

Teaching and Examination Regulations

LL.M. Programme
Commercial Law

Academic year 2021/2022

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Chapter 1 General provisions

Article 1 Scope of the Regulation

1. This Regulation applies to the curriculum and degree requirements of the Commercial Law Master's programme, hereafter referred to as the 'LL.M. programme'.
2. The LL.M. programme is organised and provided by Erasmus School of Law of Erasmus University Rotterdam (EUR), hereafter referred to as 'ESL'.
3. The Examination Board ESL can promulgate implementing regulations within the framework of this Teaching and Examination Regulation. Such regulations are published as Regulations of the Examination Board ESL.

Article 2 Definitions

In this regulation, the following terms are understood to mean:

- a. *Bachelor's programme*: Bachelor's degree course as referred to in the Act;
- b. *block*: Master's block equals 5, 10 or 15 EC credits. There are five blocks in an academic year;
- c. *Canvas*: Study Information Network of ESL;
- d. *CBE*: Examination Appeals Board of the EUR, as referred to in Section 7.60 of the Act;
- e. *certification programme*: completion of the regular curriculum by those other than regular and extraneous students, the aim of which is to sit the associated interim examinations and earn the associated certificate;
- f. *credit* or *European Credit Transfer System (EC) credit*: unit used to indicate the amount of time a student dedicates to study as referred to in Section 7.4 of the Act; one EC credit is equal to 28 hours of study and determined as follows:
 1. one hour of lecture or seminar participation corresponds to one hour
 2. the study and review of six printed pages of text of average difficulty corresponds to one hour;
- g. *cumulative assessment*: entire body of (interim) examinations as referred to in Section 7.10, second subsection of the Act;
- h. *Dean*: administrator of ESL;
- i. *student participating in the 'Dubbelstudie Recht en Bedrijfskunde'*: a student participating in the Double Bachelor and Master study programme in Law & Business Administration;
- j. *Examination Board ESL*: board as referred to in Article 7.12 of the Act;
- k. *examination content*: content of all forms of education and literature. The content of all forms of education is also understood to include any subject matter covered using audiovisual equipment and the faculty information channels. Literature is understood to mean: (parts of) books, articles, handouts and case law;
- l. *examiner*: individual who pursuant to Section 7.12c of the Act, is authorised to administer the interim examination of a unit of study;
- m. *extra-credit assignment*: optional assignment completed individually or in a group, the satisfactory assessment of which gives the students the right to special entitlements for a specific interim examination;
- n. *graduate*: individual who has successfully completed the final assessment of a programme;
- o. *IELTS*: International English Language Testing System;
- p. *interim exam*: assessment of the student's knowledge, insight and skills and the results of the assessment as referred to in Section 7.10, first subsection of the Act;
- q. *grade*: result registered in Osiris;
- r. *Master's programme*: Master's degree course as referred to in the Act;
- s. *student participating in the 'Dubbelstudie Economie en Recht'*: a student participating in

- t. the Double Bachelor and Master study programme in Economics and Law;
- t. *TER*: Teaching and Examination Regulation as referred to in Article 7.13 of the Act;
- u. *practical*: practical lesson as referred to in Article 7.13 lid 2d of the Act;
- v. *Regulations from the Examination Board*: the regulations as referred to in Article 7.12b of the Act;
- w. *student*: individual who is enrolled at the EUR and, consequently, who enjoys all the associated rights, as referred to in Section 7.34 of the Act;
- x. *thesis*: unit of study as referred to in Section 7.3 of the Act;
- y. *TOEFL*: Test of English as a Foreign Language;
- z. *unit*: unit of study of the programme as referred to in Section 7.3 of the Act;
- aa. *the Act*: The Higher Education and Research Act ('WHW'; Act dated 8 October 1992; Bulletin of Acts and Decrees 1992/593; later amended).
- bb. *business day*: a day, not being a Saturday, a Sunday, a national holiday or an educational free week.

Article 3* Aim of the LL.M. programme**

The LL.M. programme is designed to offer students with the appropriate Bachelor's qualification the opportunity to extend their theoretical and substantive knowledge of the field of commercial law and to further develop their academic and professional legal skills.

Article 4* Full-time/Part-time**

The course of study can be taken either as a full-time programme or a part-time one.

Article 5 Language of instruction and of (interim) exams

1. All teaching and all (interim) exams will be in English.
 2. To complete the curriculum and sit the (interim) examinations of the Master's programme referred to in the first paragraph, students must have sufficient command of the English language. Students satisfy this requirement if:
 - a. They have a pre-university education diploma from a school in the Netherlands or the Caribbean region of the Kingdom. English must have been one of the subjects on which the student was scored to receive the diploma.
 - b. They are in possession of at least one of the following:
 - an International Baccalaureate;
 - a European Baccalaureate; or
 - proof of having acquired secondary education for a period of two and a half years from an English medium institution from one of the following countries: United Kingdom, Ireland, United States, Canada, Australia or New Zealand.
 - c. They have taken one of the following language proficiency examinations:
 - TOEFL with a minimum of 94 points for the internet based test (and at least 25 for speaking and writing); or
 - IELTS with a minimum total score of 7.0, (minimum score on each section should be 6.5); or
 - Cambridge Certificate Advanced English (CAE) with a minimum grade of C; or
 - Cambridge Certificate or Proficiency English (CPE).
- Students with a first or second degree with the English language as medium of instruction do not have to submit a TOEFL or IELTS test report.

Article 6* LL.M. programme cumulative assessment**

Students who have successfully completed 60 EC, satisfying the requirements of Article 8 of this Regulation, have completed the requirements for the LL.M. degree.

