

Master of Advanced Studies (MAS)

en droit international des affaires (LL.M.)

in International Business Law (LL.M.)

Regulations

The masculine form is used for reasons of conciseness only and includes all genders.

Preamble

- 1 The Faculty of Law, Criminal Science and Public Administration (FDCA) of the University of Lausanne (UNIL) has introduced a new English-language programme. The programme provides a comparative and practice-oriented approach to business law to address legal challenges in today's global economic environment.

Article 1. Purpose

- 1 The Faculty of Law, Criminal Science and Public Administration, (the "Faculty") of the University of Lausanne (UNIL), through its Law School ("Law School"), offers a Master of Advanced Studies degree (MAS) en droit international des affaires / *Master of Advanced Studies (MAS) in International Business Law* ("LL.M").
- 2 Candidates may choose either a general "LL.M. in International Business Law" or one of the following five specialised degrees:
 - "LL.M. in International Business Law & Innovation" (LL.M en droit international des affaires et de l'innovation);
 - "LL.M. in International Business Transactions" (LL.M en transactions commerciales internationales);
 - "LL.M. in International Business Disputes" (LL.M en contentieux commercial international);
 - "LL.M. in International Business Regulation" (LL.M en régulation internationale du commerce);
 - "LL.M. in International Business Law & Sports" (LL.M en droit international des affaires et du sport).

Article 2. Goals and Target Audience

- 1 The LL.M. offers in-depth training in international business law. It thus offers the opportunity for legal professionals from all over the world to acquire and develop the skills necessary to work as lawyers in private practice or as in-house counsel in the field of international business law.
- 2 The objectives, in terms of the skills to be acquired, are as follows:
 - to acquire a thorough knowledge of the main forms of regulation of international business law,

- to develop a capacity for critical and comparative analysis of these various regulations, and
 - to acquire the skills necessary for their implementation in practice.
- ³ The LL.M. is intended, in particular, for those with legal degrees, for young lawyers and for legal professionals wishing to specialise in these fields, as well as for legal professionals planning to work in the Swiss and international public administrations or in the private sector.

Article 3. Governing Bodies and their Powers

Article 3.1. Governing Bodies of the LL.M.

- ¹ The governing bodies of the LL.M. are the following:
- the Steering Committee, and
 - the Programme Directors of the LL.M.

Article 3.2. Membership of the LL.M. Steering Committee and the Programme Directors

- ¹ The Steering Committee and the Programme Directors of the LL.M. are responsible for the design and administration of the study plan for the LL.M. degree, under the supervision of the Office of the Dean of the Faculty.
- ² The Steering Committee includes the following members:
- At least four Law School Professors nominated by the Executive Committee of the Law School, of which at least one-half must be associated with the Center for Comparative, European and International Law of the Faculty;
 - A representative of the Foundation for Continuing Education of the University of Lausanne ("Formation Continue UNIL-EPFL");
 - The Programme Coordinator, who has an advisory voice only.
- ³ The Steering Committee may decide to include one or more representatives from the professional world, in an advisory capacity.
- ⁴ The members of the Steering Committee are nominated for a renewable term of four years.
- ⁵ The Formation Continue UNIL-EPFL representative shall abstain from discussions of questions that might result in the expulsion of a participant (see Article 18).
- ⁶ The Steering Committee appoints the Programme Directors of the LL.M. from among its members.
- ⁷ Decisions of the Steering Committee are made by a simple majority of the members present. In the event of a tie, the Programme Directors of the LL.M. will decide.

**Article 3.3.
Powers of the
Steering
Committee of the
LL.M.**

The powers of the Steering Committee include:

- the development or modification of the LL.M. Regulations and approval of the curriculum;
- the approval or modification of the budget (including the tuition fees for the LL.M. and for courses open to participants external to the LL.M. Programme);
- the implementation of courses and training modules;
- the design, organisation and implementation of the means of evaluating the skills acquired by the participants;
- the admission of LL.M. candidates, selected from among the files deemed acceptable by the UNIL Service of Registration and Enrollment (*Service des immatriculations et inscriptions de l'UNIL*) (SII) and by the Executive Committee of the Formation Continue UNIL-EPFL, in accordance with the delegation from the Rectorate of the UNIL:
- the refusal of candidates, notably in the event of an excess of applications;
- the organisation and implementation of pedagogical aspects of the various forms of education;
- the granting of any equivalencies;
- the decision whether to begin the programme in any semester based on the number of participants enrolled;
- the decision whether to cancel a particular course, if the number of participants is less than the minimum number established by the Steering Committee;
- the grant of exemptions concerning the duration of studies;
- decisions to award a degree to a participant;
- notification of expulsion;
- the decision whether to grant a certificate in the event of expulsion or withdrawal, pursuant to Article 18.3;
- the appointment of the Programme Coordinator;
- the decision to grant scholarships to participants;
- the preparation of an annual list of courses open to participants external to the LL.M. Programme;
- requests for any exemptions to these Regulations addressed to the Rectorate of the UNIL.

