



BUCERIUS LAW SCHOOL  
HOCHSCHULE FÜR RECHTSWISSENSCHAFT

**Doctoral Degree Regulations of  
Bucerius Law School  
– Hochschule für Rechtswissenschaft –**

dated 9 December 2015

last amended as per Senate resolution of 22 June 2016

This translation of the “Promotionsordnung” is for information purposes only and the German text takes precedence.

Promotion	= doctoral degree
Dissertation	= dissertation
Doktorgrad	= the title “Doctor of Law”

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## I. General Rules (§ 1)

(1) <sup>1</sup>The Law School awards the titles “Doctor of Law” [*Doktor des Rechts*] (abbreviated as Dr. iur.) and “Honorary Doctor of Law” [*Doktor des Rechts ehrenhalber*] (abbreviated as Dr. iur. h.c.). <sup>2</sup>Women can opt to have the feminine title “Doktorin” instead of “Doktor” feature in the German title.

(2) The President and his/her deputy hold a rank equal to that of a professor at the Law School, provided they qualify as a jurist pursuant to the requirements of § 15 HmbHG (*Hamburgisches Hochschulgesetz*) [*Hamburg Higher Education Act*].

(3) Professors who have been released from their duties at the Law School classify as Bucerius Law School professors. With regard to applicants who have already been admitted as doctoral candidates, retired professors also classify as Bucerius Law School professors.

## II. Obtaining a Doctoral Degree in Law (§§ 2 to 29)

### § 2 Doctoral Degree Center

(1) The task of the Doctoral Degree Center [*Promotionszentrum*] is to provide structured support to students pursuing doctoral degrees. It carries out this task in coordination with the Law School’s academic staff (professors and lecturers) [*Hochschullehrer*]. <sup>3</sup>The Doctoral Degree Center’s course program is subject to the approval of the Senate. <sup>4</sup>The Senate gives its approval for a one-year period.

(2) <sup>1</sup>The Doctoral Degree Center is run by one Director and one Advisory Council [*Beirat*]. <sup>2</sup>Both are elected by the Senate for a period of three years, and can be re-elected. <sup>3</sup>The post of Director can only be filled by a person holding the status of university professor. <sup>4</sup>The Advisory Council comprises: the Director, three members of the School’s academic staff [*Hochschullehrer*] and two doctoral students, one of whom must have been elected from the group of research assistants [*wissenschaftliche Mitarbeiter*].

(3) <sup>1</sup>A Conciliation Committee [*Schlichtungsstelle*] is to be established. <sup>2</sup>Its tasks are performed by the Doctoral Degree Committee [*Promotionsausschuss*] together with the President.

### § 3 Persons entitled to act as doctoral supervisors; agreeing to act as a doctoral supervisor

(1) <sup>1</sup>Any member of the Law School’s academic staff (university professors [*Universitätsprofessoren*] as per § 15 of the Law School’s statutes; junior professors [*Juniorprofessoren*], lecturers [*Privatdozenten*], professors as per § 17 HmbHG) are entitled to act as doctoral supervisors. <sup>2</sup>A professor or lecturer not affiliated to the Law School (§ 10 I No. 1 HmbHG) cannot assume a role as doctoral supervisor unless approved by the Senate.

(2) The person entitled to act as a doctoral supervisor can agree to assume said supervisory role at the request of candidates who fulfill the admissions requirements as per § 6 (1) No. 1 to 3 or § 6 (2). <sup>2</sup>If a person agrees to act as a doctoral supervisor, he/she is obligated to assume the role of supervisor as set forth in § 9 (2). <sup>3</sup>This consent must be entered into in writing. <sup>4</sup>The Law School must be officially notified of any such consents.

(3) <sup>1</sup>Prior to the issue of the consent to act as a doctoral supervisor, the applicant and the person entitled to act as doctoral supervisor must have met to discuss the doctoral relationship. <sup>2</sup>The subject matter of this meeting shall include content, scope and structure of supervision. The parties are required to discuss

- their expectations of the supervision (e.g., determining the topic of the doctoral thesis, the option of presenting the topic during a doctoral seminar, defining reporting duties and the execution of meetings);
- the involvement of additional supervisors as per § 9 (4) and
- the basic conditions for the doctoral project (in particular the compatibility of family life and doctoral studies; the applicant's financial situation).

(4) <sup>1</sup>The consent to act as doctoral supervisor can be revoked for good cause. <sup>2</sup>The consent must be revoked if the applicant fails to take part in the seminar "Grundlagen des rechtswissenschaftlichen Arbeitens" [*Basic Principles of Scholarly Legal Research*] (§ 11) within six months of the agreement being concluded.

#### **§ 4 Doctoral degree**

(1) The doctoral degree serves as proof that its holder is capable of conducting in-depth scientific research.

(2) To achieve a doctoral degree, candidates must submit a doctoral dissertation (§§ 12 to 20) and take part in an oral examination (§§ 21 to 24).

#### **§ 5 Evaluation**

Candidates' performance is graded as follows:

summa cum laude (excellent)<sup>1</sup>

magna cum laude (very good)

cum laude (good)

satis bene (fully satisfactory)

rite (sufficient)

non rite (insufficient)

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<sup>1</sup> Translator's note: Literal translation of German grades; no conversion.