Chapter 2 Admission to the LL.M. programme

Article 7 Admission to the LL.M. programme Commercial Law

1. Students with a degree from ESL which demonstrates that they satisfied the requirements of the cumulative assessment of the EUR Bachelor's programme in Law are unconditionally eligible to the LL.M. programme.
2. Students with a degree from ESL which demonstrates that they satisfied the requirements of the cumulative assessment of the EUR Bachelor's programme in Tax Law are eligible to the LL.M. programme, provided they have satisfied the requirements of the 'Intake arrangement of the LL.M. programme' (included as Appendix 2 to the TER).
3. Students with a degree from a Dutch school of law which demonstrates that they satisfied the requirements of the cumulative assessment of a Bachelor's programme in Studies of Law/Tax Law are eligible to the LL.M. programme, provided they have satisfied the requirements of the 'Intake arrangement of the LL.M. programme' (included as Appendix 2 to the TER).
4. Students with a degree from a foreign school of law which demonstrates that they satisfied the requirements of the cumulative assessment of a Bachelor's programme in Studies of Law/Tax Law are eligible to the LL.M. programme, provided they have satisfied the requirements of the 'Intake arrangement of the LL.M. programme' (included as Appendix 2 to the TER).
5. Students with a degree from an Indonesian university that demonstrates that they satisfied the requirements of the cumulative assessment of a Bachelor's programme and in addition have successfully completed the 'University of Indonesia Bridging Programme' are eligible to the LL.M. programme, provided they have satisfied the requirements of the 'Intake arrangement of the LL.M. programme' (included as Appendix 2 to the TER).
6. Students with a degree which demonstrates that they have satisfied the requirements of the cumulative assessment of at least three years of undergraduate studies at the National University Singapore (NUS) are eligible for the master in Commercial Law programme, provided they have satisfied the requirements of the 'Intake arrangements of the masters in Commercial Law programme' (included as Appendix 2 to the TER).
7. Students with a university or higher professional education degree which demonstrates that they satisfied the requirements of this degree and who have successfully completed the premaster ESL Algemeen of the EUR Bachelor's programme in Law, as referred to in Article 34 and Appendix 12 of the TER Bachelor Rechtsgeleerdheid, are eligible to the LL.M. programme, provided they have satisfied the requirements of the 'Intake arrangement of the LL.M. programme' (included as Appendix 2 to the TER).
8. Students with a degree from the bachelor's programme of Erasmus University College, International Law Track of the Social and Behavioural Sciences Major at EUR, are eligible for admission to the Commercial Law master programme, provided they have satisfied the requirements of the 'Intake arrangement of the Commercial Law master programme', as stated in Appendix 2 of these regulations.
9. Students with a degree from a University College are eligible for admission to the Commercial Law master programme, provided they have satisfied the requirements of the 'Intake arrangement of the Commercial Law master programme' as stated in Appendix 2 of these regulations.
10. Students who do not have a degree as indicated in paragraphs 1 through 9 of this article are not eligible for the LL.M programme.
11. Only students registered for the Master's programme can participate in the Master's courses and activities and are entitled to take exams.
12. Students can only start the programme on 1 September of each academic year.

Chapter 3 LL.M. degree

Article 8###* LL.M. programme Commercial Law specialisations

1. The curriculum of the study programme is determined by the Dean.
2. Students can choose one of the following four master specialisations of the LL.M. programme
Commercial Law:
 - Commercial and Company Law
 - Maritime and Transport Law
 - International Trade Law
 - International Arbitration and Business Law
3. Commercial and Company Law
 - Research and Writing Skills Commercial and Company Law (RB39)^a
 - Commercial Law (RB20)^c
 - International Corporate Governance (RB19)^c
 - Company Law and Restructuring (RB38)^b
 - bound elective:
 - Intellectual Property Rights (RB04)^c
 - European Private International Law (RB22)^c
 - Elective^c
 - Carriage of Goods (RB05)^c
 - Capita Selecta Trademark Law (extracurricular elective, precondition: 7 for IPR)(RB09)^c
 - Master Thesis Commercial and Company Law (RS129)^b
4. Maritime and Transport Law
 - Research and Writing Skills Maritime and Transport Law (RB30)^a
 - Transport Law (RB72)^c
 - Law of the Sea (RB31)^c
 - Maritime Casualties (RB86)^b
 - Charter Parties & Bills of Lading (RB85)^c
 - Elective^c
 - Marine Insurance (RB33)^c
 - Capita Selecta Trademark Law (extracurricular elective, precondition: 7 for IPR)(RB09)^c
 - Master Thesis Maritime and Transport Law (RS130)^b
5. International Trade Law
 - Research and Writing Skills International Trade Law (RB73)^a
 - Commercial Contracts (RB74)^c
 - Insurance Law (RB75)^c
 - Trade Finance & Banking Law (RB76)^b
 - Restricted elective courses:
 - Charter Parties & Bills of Lading (RB85)^c
 - European Private International Law (RB22)^c
 - Elective^c
 - Intellectual Property Rights (IPR) (RB04)^c
 - Extracurricular elective^c
 - Capita selecta Trademark Law (extracurricular elective, precondition: 7 for IPR) (RB09)^c
 - Contract Drafting (RR64)^c
 - Carriage of Goods (RB05)^c
 - Master Thesis Commercial Law^b (RS131)
6. International Arbitration and Business Law
 - Research and Writing Skills International Arbitration and Business Law (RR84)^a
 - Fundamentals of International Arbitration (RR81)^c

- Commercial Contracts (RB74)^c
 - International Commercial Arbitration (RR86)^b
 - International Trade and Investment Law (RM68)^c
 - Investment Arbitration (RR85)^c
 - Elective^c
 - Master Thesis International Arbitration and Business Law (RS132)^b
7. The Dean can establish additional requirements for the Commercial Law LL.M. programme. These requirements are published in ESL's course guide and/or on ESL's website.

Article 9###* Credits

The specialisations of the courses of the LL.M. programme Commercial Law, as referred to in Article 8, have a study load of 15 EC (as denoted by: a), 10 EC (as denoted by: b) or 5 EC (as denoted by: c).

