

Please note that this document is a non-binding convenience translation. Only the German version of the document entitled "Doctoral regulations for the Faculty of Law of Heidelberg University" of 20 April 2012 [published in the Rector's Bulletin (Mitteilungsblatt des Rektors) dated 21 May 2012, p. 441] has legal validity.

Doctoral Regulations for the Faculty of Law of Heidelberg University

of 20 April 2012

Section 1 Doctorate

The Faculty of Law of Heidelberg University confers the academic degree of "Doctor of law" (Dr. iur.) on the basis of completion of a doctorate or as an honorary degree.

Section 2 Components of the doctorate

The components of the doctorate serve to demonstrate the candidate's ability to undertake independent academic research. The doctorate consists of a jurisprudential treatise (dissertation) and an oral examination.

Section 3 Doctoral committees

- (1) Unless specified otherwise, the doctoral committee decides upon all matters relating to doctorates. Its membership is made up of the professors and associate professors who belong to the faculty board.
- (2) The extended doctoral committee decides upon matters pertaining to section 8 subsection 3, section 13 subsection 3, section 19 subsection 2, and sections 21 and 21. Its membership is made up of all professors and associate professors who belong to the faculty. Retired and emeritus professors are advisory members.
- (3) The dean chairs the doctoral committees.

Section 4 General admission requirements

- (1) Applicants must meet the following admission requirements:
 1. successful completion of a university course of studies in law; applicants must have received a grade of "completely satisfactory" (vollbefriedigend) or better within the meaning of the Legal Education and Examination Regulation (Juristenausbildungs- und Prüfungsordnung - JAPrO - dated 8 October 2002 (Law Gazette, page 391) in the amended version of 20 April 2005 (Law Gazette, page 402) for the first or second state legal examination (juristische Staatsprüfung) or the first law examination (juristische

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Prüfung). S. 391) (JAPrO).

Applicants who completed their studies at a different university and were not admitted to the doctoral programme of said university due to their final mark will be admitted on the same basis as applicants with marks below "completely satisfactory";

2. proof of proficiency in Latin (referred to as Latinum), and
 3. a minimum of two semesters of legal studies at Heidelberg University.
- (2) Upon request by the applicant, the admission requirements set forth under subsection 1 clause 1 to 3 may be waived in exceptional and substantiated cases. The minimum mark requirement shall be waived only if the applicant's previous course of studies, academic record, dissertation outline, and a positive assessment by a professor or associate professor belonging to the faculty give reason to believe that the applicant is suited for the intended academic project. Exemptions as set forth under clause 2 may not be granted if neither one of the final marks earned for the first state legal examination/first law examination nor the second state legal examination equals a minimum of 6.5 points (satisfactory). Exemptions from the Latin proficiency requirement may be granted only if the candidate is able to furnish proof of other skills that allow him or her to understand the fundamentals of jurisprudence, particularly in the areas of history, philosophy and sociology of law, and comparative law.

Section 5 Applicants with degrees from universities of applied science

- (1) By way of derogation from section 4, applicants with a degree from a university of applied science (Fachhochschule) are admitted to the doctoral programme if they are able to demonstrate their particular qualification in an aptitude assessment procedure (Eignungsfeststellungsverfahren). Section 4 subsection 1 clause 2 and subsection 2 clause 3 apply.
- (2) Admission in accordance with subsection 1 clause 1 requires that
 1. the examination rules and regulations, and the syllabus of the course of study completed at the university of applied science cover legal subjects by at least two thirds, extending to the subjects of civil, criminal and public law,
 2. the applicant
 - a) counts among the top 10 per cent of his or her class, as evidenced by his or her final mark earned from the university of applied sciences,
 - b) during the aptitude assessment procedure, the applicant took part in a law seminar offered by the faculty, and prepared an oral presentation accompanied by a script,

