

Education and Examination Regulation

LL.M. Programme Commercial Law

Academic Year 2018/2019

Erasmus University Rotterdam

Erasmus School of Law

Education and Examination Regulation

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Chapter 1	General provisions.....	1
Article 1	Scope of the regulation	1
Article 2	Definitions	1
Article 3	Language of instruction and of interim examinations	2
Article 4##**	Aim of the LL.M. programme	2
Article 5##**	Full-time/Part-time	2
Article 6##**	LL.M. programme cumulative assessment	2
Chapter 2	Admission to the LL.M. programme	3
Article 7	Admission to the LL.M. programme Commercial Law	3
Chapter 3	LL.M. programme cumulative assessment	5
Article 8##**	LL.M. programme Commercial Law specialisations	5
Article 9##**	Credits.....	5
Article 10##**	Final qualifications	6
Article 11	Contribution of elective units	7
Article 12##**	Thesis.....	8
Chapter 4	Education	9
Article 13	Co-ordination of classes and interim examinations	9
Article 14	Obligation to attend and to perform.....	9
Chapter 5	Student support and internal regulations	10
Article 15##**	Student progress administration	10
Article 16##**	Student support	10
Article 17	Internal rules governing attendance of lectures and seminars	10
Chapter 6	Double Degree programmes	11
Article 18	Additional student support for the <i>Mr.drs. programme</i>	11
Chapter 7	Interim examinations	12
Article 19##**	Requirements placed on interim examination content.....	12
Article 20##**	Type of interim examinations.....	12
Article 21##**	Studying with a disability	12
Article 22	Extra-credit assignment regulation	12
Article 23	Exclusion of an examination resit after a satisfactory result	13
Article 24##**	Resits	13
Article 25	Registering for interim examinations and cumulative assessments.....	13
Chapter 8	Interim examination results	14
Article 26##**	Interim examination assessment	14
Article 27##**	Follow-up meeting.....	14
Article 28##**	Announcement and registration of interim examination results	15
Article 29##**	Term of validity of successfully completed interim examinations	15
Chapter 9	Exemptions.....	16
Article 30##**	Exemptions	16
Article 31##**	Combination of LL.M. programme programs or specialisations.....	17
Chapter 10	Final assessment results	18
Article 32##**	Determination of final assessment results	18

Chapter 11	Transitional provisions	19
Article 33	Transitional arrangements	19
Chapter 12	Examination Board	20
Article 34	Composition of the Examination Board Erasmus School of Law	20
Article 35	Tasks and Authority.....	20
Article 36	Requests and decisions	20
Article 37	Appeals protocol.....	21
Chapter 13	Final and implementation provisions	22
Article 38	Hardship clause.....	22
Article 39	Amendments	22
Article 40	Experimentation article.....	22
Article 41	Deviation from the regulation for unforeseen circumstances	22
Article 42	Publication	22
Article 43	Entry into force	22
Article 44	Official title.....	22
 Appendix 1 to the 2018 Commercial Law LL.M. Programme Course and Examination		
Regulations.....		1
Procedural regulations for awarding degrees following final assessments		1
Appendix 2 to the 2018 Commercial Law LL.M. Programme OER.....		3
Commercial Law LL.M. intake arrangement.....		3
Appendix 3 to the 2018 Commercial Law LL.M. Programme OER.....		5
2013 Transitional Arrangements for the Commercial Law programme		5

Chapter 1 General provisions

Article 1 Scope of the regulation

1. This regulation applies to the curriculum and cumulative assessment procedures of the Commercial Law Master's programme, hereafter referred to as the 'LL.M. programme'
2. The LL.M. programme is provided under the purview of the Erasmus School of Law of Erasmus University Rotterdam (EUR), hereafter referred to as 'ESL'.
3. The Examination Board ESL lays down the regulations and instructions within the framework of the Education and Examination Regulation as referred to in Section 7.12b, subsection 1 of the Higher Education and Research Act. These regulations and instructions are published as Regulations from the Examination Board ESL.

