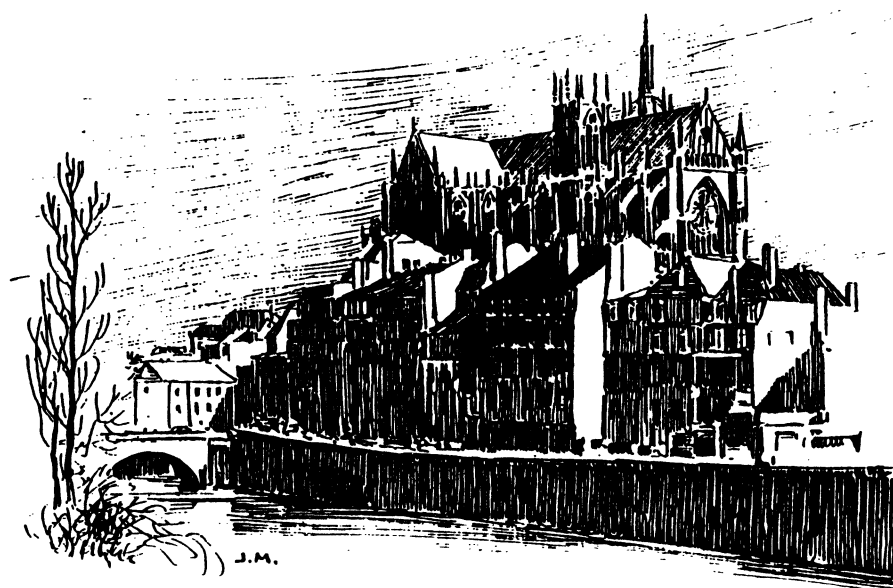


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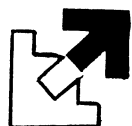


**COMMISSION
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LEGAL EDUCATION AND TRAINING IN TOMORROW'S EUROPE



FRANCE



UNIVERSITÉ DE METZ

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Ø. INTRODUCTION

Some figures ¹ to introduce the report...

Out of a total number of 2 million students passing *baccalauréat*, 1 out of 3 go to university, 600'000 in *premier cycle* (*baccalauréat* + 2 years), 400'000 in *second cycle* (*baccalauréat* + 4 years) et 190'000 in *troisième cycle* (*baccalauréat* + 5 years and doctorates). There are 77 universities in France. 300'000 students are studying law and economics, including 180'000 in *premier cycle*, 45'000 in *second cycle*, 35'000 in *troisième cycle*.

Law students are 72'000 as first-year students in the *premier cycle* of law studies and 52 % of them have access to *second cycle* studies.

Total number of degrees awarded :

- out of 80'000 *licences* (*baccalauréat* + 3 years), 13'000 are awarded in law
- out of 60'000 *maîtrises* (*baccalauréat* + 4 years), 11'000 are awarded in law
- out of 40'000 *troisième cycle* (*baccalauréat* + 5 years) degrees, 6'500 are in law
- out of 8'000 doctorates, some 500 are in law

Contrary to other disciplines with a similarly strong professional orientation, law as a discipline is readily accessible. There is in medicine or in pharmacy a so-called *numerus clausus*, i.e. a limitation of places available to train future doctors or pharmacists. In other areas, it is only necessary to have the *baccalauréat* in the right category to have access to a faculty in a university; this applies, for instance, to the Faculties of Science. There are no such restrictions related to numbers or diplomas when applying to enter a Law Faculty.

The proportion of law students is therefore quite high in academic institutions and numbers are still increasing in law as they are in other faculties. The enrollment grows even more rapidly for law students as the attractiveness of law studies is enhanced by the fact that this discipline is supposed to have a vocational dimension as a preparation for legal and juridical professions and the civil service, or even corporations.

Legal studies, as most areas of third-level education, is therefore open to all. However this university programme is designed so as to have an increasing degree of difficulty. Selection is not performed before entering, but rather in the course of studies. The professional orientation is so clear that its legitimacy to train students is acknowledged by all, which is an idea that does not apply to many other university programmes accused of training people who are destined ... to be on the dole. Law as a discipline trains students to become professionals in law and numerous other areas.

1. THE EDUCATION AND TRAINING OF JURISTS

1.1. HIGHER EDUCATION

Legal studies are structured in a two-year *premier cycle*, and a two-year *second cycle*, the latter including a one-year programme for *licence* and another one-year programme for *maîtrise*. The *premier cycle* is designed as a consistent and unified programme and, together with the *licence* is meant to provide basic education to law students. The *maîtrise* is conceived as the first stage of specialisation. The *troisième cycle* offers two types of education and training : either *D.E.A. (Diplôme d'Études Approfondies)* which is meant to prepare students to the writing of a doctoral thesis and to teaching and research; or *D.E.S.S. (Diplôme d'Études Supérieures Spécialisées)*, which corresponds to a form of professional specialisation with a precise definition of objectives.

¹ Source : *Direction de l'Évaluation et de la Prospective*, French Ministry of Education

General outline of legal studies :

| | | | | |
|---------------------|-------------|----------------|-----------------|---|
| <i>Baccalauréat</i> | 2 years | third year | fourth year | fifth year |
| | <i>DEUG</i> | <i>Licence</i> | <i>Maîtrise</i> | <i>D.E.A.</i> -> doctoral thesis (3 years or more) or <i>D.E.S.S.</i> |

1.1.1. GENERAL

Passing the *baccalauréat* gives access to university. Law faculties will therefore enroll students having a wide range of educational backgrounds. Legal education is characterized by the variety of disciplines and openings, with a high degree of intermingling between theory and practice.

Basic education consists first in the set of the first two years, leading to *DEUG* (*Diplôme d'Études Universitaires Générales*) in law, followed by *licence* obtained at the end of the third year. *DEUG* is therefore meant as a preparatory period to collect information and acquire some competence, *licence* to capitalise on the two preceding years and bridge the way towards legal specialisation. There is only one type of *DEUG* and *licence*, and the curriculum gives pride of place to the common core disciplines, whereas *maîtrise* has some forms of specialisation. All the same, the diploma awarded is the same for all French universities, thus promoting mobility between the various institutions. There are some specialties for *maîtrise*.

Legal education in the *premier cycle* and *deuxième cycle* is currently being reformed (Decrees of May 26, 1992; Feb. 19, 1993; July 12, 1993 and Apr. 24, 1994). Its implementation should be completed by the beginning of the 1996 academic year.

Parallel to this, there is also another type of course offered to those students who did not pass *baccalauréat* : it is called *capacité en droit*. and is a two-year programme. The course provides basic education in all areas of law. The first year of studies is very selective and only very few students have access to the second year.

Students having passed *capacité en droit* can then have access to third-level education, notably legal studies. This corresponds to one of the few possibilities offered in France to students who did not pass *baccalauréat* but willing to enter an academic institution; it is similar to offering them another chance. This idea is still very popular, even if it has recently been an object of debate. *Capacité en droit* is also important from the point of view of professionalisation. It should be noted that making a good score in this course gives direct access to the second year of the *DEUG* (*premier cycle*) programme.

1.1.1.1. Contents

DEUG :

DEUG is designed to provide general education and all basic legal subjects are taught. Standard subjects are Civil law, Constitutional law, Administrative law, Criminal law, Public finance. The curriculum is complemented by an introduction to social sciences for a better understanding of the environment and the history of law. As a consequence, Economics; History of law and (French) institutions; International relations; Political science are generally part of the syllabus.

