

# **Doctoral Degree Regulations of the Faculty of Law and Economics**

## **Doctor of Law**

English version for reference only!

Disclaimer: **This translation** of the “Promotionsordnung der Rechts- und Staatswissenschaftlichen Fakultät zur Erlangung des Grades eines Doktors des Rechts der Rheinischen Friedrich-Wilhelms-Universität Bonn vom 12. März 2012” published in “Amtliche Bekanntmachungen 42. Jahrgang, Nr. 11” including the modifications from the “Ordnung zur Änderung der Promotionsordnung der Rechts- und Staatswissenschaftlichen Fakultät zur Erlangung des Grades eines Doktors des Rechts der Rheinischen Friedrich-Wilhelms-Universität Bonn vom 23. Juni 2016” published in “Amtliche Bekanntmachungen 46. Jahrgang, Nr. 27” **is not legally binding.**

**Revised version of the doctoral degree regulations  
to obtain the degree of Doctor of Law  
at the Faculty of Law and Economics  
at the University of Bonn  
of March 12, 2012 and modification of June 23, 2016**

Due to section 2 para. 4 and 67 para. 3 of the Higher Education Act in the state of North Rhine-Westphalia (Hochschulgesetz - HG) in the version of the NRW Higher Education Autonomy Act (Hochschulfreiheitsgesetz - HFG) of October 31, 2006 (GV. NRW. clause 474), last amended by article 1 of Law to Amend the Hochschulgesetz (Gesetz zur Änderung des Hochschulgesetzes), the Art Colleges Act (Kunsthochschulgesetz) and other regulations of January 31, 2012 (GV. NRW. clause 90), the Faculty of Law and Economics at the University of Bonn has approved the following doctoral degree regulations:

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## **Section 1**

The Faculty of Law and Economics at the University of Bonn awards the degree of Doctor of Law (Dr. iuris) based on an academic paper (doctoral thesis) and an oral examination (doctoral defense).

### **I. Requirements for admission to the doctorate**

#### **Section 2**

(1) In accordance with the regulations of section 67 para. 4 HG, candidates with a completed university degree (para. 2 to 8) and also candidates with a qualification from a university of applied sciences (Diploma FH or master) in a degree program with a focus on law, if they have demonstrated suitability for expanded academic training (section 3), are admitted to the doctorate. Those who have already acquired a doctorate in law at this Faculty or another German faculty cannot be admitted.

(2) The admission to the doctorate following a completed university degree in law requires:

1. The completion of the first examination or the second legal State Examination with higher honors (at least "fully satisfactory") or an examination that is equivalent in nature and honors,
2. Legal studies of at least two semesters at the University of Bonn, which can also consist of doctoral studies (section 5),
3. The acceptance of supervision of the doctoral thesis by a professor from the Law department at the start of the doctoral studies and
4. Successful participation in a legal seminar with presentation in this Faculty or another faculty of law.

(3) The doctoral board decides on equivalence as defined by para. 2 No. 1.

(4) Candidates who have completed an examination that is equivalent to the first examination in the subject Law at a foreign higher education institution are only to be admitted if they have passed this examination with higher honors or have acquired the degree of Master in German Law with higher Latin honors (at least "magna cum laude") at the Faculty of Law and Economics at the University of Bonn. When determining equivalence, the equivalence agreements approved by the conference of ministers of education (Kultusministerkonferenz) and the German Rectors' Conference (Hochschulrektorenkonferenz) and agreements as part of university partnerships are to be observed. In the event of doubts concerning equivalence in achievements obtained abroad, the Zentralstelle für ausländisches Bildungswesen (Central Office for Foreign Education – ZAB) can be consulted, or examinations can be conducted in at least the speciality of the doctoral thesis and one further legal field to ascertain equivalence; the doctoral board decides on the number, subject and form of the examinations and appoints the respective examiners.

(5) Candidates who have completed an examination that is equivalent to the first examination in another subject at a university are only admitted if they have acquired, at a German university, three course assessments in the fields of Civil Law, Criminal Law, and Public Law equivalent to the course assessments for the tutorials.