Article 2 Definitions

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

- a. *Bachelor's programme*: the Bachelor's degree course as referred to in the WHW;
- b. *block*: a Master's block equals 10 or 15 EC credits. There are five blocks in an academic year;
- c. *CAE*: Cambridge Certificate Advanced English;
- d. *Canvas*: the Study Information Network of ESL;
- e. *CBE*: the Examination Appeals Board of the EUR, as referred to in Section 7.60 of the WHW;
- f. *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;
- g. *CPE*: Cambridge Certificate of Proficiency English;
- h. *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 WHW; 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;
- i. *cumulative assessment*: the entire body of interim examinations as referred to in Section 7.10, second subsection of the WHW;
- j. *dean*: administrator of ESL;
- k. *exam candidate*: individual who is to sit an interim examination or the cumulative assessment;
- l. *Examination Board ESL*: the board as referred to in Article 7.12 of the WHW;
- m. *examination content*: the 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;
- n. *examinee*: individual who has sat an interim examination or the cumulative assessment;
- o. *examiner*: individual who, pursuant to Section 7.12c of the WHW, is authorised to administer the interim examination of a unit of study;
- p. *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;
- q. *graduate*: individual who has successfully completed the final assessment of a programme;
- r. *IELTS*: International English Language Testing System;
- s. *interim examination*: the assessment of the examinee's knowledge, insight and skills and the results of the assessment as referred to in Section 7.10, first subsection of the WHW;
- t. *mark*: the result registered in Osiris;

- u. *Master's programme*: the Master's degree course as referred to in the WHW;
- v. *mr.drs.-student*: a student who participates in the programme Double Degree in Economics and Law;
- w. *OER*: the Education and Examination Regulation as referred to in Article 7.13 of the WHW;
- x. *Regulations from the Examination Board*: the regulations as referred to in Article 7.12b of the WHW;
- y. *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 WHW;
- z. *thesis*: a unit of study as referred to in Section 7.3 of the WHW;
- aa. *TOEFL*: Test of English as a Foreign Language;
- bb. *unit*: a unit of study of the programme as referred to in Section 7.3 of the WHW;
- cc. *WHW*: Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*); 8 October 1992; Bulletin of Acts and Decrees 1992/593; later amended.

Article 3 Language of instruction and of interim examinations

1. Classes are given and interim examinations administered in English.
3. If the specific nature, organisation or quality of education should so require, the first paragraph may be departed from in accordance with a code of conduct adopted by the Board of Governors.
4. To complete the curriculum and sit the interim examinations of the Master's programme referred to in the previous 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. The subject English must have played a role in assessing the student's eligibility for 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 score of 550 for the written test or a minimum score of 232 for the computer-based test and a minimum of 94 points for the internet-based test); or
 - IELTS (with a minimum total score of 7.0, per section at least a minimum score of 6.5); or
 - Cambridge Certificate Advanced English (CAE); or
 - Cambridge Certificate or Proficiency English (CPE).

Article 4* 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 business law and to further develop their academic and professional legal skills.

Article 5* Full-time/Part-time**

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

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

Students who have successfully completed 60 EC have completed the LL.M. programme cumulative assessment.

Chapter 2 Admission to the LL.M. programme

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

1. Exam candidates who have a diploma 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. Exam candidates who have a diploma 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 OER).
3. Exam candidates who have a diploma 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 OER).
4. Exam candidates who have a diploma 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 OER).
5. Exam candidates who have a diploma 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 OER).
6. Exam candidates who have a diploma 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 OER).
7. Exam candidates who have a university or higher professional education diploma which demonstrates that they satisfied the requirements of the cumulative assessment and who have successfully completed the premaster ESL Algemeen of the EUR Bachelor's programme in Law, as referred to in Article 28 and Appendix 9 of the OER 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 OER).
8. Exam candidates who have a diploma from the bachelor's programme of Erasmus University College, International Law Track of the Social and Behavioural Sciences Major at Erasmus University Rotterdam, 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. Exam candidates who have a diploma 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. Exam candidates who do not have a certificate as indicated in paragraphs 1 through 9 of this article are not eligible to the LL.M. programme.
11. Only the exam candidate registered for the Master's programme may participate in the

- course and is entitled to take the examinations.
12. The dean is responsible for admissions to the Master's programme in Commercial Law.
 13. Intake in the programme is only possible on 1 September of each academic year.

