

These doctoral regulations have been worded carefully to be up to date; however, errors cannot be completely excluded. The official German text available at the Examinations Office is the version that is legally binding.

**Doctoral Regulations of the Faculty of Business,  
Economics, and Law at Friedrich-Alexander-Universität  
Erlangen-Nürnberg (FAU) for the Doctoral Title Doktor der  
Rechte (Dr. jur.) – FPromO RW –  
Dated 21 January 2013**

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## **Part I: General Provisions**

### **Section 1 Scope**

<sup>1</sup>These Faculty Doctoral Regulations (FPromO RW) supplement the General Doctoral Regulations of FAU (**RPromO**) for the School of Law at the Faculty of Business, Economics, and Law. <sup>2</sup>They set out the regulations which apply to awarding a doctoral degree (Doktor der Rechte) according to Section 3 (1)(3) **RPromO**.

### **Section 2 Doctoral Degree**

### **Section 3 Doctoral Titles**

### **Section 4 Bodies Responsible and Procedural Regulations**

(1) <sup>1</sup>The Doctoral Affairs Committee is responsible for the doctoral procedure. All professors pursuant to Section 2 (1)(1)(1) BayHSchPG who are employed at the School of Law of the Faculty of Business, Economics, and Law at FAU are members of the Doctoral Affairs Committee. <sup>2</sup>The chairperson of the Doctoral Affairs Committee is the speaker of the School of Law. <sup>3</sup>Former professors 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. <sup>4</sup>The Doctoral Affairs Committee shall have the right to transfer individual tasks to the chairperson as well as revoke these. This shall apply in particular to the duty to take decisions regarding admissions.

(2) <sup>1</sup>The examining committee responsible for the oral examination (Section 12 (1)(3) **RPromO**) consists of the chairperson of the Doctoral Affairs Committee or 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 5 (1)(2) appointed by the chairperson of the Doctoral Affairs Committee. <sup>2</sup>The supervisor shall be appointed as an examiner.

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

### **Section 5 Supervisors and Reviewers**

(1) <sup>1</sup>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 FAU (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 FAU.

<sup>2</sup>Part-time university lecturers who are primary or secondary members of the School of Law and individuals with doctoral degrees who are able to continually supervise the doctoral research due to their employment at FAU or an institution associated with FAU (especially heads of junior research groups at FAU) may be appointed as supervisors on request (Section 5 (2) sentences 2 and 3 **RPromO**). <sup>3</sup>Section 18 of the **RPromO** shall remain unaffected.

(2) <sup>1</sup>After the candidate has been admitted to the doctoral procedure and submitted the doctoral thesis, the chairperson of the Doctoral Affairs Committee shall appoint two reviewers who must be authorised to examine doctoral degrees according to paragraph 1. <sup>2</sup>Generally the supervisor of the doctoral proposal is appointed as a reviewer,

even if they have become a university lecturer at another university or equivalent higher education institution in the meantime. <sup>3</sup>One reviewer must be a professor of the School of Law.

(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 none of the people eligible to examine doctoral degrees according to paragraph 1 except for the supervisor are in a position to assess 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, university or equivalent institution of higher education.

## **Part II: Admission to a Doctoral Degree**

### **Section 6 Admission Requirements**

(1) <sup>1</sup>Candidates will be admitted to a doctoral degree if they meet the requirements in Section 8 (4) **RPromO** and have a subject-related degree with a final grade which indicates that they are likely to successfully complete the requirements for the degree according to Section 2 **RPromO**; evidence of this is

1. a pass in the university part of the First Examination in Law (Juristische Universitätsprüfung) 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 Examination in Law (Erste Juristische Prüfung) or the Second State Examination in Law (Zweite Juristische Staatsprüfung) 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.

<sup>2</sup>Admission with other degrees and exceptions to sentence 1 are governed in paragraphs 2 to 9.

(2) <sup>1</sup>As an exception to paragraph 1 (1) the chairperson of the Doctoral Affairs Committee may admit the candidate to a doctoral degree if:

1. the candidate has obtained a grade of at least 'vollbefriedigend' in one of the examinations stated in paragraph 1 (1)(1) or 1 (1)(2) and 'befriedigend' in the other and
2. the candidate has completed achievements in two seminars at the School of Law in Erlangen or at the former Faculty of Law in Erlangen which have been graded at least 'gut' by members of the School or the former faculty who are authorised examiners of doctoral degrees according to Section 5 (1)

and has fulfilled all other requirements.

