

Regulations on the Postgraduate Programme in "Law and Economics"

Preamble

Through the united initiative of the Law Faculty of the Erasmus University of Rotterdam, the Law Faculty of the University of Ghent and the Law Faculty of the University of Hamburg the following faculties have joined forces in order to implement an interdisciplinary postgraduate programme, the "European Master Programme in Law and Economics", which is sponsored by the European Union within the framework of the programme for student mobility (ERASMUS):

- Faculty of Economics of the University for Law, Economics and Sciences of Aix-Marseille in **Aix-en-Provence** (France)
- Faculty of Economics of the Università degli Studi di **Bologna** (Italy)
- Law Faculty of the University of **Ghent** (Belgium)
- Law Faculty of the University of **Haifa** (Israel)
- Law Faculty of the University of **Hamburg**
- Law Faculty of the University of **Manchester** (Great Britain)
- Law Faculty of the University of **Rotterdam** (The Netherlands)
- Institute for Economics of the University of **Vienna** (Austria)

§ 1 Aim of the study and purpose of the exam

(1) The "European Master Programme in Law and Economics" is a postgraduate study programme for lawyers and economists who have acquired an education in law or economics at a university within or outside the Federal Republic of Germany. Its aim is to familiarise students with the scientific approach of "Law and Economics" and to promote the understanding of different European legal systems through its application.

(2) The primary method of written assessment is exams. In the exams the student must prove that he or she is able to master the methods of the Law and Economics approach and that he or she is able to apply them in a scientific manner within a selected area.

(3) The exams are written in English.

§ 2 Acknowledgement of the degree of "European Master in Law and Economics"

(1) After passing the exams, the Law Faculty of the University of Hamburg awards the degree of an LL.M (European Master in Law and Economics) if the thesis is written and evaluated at this faculty and if at least two other exams in accordance with section 8 are taken at this faculty. It is awarded in cooperation with the other faculties where further parts of the exam were administered.

(2) If the thesis was written at another faculty and if at least two other exams according to section 8 were written at this faculty, then that faculty awards the degree of a "European Master in Law and Economics (EMLE)" in cooperation with the Law Faculty of the University of Hamburg and, if necessary, with a third faculty, provided that all other parts of the exams according to section 8 were taken at the Law Faculty of the University of Hamburg or parts of the exams were taken at the Law Faculty of the University of Hamburg and parts were taken at the third university.

§ 3 Coordinators and Director

(1) Each participating faculty designates up to two coordinators for the “European Master Programme in Law and Economics”, who exercise the functions specified in these regulations.

(2) The coordinators designate from amongst them one as Director for the whole programme. This person is responsible for current affairs and exercises the additional functions specified in these regulations.

§ 4 Admission to the programme

(1) A student can be admitted to the Law and Economics programme if he or she

1. has successfully
 - a) completed a degree in law or economics or business administration or another study with a legal or economic focus in the Federal Republic of Germany or
 - b) completed a degree at a university outside the Federal Republic of Germany which is comparable with respect to its kind and its extent to the studies mentioned under letter a)
2. has sufficient knowledge of English in order to participate in the courses and in order to pass the exams
3. can be expected to participate in the European Master Programme in Law and Economics successfully according to his or her previous academic performance.

(2) The requirement mentioned in subsection (1) number 1 can be waived if the applicant is at an advanced level in one of the areas of study mentioned in subsection (1) number 1 a) and b), and if the results he or she has achieved so far are such that a successful participation in the European Master Programme in Law and Economics can be expected. In this case the exam is deemed to have been passed if the study according to subsection (1) number 1 is completed successfully.

(3) All ‘European students’, as defined by the criteria of the European Union, must apply to the University of Hamburg. All students who do not classify as ‘European students’ according to those criteria must apply to the University of Rotterdam. A Selection Committee decides on all applications.

§ 5 Length and location of study

(1) The study in the European Master Programme in Law and Economics comprises three consecutive terms (October to December, January to March and April to June), each of which lasts 11 weeks.

(2) According to the existing capacities

- the first term can be spent at the University of Bologna, the University of Hamburg / George Mason University (Washington, U.S.A.) or the University of Rotterdam
- the second term can be spent at the University of Bologna, the University of Hamburg or the University of Ghent
- the third term can be spent at
 - the University for Law, Economics and Sciences of Aix-en-Provence
 - the University of Bologna
 - the University of Haifa
 - the University of Hamburg
 - the University of Manchester
 - the University of Rotterdam / Berkeley or
 - the University of Vienna

or at another university participating in the European Master Programme in Law and Economics if the coordinators so decide. The candidate must spend at least one term at a university which differs from the university of admission. The decision on the allocation of the students is taken by the director in cooperation with the coordinators of the faculties concerned.