(6) Upon justified application from the candidate, the doctoral board can exempt the candidate from the requirement to complete the first examination with higher honors (para. 2 No. 1) if the candidate has completed the first or second legal examination with "satisfactory" (at least 7.5 points) and completed a specialized seminar at the Faculty of Law and Economics with at least "fully satisfactory" or another legal seminar with at least "good" or has acquired the degree of Magister legum. The exception applications to be justified must be submitted to the members of the doctoral board at the latest one week before decision-making.

(7) The doctoral board can permit that the two-semester studies (para. 2 No. 2) are demonstrated by studies as an auditor. In exceptional cases, it can grant complete exemption from this requirement.

(8) In other cases, an exemption from individual admission requirements can be granted by a ruling by the doctoral board. Exemption from the honors grade beyond para. 6 is excluded. The exception application is to be justified by the supervisor and submitted before the acceptance of the candidate (para. 2 No. 3). If circumstances that justify the necessity for an exception in accordance with this paragraph only occur following acceptance of the candidate or these only subsequently become known through no fault of the candidate, the exception application is to be submitted immediately.

(9) Candidates who have already undertaken a doctoral examination procedure without success or for whom the conditions exist under which an academic degree can be revoked are not admitted to the doctorate in accordance with section 2 para. 1.

### **Section 3**

(1) University of applied sciences candidates are only admitted to the doctoral studies and doctorate following a successfully completed course of at least six semesters in a subject with the specialism Law; the course must be completed with the highest grade of the relevant examination regulations. Candidates with a master's degree are to also enclose in the application conducted research achievements, which can also consist of contributions to research-related seminars.

(2) The admission of university of applied sciences candidates with the first vocational qualification is granted initially for doctoral studies lasting three semesters. Following three semesters, the candidate with a Diploma or bachelor qualification is to provide course assessments from three partial examinations and one term paper as defined by section 5 para. 1 of the examination regulations for midterm examinations of February 10, 2009, from various specialities and from one seminar in the speciality of the doctoral thesis. The candidate may extend the doctoral studies by one semester. The admission to the doctoral studies requires a declaration from a professor from the Law department that he/she will supervise the candidate.

(3) The course assessments from the doctoral studies must have an average grade of at least 10 points for the tutorials; term papers and the (best) written exam are assessed 3:1 in this. The seminar must be assessed with the grade "good". If the supervising professor supports admission to the doctorate following submission of such course assessments, the candidate is admitted.

(4) The application for admission to doctoral studies and the doctorate (para. 1) is to be addressed to the doctoral board.

## **II. Admission to the doctorate**

### **Section 4**

(1) The application for admission to the doctorate is to be addressed in writing to the Dean of the Faculty.

(2) The following are to be enclosed with the admission application:

1. A curriculum vitae written in German, which also provides information about the educational career of the candidate;

2. The officially certified copies of previous education and university studies, in particular

a) Evidence of the general higher education entrance qualification (Hochschulreife) or an equivalent qualification;

b) Tutorial and seminar attendance certificates;

c) Certificates for the first examination and, if applicable, the second legal state examination;

3. A police clearance certificate;

4. An affidavit stating whether, when, where and with what success the candidate has already undertaken other doctoral examinations and whether the submitted doctoral thesis has already been submitted to another faculty or one of its members, if applicable, enclosing the examination certificates;

5. An affidavit that the candidate is the independent and sole author of the work, no resources other than those stated in the work were used, and statements used word-for-word in the work are indicated as such;

6. An affidavit that the candidate has not made use of paid assistance from third parties for the content-related creation of the work and has not granted or promised benefits to either the supervisor or third parties for the provision of the opportunity to undertake the doctorate and these were not demanded by the supervisor or third parties;

7. The doctoral thesis in two copies, naming the professor who accepted the candidate for the doctorate and provided supervision, and in an electronic version as a pdf with the declaration that the submitted paper versions and the electronic version are identical;

8. Any academic texts by the candidate that have already appeared in print.

## **Section 5**

Admission to the doctoral studies can be granted at the same time as admission to the doctorate on request. The doctoral studies accompany the doctoral thesis and prepare for the doctoral examination. They impart in-depth academic expert knowledge and the ability to plan and conduct research independently, present and defend the acquired knowledge in front of an expert audience, and arrange it in a form ready for publication.

## **Section 6**

(1) The doctoral thesis must concern itself with a subject from the field of law and represent an academically noteworthy achievement by the candidate, which demonstrates his ability to undertake independent academic work.