Article 10###* Final qualifications

1. For examinees starting the LL.M programme Commercial Law on or after 1 September 2015, the following final qualifications apply:

Knowledge and understanding (Dublin descriptor) <i>Has demonstrated knowledge and understanding that is founded upon and extends and/or enhances that typically associated with the bachelor level, and that provides a basis or opportunity for originality in developing and/or applying ideas, often within a research context.</i>	
1.	In-depth knowledge of and insight into the law and practice of the main subject matters of commercial law (covering: international trade and banking law), commercial and company law, maritime and transport law or International Arbitration and Business Law programmes. The ability to place new developments in law in perspective and assess their relevance.
2.	Understanding of the relation between international and European uniform private law and national law in the areas of commercial law (international trade and banking law), commercial and company law or in maritime and transport law, or International Arbitration and Business Law.
3.	Insight into the interaction between commercial law and concepts of (fair) trade and bank transactions, other legal systems based on different approaches to society and doing business, and the evolution in financing techniques, commercial and company law and relevant social-economic issues such as insurability, corporate social responsibility and sustainability or between maritime and transport law and insurability, protection of the marine environment, maritime safety and insights from other social sciences, or insight into international arbitration as a means for a peaceful resolution of international disputes, and interaction between business law and corporate social responsibility and sustainable development.
Applying knowledge and understanding (Dublin descriptor) <i>Can apply their knowledge and understanding, and problem solving abilities in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their field of study; is able to integrate knowledge and handle complexity.</i>	
4.	Ability to independently analyse, assess and compose legal documents relevant to the fields of commercial law (incl. banking law) or commercial and company law, maritime and transport law or International Arbitration and Business Law within a given time frame.
5.	Ability to independently analyse and assess legal questions, relevant to the fields of commercial (and banking) law, commercial and company law or of maritime and transport law, or of International Arbitration and Business Law, in the relevant context of national, European or international law.

6.	Ability to independently provide solid legal advice on matters related to commercial (and banking) law, commercial and company law or to maritime and transport law, or of International Arbitration and Business Law based on a given factual setting and within a given time frame.
7.	Ability to work in a team in order to deliver solutions to legal or professional questions.
Making judgements (Dublin descriptor) <i>Is able to formulate judgements with incomplete or limited information, but that include reflecting on social and ethical responsibilities linked to the application of their knowledge and judgements.</i>	
8.	Ability to analyse critically on how the current legal framework, relevant to the fields of International Arbitration and Business Law, or of commercial and company law or of maritime and transport law or of International Arbitration and Business Law, operates and evolves.
9.	Ability to independently develop, conduct and account for academic research and based on this, provide a well-reasoned opinion of his/her own.
10.	Ability to independently incorporate ethical perspectives in his/her professional assessment.
Communication (Dublin descriptor) <i>Can communicate their conclusions, and the knowledge and rationale underpinning these, to specialist and non-specialist audiences clearly and unambiguously.</i>	
11.	Ability to present legal advice and the results of independent scientific legal research clearly and persuasively, both orally and in writing, to legal specialists and to the general public.
Learning skills (Dublin descriptor) <i>Has the learning skills to allow them to continue to study in a manner that may be largely self-directed or autonomous.</i>	
12.	Ability to critically review his/her own learning process and course work, and to quickly identify and appreciate new developments in the fields of commercial (and banking) law, commercial and company law or of maritime and transport law, or of International Arbitration and Business Law.

Article 11 Contribution of elective courses

1. The open elective course, representing a study load of at least 5 EC credits, can be selected from the list of available open elective courses referred to in Article 8 (LL.M. programme Commercial Law specialisations) or, after receiving approval from the Examination Board ESL and in accordance with the provisions of the following paragraphs, from the units of the curriculum of another law faculty or Dutch/foreign university.
2. In total, a maximum of four courses from another uncompleted programme of the Master of Laws programme and/or another uncompleted ESL LLM programme and/or another Dutch or foreign academic school of law programme may be contributed for a maximum of 5 EC per unit as (compulsory or extracurricular) elective courses.
3. In total, a maximum of one course of another completed programme of the ESL Master of Laws programme and/or another completed LLM programme and/or another master programme from Dutch or foreign academic school of law may be contributed for a maximum of 5 EC per course as a compulsory elective course.
4. The provisions of the 'Foreign study: Credit Transfer Regulation' govern the transfer and recognition of academic achievements and marks earned abroad. This regulation is published on ESL's website.
5. ESL courses passed as part of a certificate programme may be included in the course. They may amount to no more than 15 EC credits.

6. Requests to include an elective course that is not part of one of ESL's course programmes should be submitted before the block during which the course is to be completed for the first time. All documents required to assess the inclusion of the course should accompany the request, including bibliographies, course guide description of the subject/course of study, an indication of the number of credits awarded elsewhere for the course in question and an indication of the period during which the course will be completed.
7. At the request of the student, the Examination Board ESL will determine whether the elective course may be included and the number of EC credits to be awarded.
8. Students who are enrolled in the Master of Laws master programmes in conjunction with another ESL LLM programme, or students who have combined two or more Master of Laws master programmes, may also choose an exemption for the elective unit instead of a contribution, pursuant to article 34 of this regulation.

Article 12##* Thesis

1. All students have to write a thesis, representing at least 10 EC credits.
2. A combined thesis, that is a thesis on a legal subject combined with a subject from another discipline, is not allowed, except for students participating in the 'Dubbelstudie Economie en Recht' and students participating in the 'Dubbelstudie Recht en Bedrijfskunde', on condition that the thesis supervisors of both study programmes give permission to write a combined thesis. The combined thesis must be a substantial combination of an economic/business thesis and a legal thesis.
3. Only students who have successfully passed the Research and Writing Skills course of block 1 are allowed to submit and defend their thesis.
4. The final version of the thesis should be submitted to the Examination Board ESL, in the form of an electronic version uploaded via the Canvas website. The electronic version of the thesis will be kept by the Examination Board ESL.
5. Additional requirements for the thesis and its preparation, which the student must meet, will be published on ESL's website. In addition, the 'Minimum Requirements for Thesis' is available from the study advisors and the Student Information Centre.
6. The thesis and the assessment thereof (in either paper or electronic form) will be saved for seven years after the assessment.