The reform which is currently under way² makes provisions for a compulsory course on the European institutions.

Licence :

Licence is conceived as an introduction into new fields of legal studies : Civil law, Judiciary law and Administrative law are examined in greater detail, while Basic rights, Fiscal law, Corporate law, Social law, International public law, and European and Community Law are new subjects introduced into the syllabus. Courses on the History of Law and Economics are also offered, with the idea of taking the social, economic and political environment of law into account.

1.1.1.2. Course Structure

DEUG is obtained in two years, with only one possibility of repeating a year's programme. *Licence* can be obtained in one year after *DEUG*, with a possibility of repeating once. The consequence is that many students do obtain *DEUG* in 3 years and *licence* in 4 years.

Courses are otherwise organised on a yearly basis, with an examination at the end of each year of studies. Passing this exam gives access to the following year.

Courses should be reorganised into *modules* according to the reform currently implemented. Each *module* represents a subject or a set of subjects belonging to the same discipline. If the student does not obtain all the *modules* required, he/she may keep the credits corresponding to those which he/she passed.

The idea is to facilitate things to obtain the *DEUG* and reduce the number of first-year repeaters, considering that the rate of success from first to second year is about 30 %.

Tuition for *DEUG* and *licence* is provided in the form of lectures and *TDs* (*travaux dirigés* = 'practical work') for which the number of students should not exceed a specific limit. *TDs* represent at least 1/5 of all courses in the *DEUG* and *licence* programmes. Studying a foreign language is compulsory in *DEUG*. *TDs* are a major ingredient in the curriculum, as they are more oriented toward practice. As a consequence, they are duly taken into account when grading final exams, though weighting is not unified in all universities. There are two sessions for exams, one in June and another one generally in September, so that all students are offered a second chance to pass.

1.1.1.3. Impact of European Programmes

The teaching of Community law is still limited. It was introduced into traditional curricula : Business law and International law courses in particular have taken up some elements of Community law and this tendency is gradually gaining momentum and encroaching on new areas, such as Administrative law and Constitutional law. Some specifically "European" law courses have even been created. But few faculties offer European law in *premier cycle*.

In the *licence* programme, the general European law course generally deals with institutional and juridical issues. All law faculties offer such a course. Other courses have also been organised at the *maîtrise* level on various aspects of substantive European law.

But the status of these courses is not satisfactory. They are generally not mandatory. Most of the public law students take the general Community law course, whereas the private law students – who are more numerous – generally do not. As a consequence, it is possible to complete law studies without having taken the specialised course on Community law. Students then only know some bits and pieces of it that they have collected from other courses. There is therefore a need to change this situation in this respect.

² *Arrêté* (Decree) of Mar. 13, 1993 amended by the *arrêté* of July 12, 1993.

The reform which is currently implemented leads to the emergence of teachings on European law as early as the *premier cycle* and a greater diversification of courses in *second cycle*. Making a course on Europe mandatory in *DEUG* is one of the essential points of the current reform. Likewise, it has become mandatory to take a module on Community and European law at *licence* level, without exempting students from courses in this area as an option at *maîtrise* level.

1.1.2. POST-GRADUATE STUDIES

Specialisation and professionalisation generally start only after *licence*. All types of specialisation should therefore be reviewed here. The standard way for the acquisition of a specialty is *maîtrise*, but there are also other ways to specialise, including at *licence* level.

Real diversification starts with *maîtrise*. The great majority of *licence* graduates (this also applies to graduates in economics or in science) go on with their studies with a *maîtrise*. In fact, this degree is necessary to have access to the competitive exams to become a civil servant, a magistrate or an advocate. It is also required to seek a position on the labour market. Finally, it is indispensable for *troisième cycle* studies, be it oriented toward research and a doctorate, or toward the professions.

Specialisation can also be started earlier. However, this is exceptional as the Ministry authorities are not keen on having specialised courses too early in the curriculum. But there exists a *licence* in Public Administration which is strongly oriented toward Public law and the preparation of competitive exams to gain access to the Civil service. Though taken by numerous law students, this programme is destined mostly to arts and science students willing to change their course of studies toward the civil service.

1.1.2.1. Contents

Next to *maîtrise en droit* without much specialisation, there also exist *maîtrise* programmes with specialised curricula. The subjects taught vary according to the line selected and universities have created many new *maîtrise*-level programmes with various specialties. The current tendency is to narrow down the range of possibilities which had become excessively broad; the specialties maintained by the reform are : Private law; Business law; Public law; Comparative law; International law; Notary law; Social law; Judicial careers; Criminal Science; and European law. It can be noticed that European law appears among these specialties.

Four *mastères* have also been created in the Law Faculties³.

1.1.2.2. Course Structure

Maîtrise is a one-year programme after *licence*. The courses are offered in the form of lectures and *TD*. and this has not been modified by the reform, except that it demanded that 150 out of 500 course hours be devoted to the area selected as an option.

The *maîtrise* programme sometimes includes an internship or research work; most students prefer to perform the former rather than the latter. The structuring of the study year concerning exams and the various forms of assessment has been maintained. But the current reform makes a study or research paper compulsory, to promote a training of reasoning skills beside the acquisition of theoretical knowledge.

³ Or some *Grandes Ecoles* in Business; but law does not always have pride of place there.

1.1.2.3. Impact of Community programmes

As for *premier cycle* and *licence*, courses on European law were initiated a long time ago, but they were not mandatory and were rarely supported by *TD* work. But the principle of specialisation at *maîtrise* level makes it easier to introduce European law at this stage. The number of "specialised" courses offered by the various universities has increased dramatically in this respect : European Competition law, European business law, The Policy of the European Communities, etc.

The current reform, parallel to a reduction of the number of *maîtrises* , has also instituted 'European law' as one of the possible specialties. This development should provide additional support to those universities which have done pioneering work in this direction and be an encouragement to those which have not yet struck this course.

There also exist some *DEUG* and *licence* programmes implying bi-national studies – between France and Italy; France and Spain; France and Germany; France and the United Kingdom – as well as programmes combining Law and Language studies.

For instance, the University of Paris XI has created a diploma *juriste international* including 5 years of study of which 2 should be spent abroad. The University of Paris XII has a "Jean-Monnet Programme" for which the standard *premier cycle* programme is combined with 3 semesters of language studies and 4 semesters on Europe (Law, History; and Institutions). At the University of Paris I, students can spend two years in France and 2 years in Britain. Finally, it should be mentioned that there exist *licence* programmes on Europe and some *DEUG* programmes – as is the case at the University of Paris V – on the European organisations. Concerning the European courses, it can be observed that economics and management courses have adapted more rapidly to the new situation than *premier cycle* legal programmes have.

The Erasmus programme has greatly contributed to the development of such actions. The most popular initiative consisted in spending one year or one semester at the university of another EC member state, at the level of *licence* or *maîtrise*, all credits obtained being given full recognition by the home institution.

1.1.3. DOCTORAL STUDIES

1.1.3.1. Contents

An increasing number of students completing the *maîtrise* programme are willing to join some *troisième cycle* programme. Such programmes are designed to develop specialisation toward either research or the professions. *Troisième cycle* is synonymous with diversity as such programmes are indeed available in all law areas.