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- c) which was marked "completely satisfactory" or better, and passed the written examination within the meaning of subsection 3.
- (3) The written examination within the meaning of subsection 2 clause 2 letter c) takes place annually in the third week of September. Only applicants who meet the requirements set forth under subsection 1 clause 1 and 2 letters a) and b), and who signed up by 31 July of the same year can sit the examination. The examination is composed of three proctored exams in civil law, criminal law, and public law. Applicants must sit all three exams within the same examination period. The difficulty level corresponds to the proctored exams of the first state legal examination. Each exam must be completed within five hours. The exam questions are prepared by the dean and evaluated by at least to examiners who are appointed by him or her from among the professors and associate professors; the award of marks is governed by section 14 subsection 2 and section 15 of the Regulation on Legal Education and Examination dated 8 October 2002 (Veordnung über die Ausbildung und Prüfung der Juristen - Federal Law Gazette, page 391) respectively; the dean or a professor appointed by him or her take the place of the state legal examination board (Landesjustizprüfungsamt) and its president. To pass the examination, the average of the marks awarded for the three exams must be "satisfactory" (7.0 points) or better, and none of the individual exam marks may be inferior to "pass" (4.0 points). Applicants who failed the written examination may retake it once by resitting all three exams.
- (4) The dean decides upon admission to the written examination as set forth under subsection 3.
- (5) Subsections 1 to 4 apply mutatis mutandis to applicants with degrees from vocational universities (Berufsakademien), and the Württemberg Notarial Academy.

Section 6 International applicants

- (1) By way of derogation from section 4, non-German nationals and stateless persons may acquire the academic degree of doctor of law if they
1. furnish proof of completion of a course of studies in law from a university abroad, which is to be recognised by the doctoral committee; the leaving certificate must meet the same requirements as must be met to achieve a "completely satisfactory" result within the meaning of JAPrO in the first and second state legal examination;
 2. studied law at a German university for a period of four semesters, at least two of which at Heidelberg University;

3. have a sufficient proficiency level in German, as evidenced by a language examination recognised by the faculty. The following certificates of German proficiency are accepted:
 - *Deutsche Sprachprüfung für den Hochschulzugang* (DSH - German Language Examination for University Admission for Foreign Applicants), passed with a minimum mark of 2.5 (former marking scheme) or DSH level 3 (new proficiency assessment scheme);
 - *Kleines Deutsches Sprachdiplom* (Minor German Language Certificate) from Goethe-Institut with a minimum mark of 2.5.
 - *Großes Deutsches Sprachdiplom (Major German Language Certificate)* from Goethe-Institut;
 - *Zentrale Oberstufenprüfung* (Central Advanced Level Examination) from Goethe-Institut with a minimum mark of 2.5;
 - *Deutsches Sprachdiplom der Kultusministerkonferenz - Stufe II* (German Language Diploma of the Conference of State Ministers of Education and Cultural Affairs Level II) with a minimum mark of 2.5;
 - *Deutsch als Fremdsprache* (German as a Foreign Language) certificate with a minimum grade of 5 (TestDAF level, TDN) in all test components;
 - if provided for in bilateral agreements with the respective country: a minimum mark of 2.5 in German earned in the written secondary school final examination, ;
 - a minimum grade of 2.5 in the written final examination in German in the "Feststellungsprüfung" (German language skills assessment test for international applicants seeking admission to a German university)
4. participated in a law seminar and independently prepared a presentation in German, defended his or her statements in a debate following the presentation; the marks awarded must be "satisfactory" or better;
5. sat two exams within three months. One of these exams must cover a topic from one of the following fields: German or Roman history of law, modern constitutional law, philosophy of law, sociology of law, comparative law, or general theory of state. The second exam must cover theoretical questions of applicable law pertaining to one of the mandatory subjects as defined by JAPrO, however not the subject area which will be covered by the dissertation. The applicant may propose a subject area for each exam. Each exam is to be evaluated by two examiners appointed by the dean .

If the applicant does not pass all of the exams, his or her application to the doctoral programme will be rejected. Retakes for failed exams are granted once, however no earlier than three months after the initial attempt.

- (2) German citizens who completed their law studies abroad may be admitted to the doctoral programme only if subsection 1 is applied accordingly.
- (3) Section 4 subsection 2 applies mutatis mutandis. The exams pursuant to subsection 1 clause 5 may be replaced by exams of the Heidelberg program for international law degree holders.

Section 7 Application for admission

- (1) The applicant submits a written application to the dean of the faculty.
- (2) The application must contain:
 - 1. a curriculum vitae;
 - 2. a list of the higher education institutions previously attended and semesters enrolled in previous courses of study;
 - 3. the higher education entrance diploma;
 - 4. the first or second state legal examination certificate or the first law examination certificate, certificates pursuant to section 5 subsection 2 or certificates pursuant to section 6 subsection 1;
 - 5. a certificate of exemption if the applicant does not meet the requirements set forth under section 4 subsection 1, section 5 subsection 1 clause 2 in connection with section 4 subsection 1 clause 2;
 - 6. an affidavit as to whether the applicant has previously failed a doctoral degree examination in law;
 - 7. a statement as to the subject area in which the candidate wishes to write his or her dissertation.