Chapter 3 LL.M. programme cumulative assessment

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

1. The LL.M. programme Commercial Law offers the examinees to choose one of the following three master specialisations:
 - Commercial and Company Law
 - Maritime and Transport Law
 - International Trade Law
2. 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
 - Restricted elective:
 - Intellectual Property Rights *or* (RB04)^c
 - European Private International Law (RB22)^c
 - Elective (div.)^c
 - Carriage of Goods (RB05)^c
 - Master Thesis Commercial and Company Law (RS129)^b
3. Maritime and Transport Law
 - Research and Writing Skills Maritime and Transport Law (RB30)^a
 - Transport Law (RB72)^c
 - Law of the Sea (RB31)^c
 - Charter Parties & Bills of Lading (RB32)^b
 - Maritime Casualties (RB13)^c
 - Elective (div.)^c
 - Marine Insurance *or* (RB33)^c
 - Trademark Law (RB09)^c
 - Master Thesis Maritime and Transport Law (RS114)^b
4. International Trade Law
 - Research and Writing Skills International Trade Law (RB73)^a
 - Commercial Contracts (RB74)^c
 - Comparative Insurance Law (RB75)^c
 - Trade Finance Law (RB76)^b
 - Restricted course:
 - Intellectual Property Rights *or* (RB04)^c
 - European Private International Law *or* (RB22)^c
 - Elective (div.)^c
 - Carriage of Goods (RB05)^c
 - Trademark Law (RB09)^c
 - Master Thesis International Trade Law (RS131)^b
5. Each year, the dean can establish additional requirements for the Commercial Law LL.M. programme, including a list of available elective units. These requirements are published in ESL's course guide and on ESL's website.

Article 9*** Credits

The units of the specialisations 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 the commercial and company law or the maritime and transport 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 and company law or in maritime and transport law.
3.	Insight into the interaction between 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.
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 analyze, assess and compose legal documents relevant to the fields of commercial and company law or of maritime and transport law within a given time frame.
5.	Ability to independently analyze and assess legal questions, relevant to the fields of commercial and company law or of maritime and transport 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 company law or to maritime and transport 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 analyze critically on how the current legal framework, relevant to the fields of commercial and company law or of maritime and transport 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</i>	

<i>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 company law or of maritime and transport law.

2. For examinees who started the LL.M programme Commercial before 1 September 2015 and graduate with due observation of the 2015 Transitional Arrangements for the Commercial Law programme, the following final qualifications apply:

Knowledge and insight

- In-depth knowledge of and insight into the subject matters of the commercial and company law or the maritime and transport law programmes. The ability to view new developments in law in perspective and assess their relevance.
- The knowledge and skills required for a career in commercial or maritime practice, and for a career as a legal professional or an academic scholar in these fields.
- Into the way in which international commercial transactions, businesses and other agents in commercial practice may be shaped legally and into the way these businesses and agents participate in legal and commercial relations.
- Into the relation between international and European uniform private law and national law in the areas of commercial and company law or in maritime and transport law.
- Into the interaction between commercial and company law and relevant social-economic phenomena such as insurability and corporate social responsibility and sustainability or between maritime and transport law and insurability, environmental pollution, maritime safety.
- Advanced knowledge of and insight into the relationship between aspects of comparative law and another (social) science.
- Advanced knowledge of and insight into research methods.

Skills

- Possessing specialist and general academic skills that match the requirements of the relevant labour market. E.g. (but not limited to) the charting and analyzing of legal, practical and strategic problems, and the drawing up of (legal) opinions, letters and court documents.
- Ability to carry out scholarly legal research independently, particularly with a view to a scholarly career.
- Ability to present the results of scholarly legal research clearly and persuasively, both verbally and in writing (including the methodological principles thereof), both to an audience of clients (or at least the public at large), as to an audience of lawyers, i.e. judges, attorneys, in-house counsel, legislative lawyers and other third parties.
- Ability to independently analyse and solve complex legal issues.
- Ability to become quickly familiar with new developments in the field, particularly in commercial and company law or in, maritime and transport law.

Attitude

- Having acquired an independent, critical and creative attitude enabling him/her to conduct fundamental legal research both as a legal scholar and as legal professional in commercial or maritime practice and to form a (well-founded) own judgment of the problem or case at hand.
- Being able to reflect upon the effect of international commercial and company law in the light of fundamental principles and values of the governing laws.

Article 11 Contribution of elective units

1. The open elective unit, representing a study load of at least 5 EC credits, can be selected from the list of available open elective units 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 units 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 units.
3. In total, a maximum of one unit 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 unit as a compulsory elective unit.
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 units 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 unit that is not part of one of ESL's course programmes should be submitted before the block during which the unit is to be completed for the first time. All documents required to assess the inclusion of the unit should accompany the request, including bibliographies, course guide description of the subject/unit of study, an indication of the number of credits awarded elsewhere for the unit in question and an indication of the period during which the unit will be completed.
7. At the request of the exam candidate, the Examination Board ESL will determine whether the elective unit may be included and the number of EC credits to be awarded.
8. Exam candidates who are enrolled in the Master of Laws programme in conjunction with another ESL LLM programme, or exam candidates 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 31 of this regulation.