<sup>2</sup>Candidates whose doctoral thesis 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 to which the supervisor belongs to replace one of

the seminar achievements required in sentence 1 (2). <sup>3</sup>One of the seminar achievements required in (1)(2) can be replaced by a written 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'. <sup>4</sup>Alternatively, one of the seminar achievements as required in sentence 1 (2) can be replaced by an academic publication. The Doctoral Affairs Committee shall decide whether the suggested publication can be classed as 'academic'. <sup>5</sup>In the cases in sentences 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) <sup>1</sup>Paragraphs 1 (1)(1) and 1 (1)(2) shall not apply to candidates whose thesis was accepted for supervision at another university or an equivalent higher education institution in the Federal Republic of Germany by a professor appointed to the Erlangen School of Law 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. <sup>2</sup>The admission requirements according to Section 8 **RPromO** shall remain unaffected.

(4) <sup>1</sup>Candidates who have completed a Master's degree in law or an equivalent degree within the area of application of the German Judiciary Act (Deutsches Richtergesetz) may be admitted to a doctoral degree if they completed their studies among the top 15 % of their year. <sup>2</sup>A degree in law according to sentence 1 requires the studies to have covered a similar scope of legal disciplines as the First State Examination in Law (Erste Juristische Prüfung) and sufficient academic specialisation. <sup>3</sup>The Doctoral Affairs Committee shall decide in individual cases if the degree in question fulfils these requirements. <sup>4</sup>It shall particularly take into consideration the content of the studies reflected in the diploma supplement or other official academic records and the final thesis as well as other such evidence submitted by the candidate.

(5) <sup>1</sup>Candidates who have not completed a State Examination or final examination in law but have completed another degree with a State Examination or equivalent final examination at another university or equivalent higher education institution in the Federal Republic of Germany may be admitted to the degree programme contrary to paragraphs 1 (1)(1) and 1 (1)(2), and paragraph 3, provided the following requirements are met:

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 must have studied at least five semesters of law in a degree programme within the meaning of the German Judiciary Act (Deutsches Richtergesetz), with two of the semesters having been at FAU.
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'.

<sup>2</sup>The Doctoral Affairs Committee may upon application of one of its members release candidates from the obligations stated in 3 and 4 above if the doctoral research topic chosen by the candidate is related to the subject they studied and covers particularly interesting aspects of law.

<sup>3</sup>The Doctoral Affairs 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 FAU, if the candidate obtained these achievements in courses held in German at a university in the Federal Republic of Germany, in Austria or in Switzerland. <sup>4</sup>This shall not apply to the seminar participation stipulated in sentence 1 (4) which must in all cases have taken place at FAU.

(6) <sup>1</sup>Candidates who completed the International Business Law Diplom degree programme at FAU shall be admitted to a doctoral degree if they passed the Diplom examination with the grade 'sehr gut' or 'gut'. <sup>2</sup>Admissions according to paragraph 5 shall remain unaffected.

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

(8) <sup>1</sup>Candidates who have been awarded the overall examination grade 'sehr gut' for the Master of Laws (Magister Legum) degree (LL.M.) at the Faculty of Business, Economics, and Law at FAU according to Section 8 of the Magister examination regulations at this Faculty – School of Law – in its current version, may be admitted to the doctoral degree. <sup>2</sup>If the grade 'gut' is awarded, paragraph 2 (1)(2) shall apply.

(9) Candidates who have obtained a Master's degree programme in German and French Law at FAU shall be admitted to the doctoral procedure if:

1. the grade 'sehr gut' or 'gut' was achieved for the degree programme or
2. the grade 'vollbefriedigend' was achieved for the degree programme and the Master's thesis obtained the grade 'gut' or better.

(10) For candidates who passed the First or Second State Examination in Law before application of the regulations in paragraph 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 paragraph 1 (1)(1) or paragraph 2 (1)(1).

(11) <sup>1</sup>If the First State Examination in Law (Erste Juristische Prüfung or Erste Juristische Staatsprüfung) was passed before 18 January 2010, paragraph 1 shall not apply. <sup>2</sup>A pass in the State Examination in Law (Erste Juristische Prüfung, Erste Juristische Staatsprüfung or Zweite Juristische Staatsprüfung) with the grade 'vollbefriedigend' is sufficient for admission to a doctoral degree. <sup>3</sup>A grade of 'befriedigend' in one of the above examinations is sufficient for paragraph 2 to apply.

(12) <sup>1</sup>The Doctoral Affairs Committee shall decide at the candidate's or chairperson's request if there is any doubt whether the candidate meets the admissions requirements for the doctoral degree. <sup>2</sup>Section 4 (1)(4) shall remain unaffected.

## **Section 7 Qualifying Examination**

### **Section 8 Admission to a Doctoral Degree**

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

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

## **Part III: The Doctoral Procedure**

### **Section 9 Initiation of the Doctoral 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 states:

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 doctoral procedure.

