Minutes
Rotterdam Law Network Meeting 2013
Sofia, Bulgaria

Participants present at the meeting

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*Applying for RLN Membership

The Chair of the network Prof. Dr. Jaap de Zwaan was unfortunately not able to attend the network meeting because of his wife's illness. Hans de Wulf of Ghent University replaced him for this meeting.

**Agenda**

1. Welcome Speech by Prof. Dr. Sasho Penov

2. Opening Statement by Prof. Anastass Gerdgikov
   - 2.1 Recognition of diplomas in Bulgaria

3. Welcome words from Hans de Wulf

4. Internationalisation of legal education in the Faculty of Law by Associate Professor Dr. Atanas Semov

5. Presentation of paper ‘European Integration and Education’ by Hans de Wulf
   - 5.1 Mutual Recognition of Degrees
   - 5.2 Recognition of degrees and getting access to the judicial profession (bar exam)
   - 5.3 Recognition and Access

6. EU Law related activities of Sofia University by Associate Professor Dr. Atanas Semov

7. Bulgarian Civil Law by Professor E. Mateeva

8. Rotterdam Law Network Annual Discussion
   - 8.1 Membership Applications
   - 8.2 Mobility trends inside-outside Europe
   - 8.3 Criteria New Partnerships

9. Bulgarian Constitutional Law by Professor E. Tanchev

10. Closing Remarks
1. Welcome speech  
Prof. Dr. Sasho Penov Dean of the Faculty of Law

Dr. Penov poses the following questions: Is the European legal education ready for the challenges required to study law in the 21st century?

In Bulgaria legal norms include more and more European components. Since its access to the EU, EU law became directly applicable in Bulgaria. Because of this a course in European Law is compulsory in the curriculum. In addition the European dimension is integrated in many other legal courses.

The Law faculty of the University of Sofia has signed quite a number of bilateral agreements opens doors for international collaboration. The Law faculty wishes to sign more bilateral agreements as the number of exchange places is often fully booked.

2. Opening Statement  
Prof. Anastass Gerdgikov Vice Rector of education at Sofia University

Professor Gerdgikov gives a summary of the main numbers related to Sofia University. At the moment the University is home to 17000 Bachelor students, 8000 Master students and 800 PhD students.

Sofia University maintains international relations with 200 universities. Recently two new governental initiatives were introduced namely 1. the higher education act and 2. the development of academic staff act. Unfortunately these measurements are causing problems for (legal) higher education. For example the fact that an accreditation agency has been established and that due to the fact of programme accreditation the university constantly is in the process of accreditation of one of its programmes. Sofia University is trying to improve her management related to the accreditation of her programmes.

2.1 Recognition of diplomas in Bulgaria

Automatic recognition of diplomas obtained in the EU should in principle be applied in every EU member state. However for foreign Law degrees Bulgaria applies “partly automatically recognition”. This means that various aspects of the degree are checked by Bulgarian authorities, for example whether the general study period is 5 years (!) and if based on the content the degree really is a Master’s degree. Recently authorities are becoming more flexible concerning recognition of foreign degrees. Also degrees with a duration of 4 years are now accepted.

In Bulgaria no national standards and criteria for awarding degrees by universities apply. Some universities make profit of this and award degrees to people that don’t fulfill the requirements. Of course the University of Sofia does not belong to this category and only awards degrees to people that fulfill certain academic requirements set by the university.

3. Welcome words
Hans de Wulf welcomes everyone and emphasizes the advantages of the Rotterdam law network: discussing internationalization developments related to legal education face to face

4. Internationalization of legal education in the Faculty of Law  
Associate Professor Dr. Atanas Semov

Ani Antonova could not attend the meeting and is replaced by Associate Professor Dr. Atanas Semov.

Dr. Semov summarizes the three main international initiatives at the Faculty of Law of Sofia University

1. International partnerships
2. Education, continuing education, research
3. Publications

The Law Faculty became a center of EU studies and has established many international partnerships (15 agreements in 9 countries). In addition they have functional working relations with other partners such as Nantes, Paris, Nice, Bordeaux, Belgrade, Zagreb etc.

In 2005 a Centre for continuous education was established. The centre collaborates with public administration, national institute of justice, institute of EU law, state agency for youth and sport, Bulgarian association for international law and Bulgarian association for European Law.

Finally the faculty produces a large amount of papers related to EU Law.