§ 6 Extent and subjects of the study

(1) The study comprises at least twelve hours per week during each of the first two terms and at least four hours per week during the third term.

(2) Compulsory courses during the first term consist of an introduction to the basic economic and legal methods of the Law and Economics approach, as well as an introduction to the economic analysis of tort law, competition law and public law. Compulsory courses during the second term consist of an introduction to the economic analysis of property law, the economic analysis of contract law, an introduction to the philosophical foundations of Law and Economics and a supplementary course in the economic analysis of public law. Furthermore, there are courses offered as compulsory options which introduce the economic analysis of other areas of law. During the third term further advanced level courses are offered according to the research and teaching areas of the participating universities.

§ 7 Final exam

The final exam consists of the term exams and a thesis.

§ 8 Term Exams

(1) Each candidate must participate in ten term exams. The written tests refer to the subjects listed in section 6. During each of the first two terms four term exams are taken. Each term exam taken during the second or third term may cover up to two of the subjects listed in section 6.

(2) The term exam consists of a written test of at least three hours and, in the case of an arrangement with the lecturer, a written presentation. It is possible to take into account the contributions of the candidate during the lectures. The test must be given a weight of at least 50 %, and the lecture contributions must, at most, amount to 10 %. The written presentation may have a weight of at most 50 %.¹

(3) Exams are to be written in English. Exams of the third term may also be written in the language of the country where the third term university is located if an agreement on this is reached with the lecturer.

¹ The evaluation of written presentations was changed by decision of the Board on February 14, 2004 and was subsequently introduced in the official Hamburg regulations.

§ 9 Evaluation of the term exams

(1) The term exams must be evaluated by the professors, assistant professors or other members of the faculty who were giving the lecture.

(2) Marks for the tests must be awarded as follows. Grades according to the "European Community Course Credit Transfer System (ECTS)" are indicated in the last column.

Points	Definition of Grades	ECTS Grades
10	reserved for extraordinary performance	A+
9	outstanding	A
8	very good	B
7	good	C
6	average	D
5	sufficient	E
4	barely sufficient	FX
0-3	insufficient	F

The best grade (10 points) is awarded on occasion only. More differentiating marks (to .5) are also acceptable.

§ 10 Thesis

(1) The candidate must write a thesis during the third term. The thesis is intended to prove the ability of the candidate to work in the field of Law and Economics in a scientific manner.

(2) The subject of the thesis is determined by the professor, lecturer, the assistant professor, or external lecturer who is supervising the thesis. The supervisor should be a member of the faculty at which the student is studying during the third term. The candidate is expected make a proposal for a subject of the thesis. The thesis title that was agreed upon may be changed only with the consent of the supervisor and the Director; and the student must provide a rationale for the change of title.

(3) At faculties outside of Germany, persons who have a position within the faculty which is comparable to that of a professor, a lecturer ("Hochschuldozent"), an assistant professor ("wissenschaftlicher Assistent"), or an external lecturer ("Lehrbeauftragter") may also supervise a thesis.

(4) The time given for working on the thesis is approximately four and a half months (1st of April to mid-August).

(5) The candidate must add an authorship declaration to the thesis in which he declares and affirms that

1. the thesis is entirely the result of his or her own work except where otherwise indicated;
2. the thesis is not used as part of any other examination;
3. the thesis is not yet published.

(6) The length of the thesis is approximately 15,000 but not more than 16,000 words, including footnotes and appendices, but excluding the bibliography. The Board will reduce the grade of theses exceeding the maximum length. In extreme cases, either the supervisor or the external examiner (see § 6) may ask the Director to reject the thesis.

§ 11 Evaluation of the thesis

(1) The thesis is to be evaluated by the supervisor and an external examiner. The external examiner should not belong to the same university as the supervisor. He or she is designated by the director in cooperation with the coordinators of the faculties where the candidate has spent parts of the programme.

(2) Marks for the thesis are awarded as follows. Grades according to the "European Community Course Credit Transfer System (ECTS)" are indicated in the last column.

Points	Definition of Grades	ECTS Grades
30	reserved for extraordinary performance	A+
27-29	outstanding	A
24-26	very good	B
21-23	good	C
18-20	average	D
15-17	sufficient	E
12-14	barely sufficient	FX
0-11	insufficient	F

The best grade (30 points) is awarded on occasion only. Only integer marks may be given.

(3) If both examiners evaluate the thesis with at least 12 points each, the thesis is accepted. If the thesis is awarded less than 12 points by one examiner, but the sum of the points awarded by both examiners together is at least 24 points, a procedure of evaluation reconsideration (subsection 4) is executed. This procedure is also executed if the marks of the two examiners differ by more than 5 points.

