



REGULATIONS FOR  
3<sup>rd</sup> CYCLE STUDIES  
LEADING  
**TO A PHD IN LAW**

NOVA School of Law  
NOVA University, Lisbon





## **REGULATIONS FOR 3<sup>rd</sup> CYCLE STUDIES LEADING TO A PHD IN LAW**

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Following the accreditation process of this University's School of Law study cycles, amendments have been made to the regulations of the 3<sup>rd</sup> cycle studies leading to a PhD in law. This cycle was registered with the Directorate-General of Higher Education under the reference R/A-Ef 3194/2011/AL01/2019, in accordance with the technical standards published alongside Dispatch no. 187 (2<sup>nd</sup> series), 30<sup>th</sup> September 2019, in compliance with Articles 12 and 43 of Decree-Law no. 42/2005, 22<sup>nd</sup> February.

Due to the amendments made to the earlier version, the abovementioned regulations are republished.

# CHAPTER I

## Characterization and governance of the study cycle

### ARTICLE 1

#### **Subject**

- 1.** The School of Law of Universidade NOVA de Lisboa offers a cycle of studies leading to a PhD in Law, hereinafter referred to as the “Programme”.
- 2.** The Programme includes the writing of an original thesis specially prepared to this end, providing the realization of a set of curricular units aimed at research training, the whole of which is referred to as a doctoral course, with the curricular structure and study plan defined below, requiring a high-level of research practice.
- 3.** The existence of this Programme does not preclude other forms of access to a PhD prescribed by law.
- 4.** The Programme does not legally allow for an alternative to the creation of a thesis through research already published in journals with international selection committees of recognized merit. However, publication in such journals while pursuing the research Programme is strongly encouraged, and positively taken into consideration during the public defence of the thesis.

### ARTICLE 2

#### **Management**

The Programme will be managed by the 3<sup>rd</sup> cycle coordinator, assisted by one or two other professors, to be appointed by the Dean of the School of Law.

### ARTICLE 3

#### **Panel of Scientific Advisors**

- 1.** The Management Board may choose a maximum of 10 persons to serve on the Programme’s Panel of Scientific Advisors.
- 2.** The members of this panel, whose role is to advise the Management Board on matters that the latter decides to submit to all or some members of the Panel, shall be selected from the national and international community, amongst those with a PhD or equivalent degree or of a particularly strong scientific or professional *curriculum vitae*.

## ARTICLE 4

**Code of Good Practice**

The School of Law follows the guidelines contained in the document entitled *Good Practice in PhD Education at NOVA University, Lisbon*, approved by the Doctoral School of NOVA University, Lisbon, and the *European Code of Conduct for Research Integrity*.

## CHAPTER II

### Rules on admission to the study cycle

## ARTICLE 5

**Places**

In each academic year the maximum number of students admitted to the Programme is determined by the Dean of the School of Law after consultation with the Scientific Council.

## ARTICLE 6

**Admission Terms****1. The Programme is open to:**

- a.** Those with a master's or equivalent degree;
- b.** Those with a particularly strong academic, scientific or professional *curriculum vitae* recognised by the Scientific Council demonstrating a capacity equivalent to those with a master's degree.

**2.** A minimum level of English skills equivalent to B1 of the Common European Framework of Reference for Languages is required to be admitted into the Programme.

## ARTICLE 7

**Selection of candidates**

- 1.** The selection of candidates is the responsibility of a Selection Committee appointed by the Management Board, which may include members of the Panel of Advisors and/or external members of the Faculty.
- 2.** Applicants will be assessed solely on merit, taking into account the following

parameters and their respective weighting:

- a)** Academic *curriculum vitae* (50%);
- b)** Scientific *curriculum vitae* (publications, other scientific output indicators and proven research experience) (20%);
- c)** Relevant professional *curriculum vitae* (15%);
- d)** Motivation letter and projected work plan (15%).