## § 6 Requirements for admission to the doctoral degree

(1) To qualify for admission to the doctoral degree, an applicant must have

1. passed the first state examination [*erste Prüfung*] as per the German Judiciary Act [*Deutsches Richtergesetz (DRiG)*] with a grade of “fully satisfactory” [*vollbefriedigend*] or better, or
2. a) passed a legal examination comparable to the first state examination in a foreign country with equivalent success, and  
b) attended a state or state-approved school of higher education and gained credits for two courses in the subjects of German private law, criminal law or public law, or
3. passed a Master of Law and Business degree (M.L.B.) at this university with distinction, and the Doctoral Degree Committee determined in agreement with the consent of the Dean of the MLB program that a significant portion of the Master’s thesis had a legal focus and the applicant also successfully completed at least two courses on topics related to German law, or
4. gained a Magister Legum degree (LL.M., English: Master of Laws) with a distinction, either from this Law School or from another school of higher education (if the qualification was gained outside Germany, it must be comparable to the German LL.M. qualification; in this case, § 6 (1) No. 2, letter b applies), and
5. had his/her request for doctoral supervision confirmed (§ 3 (2)) and
6. provided proof of having participated in the seminar *Basic Principles of Scholarly Legal Research* (§ 11).

(2) If the examination was graded “satisfactory” (or equivalent) in the examinations specified in § 6 (1) No.1 or 2, then the Doctoral Degree Committee [*Promotionsausschuss*] can release him/her from the requirements of § 6 (1), provided that

1. the applicant
  - a. can present a seminar certificate graded “good” (or equivalent) or better, or a Bachelor’s thesis graded “good” (or equivalent) or better from a German or non-German school of higher education, or
  - b. can present a seminar certificate from the legal faculty of a different school of higher education either in or outside Germany, if said certificate was issued by a university teacher who at the time of the applicant’s application for admission to the doctoral program was a member of this university’s academic staff [*Hochschullehrer*],  
or
2. the applicant has completed a Baccalaureus Legum (LL.B. Bachelor of Laws) at this Law School, finishing in the top 15 per cent of his/her year,

and the member of the School's academic staff [*Hochschullehrer*] who has agreed to be his/her doctoral supervisor has provided a written statement declaring that the applicant's performance so far is indicative of him/her being able to successfully complete a doctoral degree.

(3) <sup>1</sup>By derogation from § 6 (1) and (2), the Doctoral Degree Committee can admit an applicant to doctoral studies if

1. the applicant has already been admitted to the doctoral degree at the faculty of law of a different German school of higher education and
2. is to be supervised by someone who at the time of the applicant's application for admission to the doctoral degree (§ 7) was a member of this university's academic staff [*Hochschullehrer*], and who previously worked at the faculty of law specified in No. 1 and had assumed the role of the applicant's supervisor there.

<sup>2</sup>An applicant is also considered to have been granted admission as per No. 1 if the faculty of law in question had informally held out the prospect of such admission in a manner giving rise to legitimate expectations on the part of the applicant. <sup>3</sup>If the applicant's admission had been made subject to a condition precedent, then the corresponding requirements must have been fulfilled by the time the applicant submits his/her application to Bucerius Law School (§ 7).

(4) <sup>1</sup>The Doctoral Degree Committee shall decide on whether applicants meet the requirements set forth in § 6 (1) No. 2 to 4 and in § 6 (2). <sup>2</sup>To this end, the Committee can, if necessary, request information from the Central Office for Foreign Education [*Zentralstelle für ausländisches Bildungswesen*]. <sup>3</sup>If the applicant so requests, the Committee can make its decision even before the corresponding application for admission (§ 7) has been submitted. <sup>4</sup>With regard to § 6 (1) No. 2 letter b the Doctoral Degree Committee can release the applicant either in full or in part from the requirement to provide records of achievement for two courses.

(5) Admission will not be granted if

1. the applicant has already gained a doctoral degree in law (Dr. iur.) in the Federal Republic of Germany, or if
2. the applicant has already gained a doctoral degree outside the Federal Republic of Germany and this degree is equivalent to the Dr. iur degree obtained in the Federal Republic of Germany (the question of equivalence is decided on by the Doctoral Degree Committee), or if
3. the applicant has already been admitted as a doctoral student to the program to qualify as a Dr. iur. at another school of higher education and is still enrolled on that program, or if
4. the applicant had already been admitted to the doctoral degree at this Law School but conclusively failed to finish the program due to having failed the oral examination (§ 24 (4)), or if
5. the applicant's doctoral dissertation has already been evaluated by another school

of higher education and found to be unsatisfactory [*nicht geeignet*], or if

6. the applicant has failed the examination to qualify as Dr. iur. taken at another school of higher education, or if
7. § 35 No. 1 applies.

(6) <sup>1</sup>The Doctoral Degree Committee can release applicants from the requirements of § 6 (1) No. 6. <sup>2</sup>In circumstances where requiring an applicant to attend the seminar “Principles of Scholarly Legal Research” would be unreasonable, the Committee shall grant said release. <sup>3</sup>The time required to attend the seminar and the financial losses candidates may incur as a result do not qualify as reasons for release. <sup>4</sup>An applicant’s impending completion of the dissertation may justify such release. <sup>5</sup>The Committee can only issue a release if it has ascertained that the applicant is familiar with the principles of good scientific practice and versed in their content.

### **§ 7 Application for admission**

(1) <sup>1</sup>The applicant must submit his/her application for admission to the doctoral degree in writing, addressing it to the Doctoral Degree Committee. <sup>2</sup>He/she can simultaneously request permission to write the dissertation (§ 12 (2)) in a foreign language.

(2) To this application, the applicant must attach

1. proof that he/she fulfills the requirements stipulated in § 6 (1) or (2),
2. his/her assurance that the circumstances described in § 6 (5) No. 1 - 7 do not apply,
3. a statement in which he/she declares whether or not he/she has already submitted a dissertation or dissertation draft elsewhere, and if so what grade it was awarded,
4. his/her assurance that he/she will immediately inform the Law School should he/she later establish that he/she no longer fulfills the admission requirements.