Chapter 4 Education

Article 13 Co-ordination of classes and (interim) examinations

The course coordinators of the courses programmed in the same block are responsible for co-ordinating classes and (interim) exams to avoid conflicts for the students. They report to the Dean.

Article 14 Obligation to attend and to perform

For participation in an examination or an interim examination, the examiner in question can set specific conditions for the course, which are made known in writing prior to the course via the course manual.

Article 15 Internal rules governing attendance of lectures and seminars

1. To allow lectures and seminars to proceed as smoothly as possible, ESL has established internal rules governing participation in the (virtual) educational activities offered. These internal rules are published on ESL's website.
2. Students have to be present in the (virtual) lecture room prior to the start of activities. After the teaching session has commenced, the students can be denied access to the lecture room. They will have to wait until a break to enter the lecture room.
3. It is not permitted to use telephones in (virtual) classrooms or lecture halls unless permission has been granted by the lecturer to use the telephone for educational purposes.
4. Students can register for participation in seminars via ESL's website. Students may only take part in the seminars for which they are registered. Students who have registered for a seminar via ESL's website and have failed to report a valid reason for being absent two consecutive times or three times in total may be de-registered by the lecturer.

Article 16####* Evaluation of the education

1. The program director takes care of the evaluation of the education.
2. The program director informs the faculty council and the degree programme advisory committee regarding the method and regularity with which the elements of the curriculum are evaluated.
3. The program director informs the faculty council and the degree programme advisory committee regarding the outcome of the evaluation, the intended adjustments in response to the outcome and the effect of the actual adjustments made.

Chapter 5 Student support

Article 17# Student support**

1. The Dean ensures that the students enrolled in the programme receive support with regard to being informed of possible learning tracks both within and outside of the programme.
2. Student support comprises:
 - Group and one-to-one consulting sessions on possible learning tracks both within and outside of the programme, partly with a view to career opportunities on completing the Master's programme;
 - Group and one-to-one consulting sessions on study skills, how to organize your study and options for follow-up programmes;
 - Offering referrals and help in relation to difficulties students experience during their course.

Chapter 6 ‘Dubbelstudie’ programmes

Article 18 Additional student support for the ‘Dubbelstudie Economie en Recht’

1. In co-operation with Erasmus School of Economics, the School of Law has developed the ‘Dubbelstudie Economie en Recht’ – a double study programme in economics and law. This programme enables students to complete both an economics programme and a legal studies programme within six years.
2. Students of this programme are entitled to a number of additional facilities, including receiving academic advice regarding the double programme from the coordinator of the ‘Dubbelstudie Economie en Recht’.
3. Students who, on the basis of a pre-university education diploma, enrol at the School of Law for both the Economics & Business Master’s programme and the Commercial Law programme are entitled to the additional facilities referred to in paragraph 2.
4. Students participating in the ‘Dubbelstudie Economie en Recht’ who obtain less than 45 EC in an academic year during their programmes in Economics and Business Economics/IBEB/Fiscale Economie and/or Laws/Fiscal Law, may be denied access to the additional facilities of the ‘Dubbelstudie’ by the coordinator of the ‘Dubbelstudie Economie en Recht’. In any case, when applying this standard, consideration will be given to personal circumstances as defined in article 32 (Personal circumstances) of the 2021 Bachelor of Laws Teaching and Examination Regulations.

Article 19 Additional student support for the ‘Dubbelstudie Recht en Bedrijfskunde’

1. In cooperation with the Rotterdam School of Management of EUR, ESL established the ‘Dubbelstudie Recht en Bedrijfskunde’. This is a study direction in which students can complete a study in business administration as well as in law within six years.
2. Students who participate in the programme are entitled to several additional facilities, including academic advice regarding the double study from the coordinator of the ‘Dubbelstudie Recht en Bedrijfskunde’.
3. Students who, on the basis of a pre-university education diploma, enrol at EUR for both the Business Administration master programme and the Commercial Law master programme are entitled to the additional facilities referred to in paragraph 2.
4. A student participating in the ‘Dubbelstudie Recht en Bedrijfskunde’ that obtains fewer than 45 EC in an academic year during their studies in Business Administration and/or LL.M./Fiscal Law may be denied access to the additional facilities of the programme by the coordinator of the ‘Dubbelstudie Recht en Bedrijfskunde’. In any case, when applying this standard, consideration will be given to personal circumstances as meant in article 32 (Personal circumstances) of the 2021 Bachelor of Laws Teaching and Examination Regulations.

Chapter 7 Exams

Article 20** Requirements with regard to exam content**

1. Exam questions and assignments cannot exceed the scope of the exam content announced in accordance with Article 3 of the Regulations from the Examination Board ESL 2021.
2. The questions and assignments referred to in the previous paragraph should address more than half of the exam content. If necessary, an indication will be made of how detailed the students' responses have to be.
3. The course manual describes the requirements the student must meet in order to pass the exam and the criteria on which the student is assessed.
4. If an (interim) exam consists of any combination of open questions and/or a partial assignment and multiple choice questions, the multiple choice section cannot account for no more than 40% of the grade unless otherwise decided by the Dean.
5. Questions and assignments based on exam content offered solely via lectures may account for no more than 25% of the exam.
6. The exam will indicate how many points can be earned for each question or part of a question, and how many points qualify as a satisfactory result.
7. The duration of the exam is designed to give the student a reasonable opportunity to respond to the questions and complete the assignments.
8. The examiner provides sample exam questions with an answer indication to all students no later than one week before the exam.