**3.** The Selection Committee's decisions are substantiated and subject to a prior hearing of the candidates.

## CHAPTER III

Length, credits, curriculum structure and syllabus

ARTICLE 8

### Duration of Programme

This is an eight-semester Programme.

ARTICLE 9

### Number of credits and Scientific areas

**1.** The Programme requires the completion of the 240 ECTS assigned to the course units that form part of the PhD Programme – curricular phase (60 + 5 ECTS), preparatory semester of the thesis project (25 ECTS), research leading to the preparation of the doctoral thesis (150 ECTS).

**2.** The 60 + 5 ECTS corresponding to the curricular phase of the PhD Programme are distributed as follows:

**SCIENTIFIC AREA:** Legal Sciences (20 ECTS);

**SCIENTIFIC AREA:** Contextual Sciences of Law (20 ECTS);

**SCIENTIFIC AREA:** Development of Complementary Skills (20 + 5 ECTS).

ARTICLE 10

### Phases

**1.** The Programme, of which the curriculum structure, syllabus and credits are attached to this regulation, includes:

- a)** Completion of a doctoral course;
- b)** Writing an original thesis, produced specifically to obtain a PhD in Law.

**2.** At the request of the interested parties, having fulfilled all the relevant Regulation requirements to receive a European Doctorate, successful completion of the Programme entitles students to receive the title, NOVA University, Lisbon European Doctorate.

## CHAPTER IV

### ARTICLE 11

#### **First phase**

- 1.** The first phase of the Programme, lasting three semesters, consists of advanced training in Legal Sciences, Contextual Sciences of Law and Development of Complementary Skills.
- 2.** Students must attend at least 75% of the seminars in each subject in which they have enrolled, and 17 of the SPEEDs (Permanent Seminar on the State and the Study of Law) that take place during the first phase of the Programme.
- 3.** The provisions regarding the duration of the first phase and the minimum number of subjects per semester shall not prejudice application of the respective regulation for part-time students.
- 4.** The provisions regarding the duration of the first phase and the minimum number of subjects per semester may be changed in order to accommodate students who start attending the Programme in the second semester of an academic year (spring semester).

### ARTICLE 12

#### **Subjects of the first semester of the first phase**

- 1.** In the first semester of the Programme's first phase each student must enrol in subjects corresponding to at least 30 ECTS.
- 2.** Students must attend the following semestral/half-year subjects:
  - a)** Law and Society;
  - b)** Methodologies of Legal Analysis.
- 3.** Attendance of one of the following semestral/half-year subjects is also compulsory (10 ECTS):
  - a)** European Law;
  - b)** International Law;

- c) Criminal Law;
- d) Private Law;
- e) Procedural Law;
- f) Public Law.

**4.** The Dean of the School of Law may limit the opening of optional subjects to a minimum number of 5 enrolments after consultation with the Scientific Council, and/or may reduce the number of the optional subjects, or add others that fulfill the general goals of the Programme.

*ARTICLE 13*

**Subjects of the second semester of the first phase**

**1.** In the second semester of the Programme's first phase each student must enrol in subjects corresponding to at least 30 ECTS.

**2.** It is compulsory to attend/ fulfil the following semestral subjects (10 + 10 +10): Methodology of Legal Research; Scientific Publication; Presentation of a paper at the Permanent Seminar on the State and the Study of the Law (SPEED).

*ARTICLE 14*

**Rules applicable to the first two semesters**

**1.** All subjects are taught using research-oriented seminars.

**2.** Joint lecturing by two or more professors is permitted.

**3.** For the subjects in the first semester, the submission of a written work is compulsory, submitted in accordance with the deadlines determined by the Management Board.

**4.** In each 1st semester subject, students will be graded using a scale of 0 to 20. In each 2nd semester subject, students will be graded simply as approved/failed.

**5.** The subjects will be taught in Portuguese or English, depending on the language skills of the lecturers and students.

ARTICLE 15

**Anti-plagiarism statement**

In all written work assessed, including dissertations, students must declare that they are the sole authors and that all use of contributions or other texts is properly referenced.