### **Section 10 Requirements for the Thesis**

A cumulative thesis is not permitted.

### **Section 11 Evaluation, Acceptance and Refusal of the Thesis**

(1) <sup>1</sup>The evaluations shall include a grade. <sup>2</sup>The following grades 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 =	a sufficient achievement (= 5)
insufficenter =	an insufficient achievement (= 6).

(2) <sup>1</sup>If both evaluations have the same grade, this grade shall be confirmed by the chairperson of the Doctoral Affairs Committee. <sup>2</sup>If the grades of the evaluation differ by one grade, the chairperson shall determine the median grade. <sup>3</sup>If the grades of the evaluation differ by more than one grade, the chairperson of the Doctoral Affairs Committee shall without delay appoint a third reviewer from the members of the School who are authorised to examine doctoral degrees and shall arrange for the thesis and reports to be displayed. <sup>4</sup>The additional evaluation shall be submitted within three months. <sup>5</sup>As 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 shall have the deciding vote.

(3) <sup>1</sup>The display period pursuant to Section 11 (4) **RPromO** is two weeks. <sup>2</sup>If the evaluation grades differ as stated in Section 11 (3)(1) **RPromO**, the display period shall last four weeks.

(4) <sup>1</sup>If 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 paragraph 2, 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. <sup>2</sup>Paragraph 2 (4) and (5) shall apply accordingly.

(5) The chairperson of the Doctoral Affairs Committee shall notify the candidate of the final grade in writing without delay.

### **Section 12 Oral Examination**

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

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

(3) <sup>1</sup>The oral examination shall be conducted by the examining committee in a session which is open to members of the Faculty according to Section 4 (2). <sup>2</sup>The candidate shall hold a 20-minute presentation in which the fundamental arguments of the thesis are expressed freely. <sup>3</sup>A discussion shall follow the presentation. <sup>4</sup>Professors of the Faculty may participate in the discussion. <sup>5</sup>The oral examination should not last longer than 45 minutes.

(4) The fundamental arguments of the thesis shall be submitted in writing 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 to Section 11 (1).

(6) The oral examination is considered as failed if it is assessed as 'insufficenter' by the majority of the members of the examining committee.

(7) The oral examination may be conducted in exceptional cases with the help of audiovisual telecommunication technology; Section 12a **RPromO** applies.

### **Section 13 Resitting the Oral Examination**

#### **Section 14 Results of the Doctoral Procedure, Notification**

(1) <sup>1</sup>If the candidate has passed the oral examination, the examining committee determines the final grade of the doctoral degree on the examination date. <sup>2</sup>The final grade is calculated from the arithmetic mean of the double-weighted grade of the thesis and the grade of the oral examination. <sup>3</sup>The 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) <sup>1</sup>The chairperson of the examining committee announces the grade of the examination and the overall grade of the examination on the examination date. <sup>2</sup>The chairperson of the examining committee records the overall grade of the doctoral degree in the examination report (Section 12 (3) **RPromO**).

## **Section 15 Thesis Publication and Submission of Mandatory Copies**

### **Section 16 Completion of the Doctoral Degree**

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

## **Part IV: Honorary Doctoral Degrees**

### **Section 17 Honorary Doctoral Degree**

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

(2) <sup>1</sup>The Doctoral Affairs Committee shall appoint a reviewer who is a professor at the School of Law. <sup>2</sup>The 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. <sup>3</sup>Upon 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 resolution of the Doctoral Affairs Committee.

## **Part V: Cooperative Doctoral Degrees**

### **Section 18 Cooperative Doctoral Degrees/Joint Doctoral Degrees**

## **Part VI: Doctoral Degrees in Cooperation with Foreign Universities**

### **Section 19 General**

### **Section 20 Examinations Procedure at FAU**

### **Section 21 Examinations Procedure at the Partner Institution**

### **Section 22 Joint Doctoral Degree Certificate**

## **Part VII: Invalidation and Revocation of Doctoral Degrees**

### **Section 23 Invalidation of Doctoral Examinations**

## **Section 24 Revocation of Doctoral Degrees**

### **Part VIII: Concluding Provisions**

#### **Section 25 Legal Validity and Transitory Provisions**

(1) <sup>1</sup>These regulations come into effect on the day after their publication. <sup>2</sup>They shall apply to all doctoral procedures initiated after these doctoral regulations have come into effect.

(2) The doctoral regulations of the School of Law of the Faculty of Business, Economics, and Law of FAU (PromO-FBRecht) from 18 January 2010 shall no longer apply.

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

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

(5) The fourth amendment statute shall come into effect on the day after its publication.