5. Presentation of paper ‘European Integration and Education’ by Hans de Wulf

The paper on European Integration and Education was written by Jaap de Zwaan and is annexed to this report.

It addresses the fact that the EU strictly speaking does not have any formal competences concerning education, no legislation related to education can be developed. However many formal rights are linked to the exercise of the fundamental right of free movement of persons -in this case students- in the context of the working of the internal market. Free movement of persons requires access to public services such as education and is in line with the equal treatment of nationals of the host-state, no discrimination is allowed. However in practice cases of discrimination do occur.

In the 1990s an official and specific student directive was adopted: students too can invoke the principle of free movement if they possess enough financial means and an adequate health insurance.

Students too are considered EU citizens, covered by the non-discrimination
principle. However, students –who are not economic active- are not workers – who are economic active- and thus can be treated differently and restricted more than workers. In order to be treated equal for example with regard to study grants, a certain degree of ‘integration’ can be required from students. In this context the Court of Justice accepted the fact that in the Netherlands only after five years of permanent residence you will get a Dutch scholarship (student loan).

In the paper the consequences of the Bologna process; two cycle (Bachelor/Master), implementation of ECTS, standardization of Higher Education are briefly mentioned.

5.1 Mutual recognition of degrees
An important principle related to the mutual recognition of degrees is the test of equivalence. As a result the host-country must take into account the prior qualifications in the country of the applicant’s origin (recognized in the directive of 2005 on the recognition of professional qualifications). In practice however, when an international lawyer tries to get access to the profession outside his home country there are often various obstacles to become a BAR member such as language requirements.

5.2 Recognition of degrees and getting access to the judicial profession (bar exam)

1. Possibilities to study abroad are sufficient and recognition of law degrees seems to be well arranged BUT
2. Getting access to the Bar exam in certain countries is more difficult in other disciplines, for example in Finland also graduates with a non-Finnish Law degree can apply, if they pass the EEA aptitude test arranged by the National Board of Education that s/he has sufficient knowledge of Finnish legislation and of the practise of law in Finland, whereas in other countries foreign law degrees are not accepted to get access to the Bar exam. Recognition of diplomas may finally contribute to facilitate access to Bar exam. From Horizontal to vertical integration.

Some countries are working with A and B lists (B list includes foreign attorneys, that do not have similar rights in judicial process as national attorneys).

An alternative proposal might be to have the possibility of a BAR exam aimed at a certain field of practice e.g. a commercial lawyer working at an international company will focus on mergers, acquisitions and only certain branch specific knowledge of the national legal system is required.

Discussion question for the group: Are there any countries where you can become a lawyer without having knowledge of all the legal domains?:

UK has the most liberal system where a law degree is only a start for a legal career. Many lawyers (25%) do not have a law degree. Skills and attitudes are
very important for the bar exam. The position of the UK is quite unique compared to the rest of Europe.

In the majority of EU countries Belgium, Norway, Lithuania and the Netherlands knowledge of national law broadly speaking is required to participate in the bar exam. One of the reasons is consumer protection: it is considered important that people working in a legal profession have overall country specific knowledge. It’s a safeguard for the system. When a student from the USA has obtained a German LL.M. this is not sufficient to become a legal practitioner in Germany.

The University of Lisbon has submitted an application for an EU project. In this project an overview for each EU country will be developed demonstrating the conditions for getting access to the legal professions and the conditions for getting a law degree.

The RLN members from Eastern-Europe emphasize that state control is required for managing the practice of the legal profession. A liberal model (like UK) may not work and result in an inflation of the practice.

5.3 Recognition and access

One of the members asks about the recognition of a foreign (legal) Bachelor’s degree in order to enroll in a national (legal) Masters’ degree. In Finland a Finnish test is required.

In multiple countries international students can’t get access to the bar-exam with a foreign Bachelor and a Master of the country of the bar exam. A Bachelor degree of the home country is required to get access to the national bar exam. Few universities have entrance exams required for getting access to the undergraduate programme. Scotland applies an attitude test for future students although students who successfully pass this test do not perform better than students who enrolled earlier in the programme without passing this test.

6. EU Law related activities of Sofia University

Associate Professor Dr. Atanas Semov gives an overview of the EU Law related activities and the double degree programme.