ARTICLE 16

**Individual guidance and organisation**

1. At the beginning of the third semester of the first phase, the Scientific Council of the School of Law, at the request of the doctoral student submitted to the President of the Scientific Council, will decide as to:
  - a) The theme of the doctoral thesis and respective specialisation;
  - b) The designation of a supervising professor or co-supervising professors for the doctoral student in the preparation of the doctoral dissertation, mandatory as from this semester;
  - c) The individual organisation of research, including the selection of universities or institutes where it is to be conducted.
  
2. The thesis should not have as its objective a subject related to courses in which the doctoral student has obtained a classification lower than 16.
  
3. The scientific domain of the doctorate is determined in accordance with the list approved by Order 4109/97, published in the Official Gazette, 2<sup>nd</sup> series, no. 162, 16<sup>th</sup> July, 1997: Private Law, International Private Law, Legal and Criminal Sciences, Procedural Law, Public Law, International Public Law, Economic and Financial Law, Social Law, Theory and Philosophy of Law, History of Law, Sociology of Law, Political Science. The course syllabus does not differ according to the choice of specialty, which is determined solely by the topic of the thesis.
  
4. Supervision may be carried out by one or more Professors, who can be external to the Faculty. The request for co-supervision must be justified, the doctoral student indicating the complementarity between the co-supervising professors they have chosen
  
5. The organisation of each doctoral student shall include one or more contacts with foreign research centers of recognised prestige, appropriate to the area of specialisation and approved by the supervising professor.



*ARTICLE 17***Third semester of the first phase**

1. During the third semester of the first phase the doctoral student must:
  - a) Present and publicly discuss the thesis project to be elaborated to obtain the PhD in Law (25 ECTS);
  - b) Prove attendance of the course units offered by the NOVA Doctoral School, NOVA University, Lisbon (5 ECTS).

*ARTICLE 18***Public defence of the thesis**

1. Public defence of the thesis before a jury, made up of a minimum of two members one of whom is the supervising professor and the other the examiner, begins with around 7 minutes for the candidate to outline the main aspects of the project, followed by a critical appraisal for a maximum period of 30 minutes.
2. The candidate is then given the same amount of time to respond to the examiners' critical comments.
3. Following the discussion the jury meets and decides to approve or reject the project by majority vote and substantiated nominal votes. Approval may be given with or without reservations or recommendations.
4. Minutes of the jury meetings are drawn up, which include the votes of each of its members and respective justifications, which may be common to all or only some.

*ARTICLE 19***Transition to the second phase**

1. To move on to the second phase, it is necessary to successfully complete all curricular units of the first phase of the Programme, with a total of 90 ECTS.
2. The transition to the second phase of the Programme requires approval in all subjects of the first semester with a minimum average grade of 16.
3. Provided they have passed in all subjects of the 1<sup>st</sup> and 2<sup>nd</sup> semesters of the first phase, students who have not moved on to the second phase of the PhD are awarded a diploma certifying such a pass.

# CHAPTER V

## Second phase of the Programme

### ARTICLE 20

#### **Second phase**

- 1.** The second phase of the Programme, which should not exceed five semesters, is designed to continue preparatory research and drafting of the doctoral thesis.
- 2.** The thesis must be submitted in a font and spacing that makes it easy to read and must not exceed 800,000 characters, including spaces and notes. The number of characters must be expressly stated in the thesis.
- 3.** The NOVA School of Law will issue a Style Guide to be used in the preparation of the thesis, as well as in other written work presented in this Programme.
- 4.** The thesis must be written in Portuguese or English.
- 5.** Writing the thesis in other languages requires the prior consent of the Scientific Council.

### ARTICLE 21

#### **Registration process of the PhD topic**

The subject of the doctoral thesis is subject to registration, under legal terms. Registration does not need to be specifically requested by the student, the process being the responsibility of the Academic Division.