Article 21* Type of (interim) exams**

1. The (interim) examination of each course of the Bachelor's or Master's cumulative assessment or a combination of mid-term examination may be administered in:
 - writing (on paper and/or digital), for example open questions, multiple choice questions or an assignment;
 - orally;
 - a combination of both.
2. If a combination of exam types is used, the examiner may decide that each element of the exam has to be completed satisfactorily.
3. Upon request, the Examination Board can allow a test to be taken in a different manner from that determined in the first paragraph.

Article 22* Studying with a disability**

1. Students with a handicap, chronic disease or disability will be given the opportunity to sit an (interim) examination that has been modified where possible to suit the disability, in accordance with article 4 of the Rules of the Examination Board 2021.
2. To this end, students must submit a request to the Examination Board ESL.

Article 23 Extra-credit assignment regulation

1. As a means of preparing for (interim) exams, the examiner may offer students the opportunity to complete extra-credit assignments, both individually and in groups. The examiner may establish additional requirements with regard to attending, actively participating in and preparing meetings held as part of the extra-credit assignment/assignments.
2. The credit granted to students for extra-credit assignments receiving a satisfactory assessment from the examiner include:

- a. a factor of one or two points multiplied by the grade awarded for the extra-credit assignment/assignments and divided by ten will be added to the grade received for the (interim) exam;
 - b. exemption from a number of (interim) exam questions; these questions are deemed correctly answered;
 - c. exemption from part of the (interim) exam content, possibly in combination with an exemption from a number of (interim) exam questions;
 - d. several additional (interim) exam questions assessed according to the same standards;
 - e. use of a weighting coefficient, announced in advance by the lecturer, with the grade earned to determine the final grade (unless this is lower than the grade received for the (interim) exam).
3. Any credits earned are valid throughout the academic year in which they were earned, unless the Examination Board ESL determines a longer term of validity.
4. In so far as the nature of the extra-credit assignment does not dictate otherwise, Article 15 and 16 of the Regulations from the Examination Board ESL apply by analogy.

Article 24 Exclusion of an examination resit after a satisfactory result

Students are not allowed to take a resit if a satisfactory result has been obtained for the initial exam.

Article 25* Resits**

1. For each course required to obtain the Master's degree, at least two opportunities to sit the relevant (interim) exam will be offered each year. The second opportunity constitutes, pursuant to paragraph 3 of this article, the general resit.
2. An exam may consist of two or more interim exams.
3. During the general resit, students may sit a maximum of two exams.
4. Resits for courses that consist wholly or partially of skills training can exclusively be sat by candidates who attended regular classes for that course in the study year in question and concluded it with a fail.
5. There is no resit exam for the Research and Writing Skills exam during the general resit period.

Article 26 Registering for (interim) exams and cumulative assessments

1. Only students who register for interim exams in time may take part in said exams.
2. Registration for all written (interim) exams is possible during the registration period via Osiris Student. Information about the registration period will be provided by the faculty via the study guide, among others. Students who cannot register via Osiris Student should contact the Erasmus Student Service Centre (ESSC).
3. After the expiration of the regular registration period, it is still possible to register with the ESSC to up to two working days prior to the examination. The fee for late registration is € 20.00 per (interim) exam. Students should show proof of payment when they report to take their (interim) exams, so that they can show this to the supervisor, if their names do not appear on the list of participants due to late registration.
4. If a student nevertheless takes part while being in violation of any of the foregoing clauses of this article, the result will be invalid.

Article 27 Student progress administration

1. The faculty registers the students' individual study results and makes these accessible to the students via Osiris.
2. The student can request an authenticated study progress overview from the exam administration.

Article 28 Cancellation of an exam

1. Changes to the scheduled times of the exam will only take place in the event of a force majeure.
2. If the Royal Netherlands Meteorological Institute (KNMI) issues a weather alarm (code red) for a certain period of time for the entire country or specifically for the region Rijnmond due to extreme weather conditions, the Dean decides which written exams scheduled in the relevant period will be canceled. The cancellation is immediately announced on the homepage of the EUR, the news- and Facebook pages of the Front Office USC and of the Student Administration on MyEUR.
3. In the event of an emergency – not being a weather alarm – the Dean decides upon the cancellation of examinations on the basis of Article 12a of the Rules of the Examination Board.
4. The Dean determines, as soon as possible after cancellation, in consultation with the relevant examiners, the date on which the relevant exams will still be taken, preferably within two weeks of the original examination date. The new examination dates are immediately published on MyEUR.

Chapter 8 (Interim) exam results

Article 29* (Interim) exam grading**

1. If an (interim) exam is administered and graded by more than one examiner, the examiners will jointly ensure that the assessment is conducted using the same standards.
2. For (interim) exams comprised partially or exclusively of multiple-choice questions, the examiner will ensure that the correct answers to the multiple choice-questions are made available after the exam.
3. The Examining Board can promulgate regulations concerning the manner in which exam results are registered.