(2) The doctoral thesis should be submitted in a condition that is ready for printing. The candidate can also submit a paper that has already appeared in print as a doctoral thesis with the approval of the doctoral board.

## **Section 7**

The doctoral thesis is to be written in German. Deviations are permitted in exceptional cases and must be approved by the doctoral board. In this case, a German summary is to be enclosed with the foreign-language doctoral thesis. Section 2 para. 8 clauses 3 and 4 apply correspondingly.

## **Section 8**

The Dean decides on admission to the doctorate where a ruling by the doctoral board is not required.

## **Section 9**

Following admission to the doctorate, the candidate can only withdraw the application if no rejecting dissertation reviews for the doctoral thesis exist and the oral examination has not begun.

# **III. Examination procedure**

## **A. Assessment of the doctoral thesis**

### **Section 10**

(1) Upon admission, the Dean appoints two reviewers for the doctoral thesis from among the professors in the department including honorary professors, adjunct professors and lecturers (Privatdozent).

(2) The Dean appoints as the first reviewer the professor who accepted and supervised the candidate for the doctorate. If the first reviewer is not a full-time professor, the second reviewer is to be appointed from among the full-time professors.

(3) If it appears necessary due to the thematic nature of the work, in particular if the work belongs to the border area between two faculties or disciplines, the Dean can appoint one of the reviewers or a further reviewer from the other faculty or the other discipline or habilitated member of a foreign faculty.

(4) The Dean can appoint as a reviewer a professor who no longer belongs to the department and assumed the supervision of the doctoral thesis before leaving the University.

(5) In the event of doubt, the doctoral board can decide to obtain the dissertation review from a member of a foreign faculty of law for the doctoral thesis.

(6) If the first and second reviewer ultimately differ from each other in their assessment of the doctoral thesis by more than one grade, the Dean appoints a further member of the department as a third reviewer. If, based on his/her dissertation review, the assessments of the reviewers continue to differ by more than one grade, the doctoral board decides on the assessment while taking into account the dissertation reviews.

### **Section 11**

(1) The reviewers submit justified dissertation reviews that recommend the acceptance or rejection of the doctoral thesis. Upon acceptance of the doctoral thesis, one of the Latin honors stated in section 12 is to be proposed as the grade for the work. The reviewers submit their dissertation reviews within a period of three months from their appointment. The period can be extended by the Dean by a further three months for important reasons.

(2) In the event of content-related concerns about the work, each reviewer can suspend the assessment until – except for minor improvements – the candidate has brought the doctoral thesis into an acceptable condition that is ready for printing.

(3) The reviewers can include conditions for publication in the dissertation reviews. The conditions are to be indicated as such.

## **Section 12**

The written doctoral achievements are assessed with one of the following grades:

Summa cum laude (excellent)

Magna cum laude (very good)

Cum laude (good)

Satis bene (satisfactory)

Rite (sufficient)

Intermediate grades in quarter increments are permitted. In the event of deviations in the grades, the mean applies.

## **Section 13**

If the reviewers have provided their dissertation reviews, the Dean informs the professors in the Faculty of the author and title of the work and the assessments proposed by the reviewers, and provides access to the doctoral thesis in the Dean's office for two weeks. The announcement can take place by means of a customary notice or in an electronic form. Reviewers who do not belong to the Faculty are to be made aware of the proposals of the other reviewers.

## **Section 14**

The doctoral thesis recommended for acceptance by the reviewers is to be accepted by the Faculty if no professors from the Faculty raise justified objections within the presentation period. Every professor in the Faculty is entitled to add to the doctoral thesis their own justified vote with assessment. The examination board is to take this vote into account in the overall assessment. To this end, the Dean invites the respective Faculty member who can participate in the examination with voting rights.

## **Section 15**

(1) If one of several reviewers or a professor from the Faculty has suggested the rejection of the work in his vote, the Faculty council shall decide.

(2) If the doctoral thesis is rejected by the reviewers or by the decision of the Faculty council, the examination is not passed.

(3) The other German faculties of law are informed by the Dean of the rejection of the work. Non-legal faculties can also be informed on an individual basis. In all other cases, sections 13, 14 of the Law on the Protection of Personal Data (Data Protection Law North Rhine-Westphalia – DSGVO NRW) of June 9, 2000, apply (GV. NRW clause 452).