### ARTICLE 22

#### **Second phase norms**

- 1.** To the extent that human and financial resources so permit, the School of Law will provide the doctoral student with the means necessary to conclude the PhD Programme to a high standard and within the period prescribed above for the purpose.
- 2.** The supervising professor must engage in monitoring the work of the doctoral student, presenting an annual report to the Scientific Council on the work of the doctoral student and the development of the supervision.

**3.** Whenever the supervising professor considers that the doctoral student's work suggests that it is likely that the PhD will not be concluded within the stipulated period or with significant delay, the supervising professor should propose to the Scientific Council:

- (i)** transition to the part-time student system; or
- (ii)** exclusion from the Programme.

**4.** In the event of exclusion from the Programme, the Scientific Council may offer the doctoral student the opportunity to pursue their research independently, benefitting from monitoring by the supervising professor and other resources of the School of Law, according to terms established by the Management Board.

*ARTICLE 23*

**Time limits for submitting the thesis and presenting the PhD defence**

- 1.** The doctoral student has five semesters from the conclusion of the first phase/ transition to the second phase of the Programme to deliver their thesis. The maximum period for the public defence coincides with the maximum legally permissible period.
- 2.** The deadline for submission of the thesis may be extended by resolution of the Scientific Council, at the request of the doctoral student, accompanied by a statement from the supervising professor.

*ARTICLE 24*

**Appointment and constitution of the Jury**

- 1.** The thesis is subject to public review and discussion by a Jury appointed by the Rector, as proposed by the Scientific Council.
- 2.** The Doctoral Jury is constituted by:
  - a)** The Rector, who presides or may delegate the presidency to a Vice-Rector or the Chair of the Scientific Council; or in their absence or inability, the Chair of the jury may be assumed by a Full Professor of the School of Law;
  - b)** A minimum of four doctoral members, one of whom must be the supervising professor.

**3.** Whenever there is more than one supervising professor, only the second advisor may be part of the jury if the degree to be awarded is in partnership with one or

more foreign institutions of higher education.

- 4.** At least two of the members of the jury referred to in paragraph 2 b) are professors and doctoral researchers from other national or foreign higher education or research institutions.
- 5.** The jury may also be assigned to an individual with recognised competence in the scientific area in which the thesis is associated.
- 6.** The jury must include at least three professors or researchers in the scientific field in which the thesis is undertaken.
- 7.** The jury's decisions are taken by majority of the constituent members, through justified roll-call vote, with no abstentions.
- 8.** The panel's appointment order must be communicated to the candidate in writing, within five days, and subsequently published on the webpages of the School of Law and NOVA University of Lisbon.
- 9.** Minutes are drawn up arising from the Jury's consultations, stating the votes of each of its members and their respective justifications, which may be common to all or some members of the jury.

#### *ARTICLE 25*

##### **Acceptance of the thesis**

- 1.** In the 30 days following the date of the respective nomination the jury issues an order in which the acceptance of the thesis is declared, proceeding with the designation of the jury, where at least one of them must belong to another institution, or, alternatively, recommends, reasonably, to the candidate the reformulation of the thesis.
- 2.** If the situation referred to in the final part of the previous point occurs, the candidate has a deadline, to be established by the jury, during which the thesis may be reformulated, or the candidate may declare their intention to keep it as it was presented. Expiry of the period without the presentation of the suggested reformulation or the declaration that the candidate waives this option is considered as withdrawal.
- 3.** If the candidate has opted for the reformulation, the jury may meet a second time to examine the reformulated thesis.

ARTICLE 26

**Public defence of the thesis**

1. Public defence of the doctoral thesis lasts a maximum of 150 minutes, including:
  - a) An optional presentation by the candidate, with a maximum duration of 10 minutes;
  - b) Two critical appraisal periods, with a maximum duration of 30 minutes each and two responses of the same maximum duration;
  - c) The possibility of the remaining members of the jury asking questions, the same time being given to the candidate. This final part does not exceed 20 minutes.
  
2. After the discussion has ended, the jury meets and decides by majority, through nominal, substantiated vote, whether the dissertation passes or fails.
  