(3) The application is considered not submitted if the applicant withdraws it by means of a written declaration addressed to the President before the dissertation is displayed for peer perusal [*Auslegung*].

### **§ 8 Decision on admission; admission fee**

(1) <sup>1</sup>If the applicant fulfills the requirements (§§ 6, 7), the Doctoral Degree Committee will consent to his/her admission. <sup>2</sup>Admission can be granted subject to the condition subsequent that the doctoral student presents proof of participation in the seminar “Principles of Scholarly Legal Research” (§ 11) within six months. <sup>3</sup>Applicants can request to have this period extended by the Doctoral Degree Committee for urgent personal reasons.

(2) The Doctoral Degree Committee shall inform applicants of the decision in writing within two weeks.



(3) <sup>1</sup>Applicants who are admitted to the doctoral degree are required to pay an admission fee of EUR 250. <sup>2</sup>After payment of this fee, the student is registered in the list of the Law School's doctoral students. In substantiated exceptional cases, the Law School can come to a different agreement with the student as regards fee payment. <sup>3</sup>Employees and former employees of the Law School who work/worked for the School for at least 18 months and for an average of at least ten hours a week can be exempted from payment of the fee; any admission fees paid prior to completion of this period will be reimbursed.

## **§ 9 Doctoral relationship**

(1) <sup>1</sup>When an applicant is admitted, a doctoral relationship between the doctoral candidate and the university is established. <sup>2</sup>The university undertakes to supervise the doctoral project. <sup>3</sup>In this regard, it seeks to facilitate independent research while providing a sound, trust-based supervisory framework, and to promote students' doctoral ambitions through structured guidance.

(2) <sup>1</sup>To this end, the Doctoral Degree Committee appoints a person entitled to act in a supervisory capacity as supervisor for the student's doctoral studies. <sup>2</sup>The person who is entitled to act in a supervisory capacity and who has already declared his/her willingness to act as the student's supervisor (§ 3 (2)) is to be appointed supervisor. <sup>3</sup>The supervisor fulfills supervisory duties for the Law School. <sup>4</sup>The supervision he/she provides must comply with the principles of trust-based supervision (§ 10).

(3) <sup>1</sup>The supervisor(s) and the doctoral student can opt to conclude a written supervisory agreement. <sup>2</sup>Such a supervisory agreement serves to define the rights and duties arising out of the doctoral relationship between the Law School and the doctoral student. <sup>3</sup>The Doctoral Degree Committee must be informed of any supervisory agreements.

(4) <sup>1</sup>If the nature of the scientific supervision required necessitates a second supervisor, the Doctoral Degree Committee shall, with the consent of the person entitled to act in a supervisory capacity who agreed to assume the role of doctoral supervisor as per the doctoral candidate's request (§ 3 (2)), appoint a second supervisor. <sup>2</sup>This option should be given particular consideration if the doctorate in question is intra- or interdisciplinary in nature. <sup>3</sup>The doctoral student can submit an application for a second supervisor to the Doctoral Degree Committee. <sup>4</sup>If disagreement arises between supervisors regarding how to perform the supervisory role, then the parties in question can request the assistance of the Conciliation Committee to resolve the issue. <sup>5</sup>If, after hearing the parties, the Conciliation Committee is unable to bring about an agreement, it can decide to appoint new supervisors subject to the consent of the President.

(5) <sup>1</sup>A supervisor can, subject to the consent of the Doctoral Degree Committee, resign from his/her role as supervisor for good cause. <sup>2</sup>Good cause exists, in particular, if the doctoral student fails to comply with important agreements without reasonable cause or if he/she seriously breaches other duties arising out of the doctoral relationship. <sup>3</sup>The Doctoral Degree Committee is required to obtain a statement from the Conciliation Committee in such cases.

(6) <sup>1</sup>If a supervisor seriously violates the principles of qualified, trust-based supervision, then the Doctoral Degree Committee can release said person from his/her supervisory

duties and appoint a new supervisor in his/her place. <sup>2</sup>Such release must be authorized by the Senate. <sup>3</sup>The doctoral student can apply to have the Conciliation Committee submit a request to the Doctoral Degree Committee to have the supervisor released from his/her duties.

(7) The Doctoral Degree Committee can revoke admission to the doctoral degree (§ 8)

- if the supervisor has resigned from his/her role as per § 9 (5) and
- if the Law School is unable to provide the doctoral student with qualified supervision, and
- if such revocation is reasonable in view of the duty violations committed by the doctoral student.

### **§ 10 Principles of trust-based supervision**

(1) <sup>1</sup>The supervisor is tasked with providing the doctoral student with guidance in choosing a dissertation topic and developing the research question. <sup>2</sup>He/she can propose a topic. <sup>3</sup>The supervisor and the doctoral student can agree to make attendance of events held by the Doctoral Degree Center obligatory.

(2) <sup>1</sup>The doctoral project must be structured in such a way as to ensure that it, under normal circumstances and taking into account the preliminary assessment as per § 10 (6), does not exceed three years. <sup>2</sup>Upon embarking on his/her doctoral studies, the student is required to compile a work plan and schedule. <sup>3</sup>Should it be established that his/her doctoral studies are likely to diverge considerably from the schedule compiled, then this schedule can be adjusted in coordination with the supervisor. <sup>4</sup>The doctoral student is required to inform his/her supervisor if he/she encounters difficulties that jeopardize his/her adherence to the agreed schedule.

(3) <sup>1</sup>The doctoral student undertakes to comply with the rules of good scientific practice. <sup>2</sup>The Law School and the supervisor are responsible for ensuring compliance with the rules of good scientific practice.