(4) The informing of foreign faculties can take place under the prerequisites of section 17 DSG NW in its respective valid version.

### **Section 16**

Following the acceptance of the work, the Dean informs the candidate and transfers to him/her the dissertation reviews from the reviewers.

## **B. Oral examination and overall result**

### **Section 17**

(1) The oral examination consists of a defense of the underlying theses of the doctoral thesis (doctoral defense).

(2) The fundamental theses of the doctoral thesis are to be submitted to the Dean at the latest two weeks before the oral examination. The Dean appoints an examination board of three members, to which the first reviewer must belong. During selection, the second reviewer should also, where possible, be taken into account and, in all other cases, the discipline of the lecture should be considered. If a further reviewer has proposed an assessment of the doctoral thesis that differs from that of the first reviewer, he/she is to be appointed as joint examiner.

(3) The Dean holds the chair over the examination as a member of the examination board or a certain member of the committee appointed by him. The examination language is German. If the doctoral thesis has been completed in a foreign language in accordance with section 7 clause 2, the doctoral board can also approve a doctoral defense in this foreign language. Minutes are to be taken of the examination.

(4) The oral examination is public. It takes around 45 minutes. The candidate presents the underlying theses of the work at the start while speaking freely; the presentation should not exceed 20 minutes; an academic debate immediately follows the presentation. Habilitated members of the Faculty can take part in the debate.

### **Section 18**

(1) The examination board decides directly after the oral examination whether the candidate has passed the examination and determines the overall grade based on the assessment of the doctoral thesis and the oral examination with one of the full grades in accordance with section 12. The overall grade can deviate from the assessment of the written component by one grade. The examination board can obtain a statement from the doctoral board. It should obtain a statement from the doctoral board if this serves to uphold general and uniform quality standards within the Faculty.

(2) If the candidate misses the oral examination without sufficient excuse, the examination is considered failed.

(3) If the oral examination is not passed, the candidate can repeat the oral examination once. In this case, the examination board sets a period of at least 6 months and a maximum of 2 years to repeat the examination.

(4) The other German faculties of law are informed of the ultimate failing of the examination.



## **IV. Completion of the doctorate**

### **Section 19**

(1) Once the examination is passed, the candidate is to have the doctoral thesis printed in the version approved by the Dean (octavo format, two-sided) and submit 80 copies of the doctoral thesis to the Faculty within one year. The doctoral thesis can also be submitted in an electronic form. In particularly justified cases, the Dean can extend the period to submit the doctoral thesis copies by a maximum of one further year overall. If the candidate ultimately misses the submission deadline, he/she loses all of the rights acquired through the examination. Section 32 of the Administrative Procedure Act (Verwaltungsverfahrensgesetz) for the state of North Rhine-Westphalia of November 12, 1999, (GV. NRW clause 602) – VwVfG – in its respective valid version applies accordingly.

(2) If the doctoral thesis is published in an academic publication series with a minimum print run of 150 copies, the submission of ten published documents is sufficient, insofar as the doctorate has been assessed with “summa cum laude” or “magna cum laude”. In the event of the overall grade “cum laude”, the doctoral board can, in justified exceptional cases, also approve a corresponding reduction of the published documents to be submitted insofar as the work is published in accordance with clause 1 and sufficient distribution appears to be ensured in accordance with its subject and content. If the respective publisher works according to an “on-demand procedure”, the requirement is fulfilled if the publisher has assumed the contractual obligation to produce up to 150 copies with corresponding demand and is committed to the agreement for a period of 10 years.

(3) In the case of particularly extensive works, the doctoral board can approve a partial print. In this case, however, five complete copies are to be submitted to the Faculty.

(4) The doctoral board can recommend publication in a legal journal; para. 3 applies accordingly.

(5) The doctoral board can approve publication as microfiche or in an electronic form. In these cases, five bound copies, printed onto aging-resistant paper, a microfiche version that is identical in terms of text and bibliography, or electronic version with a summary of the results of the doctoral thesis, and a further 2 copies with the irrevocable approval for corresponding publication are to be submitted. The Dean decides on the fulfillment of the requirements.