**Article 3.4.
Powers of the
Programme
Directors of the
LL.M.**

The Programme Directors of the LL.M. shall exercise the powers delegated by the Steering Committee as well as their powers under these Regulations. These powers include:

- the Programme Directors of the LL.M. shall establish the curriculum for the approval of the Steering Committee pursuant to Article 9.6;
- upon the request of a participant, the Programme Directors of the LL.M. may authorise the participant to change his choice of classes after the deadline specified in the curriculum, pursuant to Article 9.7;
- the Programme Directors of the LL.M. shall rule on the request of a participant, for an exemption from the Regulations based on *force majeure*, under Article 13;
- the Programme Directors of the LL.M. shall make determinations concerning the results of examinations and

- validations, and communicate them to the participants in the programme, as provided under Article 14;
- the Programme Directors of the LL.M. shall have the power to designate an LL.M. Thesis Supervisor who does not teach in the programme, as provided in Article 15.1;
- Upon written and duly substantiated request of a participant, the Programme Directors of the LL.M. may grant an exceptional extension of the deadline for the LL.M. Thesis of a maximum of two months, as provided under Article 15.4;
- the Programme Directors of the LL.M. shall rule on allegations of fraud and plagiarism pursuant to Article 17.3.

**Article 4.
Organisation and
Management of
the Curriculum**

- ¹ The Formation Continue UNIL-EPFL is responsible for the administrative and academic management tasks in connection with the programme, in collaboration with the Programme Coordinator, and reports to the Steering Committee.
- ² Moreover, the UNIL Academic Executive Committee of the Formation Continue UNIL-EPFL is responsible for investigating any complaints in the first instance (see Article 19.2).
- ³ The Programme Coordinator shall ensure the implementation of decisions taken by the two governing bodies and the logistics and administration of the training programme.

**Article 5.
Conditions of
Admission**

- ¹ Candidates eligible for admission to the LL.M. must
 - a) meet the admissions criteria set by UNIL,
 - b)
 - i. hold a Master of Law (MLaw) from a Swiss university or an equivalent university degree, as determined by the SII on the basis of documents presented, or
 - ii. hold a Bachelor of Law (BLaw) from a Swiss university or an equivalent university degree, as determined by the SII on the basis of documents presented, and meet one of the following additional conditions, as determined by the Steering Committee:
 - i. can demonstrate additional training relevant to the programme (minimum 60 ECTS credits), or
 - ii. can demonstrate relevant professional experience (minimum 12 months),
 - and
 - c) demonstrate proficiency in the English language (level B2 of the Common European Reference Framework for Languages).
- ² Candidates eligible for admission must submit a complete application before the relevant deadline as specified on the LL.M. Programme website.

Article 6. Admission

- 1 Admission to the Programme is based on the submission of a file. Candidates are admitted by the Steering Committee from among the candidate files deemed admissible by the Executive Committee of the Formation Continue UNIL-EPFL (based on a preliminary determination by the SII). The Steering Committee also notifies candidates whose files were not deemed admissible (based on a preliminary determination by the SII) of their rejection.
- 2 Admitted candidates are registered with the Formation Continue UNIL-EPFL as Continuing Education participants at UNIL.
- 3 In order to guarantee optimal teaching conditions, the Steering Committee reserves the right to refuse to admit any candidate, in particular in the event of an excess of applications.
- 4 The programme will take place only if the minimum number of participants specified in the budget are enrolled. The Steering Committee is responsible for making this decision.