1. EU Law Courses. One mandatory course: EU Law (general), three optional courses including European and international nuclear law (unique). Different topics of EU law integrated in 12 obligatory courses.
2. Double degree programme: International Master in European Law (Sofia and University of Nancy, France). Professional programme: interesting for lawyers without a background in EU law. Only available since 1999. 300 judges have passed this programme 50 from the supreme courts. Teaching language is Bulgarian and French. In the future this programme will also be offered in English.
3. Program for continuing education including center for continuing education: short or long courses for legal professionals, summer and winter academy of EU law

4. European summer university of European integration together with CIFE (www.cife.org), only summer programme with juridical subject. French speaking.

5. Participation and organization of and in scientific conferences

6. Publications in the field of EU law

**7. Bulgarian Civil Law**

Professor E. Mateeva gives an overview of the Bulgarian Civil Law.

**8. Rotterdam Law Network Annual Discussion**

*8.1 Membership Applications*

Hans emphasizes that the membership does not mean that the members have automatically bilateral agreements with the entire network. This is to be decided by all partners individually.

*Faculty of Law, University of Belgrade is presented by Ivana Rodic*

Faculty of Law established in 1808

- Membership of EUA, participation in Erasmus Mundus programme, involved in many other mobility projects
- 50,000 graduates
- At the moment 8000 Bachelor students
- Leading law faculty for rest of country
- Bologna implemented: 4 (bachelor) + 1 (Master) + 3 (Doctoral degree)
- One English taught Master programme in European Integration.
  Also French language degree is offered

*Faculty of Law, University of Thessaloniki presented by Joseph Ktenidis*

- Largest university of Greece. Law faculty is one of the founding fathers of the university
- ECTS system implemented
- 6 Masters programmes (max 20)
- Approximately 100 incoming Erasmus students annually
- 16 (fall) and 19 (spring) English taught courses. Mainly courses in international and European law
- Intensive Greek language courses offered to Erasmus Students

*Faculty of Law University College Cork presented by Claire Murray*
• Well-ranked (Top 200 QS Ranking)
• 6 undergraduate programmes
• 35 Erasmus exchange students
• 6 international incoming LL.M. students
• exchange students have access to post-graduate and undergraduate programmes
• Working towards semestersystem (implemented in 2014-2015)
• 43 post-graduate students
• 6 LL.M programmes +2 new LL.M. programmes from September 2013

There were no questions/comments and all three requests for membership are approved.

8.2 Mobility trends inside-outside Europe

Most countries experience an increase in number of students. About 50% of the faculties receives more students compared to the number of students sent abroad.

Innsbruck: Exchange to Italy very popular, because of the content of the programme in Italian Law.
Ghent: Slowly sending more students to Eastern Europe.
If there are more non-European partner universities, students tend to go on a non-European exchange.
Within the EU; Scandinavia and UK are popular among Western countries. The Netherlands, Belgium and Germany are popular among central and eastern European countries.

USA is no longer interested in exchange with UK (diminishing demand from side of the students). Australia and New-Zealand are too expensive for UK students.
UK: students are going for 1 year abroad, difficult to stimulate students to go to South-Europe. In order to stimulate student mobility students are encouraged to participate in an intensive programme (EU short mobility programme), this initiative often makes the step towards a regular exchange smaller.
Reciprocity principle applied in University of Copenhagen and Stockholm for different reasons.
Swedish students do not have access to English taught courses because of many incoming exchange students.

The Danish government has implemented new regulations which enforce the Danish universities to focus on an improved balance between outgoing and incoming students. Previously, the state (and then also the Danish tax payers) paid for the extra costs related to a high imbalance in the number of incoming and outgoing exchange students but with the new regulations, extra costs related to an imbalance in the number of incoming and outgoing exchange students have to be covered by the universities’ own budget.
Norway exceptional position: receives money for incoming students, financially attractive to have more incoming exchange students.

According to Lisbon and Bergen reciprocity is against the principle of the exchange programme.
Lithuania and Latvia: less exchange, students take the entire LL.M. degree abroad preferably in Germany and UK. Clear need to encourage more students to study abroad.

8.3 Criteria new partnerships

Majority of the members looks at the availability of English language courses and if the future partner offers interesting programme/courses for students. For some members the demand of the student is the leading factor. Thessaloniki is also sending students to French, Spanish, Italy, there is no need to offer courses in English because students are willing to learn a new language.

9. Bulgarian Constitutional Law

Professor E. Tanchev presents the Bulgarian Constitutional Law.

10. Closing remarks

Hans thanks everyone for their participation and expresses his hope to see everyone next year -2014- in Ghent.

Probably Eötvös Lorent University will host the 2015 Conference in Budapest.