(4) <sup>1</sup>Regular progress meetings are to be held between the supervisor and the doctoral student. <sup>2</sup>During these meetings, the parties are required to discuss the current stage of the doctoral project, the next steps, and the corresponding schedule. <sup>3</sup>The doctoral student is required to submit short written reports to his/her supervisor for preparation purposes.

(5) <sup>1</sup>The supervisor shall provide the doctoral student with opportunities to attend doctoral seminars and suitable research colloquia headed by him/her. <sup>2</sup>Here, the doctoral student is required to give at least one presentation on the stage his/her doctoral project.

(6) <sup>1</sup>The supervisor(s) shall read the dissertation in full prior to the student's admission to the examination phase (§ 13) and, within six months, give the doctoral candidate an assessment of whether the dissertation serves as proof of the student's ability to conduct in-depth scientific research within the field of law. <sup>2</sup>If this is not the case, the dissertation shall be returned to the student. <sup>3</sup>It is not permitted to return the dissertation for revision more than two times. <sup>4</sup>Explanations of the necessary revision work and goals thereof shall be provided to the student. <sup>5</sup>Even if a dissertation fulfills doctoral-level requirements, the

student will be provided with suggestions for improvement and made aware of any errors.  
<sup>6</sup>It is not permitted to return such a dissertation for revision more than once.

(7) <sup>1</sup>The doctoral student and the supervisor can, should serious conflict between the two parties arise, request the assistance of the Conciliation Committee [*Schlichtungsstelle*].  
<sup>2</sup>The Conciliation Committee shall provide the parties involved with guidance on resolving the conflict.

## **§ 11 Seminar “Principles of Scholarly Legal Research”**

(1) <sup>1</sup>The purpose of the seminar Principles of Scholarly Legal Research is to provide participants with a basis for structured doctoral study at the Law School. <sup>2</sup>It is designed to familiarize participants with the principles of good scientific practice and with the standards expected of doctoral candidates. <sup>3</sup>It aims to provide an overview of the potential beneficial yields of a specific legal research topic, of possible methodological approaches, and of the most important disciplinary standards that apply to doctoral study. <sup>4</sup>The seminar also serves to inform participants about the Doctoral Degree Center (§ 2) and the services it offers.

(2) <sup>1</sup>The Doctoral Degree Center is responsible for creating and conducting the seminar.  
<sup>2</sup>The seminar is held several times a year. <sup>3</sup>It has a duration of 10 to 15 hours.

(3) <sup>1</sup>Attendance of the seminar is subject to a fee of EUR 250. <sup>2</sup>This sum will then be deducted from the admission fee as per § 8 (4) sentence 1 if admission has already been granted or if it is applied for within three months of attending the seminar Principles of Scholarly Legal Research. <sup>3</sup>Employees and former employees who work/worked for the Law School for an average of ten hours per week and who were employed there for at least 18 months are exempt from paying the admission fee; any seminar fees paid prior to expiry of this time frame will be reimbursed.

## **§ 12 Dissertation**

(1) <sup>1</sup>The doctoral dissertation is a scientific paper based on independent research; it must serve to prove the doctoral candidate’s ability to conduct in-depth scientific research in a legal field. <sup>2</sup>The dissertation topic must be from a field of law represented by at least one professor or one lecturer [*Privatdozent*] from the Law School. A dissertation can be

- a) a single work or
- b) a work consisting of several published or unpublished academic papers if equivalent to a).

(2) Subject to the approval of two Law School professors or lecturers who specialize in the field of law focused on in the dissertation, the Doctoral Degree Committee can allow a doctoral candidate to write his/her dissertation in a foreign language.

(3) Without the consent of the Senate, the dissertation cannot, either in full or in its substantial parts,

1. be published before it is submitted or before the examination procedure is

concluded, or

2. have been submitted to another school of higher education as part of a process to obtain an academic degree as per §§ 67 and 70 HmbHG or an equivalent academic degree from a foreign country, or have been submitted prior to the conclusion of the examination procedure.

### **§ 13 Admission to the examination**

- (1) The doctoral student must submit his/her application for admission to the examination in writing to the Doctoral Degree Committee.
- (2) In this application, the doctoral student affirms in lieu of an oath
  1. that he/she wrote the dissertation independently and did not use any sources or aids other than those specified,
  2. that he/she continues to fulfill the admission requirements (§ 6 (1), (2), (3) and (5)), and that he/she will inform the Law School without delay of any changes in this respect,
  3. That he/she fulfills the requirements of § 12 (3).
- (3) To this application, the doctoral student must attach
  1. two printed copies of his/her dissertation and one electronic, searchable version on a data carrier,
  2. one CV,
  3. a summary of the dissertation in German and English subject to the approval of the supervisor and provided on a data carrier,
  4. one list of his/her scientific publications,
  5. one official certificate of good conduct not older than 6 months as per § 30 (1) p. 1 BZRG [*Federal Central Criminal Register Act*]
- (4) <sup>1</sup>§ 8 (1) to (3) and (4) sentences 1, 3 and 4 apply accordingly with regard to the admission to the examination phase. <sup>2</sup>Admission shall be rejected if the doctoral student has been sentenced to imprisonment of one year or more for a crime committed with intent.
- (5) The application as per § 13 (1) is considered not submitted if the doctoral candidate withdraws it before it has been put on display for peer perusal [*Auslegung*] (§ 18) by submitting a corresponding written statement to the Doctoral Degree Committee.