Article 12##* Thesis

1. All exam candidates have to write a thesis, representing at least 10 EC credits.
2. It is not allowed to write a combined thesis. Notwithstanding the first sentence of this section, students of the *Mr.drs.-programme* are allowed to write a combined thesis. A combined thesis of *Mr.drs.*-students must substantively contain content from both economics and legal studies.
3. Exam candidates may commence writing the thesis, as referred to in paragraph 1 of this article, once they have passed the Research and Writing skills of block 1.
4. The final version of the thesis should be submitted to the Examination Board ESL, including an electronic version uploaded via the Canvas website and a printed copy. The printed copy and 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 exam candidate must meet, will be established by the dean and published on ESL's website. In addition, the 'Minimum Requirements for Theses' 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 co-ordinators of the units programmed in the same block are responsible for co-ordinating classes and interim examinations in those units and they report to the dean.

Article 14 Obligation to attend and to perform

For a valid participation in an examination or an interim examination, the examiner in question can set specific conditions per unit.

Chapter 5 Student support and internal regulations

Article 15* Student progress administration**

1. The faculty registers the students' individual study results and makes these accessible to the students via Osiris.
2. A certified student progress file can be obtained from the Department for Exam Registration.

Article 16* Student support**

3. 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.
4. 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.

Article 17 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 educational activities offered. These internal rules are published on ESL's website.
2. Students have to be present in the lecture hall or the seminar room prior to the start of activities. After the teaching session has commenced, the students can be denied access to the lecture hall or seminar room. They will have to wait until a break to enter the lecture hall/seminar room.
3. It is not permitted to use mobile telephones in classrooms or lecture halls unless permission has been granted by the lecturer to use the mobile telephone for educational purposes.
4. Registration for participation in seminars can be done 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 administrative office of the capacity group involved or by the lecturer.

Chapter 6 Double Degree programmes

Article 18 Additional student support for the *Mr.drs. programme*

1. In co-operation with the Erasmus School of Economics, the School of Law has developed the *Mr.drs.-programme* – a Double Degree 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 *Mr.drs.-programme* co-ordinator.
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 if their cumulative mark for pre-university education totals at least 7,0.
4. *Mr.drs.* students who obtain less than 45 EC in an academic year during their programmes in Economics and Business Economics and/or Laws/Fiscal Law, may be denied access to the *Mr.drs. programme* additional facilities by the coordinator of the *Mr.drs. programme*. In any case, when applying this standard, consideration will be given to personal circumstances as defined in article 56 (Personal circumstances) of the 2018 Bachelor of Laws Education and Examination Regulations.

Chapter 7 Interim examinations

Article 19* Requirements placed on interim examination content**

1. Interim examination questions and assignments may not exceed the scope of the interim examination content announced in accordance with Article 3 of the Regulations from the Examination Board ESL 2018.
2. The questions and assignments referred to in the previous paragraph should address more than half of the interim examination content. If necessary, an indication will be made of how detailed the exam candidates' responses have to be.
3. If an interim examination comprises a combination of open and multiple choice questions, the multiple choice section may account for no more than 60% of the mark unless otherwise decided by the Dean.
4. Questions and assignments based on interim examination content offered solely via lectures may account for no more than 25% of the interim examination.
5. The assignment form will state how many points can be earned for each question or part of a question, and how many points qualify as a satisfactory result.
6. The duration of the interim examination is designed to give the exam candidate a reasonable opportunity to respond to the questions and complete the assignments.
7. One week before the end of the block at the latest, the examiner will issue sample examination questions with possible answers.

Article 20* Type of interim examinations**

1. The interim examination of each unit of the Bachelor's or Master's cumulative assessment or a combination of mid-term examination may be administered in:
 - writing, for example open questions, multiple choice questions or an assignment;
 - verbally;
 - a combination of both.
2. If a combination of examination types is used, the examiner may decide that each element of the examination has to be completed satisfactorily.
3. If a paper is part of the test, the result thereof will be repealed if the subject is not satisfactorily completed in the academic year in question.

Article 21* 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 2018.
2. To this end, students must submit a request to the Examination Board ESL.