Article 30* Review meeting**

1. After the grading of an exam, as described in Article 21 paragraph 1, the student will be given the opportunity to review his or her graded answers and/or submissions for the respective (interim) exam. The examiner shall provide an explanation of the contents of the (interim) exam and the grading criteria applied in the form of model answers. Review and explanation can take place in the manner (individually, collectively, orally, digitally or written) chosen by the examiner. The place and time of the review and explanation shall be determined – within the time frame set by paragraph 2 below – by the examiner and if possible announced in the course manual, but at the latest on the date of the (interim) exam. In the event of a written (interim) exam, the place and time of the review and explanation will, if possible, be stated on the exam form. The programme director can impose further rules with regard to the form and manner of the review.
2. The review and explanation will take place within ten working days after the announcement of the results of the respective (interim) exam. This period does not apply to the resit examinations that take place in the general exam resits of June/July. The review and explanation of these resit exams shall take place within due time, but at the latest five working days before the commencement of the new academic year.
3. In the event of a collective oral review and explanation, the student must register in advance. The examiner can set other procedural rules, which will be made available to the students before the review.
4. A student who has sat the exam and has not appeared at an organised collective or individual review and explanation can only obtain on request a copy or digital scan of his graded exam without any specific explanations. See below under paragraph 7 of this article.
5. If the student suspects obvious mistakes or apparent errors in the determination of the result, the student can make this known in a manner indicated by the examiner. Examples of obvious mistakes or apparent errors are the absence of grading of one or more questions or sub-questions of an (interim) exam or the wrong addition of the scores given in the grading of the questions or sub-questions. A disagreement about (the application of) the model answer, for instance the scores given to one or more questions or sub-questions, will not be discussed by the examiner. The examiner will review the result officially, which will take place – if possible – within ten working days after the examiner has established the obvious mistake or the apparent error, but in principle at the latest before the end of the academic year in which the respective (interim) exam was taken. If a review leads to a change in a grade already published in Osiris, the examiner will inform the student of this by email. There is no possibility to appeal to the Examination Appeals Board (CBE) for the result determined by the examiner. Neither is there an opportunity to request the Examination Board to form an independent opinion of the grade given. Without prejudice to the provisions in Section 8:4 para 3 under b of the Dutch General

Administrative Law Act (*Algemene Wet Bestuursrecht: 'Awb'*), the student can within six weeks after registration of the grade in Osiris file an appeal with the Examination Appeals Board (CBE), but only with regard to the way in which the final grade has been determined.

6. Immediately after an oral (interim) examination, there will be a review involving the examiner/examiners and the student. The provisions set out in the previous paragraphs of this article also apply, insofar as is applicable, to oral (interim) exams.
7. Students can obtain a digital scan of their graded examination paper by registering for this via the registration box on Canvas in the learning environment of the course in question. Registration is possible up to 10 working days before the end of the appeal period. The digital scan will be sent to the (student) e-mail address of the student no later than 5 working days before the expiration of the term of appeal. If it is not possible to provide a digital scan, the student will be given the opportunity to view the graded examination in a manner to be determined. For requests for a digital scan of the graded examination after the aforementioned appeal period has expired, the student can submit a request via studiepuntesl@law.eur.nl. This scan will be sent to the student's (student) e-mail address within 14 working days of the request.
8. The questions, submitted answers, model answers and grading of written (interim) exams will be retained (in paper or digital form) during two years from the date of grading.

Article 31# Announcement and registration of (interim) exam results**

1. The student is informed of the results of an oral (interim) exam on the day on which the (interim) exam in question is administered.
2. Barring any unforeseen circumstances, the student will be informed – either verbally or in writing – of the grade assigned to a thesis or assignment within four weeks of the date on which the thesis or assignment was submitted to the examiner.
3. The student will be informed of the results of a written (interim) exam as quickly as possible, but no later than the 15th working day after the date on which the (interim) exam in question is administered.
4. Unless an evident administrative error has been made, the results of a student as recorded by the Department for Exam Administration ESL cannot be revised downward.
5. The results referred to in the preceding paragraphs will be disclosed via Osiris Student. The results will be posted on MyEUR if the registration via Osiris Student is not possible.
6. Students may at any time request from the Department for Exam Administration ESL a certificate listing the results of one or more (interim) exams.

Article 32# Term of validity of successfully completed (interim) exams**

1. The period of validity of an (interim) exam passed, or compensated result, can be restricted if the examined knowledge, understanding and skills are demonstrably obsolete.
2. Six years after having obtained the result, the obsolescence of examined knowledge, understanding and skills of an (interim) exam passed, or compensated result, can be tested by the Examination Board ESL.
3. After consultation about the programme, the Examination Board can declare the period of validity of a component that was obtained more than six years ago as having lapsed if at its discretion the examined knowledge, understanding and the skills of the component have become obsolete and as long as the examination has not been passed.
4. The provisions in paragraphs 1, 2 and 3 apply likewise to an exemption granted and to components passed elsewhere, calculated from the date on which the (interim) exam had originally been passed.

5. At the request of the student the Examination Board can extend the period of validity of the passed component that in its opinion has become obsolete.
6. The results of the practical tests and modular examinations will lapse if within the respective academic year the component has not been completed with a sufficient grade or a compensated result.

Chapter 9 Exemptions

Article 33# Exemptions**

1. At the request of an interested party, the Examination Board ESL may grant an exemption from sitting an (interim) examination of a course, if the cumulative assessment/part of the cumulative assessment of one of the faculties of ESL or another university justifies the requested exemption.
2. The request for an exemption for each unit must be accompanied by:
 - certified copies of diplomas and lists of marks
 - all documents necessary to assess the requested exemption, e.g. bibliographies, course guide description and syllabi
 - a quantitative indication of previous study loads
 - a statement with regard to an exemption previously granted to the student for one or more (interim) exams
 - a statement with regard to the academic phase and the year in which the (interim) examination was sat.
3. An exemption will not be granted if the term of validity of a cumulative assessment course has lapsed elsewhere.
4. In principle, no partial exemptions for (interim) exams will be granted. The Examination Board ESL may depart from this provision on the basis of the hardship clause.
5. If, during an academic year, a course is governed by exemption regulations, these regulations will be published on ESL's website. Requests for a standard exemption have to be accompanied by a copy/certified copy of the diploma earned and additional evidence, such as a list of marks, indicating all the courses of study passed and the date on which they were passed. If the student is requesting an exemption on the basis of results earned at an affiliated faculty in a period during which the student in question was excluded from (interim) exams at his/her own faculty due to cheating, the exemption will not be granted.
6. If the student requests an exemption on the grounds of the results he or she achieved at a sister faculty in a period when the respective student was excluded from taking (interim) exams at his or her own faculty due to exam fraud, the exemption will not be granted.