(4) If a procedure has to be executed according to subsection (3), the two examiners consult each other in order to reduce the difference. If, following the consultation, the conditions for executing the procedure of evaluation reconsideration mentioned in subsection (3) are still fulfilled, a third examiner is designated by the director. The sum of the points awarded by the two examiners is then replaced by $\frac{2}{3}$ of the sum of the points awarded by all three evaluators, if necessary rounded up or down to the next integer. The thesis is accepted if the so calculated number of points is at least 24.

(5) If, following consultation, the difference in grades between the supervisor and the external examiner still exceeds 10 points and the evaluation of the third examiner differs by no more than three points from that of either the first or second examiner, the total thesis grade is made up of the two evaluations which are close together; the dissenting evaluation is ignored.

§ 12 Total result

(1) A final mark is computed from the marks of the term exams and the mark of the thesis. For this the marks of the term exams, the mark for the thesis awarded by the supervisor, and the mark for the thesis awarded by the external examiner are added and thereafter divided by 16 and rounded to two digits. In case of section 11 subsection 3 sentences 2-3, the result deduced from the procedure described in section 10 subsection 3 sentence 3 replaces the original mark of the thesis. The resulting points correspond to the following definitions of the final marks. Grades according to the "European Community Course Credit Transfer System (ECTS)" are indicated in the last column.

Points	Definition of Grades	ECTS Grades
9.50-10	extraordinary performance	A+
8.50-9.49	outstanding	A
7.50-8.49	very good	B
6.50-7.49	good	C
5.50-6.49	average	D
5.00-5.49	sufficient	E
0-4.99	insufficient	F

(2) The final exam in Law and Economics is passed if

1. the points awarded in the term exams total at least 50 points,
2. not more than one term exam is awarded less than 4 points,
3. the thesis has been accepted according to section 11 subsections 3 or 4, and
4. the final mark according to subsection (1) is at least 5.00 points.

(3) During the academic year, up to four term exams may be repeated once if the student does not attempt the exams (but provides substantial reasons) or fails (4.5 points or less). Exceptions may be granted in extraordinary cases only by request to, and subject to, approval by the Director. A new thesis may be written once after the academic year if the grade received for it is so low that any of the provisions in these Regulations prevent the student from graduating. The time given for working on the new thesis is four and a half months.

§ 13 Missing exams and cheating

(1) A term or resit exam is considered as not passed and rewarded with 0 points if the candidate does not appear for the written test without substantial reason. A candidate who was excused for not attending the term exam and subsequently fails on the resit exam will be granted one additional attempt at passing the exam.

(2) The local coordinator must be notified of the reasons for non-appearance immediately and in writing. In case of illness the candidate can be asked to produce a medical certificate. The coordinator decides whether or not to accept the reasons given.

(3) If the thesis is not completed within the given time period, the rules stated in section 13 subsection 1 and 2 apply accordingly.

(4) Any attempt to cheat will lead to a term exam being evaluated with a mark of zero. The coordinator decides whether to allow a student found cheating to take part in the resit exam. If a student attempts to cheat in a resit exam, the coordinator decides on a mark which lies between zero and the mark awarded for the term exam.

(5) If the cheating is discovered only after the exam, the coordinators of the universities which have awarded the "European Master in Law and Economics" declare by agreement the exam to be not passed. Any certificates that were already issued must be returned.

(6) The candidate must be notified immediately regarding any decisions that refer to the former subsections. All decisions must be substantiated. The candidate must be given the opportunity to reply.

§ 14 Diploma and certificate

(1) After having passed the exam the candidate is awarded a diploma certifying that he or she has been awarded the degree of a "European Master in Law and Economics (EMLE)". The diploma points to the interdisciplinary nature of the postgraduate study and to the universities which are involved in the teaching of the programme. The director's signature represents the European Master Programme in Law and Economics, and the coordinators' signatures represent the respective teaching faculties. Furthermore, it displays the seals of the awarding faculties or, where no faculty seal exists, those of the university of the awarding faculties. The certificate is written in English and contains the titles of the courses attended, the names of the universities where the candidate attended these courses, the subject of the thesis, and the final mark.

(2) In addition, a transcript is handed out which lists all marks of the term exams and the thesis, as well as the ranking of the candidate and the total number of participating students in the current academic year. The transcript is signed and sealed in the same way as the diploma.

§ 15 Expansion of the participating universities

Further European universities may join the union of the universities implementing the European Master Programme in Law and Economics and participate in the exams written in the framework of the awarding of the degree of a "European Master in Law and Economics" if their degrees are approved by the authorities.

§ 16 Date of effect

This regulation comes into force the day after its publication in the official informer.