### **Section 20**

The copies to be submitted are to be indicated on the title page as “Dissertation to obtain the degree of Doctor of Law at the Faculty of Law and Economics at the University of Bonn”. The name of the Dean, of both of the reviewers, and the date of the oral examination are to be stated on the back of the title page. A brief curriculum vitae for the author is to be enclosed with the doctoral thesis. The manuscript for the doctoral thesis is to be returned to the files of the Faculty after printing.

### **Section 21**

(1) If the candidate has fulfilled all requirements, the doctorate is implemented by the Dean on behalf of the Faculty by issuing the doctoral certificate. The issuance should take place as part of a doctoral graduation ceremony.

(2) The certificate shows the title of the work, the day of the oral examination as the time of the doctorate, and the overall grade. It is issued by the Dean and bears the seal of the Faculty; a second copy of the certificate is to be included in the Faculty files. The Dean enters the name of the doctoral graduate and a factual report concerning the doctorate in the doctoral album.

(3) If the doctoral thesis should be published in print and the submission of the obligatory copies appears to be ensured, the Dean can confer the doctorate prior to submission of the printed publications upon request.

(4) The doctoral graduate is only entitled to use the title of doctor once the certificate is issued.

## **Section 22**

If, before the doctoral certificate is issued, it is discovered that the candidate is guilty of fraud in his/her doctoral achievements or in the evidence in accordance with section 4 or that significant requirements of the doctorate were wrongly accepted as given, the Faculty council can declare the doctoral achievements as invalid in whole or in part. Section 15 para. 3 and para. 4 apply accordingly.

## **V. Doctoral board**

### **Section 23**

(1) The doctoral board consists of one professor from the Faculty from each of the specialities of Private Law, Criminal Law, and Public Law.

(2) The members of the doctoral board are elected by the Faculty council. A deputy is to be appointed for each member.

(3) The doctoral board determines the chairperson from among the members by resolution in accordance with para. 1.

(4) The doctoral board decides with the majority of votes from the members present. In the event of a tied vote, the chairperson has the deciding vote. The doctoral board can decide by means of the written circulation procedure if the decision to be made does not require a statement based on its fundamental significance and no member objects.

## **VI. Joint doctorate with a foreign higher education institution**

### **Section 24**

(1) A doctoral examination procedure can also be conducted together with a foreign legal faculty or foreign higher education institution if

1. The submission of a doctoral thesis and an oral doctoral achievement is also required there for the doctorate,

2. An agreement with provisions concerning the joint supervision of doctoral students and the joint examination procedure has been made on an individual basis.

The joint doctoral examination procedure serves as evidence of profound knowledge of the foreign judicial and cultural area. It generally requires doctoral studies of at least two semesters each at both of the institutions involved, with supervision by a professor from each of the partner institutions who is entitled to supervise doctorates. The agreement is concluded at the supervisor's request by the Dean at his due discretion following a statement by the doctoral board.

(2) Anyone who wishes to be admitted to a joint doctoral examination procedure with a foreign institution must fulfill the admission requirements of section 2 para. 2 or 4 and the admission requirements of the foreign faculty or the foreign higher education institution.

(3) In a joint doctoral examination procedure with a partner institution in a foreign country where another language is spoken, the doctoral thesis can be submitted either in German or in the national language of the partner institution. A summary in the respective other language is to be enclosed.

(4) One supervisor from each of the two institutions involved is to be appointed for the doctoral student.

(5) The examination procedure should be conducted equally by both of the institutions involved. Provisions deviating from sections 10, 14, 17 para. 2 and 3 of these regulations can be made in the agreement for the appointment of the examiners. The oral examination is to be conducted half in German and half in the respective national language in the event of para. 3. The examination can be extended accordingly and involve other disciplines according to the examination regulations of the partner institution.

(6) The examination components are assessed both in accordance with these regulations and also in accordance with the law that applies to the foreign institution involved.

(7) The doctoral certificate is issued in conjunction with the foreign faculty or foreign higher education institution. It certifies the awarding of the doctorate in the version according to these regulations and in the version of the foreign partner institution. The certificate can show the grades of the examination procedure in the scope provided for in accordance with the law of the foreign partner institution and must indicate that the requirements for the awarding of the doctorate have been identified jointly by both partner institutions. The language or languages in which the certificate is issued should be set down in the agreement in accordance with para. 1. The doctoral certificate is signed and sealed by the Dean and the authorized signatory of the foreign partner institution. The certificate must indicate that the doctorate can only be used as a single academic title by the authorized person.

