

This is an English translation of *Bekendtgørelse om ph.d.-uddannelsen ved universiteterne og visse kunstneriske uddannelsesinstitutioner (ph.d.-bekendtgørelsen)* (Ministerial Order on the PhD Programme at the Universities and Certain Higher Artistic Educational Institutions (PhD Order)). In the event of a discrepancy between the translation and the Danish version, the Danish text published in the Danish Official Gazette (*Lovtidende*) is valid.

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No. 1039

### **Ministerial Order on the PhD Programme at the Universities and Certain Higher Artistic Educational Institutions (PhD Order)**

Pursuant to section 8(1) and section 34(1) of the Danish Act on Universities (the University Act) (*Universitetsloven*), see Consolidation Act no. 367 of 25 March 2013, and section 10(1), section 12 and section 15(2) of the Danish Act on Higher Artistic Educational Institutions (*Lov om videregående kunstneriske uddannelsesinstitutioner*), see Consolidation Act no. 465 of 8 May 2013, the following is stipulated:

#### Part 1

##### *Purpose, structure etc.*

**1.-(1)** The PhD programme is a research programme aiming to train PhD students at an international level to undertake research, development and teaching assignments in the private and public sectors, for which a broad knowledge of research is required.

(2) The PhD programme mainly comprises active research training under supervision.

#### **2.-(1)**

The ministerial order applies to PhD programmes at the universities and at the higher artistic educational institutions under the Ministry of Science, Innovation and Higher Education.

(2) The institutions, see subsection (1), may award the PhD degree within fields within which they carry out research and within which they have set up a PhD school, either independently or in cooperation with other institutions covered by the ministerial order.

**3.-(1)** The PhD degree is awarded to students who have successfully completed the PhD programme, see, however, section 15(2) and (3), and successfully defended their PhD thesis.

(2) Persons who have been awarded a PhD degree have the right to use the title PhD.

**4.-(1)** The PhD programme is equivalent to 180 ECTS points and normally takes the form of full-time studies; however, the institutions may lay down rules providing for part-time studies.

(2) 60 ECTS points correspond to one year of full-time studies.

#### Part 2

##### *Admission etc. to the PhD programme*

**5.-(1)** Admission to the PhD programme is based on a Master's degree or equivalent.

(2) The university may decide to let the PhD programme start in connection with a Master's programme; however, it must be ensured that the entire study programme has the scope and level described in sections 1 and 4. The university lays down rules thereon.

(3) Students admitted under subsection (2) must have the opportunity to complete the Master's programme.

**6.-(1)** The institution decides who is to be admitted as PhD students. The institution's rules must stipulate the criteria on which admission is based.

(2) The PhD student is enrolled administratively on the PhD programme.

### Part 3

#### *Contents of the PhD programme etc.*

**7.-(1)** The PhD programme is set up in accordance with rules laid down by the institution.

(2) During the programme, the student is required to:

- 1) Carry out independent research work under supervision (the PhD project).
- 2) Complete PhD courses or similar study elements totalling approx. 30 ECTS points.
- 3) Participate in active research environments, including stays at other, mainly foreign, research institutions, private research enterprises etc.
- 4) Gain experience of teaching activities or other form of knowledge dissemination which is related to the student's PhD project.
- 5) Complete a PhD thesis on the basis of the PhD project.

(3) The institution may approve on a case-by-case basis that the PhD programme does not comprise one or more of the elements described in subsection (2), nos. 1-4, if the institution finds that the PhD student has completed other study elements that are comparable to the above (credit transfer).

**8.-(1)** For each PhD student, the institution designates a principal supervisor who is responsible for the overall PhD programme. The principal supervisor must be a recognised researcher within the relevant field, be employed by the institution and affiliated with the PhD school.

(2) On its own initiative or following an application from the PhD student, the institution may:

- 1) Appoint other supervisors, who must be qualified within the relevant field.
- 2) Replace the principal supervisor and other supervisors.
- (3) The institution offers the PhD student a teaching course.
- (4) The institution offers the PhD student teaching guidance.

(5) The institution ensures that the required resources are available for the PhD student to complete the PhD programme as laid down in the student's PhD plan.

