³The candidate can apply for a certificate to be issued in Latin.

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IV. Honorary Doctoral Degrees

§ 17 Honorary Doctoral Degrees

(1) ¹The procedure for honorary doctorates is initiated on a written application from at least two thirds of the professors on the Doctoral Affairs Committee. ²The application must provide a statement on the admission requirements for honorary doctoral degrees (Section 17 (1)(1), RPromO).

(2) ¹The Doctoral Affairs Committee shall appoint a reviewer from professors at the School of Law. ²The chairperson of the Doctoral Affairs Committee shall display the application and the report for one month at the administrative department of the faculty for acceptance by the members of the faculty authorised to examine doctoral degrees according to Section 5 (1) and inform the members that they may submit a written statement during the display period. ³Upon resolution of the Doctoral Affairs Committee, the chairperson submits the application for an honorary doctoral degree to the Faculty Council.

(3) The Faculty Council shall decide whether to grant the honorary doctoral degree based on the application, reports, statements and the resolutions of the Doctoral Affairs Committee.

V. Interuniversity Co-operation

§ 18 Interuniversity Co-operation

VI. Doctoral Degrees in Co-operation with Foreign Universities

§ 19 General

§ 20 Examinations Procedure at FAU

§ 21 Examinations Procedure at the Partner Institution

§ 22 Joint Doctoral Degree Certificate

VII. Invalidity and Revocation of Doctoral Degrees

§ 23 Invalidity of Doctoral Degrees

§ 24 Revocation of Doctoral Degrees

VIII. Concluding Provisions

§ 25 Legal Validity, Transitory Provisions

¹These regulations shall come into effect on the day after their publication. ²They shall apply to all doctorate procedures submitted after this FPromO has come into effect.

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(2) The doctoral regulations of the School of Law of the Faculty of Business, Economics, and Law of Friedrich-Alexander-Universität Erlangen-Nürnberg (PromO FBRecht) from 28 January 2010 shall no longer apply.

(3) Doctorates which have already been initiated shall be governed by these doctoral regulations.

(4) Candidates may opt for the doctorate procedure to be carried out according to the existing doctoral regulations by application to the chairperson of the Doctoral Affairs Committee if the doctorate procedure has already been initiated according to (1).

Published according to the resolution of the University Senate on 19 December 2012 and the President's authorisation on 21 January 2013.

Erlangen, 21 January 2013

Prof. Dr. Karl-Dieter Gröske
President

These regulations were established on 21 January 2013 at the University of Erlangen-Nürnberg and displayed for public inspection at the University of Erlangen-Nürnberg on 21 January 2013. The date of publication is 21 January 2013.