D.E.A. or *Diplôme d'Études Approfondies* is oriented rather toward research and the writing of a doctoral thesis. The *D.E.S.S.* has rather a professional orientation⁴. But this distinction is clear cut only in theory; it does not really apply in practice. There should be a direct link between *D.E.A.*, research and the recruitment of students writing a doctoral thesis (including teachers and researchers). But the role of *D.E.A.* in relation to that of *D.E.S.S.* is often ambiguous, as it is often considered as an end-of-programme diploma, just before entering the labour market, rather than as a preparation to writing a dissertation. For instance, the *D.E.A.* on Contracts is a way to have access to some law firm rather than starting a thesis. *D.E.A.* and *D.E.S.S.* are diplomas recognised at the national level as they are accredited by the French Ministry of Education and Research.

⁴ Similar to *DU* (*Diplôme d'université*) or *DESUP*, which are diplomas awarded by the university with the corresponding label, and which have not been accredited by national authorities. However, the mode of instruction is comparable to that used for *D.E.A.* and *D.E.S.S.*

1.1.3.2. Course Structure

Courses vary in relation to the area covered by the diploma. In all cases there are lectures and seminars, but the criteria used for the rating of the work done are rather an evaluation of research and the quality to reflection. Personal work has therefore pride of place. *D.E.A.* and *D.E.S.S.* are one-year programmes. The *D.E.S.S.* programme generally includes a training period in a profession related to the specialty of the diploma.

Concerning the doctoral dissertation, it is supposed to be written within three years of completing *D.E.A.* But this is just an guideline and only a very few dissertations are completed within this time span. It should be borne in mind that a subject for a thesis entered into the *Fichier National des Thèses* (= 'National File for Dissertation Subjects') is protected for only 5 years. The doctoral thesis has in principle both a theoretical and a practical dimension (the result of "field work" as an application of theoretical hypotheses). Obtaining the title is submitted to a session in which candidates defend the results of the research they have carried out and that all 5 members of the thesis jury have read with attention. A doctor's title is necessary to apply for a position as a member of the academic staff. When the title has been awarded, the successful candidate can start a career as an academic or a researcher, and take competitive exams to have access to higher titles and positions (e.g. *Maître de conférence*).

1.1.3.3. Impact of European Programmes

The increasing number of *troisième cycle* programmes has also affected the area of Community law and numerous *troisième cycle* diplomas related to European law issues have been created. Over 20 *D.E.A.* and *D.E.S.S.* programmes are currently in existence. Moreover, numerous *troisième cycle* programmes have had to introduce elements of Community law into their curricula, either by creating European law modules, or by integrating European law into other course subjects. For instance, a *D.E.A.* programme on the Policy applicable to criminal cases and Human Rights will include a course on the European Convention on Human Rights and a seminar on the impact of European law on Criminal law.

A list of *troisième cycle* programmes specialising in Community law or including modules on European law has been appended. It is the result of an survey covering all French universities and conducted in May 1994. The creations recorded are not so much the result of Community programmes but rather an initiative taken by universities to respond to what they now consider to be a need.

1.2. TRAINING

1.2.1. ADVOCATES

1.2.1.1. Basic Education

The condition for access to the profession after taking the corresponding exam is to have a *maîtrise en droit* degree. The exam has both written and oral tests. A rather complex system of equivalence and exemption for the holders of specific *troisième cycle* diplomas is then applied. The rate of success is 25 to 30 %.

Basic training for advocates is provided on a centralised basis. Each regional centre of professional training for advocates is attached to either a Bar Association or a *Cour d'Appel* (= 'Appellate Court'); there are 33 of them in France. Each centre has full autonomy for the organisation of exams and the structuring of courses. It is the task of universities to provide legal education to would-be advocates, and it is up to *Centres* to provide the professional training. An initial one-year training course is offered in such *Centres*; it is conceived as an updating of some areas of knowledge (complementary information, mostly in relation with the latest developments), and offering certain professional courses to acquire specific skills. Two training periods with a total duration of 3 months can be completed in a court or a *cabinet d'avocats* (= 'lawyers' office') during that time.

Students obtaining the *Certificat d'Aptitude à la Profession d'Avocat (CAPA)* after completing this one-year programme at the *Centre* must complete a two-year training period in a lawyer's office, in alternation with theoretical courses. After these 3 years of training, the advocate can either work as such, or decide to prepare some specialty that he/she can validate by performing practical work (research activities, publications or a 4-year training period in the area selected), and by taking an exam to assess the competence acquired. The latest reform has founded the *Conseil National des Barreaux (CNB)* whose task is to make sure that the training provided to all advocates in France does not differ from place to place and that "training programmes are improved and consistent"⁵.

1.2.1.2. Continued Education

Continued education is offered to professionals while performing their activities, with a view to improving, enlarging and updating their information and knowledge. Most Bar Associations organise continued education courses in the form of symposia, conferences with debating sessions, and seminars relating to areas of the law affected by reforms or changes or to issues in connection with exercising the advocate profession (management of a law firm; pleading, etc). Europe is naturally one of the topics treated, either with a view to updating information (Customs regulations, Competition law, European business law), or to discovering and understanding Europe (Institutional Community law, results of the Single Market, free circulation of goods and services, etc), or procedural problems (access to the European Court for Human Rights, access to the jurisdictions of the European Union, etc). Practice and theory are intermingling. Training courses are offered to advocates by several organisations other than the universities or *Sciences Po* which also provide training periods. Such organisations are *IFC (Institut de Formation Continue au Barreau)*; *IHEJ (Institut des Hautes Etudes de la Justice)*, *Institut du Droit pénal*, *Institut de Formation des Droits de l'Homme*, associations and advocate unions, and the *Centres régionaux de formation professionnelle* for advocates in the various regions of France. We should also make a note of the action conducted by *Institut de la Délégation des Barreaux de France* in Brussels, which is in charge of coordinating continued education programmes.

1.2.2. JUDGES

1.2.2.1. Basic Education

Magistrates are trained in a professional high school called *ENM (Ecole Nationale de la Magistrature)*. The French State has a monopoly on the training of magistrates and there is only the above school for that purpose. Access is determined by passing a very selective competitive exam. To have full right to enroll to take the exam, candidates just have to hold a *maîtrise (baccalauréat + 4 years of study)* in any discipline. In other terms, it is not necessary to have a legal degree to become a magistrate ! But the subjects in the competitive exam are obviously predominantly of a legal nature : Civil law, Criminal law, Public law, and some tests in foreign languages and general culture. There is therefore little chance of success for candidates if they have not attained a sufficient level of competence in law. The successful candidates are therefore holders of law degrees and the graduates from *IEP* in Paris (the famous *Sciences Po*) which offer a special and efficient programme as a preparation to take the competitive exam.

After entering the *ENM*, *auditeurs* (= 'listeners/auditors') – as they are called – receive professional training. There is no course in a core subject in law as students are supposed to have acquired all the elements of knowledge in this respect to be able to take the competitive exam. The programme is therefore more oriented toward applications in practice. *ENM* offers a preparation to the enforcement of law, not an acquisition of legal knowledge. Theoretical teaching is limited in the programme to information on reforms and follow-up of legislative work. Training is complemented by internships.

⁵ *Statuts of CNB*

Entry to *ENM* is a sought-after goal and there is only 1 place for every 16 candidates. The level of legal knowledge is considered as satisfactory, whereas some would say that candidates are insufficiently trained in Criminal law and Community law.