(6) The institution lays down rules for the supervision provided to the PhD student.

### Part 4

#### *Completion of the PhD programme*

**9.-(1)** Within three months of the start of the PhD programme, the institution approves a research and study plan (the PhD plan) for the individual PhD student.

(2) The PhD plan must, as a minimum, contain the following:

- 1) A schedule.
- 2) An agreement on the type of supervision provided.
- 3) A plan for the PhD project.
- 4) A plan for PhD courses etc.
- 5) A plan for participation in active research environments.
- 6) A plan for teaching activities or other types of knowledge dissemination.
- 7) Any agreements on intellectual property rights.

8) A financing plan (budget).

**10.-(1)** At regular points in time during the PhD programme, the institution must assess whether the PhD student is following the PhD plan and, if necessary, adjust the plan. This assessment is based on an opinion from the principal supervisor, who, after having consulted the PhD student, confirms that the PhD programme is progressing in accordance with the PhD plan or justifies, in writing, why adjustments are required. The PhD student must be given the opportunity to submit his or her comments on the principal supervisor's opinion within a deadline of at least two weeks. In the assessment, the institution must take account of periods of documented illness, maternity/paternity leave and other approved leave. The institution lays down rules on the frequency of such assessments.

(2) If the institution assesses that the PhD student is not following the PhD plan, in spite of any adjustments made to the plan, the student must be given three months to get back on course. The three months do not give rise to an extension of the PhD programme. The chance to get back on course in connection with a regular assessment pursuant to subsection (1) can only be given to the PhD student once during the PhD programme.

(3) The institution must make a new assessment as described in subsection (1) as soon as possible after the end of the three-month period.

(4) If the assessment described in subsection (3) is negative, the student is expelled from the PhD programme. The institution must inform any other employer(s) of the expulsion without delay.

## Part 5

### *PhD thesis*

**11.** The PhD thesis must document the PhD student's or the author's ability to apply relevant scientific methods and to carry out research work meeting the international standards for PhD degrees within the field in question.

**12.-(1)** The institution lays down rules on the writing and submission of the PhD thesis.

(2) A PhD thesis cannot be submitted for assessment by two or more authors jointly.

(3) The PhD thesis must contain an abstract in Danish and English.

(4) Any articles included in the thesis may be written in cooperation with others, provided that each of the co-authors submits a written declaration stating the PhD student's or the author's contribution to the work, see, however, subsection (5).

(5) The institution may lay down rules limiting the number of written declarations submitted pursuant to subsection (4). However, the main author of the article must always submit a written declaration pursuant to subsection (4).

**13.** The PhD student's enrolment at the institution expires upon the submission of the thesis.

**14.-(1)** Within one week of the submission of the thesis, the principal supervisor must submit an opinion on the PhD programme as a whole, including the completion of the individual elements of the PhD plan, see section 9.

(2) If the principal supervisor states in the opinion that the PhD programme is not completed satisfactorily, the PhD student must be given at least two weeks to comment on the principal supervisor's opinion.

(3) On the basis of the opinion of the principal supervisor, see subsection (1), the PhD student's comments, if any, see subsection (2), and the regular assessments, see section 10(1), the institution must determine whether the PhD programme has been completed satisfactorily.

**15.-(1)** The thesis can only be accepted for assessment if the PhD programme is completed satisfactorily, see, however, subsections (2) and (3).

(2) In special cases, the institution may decide that a thesis may be accepted for assessment without the author having completed the PhD programme, if the institution assesses that the author has in other ways acquired other comparable qualifications.

(3) The institution may accept a PhD thesis written by a PhD student from a foreign educational institution for assessment if the PhD student has completed a period of study at the Danish institution as part of a mutually obliging collaboration agreement on PhD training, including the assessment, defence, awarding of degrees etc., and if the institution assesses that the PhD student has acquired qualifications comparable with those acquired under a Danish PhD programme.

## Part 6

### *Assessment committee*

**16.-(1)** Upon the submission of the PhD thesis at the latest, the institution appoints an expert assessment committee composed of three members. The institution appoints a chairman from among the committee members.