Article 34* Combination of LL.M. programme programs or specialisations**

1. Students who want to combine the LL.M. programme with one of ESL Law's LL.M. programme programmes (except Criminology) receive, if they have already successfully completed the cumulative assessment of one of these LL.M. programme programmes:
 - exemption from the open elective subject of the LL.M. program, and in so far as the open elective unit is part of the program.
2. Students who are admitted to the 'Dubbelstudie Economie en Recht' as meant in article 18 (Additional student support for the 'Dubbelstudie Economie en Recht') and students who are admitted to the 'Dubbelstudie Recht en Bedrijfskunde' in article 19 (Additional student support 'Dubbelstudie Recht en Bedrijfskunde') of this scheme and who have completed the bachelor of LL.M. program and the master in Economics or Business administration will receive:
 - exemption from the free elective component, insofar as this forms part of the master program.
3. The exemption requests must be made to the Examination Board ESL.

Chapter 10 Final assessment results

Article 35*** Determination of final results

1. After all (interim) exams for all courses as referred to in article 8 (LL.M. programme specialisations) of this Regulation have been successfully passed, the final results of the Master will be determined by or on behalf of the Examination Board ESL. The Department for Exam Administration ESL verifies compliance with all requirements as referred to in article 8 of this Regulation.
2. Contrary to the provisions of the first paragraph, prior to determining the final results, the Examination Board ESL itself may test the student's knowledge of one or more elements of the programme, if and in so far as the results of the (interim) exams provide reason for doing so.
3. The date of graduation will be the date that follows from the 'Procedural regulations for awarding degrees following final assessments' in Appendix 1.
4. The Exam Administration determines more detailed regulations for registering for the final assessment. These more detailed regulations require the approval of the Examination Board ESL and will be duly publicised in good time.
5. The final result has an unlimited term of validity.

Chapter 11 Transitional provisions

Article 36 Transitional arrangements

1. Students who began the Commercial Law programme before 1 September 2012 have to meet the requirements of specialisation 1. Commercial and Company Law in Article 8 (LL.M. programme specialisations).
2. Students who failed the course of Fundamentals of International Arbitration & Business Law (RR62) are required to take exam Fundamentals of International Arbitration (RR82) and Commercial Contracts (RB74)."
3. Students who failed the course of Contract Drafting (RR64) in the academic year 2020/2021 are required to take exam of Commercial Contracts (RB74)."
4. Student who failed the course of International Economic Law (RM68) in the academic year 2020/2021 are required to take exam of International Trade and Investment Law (RM68)."

Chapter 12 Examination Board

Article 37 Requests and decisions

1. Without prejudice to the provisions of the TER with respect to the terms for submitting requests and the required accompanying documents, each request related to the TER has to be submitted in writing as quickly as possible and be substantiated as fully as possible.
2. Correspondence can be directed to:
Examination Board Erasmus School of Law
Attn. Secretary, Sanders Building 2-23
PO Box 1738
3000 DR Rotterdam
The Netherlands
3. Requests to the Examination Board that do not require any enclosures may also be submitted electronically. These requests may be submitted via the digital form on the webpage of the Examination ESL.
4. Without prejudice to the provisions of this regulation regarding the terms within which the Examination Board ESL has to make a decision on certain requests, the Examination Board ESL will decide within eight weeks of the date of receipt of the request. Every decision by the Examination Board ESL will be made in writing and substantiated.
5. The Examination Board ESL decides by a simple majority of votes.
6. The Examination Board ESL may authorize one or more members or the secretary of the board to carry out one or more of its duties, unless this is contrary to the rule on which this authority relies. This member or these members or the secretary will provide regular updates on this during meetings of the Examination Board ESL.

Article 38 Appeals protocol

1. All written decisions of the Examination Board ESL and of the examiners will include a standard statement indicating the possibility of lodging an administrative appeal to the CBE and the term within which this should be done. The student whose rights with regard to the provisions of the TER are directly affected by a decision of or refusal to take a decision by the Examination Board ESL or an examiner may lodge an administrative appeal with the CBE within six weeks of the announcement of the decision or refusal to take a decision.
2. Administrative appeals can be submitted via the EUR Legal Protection Facility (legal.protection@eur.nl).
3. The administrative appeal may be lodged because a decision contradicts written or unwritten law.
4. For that purpose, the Examination Board ESL– requested by the CBE – has to initiate consultations with the parties involved after receiving the request to determine whether the disagreement can be settled amicably. If the Examination Board ESL (vice) chairperson or member is involved in the dispute, his/her responsibilities in trying to reach an amicable settlement are assumed by another member of the Examination Board ESL.
5. The Examination Board ESL ensures that consultations for an amicable settlement proceed smoothly. Within three weeks after receiving the invitation referred to in paragraph 3 of this article, the Examination Board ESL will inform the CBE of the outcome of the consultations. If the consultations do not lead to an amicable settlement, the Examination Board ESL will ensure to submit a statement of defence to the CBE within the term indicated in the second sentence of this paragraph.

Chapter 13 Final and implementation provisions

Article 39 Hardship clause

The Examination Board ESL is authorised to compensate for any serious instances of unfairness arising from the application of the TER.

Article 40 Amendments

1. Amendments to Articles in this TER will be adopted by separate decision by the Dean.
2. Amendments to Articles indicated with a '#' will be adopted by the Dean after receiving approval from the Faculty Council.
3. The Faculty Council has the right to provide advice on amendments to Articles indicated with a '##'.
4. The Faculty Council may advise on amendments to Articles indicated with a '###'.
5. Amendments to Articles indicated with a '*' will be adopted by the Dean after receiving approval from the programme committee.
6. The programme committee has the right to provide advice on amendments to Articles indicated with a '**'.
7. Amendments to Articles in the Regulations from the Examination Board ESL will be adopted by the Examination Board ESL.
8. The Dean respectively the Examination Board ESL will only adopt applicable amendments during the current academic year if the interests of the students are not unreasonably impinged.