Article 22 Extra-credit assignment regulation

1. As a means of preparing for interim examinations, the examiner may offer exam candidates 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 exam candidates for extra-credit assignments receiving a satisfactory assessment from the examiner include:
 - a. a factor of one (1) or two (2) points multiplied by the mark awarded for the extra-credit assignment/assignments and divided by ten (10) will be added to the mark received for the interim examination;
 - b. exemption from a number of interim examination questions; these questions are deemed correctly answered;
 - c. exemption from part of the interim examination content, possibly in combination

- with an exemption from a number of interim examination questions;
 - d. several additional interim examination questions assessed according to the same standards;
 - e. use of a weighting coefficient, announced in advance by the lecturer, with the mark earned to determine the final mark (unless this is lower than the mark received for the interim examination).
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 23 Exclusion of an examination resit after a satisfactory result

An examination resit is not permitted if a satisfactory result has been obtained for an examination.

Article 24* Resits**

1. For each unit of the Master's cumulative assessment, at least two opportunities to sit the relevant interim examination will be offered each year. The second opportunity constitutes, pursuant to paragraph 3 of this article, the general resit.
2. An interim examination may consist of two or more mid-term exams.
3. During the general resit, students may sit a maximum of two interim examinations.
4. Resits for units that consist wholly or partially of skills training can exclusively be sat by candidates who attended regular classes for the unit in the study year in question and concluded it with a fail.
5. There is no opportunity to resit the Research and Writing Skills (Commercial & Company Law; RB39) and Research and Writing Skills (Maritime and Transport Law; RB30) examination during the general resit period.

Article 25 Registering for interim examinations and cumulative assessments

1. Only students who register for written interim examinations on time may take part in said examinations.
2. Registration for all written interim examinations 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 expiry of the regular registration period, it will still be possible to register with the ESSC up to the penultimate week day prior to the interim examination. The fee for late registration is € 20.00 per interim examination. Preferably, students should show proof of payment when they report to take their interim examinations, so that they can show this to the invigilator, 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.

Chapter 8 Interim examination results

Article 26* Interim examination assessment**

1. If an interim examination is administered and assessed by more than one examiner, the examiners will jointly ensure that the assessment is conducted using the same standards.
2. The examiner will ensure that a response key is made available as quickly as possible after the conclusion of an interim examination comprised partially or exclusively of multiple-choice questions.
3. The Examining Board drafts regulations concerning the manner in which examination results are registered.

Article 27* Follow-up meeting**

1. After the assessment of a thesis or dissertation or of a written interim examination, the exam candidate will be given the opportunity to inspect his or her assessed work and the questions and assignments of the respective interim examination. The examiner shall provide an explanation of the contents of the interim examination and the assessment criteria applied in the form of a response indication. Inspection and explanation can take place in the manner (individually, collectively, orally, digitally or written) chosen by the examiner. The place and time of the inspection and explanation shall be determined – with due observance of the second paragraph – by the examiner and if possible announced in the study guide of the examined component, but at the latest on the date of the interim examination. In the event of a written interim examination, the place and time of the inspection and explanation will, if possible, be stated on the application form. The programme director can impose further rules with regard to the form and manner of the inspection.
2. The inspection and explanation will take place within ten working days after the announcement of the results of the respective interim examination. This period does not apply to the resit interim examinations that take place in the general examination resits of June/July. The inspection and explanation of these resit interim examinations 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 inspection and explanation, the student will be obliged to register in advance. Other procedural rules will be placed by the examiner on internet pages accessible to the students.
4. An exam candidate who has sat the exam and has not appeared at an organised collective or individual inspection and explanation can only obtain on request a copy or digital scan of the assessed examination paper without any specific explanations. See above under paragraph 7 of this article.
5. If the exam candidate suspects obvious mistakes or apparent errors in the determination of the result, the exam candidate can make this known in a manner indicated by the examiner. Examples of obvious mistakes or apparent errors are the absence of an assessment of one or more questions or sub-questions of an interim examination or the wrong addition of the scores given in the assessment of the questions or sub-questions. A disagreement about (the application of) the response indication, 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 examination was taken. If a review leads to a change in a mark already published in Osiris, the examiner will inform the exam candidate 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 result determined. Notwithstanding the

provisions in Section 8:4 subsection 3 under b of the Dutch General Administrative Law Act (*Algemene Wet Bestuursrecht*: 'Awb'), within six weeks after registration of the mark in Osiris the exam candidate can only appeal to the Examination Appeals Board (CBE) about the way in which the final result has been formed.