(2) The members of the assessment committee must be recognised researchers within the relevant field. Two of the members must be external researchers, of whom at least one member must be from outside of Denmark, unless this is not practicable considering the subject in question. The PhD student's supervisors must not be members of the assessment committee; however, the principal supervisor assists the assessment committee without voting rights.

**17.** Immediately after having appointed the members of the assessment committee, the institution must inform the PhD student or the author thereof, see section 15(2). The PhD student or the author is entitled to object to the members appointed within a period of at least one week.

## Part 7

### *Preliminary assessment of the PhD thesis*

**18.-(1)** Within two months of the submission of the PhD thesis, the assessment committee must make its recommendation to the institution as to whether the PhD thesis fulfils the requirements for the award of the PhD degree. The month of July is not included when calculating the two-month deadline. The recommendation must be reasoned, and in the event of disagreement, the majority will prevail. The institution sends a copy of the recommendation to the PhD student or the author as soon as possible.

(2) If the recommendation is favourable, the defence of the thesis can take place.

(3) If the recommendation is not favourable, the assessment committee must state in the recommendation whether the PhD thesis may be resubmitted in a revised version. In such case, a deadline for resubmission must be stated. The PhD student or the author and the principal supervisor must be given the opportunity to submit their comments on the recommendation within a period of at least two weeks.

(4) If the recommendation is not favourable, the institution must make one of the following decisions based on the assessment committee's recommendation and the PhD student's or the author's and the principal supervisor's comments, if any:

1) That the defence of the thesis may not take place.

2) That the PhD thesis may be resubmitted in a revised version within a deadline of at least three months. If the PhD thesis is resubmitted, it must be assessed by the same assessment committee, unless special circumstances apply.

3) That the PhD thesis must be submitted for assessment by a new assessment committee.

## Part 8

### *Defence of the PhD thesis*

**19.-(1)** The PhD thesis must be defended publicly in accordance with rules laid down by the institution. At the defence, the PhD student or the author must be given the opportunity to explain his or her work and defend the PhD thesis before the members of the assessment committee, see, however, subsection (3).

(2) The institution must ensure that the PhD thesis is made available to the public in due time before the defence.

(3) If special circumstances apply, subject to agreement with the PhD student or the author, the institution may decide that a planned defence can be completed with participation of only two members of the assessment committee.

**20.-(1)** The institution decides the time and place of the public defence.

(2) The defence takes place two weeks after the assessment committee's submission of its recommendation, at the earliest, see section 18(1), and within three months of the submission of the PhD thesis, at the latest, see, however, subsection (3) and section 18(1), second sentence.

(3) If special circumstances apply, the institution may decide to postpone the defence. Postponement of the defence is subject to agreement between the PhD student or the author and the institution, including on the date and time arranged for the defence.

## Part 9

### *Award of the PhD degree*

**21.-(1)** Immediately following the defence, the assessment committee must make its recommendation as to whether the PhD degree should be awarded and must notify the institution and the PhD student or the author thereof. The recommendation must be reasoned, and in the event of disagreement, the majority will prevail.

(2) If the recommendation of the assessment committee is negative, the institution may decide to let the thesis be assessed by a new assessment committee, if so requested by the PhD student or the author within a period of at least one week.

**22.** The PhD degree may be awarded if the assessment committee submits a recommendation to that effect.

**23.-(1)** The institution issues a certificate of the award of the PhD degree.

(2) Such certificate must be in Danish and English and contain information on the relevant field and the subject of the PhD thesis as well as information on the PhD programme completed.

(3) As part of a mutually obliging collaboration agreement on PhD training, including the assessment, defence, awarding of degrees etc., the institution may provide a certificate with an endorsement, signature or the like from one or more foreign institutions with which the institution collaborates, making it appear as a joint document, if the document is also made enforceable under foreign law (joint degree).

(4) As part of a collaboration agreement, see subsection (3), the institution may also provide a certificate from one or more foreign institutions with which the institution collaborates with an endorsement, signature or the like, such that the diploma is also made enforceable under Danish law, if the institution assesses that the PhD student has acquired qualifications comparable with those acquired under a Danish PhD programme.

(5) The institution and one or more foreign institutions with which the institution collaborates may, as part of a collaboration agreement, see subsection (3), each issue a certificate of the award of the same PhD degree (double degree or multiple degree).