If a professor or associate professor agrees to act as the candidate's doctoral supervisor, his or her written approval must be submitted along with the application.

- (3) Applicants pursuant to section 5 may be asked to provide further details about and certificates from their previous course of study if this is necessary to verify that the admission requirements within the meaning of section 5 subsection 2 clause 1 have been met.

Section 8 Decision concerning the admission

- (1) If it is not certain whether an applicant meets the admission criteria, the dean decides upon admission. Decisions concerning the acceptance or rejection of an application must be communicated to the applicant in writing.
- (2) If the application is accepted, the candidate is admitted to the doctoral programme. He or she will be enrolled in the doctoral programme for a three-year period, unless he or she already is a member of the university by virtue of an employment contract. An extension may be granted; the maximum enrolment period is five years.
- (3) Rejections must be substantiated in writing.
- (4) Admission may be rejected if facts become known that would justify the withdrawal of a doctoral degree under state law. Decisions in this regard are made by the extended doctoral committee.

Section 9 Supervision of the dissertation

- (1) The supervisor is responsible for supervising the dissertation. Upon request by the candidate, a second supervisor may be appointed where justified.
- (2) If the doctoral candidate does not find a supervisor, he or she may refer to the dean, who will then try to enlist a supervisor.

Section 10 Submission of the dissertation

The following documents must be submitted to the dean's office:

1. the original copy of the dissertation,
2. a digital copy of the dissertation,
3. an affidavit pursuant to Appendix 10 to these doctoral regulations;
4. a signed copy of the affidavit instructions provided by the university on the meaning of the affidavit and the potential legal ramifications in case of untrue or incomplete statements.

Section 11 Doctoral dissertation

- (1) The dissertation must be a product of the candidate's own research, and suitable for publication; it must be written in German. The doctoral committee may allow the candidate to submit the dissertation in another main European language if:
 - the theme of the dissertation justifies this step,
 - three persons from among the university lecturers and associate professors who teach the subject to which the dissertation is

assigned declare that they are willing and able to evaluate the dissertation in this language, and

- if a professor of the respective subject who is a native speaker with oral and written command of this language declares that he or she is willing to evaluate the dissertation under linguistic terms, and if the dissertation committee appoints him or her as evaluator after the dissertation is submitted.

Dissertations submitted in a foreign language must be accompanied by a comprehensive and substantive summary in German language.

- (2) Contributions to group papers, which can be unequivocally attributed to the candidate and evaluated separately, may be submitted as a dissertation if they meet the dissertation requirements.
- (3) Prior publication of the dissertation, in part or in whole, is admissible.

Section 12 Dissertation evaluation

- (1) The dean appoints two evaluators from among the professors and associate professors to evaluate the dissertation (referees). If the dissertation was prepared under the guidance of a supervisor, he or she is to be appointed as the primary evaluator; this applies even if he or she is no longer a member of the Faculty of Law and willing to review the dissertation. Secondary reviewers from other faculties may be appointed for dissertations dealing with adjoining subject areas.

(2) The evaluators submit their substantiated written evaluations to the faculty. They propose whether the dissertation should be accepted or rejected. Evaluation must be completed within two semesters, including the break between semesters.

- (3) Dissertations are assessed in accordance with the following assessment scheme:

summa cum laude (5 points) for outstanding performance,
 magna cum laude (4 points) for very good performance,
 cum laude (3 points) for good performance,
 satis bene (2 points) for satisfactory performance,
 rite (1 point) for adequate performance,
 non rite (0 points) for inadequate performance.
 Half marks are not awarded.

If the dissertation is assessed as "non rite", the evaluators must propose that it be rejected.

- (4) The referees may set down conditions for the final version of the dissertation.

Section 13 Inspection and acceptance of dissertations

- (1) If both referees propose that the dissertation be accepted, the dissertation and the written evaluations must be made available for inspection in the dean's office for a minimum period of two weeks. This is to be communicated to the extended doctoral committee along with details stating the title of the dissertation, the names of the referees, and the marks awarded.
- (2) The dissertation is accepted if none of the members of the extended doctoral committee enters a substantiated written objection within the inspection period.
- (3) If the referees disagree as to whether the dissertation should be accepted or rejected (section 12 subsection 2), or if a member of the extended doctoral committee enters an objection (subsection 2), the extended doctoral committee decides.