Article 41 Experimentation article

The Dean is entitled to implement pilot projects in order to investigate possibilities to improve education. It will thus be allowed to deviate from the articles as described in Article 40 paragraph 1, 2 and 4 (Amendments) of this regulation. Every pilot project will be evaluated and findings will be presented to the Faculty Council.

Article 42 Deviation from the regulation for unforeseen circumstances

The Dean may deviate from this regulation in situations involving unforeseen circumstances.

Article 43 Publication

The Dean sees to the publication of the TER and of any amendments. The TER will in any event be published on ESL's website. Amendments to the TER will be published and announced as quickly as possible via ESL's website.

Article 44 Entry into force

This regulation takes effect from 1 September 2021.

Article 45 Official title

This regulation can be quoted as the '2021 LL.M. Programme Commercial Law TER'.

*Adopted on 30 August 2021 by the
Dean of Erasmus School of Law
of Erasmus University Rotterdam*

Appendix 1 to the 2021 Commercial Law LL.M. Programme TER

Procedural regulations for awarding degrees following final assessments

Article 1 Scope

These regulations apply to the final assessment of the Bachelor's or Master's programme, listed in the CROHO Central Register of Higher Education Programmes that does not comprise a test to be conducted by the Examination Board ESL or specially designated examiners.

Article 2 Conditions for awarding degrees

The conditions for awarding the student a degree are that the student:

- a. has achieved the programme's required study results; and
- b. is duly registered during the programme and on the date of the final assessment.

Article 3 Application for the final assessment by the student

1. The student applies for the final assessment to the programme's Department for Exam Administration ESL, submitting proof that they meet the conditions of Article 2. The student applies for the final assessment by creating a new case through Osiris Student and submitting the proof that the student meets the conditions of Article 2.
2. The date on which the Department for Exam Administration ESL receives the student's application will be the date of the final assessment.

Article 4 Determination of final assessment by Department for Exam Administration ESL

1. Under a mandate from the Examination Board ESL, the Department for Exam Administration ESL may determine that the final assessment has been administered, after ascertaining that the student meets the conditions of Article 2.
2. If the Department for Exam Administration ESL concludes that the student meets condition a. but does not meet condition b., it has the following options:
 - (a) if the study result has not been registered under the programme's examination syllabus, the Department for Exam Administration ESL may still do so with the Examination Board ESL's consent;
 - (b) if the student is not duly registered, the Department for Exam Administration ESL may request the student to still do so.
3. For students who finalise their programme with the determination of a sufficient grade for their thesis after defence of the thesis in front of the graduation committee, the date on which the Department for examination administration concludes that the student meets the conditions of Article 2 shall be deemed to be the date of the final assessment.

Article 5 Awarding degrees and certificate

1. If the Department for Exam Administration ESL has applied for the final assessment, the Department for Exam Administration ESL will inform the student in writing of the degree and certificate to be awarded. The student can respond to any factual inaccuracies within ten working days and request that the certificate be awarded at a later date yet to be scheduled. Once the response time has lapsed, the Board of Governors will award the degree.
2. If the student has applied for the final assessment, the Board of Governors will award the degree after it has been ascertained that the student meets the conditions of Article 2. The certificate may be awarded at a later date at the student's request.
3. The Department for Exam Administration ESL registers the final assessment and informs the *Dienst Uitvoering Onderwijs* government agency.

4. The student can collect the certificate and diploma in person at the desk of the Erasmus Student Service Center or, if applicable, receive them at a special session of the Examination Board ESL.

Article 6 Mandate

1. The Board of Governors will mandate the head of Student Administration to take decisions pursuant to these procedural regulations.
2. Where students of the Erasmus MC are concerned, the Board of Governors will mandate the head of Student Administration of the Erasmus MC to take decisions pursuant to these regulations.
3. The Board of Governors may give general and individual instructions in relation to fulfilling the mandate.

Article 7 Effective date

1. These regulations will take effect as of 1 September 2011, with the exception of Article 4.
2. The head of Student Administration will determine for each programme when Article 4 will take effect.

Appendix 2 to the 2021 Commercial Law LL.M. Programme TER

Commercial Law LL.M. intake arrangement

Bachelor's programme:	Supplementary programme required to earn LL.M. programme diploma?	Supplementary programme completed prior to intake for LL.M. programme?	Civil effect?
ESL Law programme (completed)	No	n/a	Yes
ESL Tax Law program (completed)	Yes [see 'Supplementary programme']	Yes	Yes, provided that the civil effect course are part of the Bachelor's programme
Bachelor's programme of Laws / Tax Law from an affiliated Dutch faculty (completed)	No, unless the programme comprises fewer than 154 EC credits of Studies of Law/Tax Law subjects	n/a (fewer than 154 EC credits of Studies of Law/Tax Law subjects successfully completed: Yes)	Yes, provided that the civil effect course are part of the Bachelor's programme
Bachelor's Studies of Law/Tax Law programme from a foreign university (completed)	Depends on the Bachelor's programme	No	No
Bachelor's programme of an Indonesian university <i>plus</i> the 'University of Indonesia Bridging Programme'	No	n/a	No
Undergraduate studies (three years completed) at the National University of Singapore (NUS)	No	n/a	No
Higher professional education Bachelor's programme – <i>SJD</i> or <i>MER</i> – (completed) <i>plus</i> Premaster ESL Algemeen	No	n/a	No
Higher professional education Bachelor's programme – <i>hbo-recht</i> – (completed) <i>plus</i> Premaster ESL Algemeen	No	n/a	Yes

All other university Bachelor's or <i>doctoraal</i> programmes (completed)	Not admitted to the Master's programme.
All other higher professional education (hbo) programmes (completed)	Not admitted to the Master's programme.

Supplementary program for Tax Law students

Required supplement for students with a Bachelor's diploma in Tax Law for admission to the Master of Laws programme

Units
Formeel Strafrecht
Materieel Strafrecht
Burgerlijk procesrecht
Handelsrecht