6. Immediately after an oral interim examination, there will be a review involving the examiner/examiners and the exam candidate. The provisions set out in the previous paragraphs of this article also apply, insofar as is applicable, to oral interim examinations.
7. The exam candidate can obtain a photocopy or digital scan of the assessed paper no later than 10 working days before the expiry of the appeal period. The student can obtain the photocopy from the relevant secretariat no later than on the third working day following the request. The digital scan will be sent by the secretariat to the (student) email address of the student within the same period.
8. The questions, answer sheets and the assessed work of written tests will be retained (in paper or digital form) for two years after the assessment.

Article 28* Announcement and registration of interim examination results**

1. The examinee is informed of the results of an oral interim examination on the day on which the interim examination in question is administered.
2. Barring any unforeseen circumstances, the examinee will be informed – either verbally or in writing – of the mark 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 examinee will be informed of the results of a written interim examination as quickly as possible, but no later than the 15th working day after the date on which the interim examination in question is administered.
4. The results of an interim examination will be submitted to the Department for Exam Administration ESL no later than four weeks after the date on which the interim examination was administered. This department sees to the registration of interim examination results.
5. Unless an evident administrative error has been made, the results of an exam candidate as recorded by the Department for Exam Administration ESL cannot be revised downward.
6. The results referred to in the previous paragraphs are announced online via the Osiris website.
7. Examinees may at any time request from the Department for Exam Administration ESL a certificate listing the results of one or more interim examinations.

Article 29* Term of validity of successfully completed interim examinations**

1. The period of validity of an interim examination 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 examination 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 examination or examination had originally been passed.
5. At the request of the exam candidate 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 mark or a compensated result.

Chapter 9 Exemptions

Article 30* Exemptions**

1. At the request of an interested party, the Examination Board ESL may grant an exemption from sitting an interim examination of a unit, if the cumulative assessment/part of the cumulative assessment of one of the faculties of ESL, another university or school of higher professional education 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 exam candidate for one or more interim examinations
 - 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 unit has lapsed elsewhere.
4. In principle, no partial exemptions for interim examinations will be granted. The Examination Board ESL may depart from this provision in the event of exceptional circumstances.
5. If, during an academic year, a unit is governed by standard 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 units of study passed and the date on which they were passed. If the exam candidate is requesting an exemption on the basis of results earned at an affiliated faculty in a period during which the exam candidate in question was excluded from interim examinations at his/her own faculty due to cheating, the exemption will not be granted.
6. If the exam candidate 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 examinations at his or her own faculty due to examination fraud, the exemption will not be granted.
7. Each year, after considering the recommendations of the Examination Board ESL, the dean establishes a list of standard exemptions. This list is published on the ESL's website.

Article 31# Combination of LL.M. programme programs or specialisations**

1. Exam candidates 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 mr.drs. program as meant in article 18 (Additional student support for the mr.drs. programme) of this scheme and who have completed the bachelor of LL.M. program and the master in Economics will receive:
 - an 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 32* Determination of final assessment results**

1. After all elements of the final assessment as referred to in article 8 (LL.M. programme specialisations) of these regulations have been administered, the results of the final assessment will be determined by or on behalf of the Examination Board ESL. The Department for Exam Administration ESL verifies compliance with all final assessment requirements as referred to in article 8 of these regulations.
2. Contrary to the provisions of the first paragraph, prior to determining the final assessment results, the Examination Board ESL itself may test the exam candidate's knowledge of one or more elements of the programme, if and in so far as the results of the interim examinations 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 head of Student 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 assessment has an unlimited term of validity.

Chapter 11 Transitional provisions

Article 33 Transitional arrangements

1. Exam candidates who began the Commercial Law programme before 1 September 2012 have to meet the requirements of specialisation 1. Commercial and Company Law referred to in Article 8 (LL.M. programme specialisations).
2. The provisions of the ‘2013 Transitional Arrangements for the Commercial Law programme,’ appended to the OER, apply to exam candidates who began the Commercial Law programme before 1 September 2013.