### **§ 14 Appointment of the examiners**

- (1) <sup>1</sup>A dissertation must be examined by two professors or by one professor and one lecturer [*Privatdozenten*]; junior professors can also be appointed as examiners. <sup>2</sup>Where justified, additional examiners may exceptionally be appointed. <sup>3</sup>One of the examiners must be a full-time university professor.
- (2) <sup>1</sup>The Doctoral Degree Committee appoints the examiners immediately after the

candidate has been granted admission to the examination. <sup>2</sup>If the dissertation has been supervised by a professor or lecturer at the Law School, then the Doctoral Degree Committee will generally also appoint this person as an examiner.

### **§ 15 External examiners**

(1) Professors and lecturers [*Privatdozenten*] from other schools of higher education can be appointed as examiners for a doctoral dissertation.

(2) At least one of the examiners must belong to this university.

### **§ 16 Examining the dissertation**

(1) <sup>1</sup>The examination reports have to be written separately and independently. <sup>2</sup>The examiners shall submit their examination reports to the Doctoral Degree Committee within a reasonable time period. <sup>3</sup>If the examination reports are not available six months after the examiners had been appointed, the Doctoral Degree Committee will decide on how to proceed.

(2) <sup>1</sup>Each examiner grades the dissertation according to § 5 or recommends to the Doctoral Degree Committee that the dissertation be returned to the doctoral candidate for revision, together with a detailed description of the flaws to be remedied. <sup>2</sup>The grade “summa cum laude” can only be given to students who exhibit a particularly high level of originality and scientific maturity in their performance throughout their doctoral studies.

(3) <sup>1</sup>The examiners’ reports are confidential. <sup>2</sup>A copy of the examination reports is to be given to the doctoral student after the decision on his/her dissertation has been made (§ 20); the doctoral student is permitted to access the copy of the dissertation examined by the examiner.

### **§ 17 Further examiners**

<sup>1</sup>If only one examiner gives the dissertation a grade of “insufficient” (non rite), the Doctoral Degree Committee shall appoint a further professor or university lecturer as an examiner.

<sup>2</sup>If the further examiner also gives the dissertation a grade of “insufficient,” the examination is, subject to § 20 (2), considered failed and the doctoral procedure terminated without conducting an oral examination.

### **§ 18 Putting the dissertation and examination reports on display for peer perusal [*Auslegung*]**

(1) Upon receiving the last of the examination reports, the Doctoral Degree Committee immediately puts the dissertation together with the examination reports on display for peer perusal in the Law School. They are displayed for one month.

(2) <sup>1</sup>The Doctoral Degree Committee informs the doctoral student, all Law School staff

entitled to act in a supervisory capacity, all members of the Senate and Doctoral Degree Committee who hold doctorates, and all research assistant representatives and doctoral student representatives in the Senate that the dissertation and examination report have put on display, also disclosing the grades proposed in the examination reports. <sup>2</sup>The notification of this information marks the beginning of the time period specified in § 18 (1).

(3) All Law School staff entitled to act in a supervisory capacity, all members of the Senate and Doctoral Degree Committee who hold doctorates, and all research assistant representatives and doctoral student representatives in the Senate are entitled to view the dissertation and examination reports, and to submit their comments on these to the Doctoral Degree Committee in writing within one week after expiry of the period during which the papers were put on display.

(4) Where justified, the Doctoral Degree Committee can extend the period for which the papers are displayed (§ 18 (1)) or the deadline for the submission of comments (§ 18 (3)) by up to one month.

### **§ 19 The Doctoral Degree Committee**

(1) <sup>1</sup>The Doctoral Degree Committee is appointed by the Senate for a period of 3 years. <sup>2</sup>If no functioning Doctoral Degree Committee exists, then the President can appoint a committee to temporarily assume the duties of the Doctoral Degree Committee and deal with the procedure concerned.

(2) The Doctoral Degree Committee decides on the admission to the doctoral degree (§ 8), the admission to the examination (§ 13), on whether a dissertation is accepted (§ 20), on the appointment of an Examination Committee (§ 21) and on other matters assigned to it by way of these Doctoral Degree Regulations of Bucerius Law School.

(3) <sup>1</sup>The Doctoral Degree Committee comprises three professors from the Law School or two professors, one lecturer [*Privatdozent*] and one research assistant or assistant from the Law School. <sup>2</sup>Members of the Doctoral Degree Committee who do not hold a doctorate themselves act in an advisory capacity only. <sup>3</sup>The Doctoral Degree Committee shall appoint a Chairperson from its members. <sup>4</sup>The role of Chairperson can be assumed by any full-time Law School professor. <sup>5</sup>The Senate can appoint substitute Committee members to stand in should permanent members be unavailable to attend.

(4) <sup>1</sup>The Doctoral Degree Committee makes its decisions in closed meetings. These decisions are passed by majority vote, via an open voting process that does not permit abstentions. <sup>2</sup>In the event of a tied vote, the Chairman has the casting vote. <sup>3</sup>If all committee members consent, decisions can be made by way of a written circulation procedure.

(5) Where legitimate, the Doctoral Degree Committee can request that matters falling within its responsibility be reviewed and decided on by the Senate.

## **§ 20 Decision regarding acceptance of the dissertation**

(1) <sup>1</sup>The Doctoral Degree Committee makes its decision on whether to accept a dissertation upon expiry of the period specified in § 18 (3) and (4), and either via closed meeting or written procedure as per § 19 (4). <sup>2</sup>The Doctoral Degree Committee can make acceptance conditional upon fulfillment of specific formatting requirements for printing if such measures were suggested by at least one examiner.

(2) <sup>1</sup>The Doctoral Degree Committee can return a rejected dissertation to the doctoral student for revision one time if such a measure was suggested by one examiner. <sup>2</sup>In agreement with the examiners, it can stipulate a period within which the applicant must have completed his/her revision of the dissertation.

(3) If the dissertation is rejected, the examination is - subject to § 20 (2) - considered failed and the doctoral procedure terminated without conducting an oral examination.