**24.** If the PhD degree is not awarded, the institution will upon request issue documentation in both Danish and English concerning the elements of the PhD programme that have been completed.

## Part 10

### *The institution's rules*

**25.-(1)** The institution lays down rules on:

1) Admission to the PhD programme, see section 6(1).

- 2) Organisation of the PhD programme, see section 4(1), section 7(1) and section 10(1).
- 3) Appointment of the principal supervisor, see section 8(1), and any further supervisors, see section 8(2) and section 27(1), no. 1.
- 4) Supervision of PhD students, see section 8(6).
- 5) Writing and submission of the PhD thesis, see section 12(1).
- 6) Defence of the PhD thesis, see section 19(1).
  - (2) The university also lays down rules on admission to the PhD programme pursuant to section 5(2).
  - (3) The rules must contain a provision to the extent that the institution may grant exemptions from the rules laid down by the institution.
  - (4) The rules and material amendments thereto must comprise the necessary interim arrangements.
  - (5) The institution's rules must be made public on the institution's website.

## Part 11

### *Other rules*

**26.-(1)** In connection with the conclusion of a mutually obliging collaboration agreement on PhD training, including the assessment, defence, awarding of degrees etc. with one or more foreign educational institutions, the institution may derogate from the requirements set out in the ministerial order concerning:

- 1) The composition of the assessment committee, see section 16(1), first sentence, and section 16(2), second sentence.
- 2) The deadline for preliminary assessment of the PhD thesis, see section 18(1), first and second sentence.
- 3) The deadline for scheduling the defence of the PhD thesis, see section 20(2).
- (2) In such cases, the institution is responsible for informing applicants and PhD students who are covered by the collaboration agreement about the conditions applying to the programme, including the rules in the ministerial order derogated from, see subsection (1). This information must be made available before the application deadline.

**27.** The following applies to PhD fellowships financed through the Industrial PhD scheme:

- 1) In addition to the principal supervisor, see section 8(1), the institution appoints a supervisor affiliated with the company in which the PhD student is employed. Such supervisor must be qualified within the relevant field.
- 2) At least one of the members of the assessment committee, see section 16(1), must have company-relevant research experience within the relevant field.

**28.-(1)** The Danish Agency for Universities and Internationalisation may grant exemptions from the ministerial order for PhD students at universities if unusual circumstances apply, except in the situations mentioned in section 19(3), section 20(3) and section 26(1).

(2) The Danish Agency for Higher Education and Educational Support may grant exemptions from the ministerial order for PhD students at higher artistic educational institutions if unusual circumstances apply, except in the situations mentioned in section 19(3), section 20(3) and section 26(1).

### *Appeals against decisions made by the institution*

**29.-(1)** The university's decisions made under the present ministerial order may be appealed to the Danish Agency for Universities and Internationalisation by the party which the decision concerns (the complainant) if the appeal concerns legal issues. Complaints must be submitted within two weeks of the complainant having been informed of a decision. (2) The higher artistic educational institution's decisions made under the present ministerial order may be appealed to the Danish Agency for Higher Education and Educational Support by the party which the decision concerns (the complainant) if the appeal concerns legal issues. Complaints must be submitted within two weeks of the complainant having been informed of a decision.

(3) The PhD students and authors described in the present ministerial order are entitled to make complaints. However, in order to be entitled to submit complaints, authors who have not completed the PhD programme must have had their PhD thesis accepted for assessment pursuant to section 15(2).

(4) The complaint must be submitted to the institution which has made the decision in the case. The institution will issue a statement giving the complainant at least one week to respond. The institution then sends the complaint to the relevant agency, see subsections (1) and (2), accompanied by the statement and any comments thereon from the complainant.

## Part 12

### *Commencement and interim provisions*

**30.-(1)** This ministerial order enters into force on 1 September 2013.

(2) Ministerial Order no. 18 of 14 January 2008 on the PhD Programme at the Universities (PhD Order) is repealed.

(3) The institution may lay down the necessary interim arrangements for students to complete the programme in accordance with the rules set out in this ministerial order.

*Ministry of Science, Innovation and Higher Education, 27 August 2013*

MORTEN ØSTERGAARD

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