Article 7. Tuition Fees

- 1 The total amount of the programme tuition fee corresponds to the normal study period indicated in Article 8. of this Regulation. In the event of extension of the normal study period beyond the maximum period of 6 semesters pursuant to Article 8.2, an amount of 500 Swiss Francs per additional semester is due.
- 2 The candidate must pay a non-refundable deposit of 2000 Swiss Francs within four weeks of admission. Under certain circumstances, the Programme Directors may grant additional time for the payment of this non-refundable deposit. If a participant withdraws from the programme after payment of the non-refundable deposit and reactivates his or her application for the following academic year, the Programme Directors of the LL.M. may, upon agreement with the Formation Continue UNIL-EPFL, authorise the deduction of the previously paid non-refundable deposit from the tuition fee due for that following year.
- 3 The entire tuition fee must be paid at the very latest before courses begin.
- 4 The Steering Committee may grant scholarships to participants who submit a duly substantiated written application for financial aid with their application to the programme.

Article 8. Duration of Studies

- 1 The programme normally lasts 4 semesters (including final evaluation), with a maximum duration of 6 semesters.
- 2 Upon written request by a participant, the Steering Committee may authorise the participant to extend the duration of his studies for a maximum of 2 additional semesters where justified (*pour justes motifs*).

Article 9. Curriculum

- 1 The curriculum attached to the present Regulation sets forth the general requirements of the programme (including the class assignments (*travail personnel*)), the titles of the modules and/or courses, the number of hours, the distribution of ECTS

credits and the methods of evaluation of learning. It shall be approved by the Programme Directors, pursuant to Article 9.6, and approved by the Steering Committee.

- 2 The complete programme represents 60 ECTS credits allocated as follows:
 - Module 1: courses (42 ECTS credits)
 - Module 2: LL.M. Thesis (18 ECTS credits)
- 3 The LL.M. is offered either as a general degree or as one of several specialisations, as provided under Article 1.2.
- 4 A participant wishing to obtain the degree intitled "LL.M. in International Business Law" (general studies) may choose freely the courses comprising module 1 among all the courses in the curriculum, up to 42 ECTS credits. He may write an LL.M. Thesis on a subject covered in any of the courses included in the curriculum.
- 5 A participant wishing to obtain an LL.M. degree with one of the specialisations provided under Article 1.2 must choose at least 18 ECTS credits from among the courses given in the relevant specialisation. Moreover, he must write an LL.M. Thesis on a subject covered in a course within the relevant specialisation.
- 6 The curriculum, established by the Programme Directors of the LL.M. at the beginning of the academic year, defines the courses to be given, the number of ECTS credits corresponding to each discipline, the teacher responsible, and the number of class hours. The Programme Directors of the LL.M. specify which courses qualify for the study plan of each specialisation. The Rectorate of the University of Lausanne shall approve the study plan in the event that it requires a modification of these Regulations.
- 7 The participant shall indicate, at the time of registration or within another time period specified in the study plan, the specialisation he wishes to complete, if applicable, as well as the courses he has chosen pursuant to the relevant study plan. At the request of the participant, the Programme Directors of the LL.M. may authorise the modification of this choice after the expiry of the above-mentioned period.
- 8 Some LL.M. courses are given at partner institutions, pursuant to agreements concluded with such institutions. The Steering Committee shall ensure the academic level of these courses and their coherence with the other LL.M. courses.
- 9 Some LL.M. courses may be open to participants who are not part of the LL.M. programme but who are duly registered for this purpose. The Steering Committee shall establish annually the list of open courses and set the tuition fees requested from participants, in collaboration with partner institutions, if necessary, in accordance with the agreements concluded with them.

**Article 10.1.
Evaluation of
Knowledge
Acquired**

- 1 The number, modalities and timetable for the organisation of the evaluations, as well as the conditions for the awarding of ECTS credits (including for class assignments and the final LL.M. Thesis) shall be clearly indicated in writing to the participants at the beginning of the programme, or, if appropriate, at the beginning of each course.
- 2 Each course is subject to an evaluation (exam or validation).
- 3 Participants are allowed a maximum of two attempts to receive a satisfactory result for each evaluation.
- 4 When the evaluation takes the form of an exam, the exam will be graded on a scale of 1 (minimum grade) to 6 (maximum grade). Only intermediate grades of one-half of a point are permitted. The grade 0 (zero) is reserved for unjustified absences or for cases of minor misconduct or less serious plagiarism, as such terms are defined in Directive 3.15. of the Rectorate of the UNIL. Such a grade results in failure of the evaluation. A participant who receives a 0 (zero) may take the exam again one final time. The provisions of Article 17. concerning serious plagiarism remain reserved.
- 5 When the evaluation takes the form of a validation (a series of tests, class assignments or group work), it does not necessarily result in a grade. In this case, the evaluation will be made on a pass/fail basis.
- 6 In order to acquire the 60 ECTS credits necessary to obtain the LL.M., the participant must pass each of the two modules provided for in the study plan.
- 7 The participant will pass module 1, and obtain the corresponding ECTS credits as a block, if the average of the participant's grades on all of the exams in that module, weighted according to the relevant number of credits, is equal to or greater than 4, and the participant has not failed more than 2 of the evaluations (exams and validations). To that end, if the average grade ends in 0.25 or 0.75, it will be rounded up to the next highest half point.
- 8 In the event that the weighted average of grades obtained for module 1 is less than 4, or the number of failed evaluations exceeds 2, the participant is deemed to have failed the module. The participant will have a second chance, within one year from the notification of his or her first results, to pass those evaluations for which the participant received a grade below 4, or a "fail", as the case may be. Upon a second failure of module one, the participant will be expelled from the LL.M. programme.