## **§ 21 The Examination Committee and the presentation topic**

(1) <sup>1</sup>The Examination Committee comprises three professors or two professors and one university lecturer [*Privatdozenten*]. <sup>2</sup>It is appointed by the Doctoral Degree Committee <sup>3</sup>Two members of the Examination Committee must be Law School professors or lecturers [*Privatdozenten*]. <sup>4</sup>At least one of the examiners is to be on the Examination Committee. <sup>5</sup>§ 19 (3) sentences 3 to 5 and § 19 (4) apply here accordingly.

(2) <sup>1</sup>The Examination Committee decides on the presentation topic based on a corresponding proposal submitted by the doctoral student. <sup>2</sup>If necessary, the Chairperson of the Examination Committee will require that the doctoral student submits a written proposal for a presentation topic and a corresponding explanation within 2 weeks directly after the Doctoral Degree Committee has issued its decision to accept the dissertation. <sup>3</sup>The presentation topic cannot be taken from the dissertation or have a central focus similar to that of a publication or essay already written by the doctoral student during his/her time at this or any other school of higher education. The doctoral student must confirm this by submitting a corresponding affirmation in lieu of an oath together with his/her topic proposal. <sup>4</sup>After hearing the doctoral student, the Examination Committee can decide to deviate from the topic proposed.

(3) If no objections are made within two weeks of the Chairperson of the Examination Committee informing Committee members of the proposed topic, then the topic is considered approved by the Examination Committee.

## **§ 22 Invitation to the oral examination; non-attendance**

(1) <sup>1</sup>Immediately after establishing an Examination Committee and determining the presentation topic, the Chairperson of the Examination Committee shall send a written invitation to the doctoral student requesting his/her participation in the oral examination.

<sup>2</sup>The invitation text must specify the presentation topic and the members of the Examination Committee. <sup>3</sup>The oral examination will also be announced by notice in the Law School.

(2) <sup>1</sup>The invitation must give the doctoral student eight weeks' notice. <sup>2</sup>The doctoral student can choose to waive the notice period.

(3) <sup>1</sup>A doctoral student who without good cause fails to attend the oral examination is considered to have failed said examination. <sup>2</sup>In such an event, the Examination Committee will provide the doctoral student with an opportunity to explain the circumstances before making its decision.

### **§ 23 Object and content of the oral examination**

(1) <sup>1</sup>The oral examination consists of a scholarly presentation by the doctoral student and a subsequent discussion between him/her and the Examination Committee. <sup>2</sup>It serves the purpose of proving the doctoral student's ability to effectively articulate and debate problems of a legal-scientific nature. <sup>3</sup>The examination has a duration of approximately sixty minutes. <sup>4</sup>It is conducted in German; doctoral students can apply to the Examination Committee for approval to have the examination conducted in another language.

(2) <sup>1</sup>The examination begins with the presentation. <sup>2</sup>The presentation is twenty to thirty minutes in length.

(3) <sup>1</sup>The scientific discussion on the contents of the presentation takes place immediately after the presentation. <sup>2</sup>It may extend to topics associated with the presentation topic.

(4) The presentation and the subsequent scientific discussion are open to Law School staff and students [*hochschulöffentlich*].

### **§ 24 Grading of the doctoral degree**

(1) Directly after concluding the oral examination, the Examination Committee decides on the grading of the doctoral degree as per § 5. It decides on both the grade for the oral examination and the overall grade.

(2) If the doctoral student has passed the oral examination, the overall grade is calculated as follows:

1. <sup>1</sup>If the dissertation has been awarded the same grade in all the examination reports, then this grade is the overall grade. <sup>2</sup>The overall grade is lowered by one grade if the grade awarded for the oral examination is two or more grades lower than the grade awarded for the dissertation.

2. <sup>1</sup>If the dissertation is awarded different grades by the examiners but the discrepancy between these grades is no greater than one grade, then the better grade of both grades constitutes the overall grade provided that the oral examination is awarded the same grade or a better grade. <sup>2</sup>However, the inferior of both grades constitutes the overall grade if the oral exam was graded with this



grade or an even lower grade.

3. <sup>1</sup>If the individual grades awarded for the dissertation differ by two grades, then the examiners are both considered to have awarded the grade that lies between these two grades; § 24 (2) No. 1 applies accordingly. <sup>2</sup>If the individual grades awarded for the dissertation differ by three grades, then the examiners are both considered to have awarded the two grades that lie between the two grades originally awarded; § 24 (2) No. 2 applies accordingly.
4. If § 17 sentence 1 applies, and only one of three examiners graded the dissertation as “insufficient” (non rite), then this grade will not be taken into account in calculating the overall grade as per § 24 (2) No. 3 sentence 2.

(3) <sup>1</sup>Immediately after its deliberations, the Examination Committee gives the doctoral student verbal notification of the examination grade awarded to him/her. <sup>2</sup>The Chairperson of the Examinations Committee makes a written record of the grade in a protocol.

(4) <sup>1</sup>If the doctoral student has failed the oral examination, he/she is permitted to once re-take the examination. <sup>2</sup>The repeat examination is to take place within one year. <sup>3</sup>If the doctoral student fails to attend the second oral examination without good cause (§ 22 (3)) or fails this examination, then he/she is considered to have conclusively failed the overall examination.

## **§ 25 Appeals**

(1) The doctoral student may appeal the decision of the Doctoral Degree Committee as per § 8 (2), § 13 (4), § 20 (3) and § 33 sentence 3 and the decision of the Examinations Committee as per § 22 (3) and § 24.