1.2.2.2. Continued education

Its purpose is mostly to provide information about the latest developments of law and the reform implemented. It assumes the form of an updating oriented toward practice, and the direct consequences of reforms and new regulations. For instance the reformation of the Criminal code made several training sessions necessary. They have been organised, not only by *ENM*, but also *IHEJ* (*Institut des Hautes Etudes de la Justice*), and the service in charge of the continued education of magistrates in Paris. Training periods are organised on a regular basis on European law, even if they are not considered as essential in the general programme offered. An interesting initiative was launched this year for the first time : the organisation of seminars on the theme of "The Judicial Cultures of Europe" by *ENM*, *IEP* in Paris (*Sciences Po*), *IHEJ* and foreign partners. The idea is to try to understand how the judicial systems in the other members states work in terms of training, recruitment, professional practice, code of good conduct, etc.

1.2.2.3. For advocates and judges alike

Most universities have established *Instituts d'Études Judiciaires (IEJ)* with a view to offering preparation to the students willing to take the competitive exam for entry into *ENM* and other exams to enter the advocate profession. This assistance provided to students who have registered for this type of preparation may be offered during or after *maîtrise* studies.

The training programme includes a review of legal subjects for the exams – for which basic knowledge has already been acquired during studies – and a preparation specifically for the exam tests.

1.2.3. OTHERS (NOTARIES, BAILIFFS, ETC.)

Training for the other professions is characterised by the amount of practical "on-the-job" work. All candidates to the notary, bailiff, or receiver professions must complete a rather long professional training period. Specifically oriented continued education programmes are offered by professional organisations.

1.2.3.1. Bailiffs

Candidates must at least be *licencié(e)s en droit*. They must then find a *maître de stage* (= 'traineeship supervisor'), i.e. a bailiff who will guide him/her for 2 years and provide training. At the same time, he/she should register at *Chambre nationale des huissiers* where he/she can take courses which are essentially practical-oriented. After these two years, he/she can take an exam giving final access to the profession.

1.2.3.2. Notaries

There are 4 ways to become a notary; 2 requiring a *maîtrise en droit* and 2 related to professional training.

For the former two, students can take either the university way or a path that is closer to professional practice.

- the university way can be selected after passing *maîtrise*; students having taken then a *D.E.S.S.* in notary law can then be matriculated in a *Centre de formation* and complete a 2-year training period in an office. A short dissertation should be submitted together with a report at the end of the one-year study period. Candidates are then awarded the *Diplôme supérieur du notariat*.

- the professional way also implies that students have passed a *maîtrise*; they can then take a competitive exam to gain access to a *centre de formation* for this specific profession. They are awarded the *diplôme d'aptitude aux fonctions de notaire* after one years of studies, followed by a 2-year training period in a notary's office and the submission of a report. As above, successful candidates then receive the *diplôme supérieur du notariat*.

- the "internal" way, proper to the profession : holders of a *DEUG* degree in law can become *clercs de notaire* and, after 9 years of experience and an exam to provide evidence of acquired knowledge, candidates are awarded a diploma and become notaries

- the "external" way by which experienced lawyers such as magistrates, senior civil servants, legal advisors may become notaires.

However, just like bailiffs, would-be notaries have to buy a *charge* (= 'office') or rather they purchase from the Ministry a so-called *droit de présentation* (= 'right of submission') and the location of the office. This is actually a way to restrict the number of positions made available. This situation is motivated by the willingness of the trades administration to have a form of control on such professions : notaries and bailiffs are considered, not only as professions, but also as public officers.

1.2.3.3. Administrateurs and Liquidateurs de justice (= 'receivers')

The diploma required is a *maîtrise* degree in law, followed buy a 3 year training period sanctioned by a final exam (which is a mere formality). When his/her skills have been fully recognised, the *administrateur* has full freedom to have his/her office where he/she likes, which stands in contrast to the above two situations.

1.2.3.4. Other professions

The task of the *commissaire-priseur* (= auctioneer) is to auction the real property of private or judicial entities. He/she should be the holder of a *licence* degree in law or in the history of art, and complete a training period during which time he/she will have to take course to update his/her knowledge in specific areas. When he/she has acquired the necessary skill, the candidate also has to buy a *charge* (= 'office'). The profession is characterised by *numerus clausus* (= limitation of available places) and the status of *officier ministériel* (= 'state service officers'), similar to that of notaries and bailiffs.

Would-be *marchands de biens* (= 'real estate dealers') also have to be holders of a *licence* degree in law. This profession is considered as a competitor to notaries for all business relating to the management and sales transactions on real property.

1.2.4. CORPORATE LAWYERS

These lawyers are trained by the universities, mostly among such students who specialised in business law. Corporate lawyers may however have activities in other areas than those directed linked to the requirements of the company : patents, taxation, social rights, contracts. Continued education is essential for these lawyers who are in direct contact with economic problems. The universities also contribute to their training.

1.2.5. CIVIL SERVICE (AT NATIONAL AND LOCAL LEVEL)

Civil servants are recruited after taking competitive exams organised in various areas. However, they all have something in common : having a *maîtrise* degree is a basic requirement, as legal subjects play an important part in the tests.

Most civil servants have been educated in law faculties (holding a *licence* degree in Public administration, a *maîtrise* degree in Public law, etc.), or in *I.E.P.s*.⁶ which train a sizeable number of civil servants, in particular *hauts fonctionnaires* (= 'civil servants in higher positions'). The creation of the *École des Sciences Politiques* in Paris was linked to a willingness to train the political and administrative elite of France... This *I.E.P.* enjoys a special status, making it one of the *Grandes Écoles* having a very restrictive and selective educational and recruitment policy, with a competitive exam to have access to the school; intensive courses during the 2 or 3 years of study (according to the level of education when joining the school); and difficulty of the final exams. Moreover, the School has created preparatory courses for competitive exams to gain access to civil service high schools (and to *ENM*), which enjoy excellent reputation. The teaching of law focuses on Public law and Public finance, being tailored to meet the needs of would-be civil servants or students willing to join preparatory courses for competitive exams. Students wishing to make a career in the private sector in the specialty 'economics and finance' can also take courses in Private law.

When holding a *licence*, *maîtrise* or *I.E.P.* degree, candidates to the civil service can take various competitive exams. We will focus here on higher level exams. The most prestigious of all is the exam giving access to *École Nationale d'Administration (E.N.A.)* for which there is approximately 12 candidates for each place. *E.N.A.* recruits servants for all administrative sectors, independent of specialty. Students trained in this School can be found later in Ministries, *Conseil d'État*, *Cour des Comptes* and in *Préfectures*. They can make a career in both the central administration or de-localised administrative departments or in the foreign service.

The policy of de-centralisation has led to the establishment of *Instituts régionaux d'Administration (I.R.A.)* for the training of civil servants destined to working for regional authorities. After passing the competitive exam, the same educational principle applies throughout : many trainings, i.e. practical application of the elements of knowledge acquired in basic education courses. *Assemblée nationale* (= 'Lower House') and *Sénat* (= 'Upper House of the Parliament') hire their *administrateurs* from among graduates of such Schools, in a very selective manner, by organising competitive exams called *concours généraux*, or from among senior officers. Other competitive exams are designed to select officers who will then work for the Social Security, in hospitals, for the Police. For instance, in the case of the Police, the *licence* degree gives the possibility of taking the competitive exam as *inspecteur* and *maîtrise* as *commissaire*. Such competitive exams are designed for direct recruitment and the training offered after the exam is mostly practice-oriented, in a professional environment.

The introduction of courses related to Europe has been started in relatively recent times and implemented progressively. Courses on European law (structural funds; Community policies; Community institutions, Single Act; Developments of the European law) have been introduced by *E.N.A.* since the late 80s and by *I.R.A.* since the 1987 reform.