**Article 10.2.
Certificates for
Participants
External to the
LL.M. programme**

- 1 If participants external to the LL.M. programme decide not to undergo evaluation in their chosen course(s), or in the event of a definitive failure of such evaluation, such participants will receive a certificate of participation provided that an attendance record of at least 80% can be substantiated.

- 2 If the external participants do sit for an examination or a validation, as the case may be, they will receive a certificate of successful completion together with the ECTS credits allocated to the course(s) in question provided that an attendance record of at least 80% can be substantiated and the conditions of Article 10.1. subparagraphs 2-5 have been fulfilled.

Article 11. Exam Sessions

- 1 Exam sessions will be organised at the end of each academic semester.
- 2 When a course is offered in the form of a block course, the exam may, however, take place at the end of the course, during the semester.

Article 12. Obligation to be Present at Exams

- 1 With the exception of participants having been authorised to extend the duration of their studies as provided in Article 8.2, participants must take exams at the exam session immediately following the semester during which the course was given.
- 2 Participants who have failed or who have withdrawn from exams because of a *force majeure* event must take the exams in question during the following exam session.
- 3 When a participant takes an exam more than two semesters after the relevant course was given (either because the participant received authorisation to extend his studies or as a result of a *force majeure* event), the participant shall inform the examiner in writing, at least two weeks in advance of the semester during which he took the course. For law courses, the participant may be required to have knowledge of any important changes in the law that have become effective since the participant took the course. Ordinarily, candidates are not permitted to take an exam for a course given more than two years prior to the exam.

Article 13. Force Majeure Event

- 1 Any withdrawal or unjustified absence is considered a failure, except in cases of *force majeure*.
- 2 The candidate who invokes a *force majeure* event must submit a written request, accompanied by supporting documents, to the Programme Directors of the LL.M. as soon as possible, but in no event later than three days after the end of the *force majeure*.
- 3 The Programme Directors of the LL.M. shall rule on the written request.
- 4 In the event the withdrawal is accepted, the grades for other exams taken will remain valid.

Article 14. Exam Results

The Programme Directors of the LL.M. shall rule on the results of exams and validations and shall so inform the participants.

Article 15. LL.M. Thesis

- 1 In the course of his studies, the participant must submit an LL.M. Thesis, consisting of a personal work of an academic

nature, carried out under the direction of an instructor in the programme or another person competent in the field, designated by the Programme Directors of the LL.M.

- ² The subject of the LL.M. Thesis shall be chosen, in agreement with the LL.M. Thesis supervisor, within the participant's specialisation.
- ³ The LL.M. Thesis shall be written in English.
- ⁴ The LL.M. Thesis must be submitted by May 15 or December 15 of the semester following the semester during which the participant presents his final exam session. At the request of the LL.M. Thesis supervisor, corrections may be required within 30 days. Upon written request, supported by valid arguments, from the participant, the Programme Directors of the LL.M. may exceptionally extend this deadline by a maximum of 6 months, within the limits of the maximum duration of studies as provided in Art. 8.
- ⁵ The LL.M. Thesis is evaluated by the LL.M. Thesis supervisor. The LL.M. Thesis supervisor will give a grade, on a scale of 1 (minimum grade) to 6 (maximum grade), the minimum passing grade being 4. Only intermediate grades of one-half of a point are permitted. The grade 0 (zero) is reserved for cases of minor misconduct or less serious plagiarism, as such terms are defined in Directive 3.15 of the Direction of UNIL. Such a grade results in failure of module 2. The provisions of Article 17.2 concerning serious plagiarism remain reserved.
- ⁶ If the grade received is less than 4, the participant is deemed to have failed module 2. The participant is nonetheless allowed a second attempt and will have a maximum of 90 days from the notification of the original grade to resubmit a corrected and/or completed LL.M. Thesis. Upon a second failure of module 2, the participant will be expelled from the LL.M. programme.