(7a) If, in accordance with the law that applies to the foreign faculty involved, the issuance of a joint certificate in accordance with para. 7 clause 1 is not permitted,

1. It must be visible from both certificates that the simultaneous use of the doctorates alongside each other in accordance with clause 1 is excluded, and

2. Reference is made in each of the two doctoral certificates in the respective national language that it concerns the awarding of a doctorate based on a joint doctoral examination procedure at the Faculty of Law and Economics at the University of Bonn with the foreign university.

(8) The publication of the doctoral thesis and the number of obligatory copies to be submitted must correspond to the provisions of these regulations and those of the foreign partner institution.

(9) The doctoral board, at its due discretion, decides on exceptions to the procedure on an individual basis in accordance with paras. 3 to 7. Equivalence with the doctoral examination procedure in accordance with these regulations is to be ensured.

## **VII. Honorary doctorate, renewal of the diploma**

### **Section 25**

(1) The Faculty awards the academic degree and the title of Honorary Doctor of Law (Dr. iuris h.c.) for outstanding academic services or other special achievements of a non-material nature in the sciences entrusted into the care of the Faculty.

(2) Such a decision requires a majority of two-thirds of the Faculty council and also the consent of two-thirds of the group of professors in the Faculty.

(3) The honorary doctorate is awarded with the presentation of a certificate issued by the Dean, honoring the achievements of the doctoral graduate.

## **Section 26**

At the decision of the Faculty council, the Dean can formally renew the doctoral certificate on the 50th anniversary of the doctoral graduate's doctorate if this appears appropriate in view of outstanding achievements relating to science, or public life, or the particularly close links with the University.

## **VIII. Subsequent decisions in the doctoral examination procedure; revocation of the doctorate**

### **Section 27**

(1) If the doctoral student commits deception, threats or bribery during a doctoral achievement, the Faculty council can retrospectively amend the assessment of the doctoral achievements, order a new oral examination, or revoke the doctorate. This applies in particular to fraud regarding the circumstances stated in section 4 para. 2 No. 6.

(2) If the doctoral student has acquired admission to the doctorate in the manner described in para. 1, the Faculty council can retrospectively revoke the doctorate.

(3) If the doctoral degree is revoked in accordance with para. 1 or para. 2 or the assessment of the doctorate in accordance with para. 1 has been amended, the Dean revokes the doctoral certificate and, if necessary, issues a new doctoral certificate.

(4) The doctorate - including the Honorary Doctor - can also be revoked by the Faculty council if the doctoral student is legally sentenced to a custodial sentence of at least one year due to an intentional criminal offense, if he is legally convicted of an intentional crime, during the preparation or committing of which the doctorate was used, or if he proves unworthy to use the title of doctor due to other behavior.

(5) The affected person is to be given the opportunity to comment before a decision is made.

(6) Otherwise, section 48 VwVfG applies accordingly in the cases of paras. 1 and 2.

(7) Section 15 para. 3 and para. 4 apply accordingly.

## **Section 28**

### **Transitional provisions**

Doctoral students who have already been admitted to the doctorate upon entry into force by the decision of the doctoral board or the Faculty council or to whom a necessary dispensation has been granted, continue their procedure in accordance with the previously applicable doctoral degree regulations.

## **Section 29**

### **Entry into force and publication**

These doctoral degree regulations enter into force on the day following their publication in the Official Notices of the University of Bonn – Announcements.

**Section 30**

**Annulment of the old doctoral degree regulations**

The Legal doctoral degree regulations of February 27, 2009, (Official Notices of the University of Bonn, 39th year, No.17 of March 3, 2009) cease to be in force subject to section 28 when these doctoral degree regulations enter into force.

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The Dean  
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Issued based on the ruling of the Faculty council in the Faculty of Law and Economics on January 23, 2012, and the resolution of the rectorate on February 28, 2012.

Bonn, March 12, 2012

J. Fohrmann  
The Rector  
at the University of Bonn  
Universitätsprofessor Dr. Jürgen Fohrmann