Continued education is provided by the same schools which generally have a department for continued education, or by universities, or again by the *Institut international d'administration publique*. These courses are, as a rule, considered as insufficient, particularly for what concerns Community law. Yet, as this training on Europe is recent and restricted as a part of basic education in schools, it is highly necessary. The Civil service is probably the area where greatest efforts should be displayed, as was underlined in the report established by the *Conseil d'État* in 1992.

⁶ *Instituts d'Etudes Politiques*. The Paris *I.E.P.* is often referred to as "*Sciences Po*".

2. NEW NEEDS AS TO EDUCATION AND TRAINING

2.1. SHORTCOMINGS AND LACKS

The evolution of legal studies is characterised by an increasing complexity of judicial regulations and the need to comprehend new issues that have appeared in the wake of changes in society and in morals, and the emergence of new technologies (bioethics, communication), as well as the internationalisation of trade and cultural exchange. This dual movement toward an extension and an increasing complexity of the judiciary leads to the creation of new study programmes that universities have to offer. This causes in turn the multiplication of optional courses. As a consequence, the consistency of legal studies is jeopardised.

On the other hand, legal studies increasingly assume the form of just transferring elements of knowledge which are more and more numerous – a form of instruction which is to some extent necessary – than reasoning or speculation. But the development of law can make these elements of knowledge obsolete in the short term.

It seems necessary to implement a re-orientation so that the future lawyer be first and foremost a person having a wide culture and also some skills and well equipped to face the current developments in a self-assured manner.

The condition for a reinforcement of legal culture is a rehabilitation of the basic legal disciplines (among which Community law should have a place), and this refers to the structuring of programmes.

The condition to the reinforcement of skills is a development of instruction in smaller groups, involving students and calling on their sense of initiative.

But it is also obvious that the teaching of law is impaired by the great number of students, which is detrimental to the quality of the education and training provided. Giving students free access to legal studies and accepting large crowds of students in the first-year *DEUG* courses are an obstacle to any form of progress and improvement of educational methods.

The rapid evolution of law also raises the problem of continued training for lawyers. Numerous organisations – including professional institutions – offer various programmes, but without any sense of cooperation. The universities are not sufficiently involved in such programmes. The response to challenges is not adequate and educational structures are no match to meet requirements that have been clearly identified. The problems should be examined as a whole, in a consistent way, by the responsible members of the professions, the representatives of universities and the public authorities.

Finally, we should raise the question of research in law. The support provided for research in this area is dramatically weak, thus eliminating any form of large-scale team research work. Subsidies are also very low in the case of individual research work, for students writing doctoral theses and willing to start a teaching career. As compared to science, we can claim that the situation of law is disastrous.

2.1.1. FROM THE POINT OF VIEW OF THE CHANGES IN LAW

The knowledge of the law that has emerged out of the building of Europe is neither uniform nor sufficient.

As mentioned above, the courses on European issues are not mandatory in all universities and in all lines of study. National programmes for the preparation of the *licence* degree just mention that Community law is a possible option.

In the case of the *maîtrise* degree, some courses are indeed offered by some universities which have made use of their autonomy. Elements of Community law (International public law,

Business law, etc.) are sometimes included in traditional curricula, but without full recognition of the specificity of this law.

We should also point out another shortcoming concerning the teaching of foreign languages. This teaching is indeed mandatory in *DEUG* programmes, but instruction is not provided in satisfactory conditions because of a lack of resources. *Licence* and *maîtrise* programmes do not say a word about foreign languages.

Another shortcoming lies in the modesty of courses on Comparative law (especially in reference to the EC member states). The situation in this respect is an object of great concern, at a time when education in Community law entails some understanding – even if it remains elementary – of the judicial systems and judicial and administrative organisation of the other member states.

We described the situation of continued education in the above section.

2.2. PERSPECTIVE

2.2.1. FROM THE POINT OF VIEW OF THE CHANGES IN LAW

Two points should be raised :

Basic legal education remains essential. It is necessary to be a "general practitioner", with an appropriate knowledge of basic principles to be able to adapt to the changes of law, and also to be a "technician of law" conversant with the modes of legal analysis and reasoning.

The rapid development of legal disciplines demands first-rate continued education. In this respect, the role played by universities is clearly insufficient whereas academics are in the best of positions to keep up with the evolution of law, in particular Community law.

2.2.2. FROM THE POINT OF VIEW OF THE BUILDING UP OF THE EUROPEAN UNION

Three points should be mentioned here :

Education in Community law should be reinforced and the enforcement of the Decrees of Feb. 19 and July 12, 1993 will undoubtedly contribute to this development. There is indeed an urgent need for the reform to be carried out. It will lead to a general recognition of the specificity of such courses and improve the status that they have in curricula. Moreover, the share of Community law in basic course programmes should be increased, a point that many members of the faculty have now fully understood. This progress can take two different paths : the development of specific courses, and the integration of the European dimension into traditional programmes.

Finally, we should promote the creation of specialised course programmes : the creation of the European law specialty course (and the Comparative law specialty course) by the above-mentioned Decrees might be a step forward in this direction if universities are able to take the necessary steps. The creation of specialised *troisième cycle* courses could also be promoted by a targeted policy to be carried out by the French Ministry of Education and research.

The teaching of Comparative law is still insufficient. Great efforts should be displayed to give a new impetus to a discipline which is in great danger, at a time when good knowledge of the judicial, administrative, judiciary systems in the EC member states has become indispensable for many law practitioners.

The teaching of foreign languages should be reinforced, which entails new resources in material and staff.

Finally, an efficient system of continued education should be established as an urgent matter, both as a long-term policy due to predictable developments in relation to the institutional

and substantive Community law, and a short-term policy, with a view to bridging the gaps created by an insufficient training provided to advocates, magistrates, and above all state servants.

2.2.3. FROM THE POINT OF VIEW OF THE CHANGES IN THE PROFESSIONS

Full freedom for the installation and the provision of services has become a reality : the french Bar counts 236 advocates from other EC member states and 135 from the United States (as per Apr. 26, 1994) out of 10'482 members.

This cannot apply to judgeships and the upper civil service. The position of legal professions cannot be identical in relation to the emergence of Europe.

The goal of achieving uniformity for legal – especially judiciary – professions is neither realistic, nor to be sought after, at least in the short term. But it should be clearly stated that mutual knowledge should be promoted and professional institutions have an essential role to play in the development of exchanges.

3. MEASURES TO BE TAKEN IN ORDER TO MEET THESE REQUIREMENTS

3.1. MEASURES TO BE IMPLEMENTED IN UNIVERSITIES

The measures to be implemented in universities are related to two factors :

- official regulations, considering that the awarding of diplomas and the certification procedure are regulated by the State government⁷
- the autonomy of universities, considering that legislative documents grant them certain degree of freedom for the management of their courses, limited for *premier cycle* programmes, higher for *licence*, wide-ranging for *maîtrise* and *troisième cycle*.

3.1.1. WHAT SHOULD WE EXPECT FROM THE UNIVERSITY ?

First, that the reform of programmes, as laid down in the Decrees of Feb. 19 and July 12, 1993, be rapidly implemented;

Second, that measures be taken for the creation of *maîtrise* programmes with Community law or Comparative law as a specialty and also specialised *troisième cycle* (D.E.A. and D.E.S.S.) programmes;

Third, that effective efforts be made for the tuition of foreign languages, if necessary by using modern technology (distance teaching).