3. The final grades awarded by the PhD jury in the event of approval are as follows:
  - Pass;
  - Pass with Distinction;
  - Pass with Distinction and Honours.
  
4. In the final qualification, the jury takes into account the merit of the thesis and the performance of the candidate in the defence of the thesis.
  
5. Minutes of the jury meetings are drawn up, which include the votes of each of its members and respective reasons, which may be common to all or only some. The minutes of the meeting should include information regarding whether the candidate has passed or failed and if it was a unanimous or majority decision. If the candidate has passed, the minutes should include the final grade and whether it was a unanimous or majority decision. If it is by majority decision, the final grades suggested by the minority should be included.
  
6. The Chair has the casting vote and only exercises their right to vote:
  - a) When they are a professor or researcher in the scientific area or areas of the study cycle; or
  - b) In the event of a tie.

## CHAPTER VI

ARTICLE 27

**Final Provisions**

The provisions of the Doctoral Regulations of the NOVA University of Lisbon are applied in the present study cycle.

# APPENDIX

## I - Scientific Areas

SCIENTIFIC AREA	ACRONYM	CREDITS	
		COMPULSORY	OPTIONAL
Legal Sciences	LS	195	10
Social, Human and Economic Sciences	SHES	20	0
Development of Complementary Skills	DCS	10	5
	<b>TOTAL</b>	<b>225</b>	<b>15</b>

### SYLLABUS

#### 1<sup>st</sup> semester

COURSE UNITS	SCIENTIFIC AREA	WORKLOAD (HOURS)		CREDITS	OBSERVATIONS
		TOTAL	CONTACT		
(1)	(2)	(3)	(4)	(5)	(6)
Law and Society	LS	700	OT:26	10	Mandatory
Methodologies of Legal Analysis	DCS	280	S:26; OT:4	10	Mandatory
Public Law	LS	280	S:26; OT:4	10	Elective a)
Private Law	LS	280	S:26; OT:4	10	Elective a)
Procedural Law	LS	280	S:26; OT:4	10	Elective a)
Criminal Law	LS	280	S:26; OT:4	10	Elective a)
International Law	LS	280	S:26; OT:4	10	Elective a)
European Law	LS	280	S:26; OT:4	10	Elective a)

a) Students must choose one subject from the group.

**2<sup>nd</sup> semester**

<b>COURSE UNITS</b>	<b>SCIENTIFIC AREA</b>	<b>WORKLOAD (HOURS)</b>		<b>CREDITS</b>	<b>OBSERVATIONS</b>
		<b>TOTAL (3)</b>	<b>CONTACT (4)</b>		
(1)	(2)	(3)	(4)	(5)	(6)
Methodology of Legal Research	LS	280	S:26; OT:4	10	Mandatory
Scientific Publication	DCS	280	S:26; OT:4	10	Mandatory
SPEED Presentation	DCS	280	S:26; OT:4	10	Mandatory

**3<sup>rd</sup> semester**

<b>COURSE UNITS</b>	<b>SCIENTIFIC AREA</b>	<b>WORKLOAD (HOURS)</b>		<b>CREDITS</b>	<b>OBSERVATIONS</b>
		<b>TOTAL (3)</b>	<b>CONTACT (4)</b>		
(1)	(2)	(3)	(4)	(5)	(6)
Presentation and discussion of thesis project	LS	700	OT:26	25	Mandatory
Attendance of any courses offered by the NOVA Doctoral School	DCS	280	S:26; OT:4	5	Optional

**4<sup>th</sup> to 8<sup>th</sup> semester**

<b>COURSE UNITS</b>	<b>SCIENTIFIC AREA</b>	<b>WORKLOAD (HOURS)</b>		<b>CREDITS</b>	<b>OBSERVATIONS</b>
		<b>TOTAL (3)</b>	<b>CONTACT (4)</b>		
(1)	(2)	(3)	(4)	(5)	(6)
Doctoral Thesis	LS	4200	OT:75	150	Mandatory



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