Article 16. Obtaining the Degree

- ¹ Successful completion of the evaluations corresponding to the complete course of study, as defined in the preceding articles, entitles the participant to 60 ECTS credits in the curriculum, and to the award of the Master of Advanced Studies - LL.M. in the general orientation or specialisation chosen by the participant (Articles 1.2 and 9.7).
- ² The Steering Committee of the LL.M. proposes the awarding of the degree to the Office of the Dean of the Faculty and to the Rectorate of the UNIL.
- ³ The diploma bears the UNIL logo and the mention of the chosen specialisation; it is signed by the Rector of the University of Lausanne and the Dean of the Faculty of Law, Criminal Sciences and Public Administration. It is issued by the Formation Continue UNIL-EPFL.

Article 17. Fraud and Plagiarism

- ¹ Any participation in slight misconduct or less serious plagiarism, as defined in Directive 3.15 of the Rectorate of the UNIL, within the context of an evaluation or the LL.M. Thesis, leads to the

participant's failure of the relevant evaluation (Article 10.4) or the LL.M. Thesis (Article 15.5).

- 2 Any participation in an act of attempted fraud, fraud, or serious plagiarism, as defined in Directive 3.15 of the Rectorate of the UNIL, within the context of an evaluation (Article 10) or of the LL.M. Thesis (Article 15.5) will result in the participant's expulsion from the programme.
- 3 The Programme Directors of the LL.M. shall rule on the question.

Article 18. Expulsion or Withdrawal

- 1 Participants are permanently expelled from the LL.M. if they:
 - a) are found to have committed an act of attempted fraud, fraud or serious plagiarism (as defined in Directive 3.15 of the Rectorate of the UNIL);
 - b) have not attended at least 80% of all the courses selected, subject to justification;
 - c) exceed the maximum duration of their studies as provided under Article 8;
 - d) fail a module twice;
 - e) have not fulfilled the requirements of Articles 10, and 15;
 - f) have not paid the tuition fee within the prescribed time limit.
- 2 Permanent expulsions are notified by the Steering Committee, with information concerning possible means of appeal.
- 3 The Steering Committee of the LL.M. may issue to participants who have been expelled from the LL.M. or who have withdrawn from the programme, a certificate of participation in the courses, provided that attendance at a minimum of 80% in each course concerned has been verified.
- 4 The expulsion or withdrawal of a participant during the course does not give rise to any reimbursement of the tuition, which remains due in full.

Article 19. Appeal

1. Appeals against any decision of the Steering Committee or of the Programme Directors of the LL.M. must be addressed in writing to the Direction of Formation Continue UNIL-EPFL within 10 days after notification of the decision.
2. Appeals of first instance are investigated by the UNIL Scientific Direction of the Formation Continue UNIL-EPFL, in accordance with the Internal Regulations of the Formation Continue UNIL-EPFL. The Executive Committee of the Formation Continue UNIL-EPFL shall notify the participant of the decision.
3. The decisions of the UNIL Scientific Direction of the Formation Continue UNIL-EPFL can be appealed in a second instance, which appeal must be addressed in writing to the Rectorate of the University. This right of appeal must be exercised within 10 days after notification of the initial decision. For other issues, Article 83 of the Law on the University of Lausanne (LUL) applies, as well as the Law on Vaud Administrative Procedure (LPA-VD).

**Article 20.
Additional
Provisions**

Any exception to a provision of this Regulation must be granted by the UNIL Rectorate, upon request of the LL.M. Steering Committee.

**Article 21.
Entry into Force**

- ¹ This Regulation becomes effective on September 1, 2021.
- ² It replaces and repeals the Study Regulations for the Master of Advanced Studies in International Business Law of September 1, 2019.
- ³ It applies to all participants registered in the programme as and from its entry into force.

Signatures

For the Faculty of Law, Criminal Sciences and
Public Administration

For the Rectorate of the University of
Lausanne

Professor Vincent Martenet, Dean

Frédéric Herman, Recteur

Date: 10/11/2021

Date: 17/11/2021