And finally a more resolute commitment to continued education.

3.1.2. WHAT SHOULD WE EXPECT FROM ACADEMICS ?

⁷ Except for the *diplômes d'université*, which are only marginal in the corresponding discipline.

More attention for the European dimension of the disciplines that they teach (when they do not offer courses on Community law).

3.1.3. WHAT SHOULD WE EXPECT FROM THE AUTHORITIES IN CHARGE OF HIGHER EDUCATION AND RESEARCH ?

3.1.3.1. For education

A positive response when examining the applications for the accreditation of *maîtrise* and *troisième cycle* courses in European law and Comparative law that are likely to promote such initiatives;

Additional resources granted for the teaching of foreign languages. A well-thought reform of programmes for access to the Bar and the Bench would be decisive for the students when they make a choice.

3.1.3.2. For research

A significant increase of the grants offered for research in law;

Some form of assistance for the creation of research teams prepared to develop collective programmes;

Subsidies for publications and specialised conferences, including assistance for the publication of a European Legal yearbook, for the promotion of research and the development of Community doctrine by providing an appropriate tool.

3.1.4. WHAT SHOULD WE EXPECT FROM THE EC AUTHORITIES ?

The EC actions to be maintained and reinforced are now well-known :

- facilitating the mobility of students and teachers in all European faculties. It would also be necessary to promote exchanges between professionals, in the wake of the freedom of establishment;
- granting prizes and scholarships for research carried out on Community law (for students, young academics, institutions or research centres). The creation of a "label" to be granted to institutions and research centres as a reward for their action in the area of European studies could also be envisaged;
- granting subsidies for conferences and specific research programmes;
- offering incentives for the creation of Europe-oriented courses, in particular at the *troisième cycle* level;
- providing support to national associations aiming at developing education and research on Community issues;
- promoting the circulation of information on education and research on Community issues.

3.2. MEASURES TO BE TAKEN IN TRAINING ORGANISATIONS

The vocational training issue calls for a wide-ranging reflection on the requirements of professionals. This reflection has not yet taken place and should be conducted as a matter of urgency. A national conference with representatives of all institutions engaged in vocational training, the public authorities, and universities is likely to offer a positive contribution. The

idea would be to accurately identify the present and future needs and to make suggestions as to the ways and means to meet them, with due consideration for the existing material.

The scope of the problem is such that the actions to be taken could be either inter-professional or oriented toward a very well-defined problem. Modern technology should then be utilised, including in particular distance teaching.

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NOR : MENZ9202416A

Le ministre d'Etat, ministre de l'éducation nationale et de la culture,

Vu la loi n° 84-52 du 26 janvier 1984 modifiée sur l'enseignement supérieur;

Vu le décret n° 89-486 du 10 juillet 1989 d'orientation sur l'éducation;

Vu le décret n° 71-376 du 13 mai 1971, modifié notamment par le décret n° 81-221 du 31 décembre 1981, relatif à l'inscription des étudiants dans les universités et les établissements publics à caractère scientifique et culturel indépendants des universités;

Vu le décret n° 84-431 du 6 juin 1984 modifié portant statuts du corps des professeurs des universités et du corps des maîtres de conférences;

Vu le décret n° 84-573 du 5 juillet 1984 relatif aux diplômes nationaux de l'enseignement supérieur;

Vu le décret n° 85-906 du 23 août 1985 fixant les conditions de validation des études, expériences professionnelles ou acquises personnelles en vue de l'accès aux différents niveaux de l'enseignement supérieur;

Vu le décret n° 92-84 du 23 janvier 1992 portant création du titre d'"ingénieur-maître";

Vu le décret n° 92-85 du 23 janvier 1992 portant organisation dans les instituts universitaires professionnalisés des études conduisant à la délivrance du titre d'"ingénieur-maître";

Vu l'arrêté du 25 août 1969 modifié relatif à la liste des titres admis en dispense du baccalauréat de l'enseignement du second degré en vue de l'inscription dans les universités;

Vu l'arrêté du 27 février 1973 modifié relatif au diplôme d'études universitaires générales;

Vu l'arrêté du 16 janvier 1976 modifié relatif au deuxième cycle des études universitaires;

Vu l'arrêté du 27 janvier 1981 relatif aux mémoires de maîtrises;

Vu l'arrêté du 1^{er} octobre 1986 relatif à l'organisation des examens spéciaux d'accès aux études universitaires;

Vu l'arrêté du 31 mars 1992 relatif aux titres et diplômes délivrés dans les établissements d'enseignement supérieur au titre des instituts universitaires professionnalisés;

Vu l'arrêté du Conseil national de l'enseignement supérieur et de la recherche.

Arrête :

TITRE I^{er}

DISPOSITIONS GENERALES

Art. 1^{er}. - Le premier cycle des études universitaires générales prolonge les formations sanctionnées par le baccalauréat et prépare les étudiants à une poursuite d'études en deuxième cycle de l'enseignement supérieur ou à une insertion professionnelle.

Art. 2. - Le deuxième cycle des études universitaires prolonge et approfondit les formations sanctionnées par le diplôme d'études universitaires générales ou un diplôme d'un niveau équivalent. Il comporte une initiation à la recherche. Il prépare les étudiants à la vie professionnelle ou à une poursuite d'études en troisième cycle de l'enseignement supérieur.

Art. 3. - Ces études de premier et deuxième cycle sont chacune organisées sur une durée de deux ans. Elles sont sanctionnées en premier cycle par un diplôme national, le diplôme d'études universitaires générales (D.E.U.G.), et en deuxième cycle notamment par deux diplômes nationaux, la licence et la maîtrise. Les enseignements sont ouverts aux étudiants en formation initiale et en formation continue. Sous un intitulé commun consacrant un niveau de connaissances et de compétences équivalent, ils donnent lieu à des pratiques pédagogiques adaptées à la diversité des formations et des publics.

TITRE II

ORGANISATION DES ENSEIGNEMENTS

Art. 4. - Le D.E.U.G., la licence et la maîtrise portent des dénominations nationales, arrêtées par le ministre chargé de l'enseignement supérieur. Chaque dénomination peut être assortie de mentions définies dans les mêmes conditions, associant, le cas échéant, plusieurs disciplines. Ces mentions figurent dans l'arrêté d'habilitation à délivrer les diplômes.

Art. 5. - Les enseignements sont organisés sous forme de modules capitalisables.

Le module s'entend d'un groupe identifiable d'enseignements comportant entre eux une cohérence scientifique et pédagogique.

L'agencement des modules doit faciliter la mise en oeuvre d'un projet de formation des étudiants. Il

des informations sur des débouchés professionnels des études envisagées. A cet effet, des conventions peuvent être conclues entre les universités et les organisations professionnelles ou interprofessionnelles.

Art. 14. - L'organisation du cursus de chaque D.E.U.G., tant dans la structure que dans l'architecture et la nature des matières enseignées, doit favoriser le développement des passerelles entre les différentes filières d'enseignement supérieur et les possibilités de reprise d'études.

CHAPITRE III

Nombre d'inscriptions

Art. 15. - Les étudiants peuvent prendre au total trois inscriptions annuelles en vue d'un D.E.U.G.; dans le cas d'une inscription simultanée dans des D.E.U.G. différents, il n'est pas compté qu'une seule inscription annuelle.