Section 14 Rejection and retake of dissertations

- (1) The dissertation is rejected if all referees mark the dissertation "non rite" or if the result of the extended doctoral committee's decision pursuant to section 13 subsection 3 is negative. The rejection must be communicated to the candidate in writing.
- (2) Candidates whose dissertation was rejected may submit a revised or new dissertation. Such retakes are granted only once.

Section 15 Oral examination

- (1) If the dissertation is accepted, the dean sets the date of the oral examination and appoints the two-member examination committee from among the professors and associate professors belonging to the faculty. As a rule, the primary evaluator is to be appointed to the examination board; he or she may be appointed even if he or she no longer belongs to the faculty. The other member must not be one of the referees; however, it is possible to appoint a professor belonging to a faculty of law at a different university. He or she also chairs the examination committee.
- (2) Members of the Faculty of Law may attend the oral examination as spectators as far as space limitations allow. The examination may be made non-public upon the candidate's request if good reasons exist.
- (3) The oral examination serves to demonstrate that the candidate has gained a thorough academic grasp of the dissertation theme and the respective field of law, and is able to defend the theses presented in the dissertation. The examination may also cover fundamental questions of law.
- (4) Each candidate gives a 15-minute presentation of the essential theses

brought forward in his or her dissertation. Following the presentation, the candidate defends these theses before the examination committee. All professors and associate professors belonging to the faculty may partake in the oral examination and the assessment consultations. The chair may allow questions by faculty members who hold a doctorate.

- (6) For the oral examination, section 12 subsection 3 clause 1 applies mutatis mutandis. The candidate passes the oral examination if he or she earns a "rite" or better for the oral examination.
- (7) Spectators are not allowed while the committee debates and announces the result of the oral examination.
- (8) Candidates who fail the oral examination may upon request be admitted to retake the oral examination no earlier than six months and no later than 18 months after the examination. Such retakes are granted only once.

Section 16 Doctoral result

- (1) The examination committee awards a mark for the oral examination and determines the overall mark.
- (2) A written record of the oral examination must be prepared.
- (3) The overall mark is composed of
 - a) the overall mark of the dissertation, which is the unrounded arithmetic average between the marks awarded by the evaluators, and
 - b) the overall mark of the oral examination, i.e. the unrounded arithmetic average between the individual marks that make up the result of the oral examination.

The written mark is weighted 70% whereas the oral mark is weighted 30%.

The overall mark will be measured according to the arithmetic mean as follows:

4.5 to 5 points	=	summa cum laude
3.50 - below 4.5	=	manga cum laude
2.50 - below 3.5	=	cum laude
1.50 - below 2.5	=	satis bene
1 - below 1.50	=	rite.

- (4) If the mark of the dissertation deviates significantly from the marks awarded for the other components, the mark for the dissertation must not exceed or fall below the overall mark by more than one grade.
- (5) The doctoral committee must provide the reasons for its decision to the candidate.

- (6) If a candidate fails the retake of a doctoral component (section 2), he or she fails the examination as a whole. No retakes are granted for the examination.
- (7) If a dissertation is rejected (section 14 subsection 1) or following the decision of the doctoral committee, the candidate must be allowed to inspect the evaluations within one year.

Section 17 Publication of the dissertation

- (1) Candidates who pass the oral examination must seek permission to print the dissertation prior to publication. The dean must grant permission for publication of evaluated versions of dissertations. If conditions were set down for the dissertation, the dean decides in consultation with the relevant referee.
- (2) Once permission has been granted, the candidate arranges for the dissertation to be published as a monograph or as a duplicate of the manuscript. The front cover, the inside of the front cover and the last page of the dissertation must meet the requirements defined in a faculty checklist; the dean may waive these requirements if the dissertation is published as a monograph. Upon approval by the dean and the primary evaluator, the dissertation or parts thereof may be published in a journal or collected edition; in this case, the publication must be identified as a doctoral dissertation. Heidelberg University publishes a digital summary of the essential findings of the dissertation and ensures that this publication is permanently and freely available.
- (3) Prior to the publication of the dissertation, including dissertations falling within the scope of section 11 subsection 3, the candidate must submit 55 paper deposit copies and the digital summary within one year of the oral examination. The candidate must include a form of consent in which he or she entitles the university to publish the digital summary and declares that this does not conflict with the rights of third parties. If the candidate fails to submit the deposit copies or the summary in due time, all rights acquired with the doctorate are forfeited. In special cases, the time limit may be extended upon timely and substantiated request from the candidate. The dean decides whether an extension is granted.
- (4) If the dissertation is published as a monograph by an academic publisher guaranteeing a minimum print run of 150 copies, the dean may upon request by the candidate reduce the number of required deposit copies to 7. In this case, the presentation of a publishing agreement which grants the faculty 7 deposit copies free of charge and conditions is deemed as equal to the submission of the deposit copies as defined under section 18 subsection 1 clause 1. The conferral of the doctoral degree after submission of a publishing agreement may be revoked if the 7 deposit copies are not provided free of charge within one year. Section 3 clauses 3 and 4 apply mutatis mutandis.
- (5) Subsection 4 applies mutatis mutandis for publications in accordance with subsection 2 clause 3 and section 11 subsection 3.