Chapter 12 Examination Board

Article 34 Composition of the Examination Board Erasmus School of Law

1. The dean appoints the members of the Examination Board ESL from among the programme's teaching staff. The dean appoints one member as chairperson. The term of office of each member is three years. Retiring members are eligible for immediate reappointment.
2. Prior to appointing the members, the dean will consult the members of the Examination Board ESL.
3. The Examination Board ESL consists of at least six members, including the chairperson and at least one external member
4. The dean sees to it that the Bachelor/Master of Laws programme, the Bachelor/Master of Tax Laws programme and the Bachelor/Master of Criminology Science programme of ESL are sufficiently represented in the Examination Board ESL.
5. The dean safeguards the Examination Board ESL's independent and expert performance.
6. The Examination Board ESL secretary (non-member) is designated by the dean. He/she has an advisory vote during Examination Board ESL meetings.
7. The Examination Board ESL may invite non-members to attend meetings. These individuals have an advisory vote during Examination Board ESL meetings. The dean may also attend Examination Board ESL meetings. He/she, too, has an advisory vote.

Article 35 Tasks and Authority

1. The Examination Board ESL establishes the guidelines and instructions for assessing and determining the results of interim examinations and exams.
2. The Examination Board ESL is responsible for safeguarding the quality of the interim examinations and exams, without prejudice to the examiners' tasks and authority. On request, the examiners will present the Examination Board ESL with information about the interim examinations and exams.
3. The Examination Board ESL appoints examiners to hold examinations and determine the results thereof.
4. The "Full ESL examination policy" document states how the Examination Board ESL safeguards the quality of its examinations and how it appoints examiners.
5. The Examination Board ESL draws up annual reports of its activities and provides them to the dean and the faculty council.
6. The Examination Board ESL is responsible for all other statutory tasks and authorities.

Article 36 Requests and decisions

1. Without prejudice to the provisions of the OER with respect to the terms for submitting requests and the required accompanying documents, each request related to the OER has to be submitted in writing as quickly as possible and be substantiated as fully as possible.
2. All correspondence should 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. If an exam candidate submits a request or complaint involving an examiner who is also a member of the Examination Board ESL, this examiner will not take part in handling the request.

5. 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 8 weeks of the date of receipt of the request. Every decision by the Examination Board ESL will be made in writing and substantiated.
6. The Examination Board ESL decides by a simple majority of votes.
7. 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 37 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 appeal to the CBE and the term within which this should be done. The exam candidate whose rights with regard to the provisions of the OER are directly affected by a decision of or refusal to take a decision by the Examination Board ESL or an examiner may lodge an appeal with the CBE within six weeks of the announcement of the decision or refusal to take a decision.
2. Online appeals can be submitted via the EUR Legal Protection Facility
3. The appeal may be lodged because a decision contradicts written or unwritten law.
4. For that purpose, the Examination Board ESL chairperson – requested by the CBE – has to initiate consultations with the parties involved within five days after receiving the request to determine whether the disagreement can be settled amicably. If the Examination Board ESL chairperson himself/herself 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 chairperson 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 chairperson will inform the CBE of the outcome of the consultations. He/She will also submit a statement signed by the petitioner and the examiner. If the consultations do not lead to an amicable settlement, the chairperson will ensure that the examiner submits 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 38 Hardship clause

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

Article 39 Amendments

1. Amendments to Articles **1-3, 7-8, 11, 13-14, 17-19, 22-23, 25 and 32-44** will be adopted by separate decision by the dean.
2. Amendments to Articles **5, 15-16, 20-21, 24 and 26-31** will be adopted by the dean after receiving approval from the Faculty Council. These articles are indicated with a ‘#’.
3. The Faculty Council may provide advice on amendments to Articles **4, 6, 8-10, 12, 19 and 32**. These articles are indicated with a ‘##’.
4. Amendments to Articles **4, 6, 9-10 and 12** will be adopted by the dean after receiving approval from the programme committee. These articles are indicated with a ‘*’.
5. The programme committee advises on amendments to Articles **5, 8, 15-16, 19-21, 24 and 26-32**. These articles are indicated with a ‘**’.
6. Amendments to Articles in the Regulations from the Examination Board ESL will be adopted by the Examination Board ESL.
7. The dean or 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 40 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 39 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 41 Deviation from the regulation for unforeseen circumstances

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

Article 42 Publication

The dean sees to the publication of the OER and of any amendments. The OER will in any event be published on ESL’s website and in the brochure available at ESL’s Study Information Centre. Amendments to the OER will be published and announced as quickly as possible via ESL’s website.

Article 43 Entry into force

This regulation takes effect from 1 September 2018.

Article 44 Official title

This regulation can be quoted as the ‘2018 LL.M. Programme Commercial Law OER’.