Une ou, exceptionnellement, deux inscriptions supplémentaires peuvent être accordées par le président de l'université ou le chef de l'établissement sur proposition de la commission pédagogique compétente.

Les dispositions prévues au précédent alinéa sont applicables notamment aux étudiants qui :

- ont une activité professionnelle;
- se réorientent en cours de cycle;
- se sont inscrits simultanément dans des dénominations nationales différentes de D.E.U.G.,

afin qu'ils puissent achever leurs études en vue de l'obtention de l'autre dénomination.

Les étudiants qui ont interrompu leurs études depuis trois ans au moins bénéficient de nouveau du droit aux inscriptions annuelles tel qu'il est prévu au premier alinéa du présent article.

Dans le cas où un candidat, déjà titulaire d'un D.E.U.G., prépare un autre D.E.U.G., les années consacrées à l'obtention du premier diplôme ne sont pas prises en compte dans le nombre d'inscriptions auxquelles a droit le candidat pour préparer le second diplôme.

Art. 16. - Le conseil d'administration, sur proposition du président et après avis du C.E.V.U., fixe un régime spécial d'études au bénéfice notamment des étudiants déjà engagés dans la vie active des étudiants effectuant leur service national, des étudiants chargés de famille, des handicapés et des sportifs de haut niveau.

CHAPITRE IV

Contrôle des connaissances et des aptitudes

Art. 17. - Tout candidat ayant entrepris des études dans le premier cycle d'enseignement supérieur en France ou à l'étranger peut demander à bénéficier de la dispense de l'un ou de plusieurs modules composant la formation qu'il postule. En ce cas, la décision est prise par le président de l'université ou le chef de l'établissement sur proposition de la commission pédagogique dont relève l'étudiant. De plus, les universités peuvent conclure, entre elles ou avec d'autres établissements en France ou à l'étranger, des conventions de coopération pour assurer aux étudiants des choix plus étendus.

Art. 18. - L'obtention du D.E.U.G., de la licence ou de la maîtrise implique notamment des contrôles écrits et des contrôles oraux.

Les modalités d'appréciation des aptitudes et des connaissances sont définies dans le respect des dispositions prévues à l'article 17 de la loi du 26 janvier 1984 susvisée par arrêté du président de l'université ou du chef de l'établissement, pris après avis du C.E.V.U.. Ces modalités doivent être arrêtées et portées à la connaissance des étudiants au plus tard un mois après le début des enseignements. Elles ne peuvent être modifiées ultérieurement en cours d'année. Tout étudiant a droit à deux sessions de contrôle des connaissances par an. Sous réserve de dispositions pédagogiques particulières, l'intervalle entre ces deux sessions ne peut être inférieur à deux mois.

La compensation au sein de chaque module se fait sans note éliminatoire. Les règles de compensation entre modules sont définies par chaque établissement. Dans les deux cas, elles sont organisées selon la procédure prévue au précédent alinéa.

Les modules obtenus par l'étudiant sont définitivement acquis.

Art. 19. - Le président de l'université ou le chef de l'établissement désigne chaque année les présidents et les membres des jurys. Chaque jury comprend au moins trois membres; la composition de ce jury est affichée sur les lieux d'examen.

Ce jury siège à la fin de chaque période d'enseignement. Il effectue la synthèse des résultats obtenus par chaque étudiant, en tenant compte des modalités de compensation et de capitalisation prévues au sein du régime de contrôle des aptitudes et des connaissances. L'acquisition des modules ainsi que la délivrance du diplôme sont prononcées après délibération du jury. Le bilan du contrôle des connaissances est publié chaque année.

Art. 20. - Après la proclamation des résultats, le jury est tenu de communiquer les notes.

Arrêté du 19 février 1993

(Education nationale et Culture : Enseignements supérieurs)

Vu L. n° 84-52 du 26-1-1984 mod. ; D. n° 84-573 du 5-7-1984 ; D. n° 85-906 du 23-8-1985 ; A. 28-8-1990 ; A. 26-5-1992 ; avis C.N.E.S.E.R.

Diplôme d'études universitaires générales Droit et licences et maîtrises du secteur Droit et science politique.

NOR : MENZ9304487A

TITRE PREMIER : *Dispositions générales.*

Article premier. — Les dénominations nationales de diplôme d'études universitaires générales (D.E.U.G.) Droit, de licences et de maîtrises du secteur Droit et science politique sont accordées aux formations qui répondent aux critères fixés aux articles suivants.

Art. 2. — Les formations universitaires en droit citées à l'article premier sont conçues et organisées pour :

Apporter aux étudiants, autour d'un tronc commun, un ensemble diversifié de formations associant des connaissances théoriques et des enseignements professionnalisés ;

Former les étudiants à des emplois relevant aussi bien du secteur public que du secteur privé avec, le cas échéant, des spécialisations résultant des mentions dont peuvent être assorties certaines maîtrises.

La formation :

Combine les approches théoriques et méthodologiques. Elle met en valeur les applications des disciplines constitutives du droit et des sciences politiques et leurs interactions avec d'autres champs de connaissances. Elle développe progressivement une attitude et une pratique de recherche scientifique ;

Développe le travail personnel (individuel et en équipe) et les capacités d'autonomie et de communication écrite et orale ainsi que l'utilisation de l'outil informatique. Les travaux proposés aux étudiants prennent des formes diversifiées adaptées aux disciplines : cours, travaux dirigés, travaux pratiques, enseignements intégrés, projets, travaux d'étude et de recherche, stages.

La formation comporte, dans les deux cycles, la pratique d'au moins une langue vivante étrangère, sous ses différents aspects ;

Permet aux étudiants de construire un projet de formation, en garantissant une bonne lisibilité des cursus proposés et de leurs débouchés, en veillant à leur articulation avec les formations dispensées en amont et en aval et en mettant en place un suivi des études. Le dispositif des formations assure une diversification progressive des cursus sans spécialisation prématurée. Ainsi, l'aménagement des enseignements du premier niveau du D.E.U.G. Droit offre aux étudiants, à l'issue de la première période, des choix d'orientation ouvrant sur plusieurs D.E.U.G.

Le second niveau est conçu pour assurer une bonne articulation avec les licences.

Art. 3. — Dans le cadre de la réglementation nationale, l'établissement précise et organise les différents cursus offerts aux étudiants. Pour chacun d'eux, il précise les enseignements constitutifs, leurs volumes horaires et leurs contenus, ainsi que leur agencement au sein de la formation considérée. L'établissement définit aussi les modalités du contrôle des connaissances et, dans le cadre de la présente réglementation, les règles de compensation entre les modules. Il assure, le cas échéant, l'organisation des stages et leur suivi pédagogique.

Art. 4 — Des conventions conclues avec les établissements d'enseignement supérieur étrangers peuvent prévoir la validation des enseignements de D.E.U.G., de licence ou de maîtrise, à l'issue de périodes d'études passées dans ces établissements.

Art. 11. — En ce qui concerne le premier niveau du D.E.U.G., 80 % du volume horaire portent sur les matières suivantes :

Droit civil ;
Droit constitutionnel ;
Histoire du droit et histoire des institutions ;
Relations internationales et institutions européennes ;
Science politique ;
Sciences économiques.

Art. 12. — 60 % au moins de la durée des enseignements du D.E.U.G. portent sur les matières suivantes :

Droit civil ;
Droit constitutionnel ;
Droit administratif ;
Droit pénal et sciences criminelles ;
Relations internationales ;
Institutions européennes ;
Histoire du droit et histoire des institutions ;
Finances publiques ;
Science politique ;
Sciences économiques.