Section 18 Conferral of the academic degree "Doctor of law" ("Dr. iur.")

- (1) If the candidate provides the deposit copies in due time, the doctoral degree is conferred on him or her by doctoral certificate, which will be handed or delivered to the candidate. The doctoral certificate records the

title of the dissertation, the overall mark, and states the date of the oral defence as the date of degree award. The doctoral certificate is written in Latin and signed by the dean.

- (2) The right to use the title of "Doctor" is acquired only upon receipt of the doctoral certificate.

Section 19 Conferral of the degree "Honorary Doctor of law" (Dr. iur. h.c.)

- (1) With the approval of the Senate, the faculty may award honorary doctorates of law (Dr. iur. h.c.) in recognition of outstanding achievement in the field of law and its adjacent disciplines.
- (2) This requires a proposal by at least two faculty members. The extended faculty board decides with a three-quarter majority. In preparation of its decision, the faculty board appoints two rapporteurs from its membership.
- (3) The degree Dr. iur. h.c. is conferred through the formal handing over of an honorary doctoral certificate in which the achievements of the person receiving the doctorate are to be highlighted.

Section 20 Revocation and withdrawal of admission; nullification of doctoral results

- (1) If, prior to the handing over of the doctoral certificate, it emerges that the candidate met a condition of admission through deception, or essential conditions of admission were mistakenly taken to have been satisfied, the doctoral committee may revoke the admission of a doctoral candidate. The same applies if facts become known that would justify revocation of a doctoral degree under state law.
- (2) If, before the handing over of the certificate, it emerges that the candidate used deception in order to meet one of the requirements for the doctorate, the doctoral committee may nullify either this particular result or all prior results. In severe cases the committee may revoke admission to the doctoral programme.
- (3) The extended doctoral committee takes decisions as set forth under section 1 and 2. The candidate concerned must be heard before a decision is taken. The decision must be substantiated and served to him or her with instructions for appeal.

Section 21 Revocation of doctoral degree

- (1) Revocation of doctoral degrees is governed by state law. If state law does not specify otherwise, the extended doctoral committee is the competent body to administer revocation of doctoral degrees.

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- (2) The candidate concerned must be heard before a decision is taken. The decision must be substantiated and served to him or her with instructions for appeal.
- (3) Subsections 1 and 2 apply mutatis mutandis to the revocation of honorary doctorates.

Section 22 Entry into force

These doctoral regulations become effective on the first day of the month following their publication in the Rector's Bulletin (Mitteilungsblatt des Rektors). They simultaneously supersede the doctoral regulations of 2 March 2007 in the version amended on 12 November 2010.

Appendix to section 10 of the doctoral regulations of the Faculty of Law of Heidelberg University

As a rule, the affidavit must be submitted in writing. The possibility of filing the affidavit by declaration for record remains unaffected. The written affidavit reads as follows:

**"Declaration in lieu of oath
according to section 10 clauses 3 and 4 of the Doctoral
Regulations of the Faculty of Law of Heidelberg University**

1. The submitted doctoral dissertation on the subject of:
.....
is my own work.

2. I did not seek unauthorised assistance of a third party and I have employed no other sources or means except the ones listed. I clearly marked any direct and indirect quotations derived from the works of others.

3. I presented this doctoral dissertation or parts of it at another higher education institution in Germany or abroad as detailed below / I did not present this doctoral dissertation or parts of it at another higher education institution in Germany or abroad.

Title of the dissertation:

University and year:

Type of examination or qualification:

4. I hereby confirm the accuracy of the above affirmation.

5. I am aware of the meaning of this affirmation and the legal ramifications in case of untrue or incomplete statements.
I affirm in lieu of oath that the above statements are to the best of my knowledge true and complete.

Place and date

Signature

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