(2) <sup>1</sup>Decisions regarding such appeals are made by the Appeals Committee [*Widerspruchsausschuss*]. <sup>2</sup>§ 66 HmbHG as well as § 42 (2), § 68 (1) sentence 1 and §§ 69 to 72 of the Code of Administrative Court Procedure [*Verwaltungsgerichtsordnung*] apply accordingly unless otherwise provided by the following paragraphs.

(3) <sup>1</sup>The Appeals Committee consists of one professor, one member of the Law School's administrative staff, and one representative of the doctoral students. <sup>2</sup>The professor chairs the Committee. <sup>3</sup>Members of the Appeals Committee cannot simultaneously belong to the Doctoral Degree Committee. <sup>4</sup>They are appointed to the Appeals Committee for a term of three years.

(4) <sup>1</sup>The member selected from the Law School's administrative staff and his/her deputy are appointed by the President. <sup>2</sup>They must be qualified to hold judicial office [*Befähigung zum Richteramt*]. <sup>3</sup>If this qualification requirement cannot be met by the members of the Law School's administrative staff, then the positions shall be filled by administrative staff members of another school of higher education.

(5) <sup>1</sup>The remaining members of the Appeals Committee and their deputies are elected by the Senate. <sup>2</sup>The right of proposal for members who are not professors and those members' deputies lies with the respective academic boards; the Senate is not bound by the proposals of these boards. <sup>3</sup>The Senate appoints a deputy for each member of the

Examination Committee; sentences 1 and 2 apply accordingly.

(6) Persons who have served as examiners or members of the Examination Committee for the doctoral degree in question cannot serve on the Appeals Committee.

## **§ 26 Printing the dissertation**

(1) Once the doctoral student has passed the overall examination, he/she must have his/her dissertation printed at his/her own expense.

(2) <sup>1</sup>The printed version must, subject to sentences 2 and 3, correspond with the dissertation that was examined. <sup>2</sup>Any formatting requirements stipulated by the Doctoral Degree Committee must be observed. <sup>3</sup>Any other divergences from the examined dissertation, including any abridgments, are only permitted if they do not change the scientific substance of the work or if they are justified in substance (e.g., changes in the legal situation concerned). <sup>4</sup>The Doctoral Degree Committee decides on whether requirements have been met and divergences are permissible; to this end, it can solicit a statement from one of the examiners (§ 14).

(3) <sup>1</sup>The printed version must mention that the dissertation was accepted by Bucerius Law School – Hochschule für Rechtswissenschaft. <sup>2</sup>It must also specify the date of the oral examination and the names of the examiners.

## **§ 27 Mandatory copies**

(1) Within one year of the oral examination, the doctoral student must deliver 90 printed copies of his/her dissertation (§ 26) to the Law School (mandatory copies), and one printed copy to the Carl von Ossietzky State and University Library.

(2) <sup>1</sup>If the doctoral student intends to have his/her dissertation published by a publishing company, then he/she can apply to the President to be released from the obligation to distribute mandatory copies as per § 27 (1) provided that the publishing company in question can guarantee distribution of the dissertation as per § 27 (1). <sup>2</sup>A contract or binding quotation from a printing company is to be attached to the application. <sup>3</sup>If such release is granted, the doctoral student must supply dissertation copies no later than two years after the oral examination – printed by the publishing company and consistent with the contract or quotation submitted – in the amount of 10 for the Law School and 1 for the Carl von Ossietzky State and University Library. <sup>4</sup>The examiners each receive one of the mandatory copies.

(3) The President can, subject to a corresponding application from the doctoral student and for good cause, grant a reasonable extension of the time periods stipulated in § 27 (1) and (2).

(4) If the doctoral student supplies an electronic version of the dissertation, then the amount of mandatory copies he/she must supply as per § 27 (1) is reduced to 10, four of which are supplied to the Carl von Ossietzky State and University Library.

(5) <sup>1</sup>The external design of the dissertation must comply with the Law School guidelines on dissertation submission. <sup>2</sup>The same applies to the data format and data carriers if an electronic version is submitted.

### **§ 28 Doctoral certificate**

(1) Upon presenting a doctoral student with a doctoral certificate, the Law School confers the title “Doctor of Law” [*Doktor des Rechts*] (§ 1).

(2) The doctoral certificate entitles the doctoral degree graduate to carry the title of Doctor (§ 1).

(3) The certificate contains

1. the name Bucerius Law School - Hochschule für Rechtswissenschaft;
2. the name of the doctoral degree graduate;
3. the doctoral title (§ 1);
4. the title of the dissertation and the name of the Law School supervisor;
  
5. the date of the oral examination as the date on which the doctoral degree was achieved;
6. the overall examination grade (§ 24) in Latin and in German;
7. the function, name and signature of the President or his/her deputy and that of the Chairperson of the Doctoral Degree Committee;
8. the Law School seal.

(4) Doctoral degree graduates can apply to have their individual grades for the dissertation and oral examination listed on a separate piece of paper.

(5) They can also apply to have the certificate issued in English.

### **§ 29 Preliminary use of the doctoral title**

(1) <sup>1</sup>If § 27 (2) sentence 1 applies and the doctoral student has accordingly been granted release from the obligation to distribute mandatory copies as per § 27 (1), and if he/she has submitted a contract with a publishing company signed by both parties to said contract, then the President can, subject to the doctoral student’s corresponding application, permit the student’s preliminary use of the doctoral title. <sup>2</sup>This permission expires if the obligation to supply mandatory copies as per § 27 (2) sentence 3 has not been fulfilled within two years.

(2) If the Doctoral Degree Committee has made publication subject to conditions as per § 20 (1) sentence 2, then permission as per § 29 (1) can only be granted once the Chairperson of the Doctoral Degree Committee has determined that these conditions have been fulfilled.