Art. 13. — A la suite d'un contrôle des aptitudes et des connaissances pour chacun des modules, la validation du premier niveau du D.E.U.G. est subordonnée d'une part, à l'obtention de la moyenne compensée entre les modules fondamentaux constitués d'enseignements de droit civil et de droit constitutionnel, et d'autre part, à l'obtention de la moyenne générale compensée entre tous les modules.

En cas de redoublement du premier niveau, l'étudiant conserve le bénéfice des modules pour lesquels il a obtenu la moyenne.

TITRE III : *Les licences et les maîtrises du secteur Droit et science politique.*

Art. 14. — Dans le secteur Droit et science politique, les dénominations nationales de licences et de maîtrises sont les suivantes :

Licence et maîtrise en droit ;
Licence d'administration publique ;
Licence et maîtrise en science politique.

Les maîtrises peuvent, en outre, être assorties d'une mention, dans les conditions figurant en annexe du présent arrêté.

Art. 15. — La licence et la maîtrise en droit sont organisées chacune sous forme annuelle. Elles peuvent cependant être mises en place sous forme modulaire, sur décision de l'établissement, après avis du ou des conseils d'U.F.R. concernés.

Art. 16. — La licence et la maîtrise comportent chacune cinq cents heures d'enseignement au moins, sous forme de cours, de travaux dirigés, de travaux d'étude et de recherche ou de stage dans les conditions définies en annexe du présent arrêté.

La répartition entre ces différentes formes d'enseignement est définie par l'établissement en fonction des finalités de chaque cursus. Les travaux dirigés représentent au moins 15 % de la durée totale des enseignements.

La répartition horaire et disciplinaire des enseignements et du travail d'étude et de recherche de chaque licence et de chaque maîtrise figure en annexe du présent arrêté.

Art. 17. — La licence et la maîtrise comportent un accès de plein droit défini en annexe du présent arrêté.

la maîtrise est assortie d'une mention, cent cinquante de ces trois cent cinquante heures portent sur le domaine couvert par la mention.

La maîtrise en droit comporte en principe un travail d'étude et de recherche, individuel ou collectif, ou un stage en milieu professionnel faisant l'objet d'un rapport.

3. *Accès de plein droit*

Sont admis de plein droit à s'inscrire en vue de :

La licence en droit, les titulaires du D.E.U.G. Droit, ainsi que les titulaires du D.E.U.G. mention Droit, régi par l'arrêté du 1^{er} mars 1973 ;

La maîtrise en droit, assortie ou non d'une mention, les titulaires de la licence en droit.

4. *Habilitations antérieures*

Sur la base d'arrêtés généraux :

D.E.U.G. mention Droit (arrêté du 1^{er} mars 1973) ;

Licence et maîtrise en droit, maîtrise en droit privé et maîtrise en droit public (arrêté du 7 juillet 1977).

Sur la base d'arrêtés particuliers (1) :

Licence et maîtrise de sciences juridiques et politiques (Paris-VIII) ;

Licence et maîtrise de droit canonique (Strasbourg-II).

II. LICENCE D'ADMINISTRATION PUBLIQUE

1. *Contenu de la licence*

La licence d'administration publique comprend au moins cinq cents heures d'enseignement dont trois cent cinquante heures au moins sous forme de cours et de travaux dirigés, portant sur :

Le droit public ;

L'économie générale et la politique économique ;

Les problèmes politiques et sociaux contemporains ;

Les finances publiques.

La licence comporte un travail d'étude et de recherche, qui prend la forme d'un travail personnel ou collectif, ou d'une participation à un travail administratif.

Les étudiants préparant la licence en droit peuvent simultanément préparer la licence d'administration publique en complétant la formation de cinq cents heures de la licence en droit par des enseignements d'un volume minimum total de cent heures portant sur les disciplines suivantes :

Economie publique et politique économique ;

Problèmes politiques et sociaux contemporains ;

Institutions sociales et politiques sociales.

2. *Accès de plein droit*

Sont admis de plein droit à s'inscrire en vue de la licence d'administration publique, les titulaires du D.E.U.G. Droit, ou du D.E.U.G. Economie et gestion, ou du D.E.U.G. Administration économique et sociale, ainsi que les titulaires des D.E.U.G. mention Droit, ou mention Sciences économiques, ou mention Administration économique et sociale, régis par les arrêtés du 1^{er} mars 1973.

3. *Accès conditionnel*

Sont également admis à s'inscrire en vue de la licence d'administration publique, après examen de leur dossier par une commission pédagogique composée d'enseignants-chercheurs relevant des sections juridiques, politiques, économiques et de sciences humaines du Conseil national des universités, les étudiants titulaires du D.E.U.G. ou qui en ont obtenu la dispense conformément aux dispositions de l'article 11 de l'arrêté du 26 mai 1992 susvisé. Lorsque des enseignements particuliers sont dispensés

(1) L'indication placée entre parenthèses précise les établissements habilités.

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Note pratique

Remarques générales

Conformément aux instructions données par le comité d'organisation et le comité scientifique, les rapports nationaux ont été soumis en anglais ou en français, à la seule exception du rapport allemand (présenté en allemand).

Certains rapports ont nécessité un travail plus ou moins conséquent de remise en forme ou même de réécriture, en particulier (mais pas seulement) lorsque la langue maternelle du rapporteur n'était pas l'une ou l'autre de ces langues. Dans tous les cas, les propositions de modifications ont été soumises aux auteurs qui ont donc pu valider les changements suggérés.

Toutes les versions traduites ont également été soumises aux rapporteurs pour validation avant impression.

Options retenues pour la traduction

L'équipe des traducteurs a pris les options suivantes dans son travail et les a appliquées de façon systématique à tous les rapports nationaux (textes originaux et traduits), dans un souci de cohérence et de bonne compréhension

- le premier terme des expressions désignant une discipline porte une capitale lorsqu'un s'agit de renvoyer au nom d'un enseignement (cours, modul, unité de valeur, etc.)
- les termes donnés dans la langue originale du rapporteur sont écrits en italiques; il s'agit essentiellement de désignations de diplômes, titres, ou encore d'institutions et d'organismes propres au pays. Les italiques sont également employés pour les mots pleins ou en abrégé repris du latin.

En conséquence, un terme ou une expression pourra apparaître en italique même s'il s'agit, par exemple d'un mot français dans le rapport français ou belge.

Practical Note

General

Following the guidelines provided by the organising committee and the scientific committee, all national reports were submitted in English or French, with the sole exception of the German report (drafted in German).

Some reports required more or less extensive editorial work or even re-writing, especially – but not exclusively – when the rapporteur's mother tongue was neither of these two languages. In all cases, proposals for amendments were submitted to the corresponding authors who were thus given the opportunity to validate the suggestions for changes.

All translated versions were also submitted to rapporteurs for validation before printing.

Decisions made for the translation

The translation team made the following decisions for their work and then systematically applied them throughout the national reports (original and translated texts) for the sake of greater consistency and readability

- the first term of phrases referring to a specific discipline is capitalised whenever they identify a part of a curriculum (course, module, study unit, etc.)
- terms provided in the rapporteur's original language have been italicized. This holds true in particular for references to degrees and diplomas, or for the names of institutions and organisations proper to the country concerned. Full words or abbreviations in Latin have also been italicized.

Consequently, a term of expression can be italicised even if, for instance, it is an English word found in the English or Irish report.