*Adopted on 24 August 2018 by the
Dean of Erasmus School of Law
of Erasmus University Rotterdam*

Appendix 1 to the 2018 Commercial Law LL.M. Programme Course and Examination Regulations

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 exam candidate a degree are that the exam candidate:

- 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 exam candidate

1. The exam candidate applies for the final assessment to the programme's Department for Exam Administration ESL, submitting proof that they meet the conditions of Article 2.
2. The date on which the Department for Exam Administration ESL receives the exam candidate'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 exam candidate meets the conditions of Article 2.
2. If the Department for Exam Administration ESL concludes that the exam candidate 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 exam candidate is not duly registered, the Department for Exam Administration ESL may request the exam candidate 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, this will be the date on which the Department for examination administration concludes that the exam candidate meets the conditions of Article 2 will 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 exam candidate in writing of the degree and certificate to be awarded. The exam candidate 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 exam candidate has applied for the final assessment, the Board of Governors will award the degree after it has been ascertained that the exam candidate meets the conditions of Article 2. The certificate may be awarded at a later date at the exam candidate's request.
3. The Department for Exam Administration ESL registers the final assessment and informs the *Dienst Uitvoering Onderwijs* government agency.
4. The exam candidate can collect the certificate and diploma in person from their programme's Department for Exam Administration ESL desk or, if applicable, receive them at a special session of the Examination Board ESL. The general graduation ceremony for the Master of Laws programme is only open to exam candidates of the Dutch-language variants of the

Master of Laws programme. Another graduation ceremony will be held for the students of the international variant of the Master Commercial Law.

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 exam candidates 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 2018 Commercial Law LL.M. Programme OER

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.
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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

Appendix 3 to the 2018 Commercial Law LL.M. Programme OER

2013 Transitional Arrangements for the Commercial Law programme

1. Basic principles of the transitional arrangement

- Credits earned in the old curriculum are not lost in the transition to the new curriculum.¹
- Courses retain the number of credits accumulated at the time the interim examination was taken.
- If a course changes in terms of study load and/or content as of the 2013/2014 academic year, only the new course material will be taught and tested in exams as of that academic year.
- Any shortage or surplus of credits arising from a change in the study load of one or more courses will be settled in the manner stipulated in this transitional arrangement.
- This arrangement takes effect on 1 September 2013. In the event of any conflicts with previous transitional arrangements, this new transitional arrangement will take precedence.

2. Groups

This transitional arrangement assumes that all students will be divided into two groups.

Group I

Students who have not completed a single course of the Master's programme at ESL by 31 August 2013. This group follows the entire new curriculum.

Group II

Students who have completed at least one course, not being the open elective course, of the old Master's programme that was in place until 1 September 2013 and who have done so before 1 September by means of exemption or otherwise graduate according to the rules of this transitional arrangement.

3. Transitional arrangement

Graduation from the programme requires a minimum of 60 EC credits and completion of at least the following courses:

1. Commercial Law
2. Carriage of Goods
3. Corporate Governance
4. Intellectual Property Rights
5. European Private International Law
6. Company Law and Restructuring (10 EC) *or*:
 - European Company Law (5 EC) *and*
 - Commercial Litigation* (5 EC) *or* Contract Tort and Property* (5 EC) (exam passed before 1 September 2013) *or* an Elective (in English) (5 EC)

¹ The term of validity of the courses completed remains effective, of course.

7. Research & Writing Skills Commercial and Company Law (15 EC) *or*:

- Commercial Litigation* (5 EC) *and*
- Contract, Tort and Property* (5 EC) (exam passed before 1 September 2013) *and*
- Elective (5 EC) (exam passed before 1 September 2013)

Students who passed two out of the three courses mentioned above can take a Research & Writing Skills Commercial and Company Law course for 5 EC credits in 2013/2014.

Students who passed one of the three courses mentioned above can take a Research & Writing Skills Commercial and Company Law course for 10 EC credits in 2013/2014.

8. Thesis.

*Commercial Litigation can be used once: either at 6. or at 7.

*Contract Tort and Property can be used once: either at 6. or at 7.

If the result for the above courses plus the result for courses of the old programme completed before 1 September 2013 totals 60 EC credits or more, all requirements of the Master's examination have been met.

If the result for the above courses plus the result for courses of the old programme completed before 1 September 2013 totals less than 60 EC credits, students must supplement their Thesis with enough EC credits to total 60 EC.