(3) If the doctoral student has fulfilled his/her obligation to supply mandatory copies as

per § 27, then he/she can apply for permission to use the title “Doctor of Law” [*Doktor des Rechts*] on a preliminary basis until he/she is awarded the certificate (§ 28 (1)), provided that he/she has not yet been awarded this title.

## **I. Honorary Doctor of Law [*Doktor des Rechts ehrenhalber*] (§§ 30 to 31)**

### **§ 30 Honorary doctoral degree requirements**

(1) The Law School can honor outstanding scientific contributions to the field of law or legal science by awarding the degree “Honorary Doctor of Law” [*Doktor des Rechts ehrenhalber*] (abbreviated as Dr. iur. h.c.). (§ 1).

(2) <sup>1</sup> §§ 14, 15, 16 (1) and (3) apply accordingly with regard to assessing the contributions made by the person to be honored. <sup>2</sup>To his end, an expert report must be compiled by a legal expert not affiliated to the Law School.

(3) The conferment of the title and the honoring of the person’s contributions in the certificate (§ 31 (3) No. 4) require the approval of two thirds of the Senate members entitled to vote.

### **§ 31 Conferment**

(1) The Law School confers the title “Honorary Doctor of Law” (§ 1, § 30 (1)) by presenting the person to be honored with an honorary doctoral certificate.

(2) <sup>1</sup>The certificate is presented by the President. <sup>2</sup>It entitles the holder to carry the title “Honorary Doctor of Law” (§ 1, § 30 (1)).

(3) The certificate contains

1. the name Bucerius Law School - Hochschule für Rechtswissenschaft;
2. the name of the person honored;
3. the doctoral title (§ 1);
4. a passage recognizing the contributions made by the person honored;
5. the date on which the certificate was presented as the date on which the doctoral title was awarded;
6. the function, name and signature of the President;
7. the Law School seal.

## **II. International joint doctoral degrees (§§ 32 to 34)**

### **§ 32 International title “Doctor of Law”**

<sup>1</sup>The Law School can award international doctoral titles in cooperation with foreign schools of higher education with accredited doctoral programs (partner schools), provided that both the Law School and the partner school can fulfill the corresponding legal requirements and that the performance standards required to achieve a doctoral degree as stipulated in these Regulations, in particular in § 12, are met. <sup>2</sup>Doctoral students who successfully complete the degree program can only be awarded an international doctoral degree that specifies the names of the two schools of higher education involved. <sup>3</sup>It is impermissible to award such a degree if one of the involved schools of higher education awards the doctoral student a further international or national doctoral degree on the basis of his/her doctoral studies.

### **§ 33 Admission procedure**

<sup>1</sup>Applicants for an international joint doctoral program can be admitted on the basis of a recommendation issued by a full-time professor employed at the Law School. <sup>2</sup>Their qualifications must be equivalent to those specified in § 6. <sup>3</sup>Decisions in this regard are made by the Doctoral Degree Committee.

### **§ 34 Legal basis**

<sup>1</sup>The legal requirements for international joint doctoral degrees can be defined by contract, subject to the pertinent statutory requirements. <sup>2</sup>A contract of this type can be entered into with individual applicants or, on a more general basis, with the partner school or a part of a partner school (department, faculty, institute). <sup>3</sup>It must ensure compliance with the requirements set forth in § 32 and equal involvement of the Bucerius Law School in the doctoral degree awarding process. <sup>4</sup>Furthermore, the provisions of these Regulations apply accordingly.

## **III. Final provisions (§§ 35 to 37)**

### **§ 35 Failure to fulfill doctoral requirements**

If, prior to presentation of the certificate, it is established that the

1. applicant

- a) is undeserving of an academic title, in particular because he/she has been convicted of a crime with respect to academic misconduct and sentenced to imprisonment of one year or more, or
- b) because he/she deceitfully gave false information regarding his/her

fulfillment of the requirements for a doctoral degree, or

2. because it was incorrectly assumed that the applicant fulfilled important requirements for conferment of a doctoral degree (without the circumstances described in No. 1 applying),

then the applicant will not be presented with the doctoral certificate and, if he/she was pursuing the doctoral degree as per §§ 2 to 29, it will be declared that the overall examination was failed, unless the Senate decides otherwise.

### **§ 36 Revocation of the title “Doctor of Law”**

- (1) <sup>1</sup>If the applicant is found guilty of having performed a significant act of deception, then the Doctoral Degree Committee will, after hearing the person concerned, declare the examination failed. <sup>2</sup>Where the doctoral title has already been conferred, the Doctoral Degree Committee will revoke it.
- (2) An act of deception in this context includes, in particular, the misappropriation of other persons' ideas and the phrasing of passages and presentation of results without acknowledging, or without sufficiently acknowledging, the appropriate source.

### **§ 37 Entry into effect and transitional provisions**

- (1) <sup>1</sup>These Doctoral Degree Regulations enter into effect upon approval by the competent regulatory authority. <sup>2</sup>The same applies for any amendments to these Regulations.
- (2) <sup>1</sup>For persons who receive confirmation of supervision as per § 3 (2) sentence 1 after 1 January 2016, the version of the Doctoral Degree Regulations passed by the Senate on 9 December 2015 applies. <sup>2</sup>Persons who had entered into a supervision relationship before this date can agree to having the version of the Doctoral Degree Regulations passed by the Senate on 9 December 2015 apply to them.
- (3) For all other persons (doctoral students; persons currently under de facto supervision), the version of the Doctoral Degree Regulations approved by the Behörde für Wissenschaft und Forschung [*Hamburg Ministry of Science and Research*] on April 7 2010 applies.