



UNIVERSITY OF SÃO PAULO  
FACULTY OF LAW  
POSTGRADUATE DEGREE PROGRAM

**NOTICE FD/PÓS/SEL. nº 05/2012 – OPENING OF THE SELECTION  
PROCESS FOR ADMISSION INTO THE  
POSTGRADUATE DEGREE PROGRAM  
OF THE FACULTY OF LAW OF THE  
UNIVERSITY OF SÃO PAULO FOR THE  
2013 ACADEMIC YEAR.**

The Postgraduate Studies Commission (CPG) of the Faculty of Law of the University of São Paulo (FDUSP), by the power vested upon it by article 40 of the Postgraduate Statute of the University of São Paulo, hereby announces the commencement of the application period and establishes the rules for the selection process for admission into the Postgraduate Degree Program for the 2013 academic year, which offers masters, doctorate and direct-doctorate degrees awarded by the Faculty of Law of the University of São Paulo.

**1 – GENERAL PROVISIONS**

- 1.1.* The Postgraduate Degree Program of the FDUSP comprises eleven fields of concentration, namely: 1) *DCV – Civil Law*; 2) *DCO – Commercial Law*; 3) *DEF – Economic, Financial and Tax Law*; 4) *DES – Public Law*; 5) *DIN – International Law*; 6) *DPM – Criminal Law*; 7) *DPC – Procedural Law*; 8) *DTBS – Labor and Social Security Law*; 9) *DFD – Philosophy and General Theory of Law*; 10) *DHU –*

*Human Rights and 11) DRM – Roman Law and Contemporary Legal Systems.*

- 1.2. **This selection process does not apply to the field of Roman Law and Contemporary Legal Systems.**
- 1.3. The selection process shall be divided into three stages, pursuant to clause 8.
- 1.4. In order to participate in the selection process, applicants must either hold a bachelor's or a master's degree, or be awarded a bachelor's degree on the same year of application.
- 1.5. Applicants shall be exempted from the language proficiency examination pursuant to sub-clause 5.2.
- 1.6. Applicants shall be exempted from the essay examination pursuant to sub-clause 5.3.
- 1.7. Reductions of language proficiency examination fees shall be granted pursuant to clause 6.
- 1.8. The language proficiency examination fees shall be waived pursuant to clause 7.
- 1.9. Applicants shall have access to their respective language proficiency examinations pursuant to sub-clause 8.1.
- 1.10. Applicants shall have access to their respective essay examinations pursuant to sub-clause 8.2, item "e".
- 1.11. The foreign language proficiency examination shall be the responsibility of FUVEST.
- 1.12. Pursuant to **Resolution FD/CPG/SEL. nº 01/2010**, there may be two successive rounds of applicants selected to participate in the third stage of the selection process (to be defined by prospective advisors), as stipulated in clause 9.
- 1.13. Throughout the selection process one Resolution is to be issued by the CPG, seven Notices and three Bulletins are to be issued by FDUSP (which shall be available at [http://www.direito.usp.br/pos/pos\\_stricto\\_editais\\_01.php](http://www.direito.usp.br/pos/pos_stricto_editais_01.php)), and the results for the language proficiency examinations are to be issued by FUVEST, according to the following timeline:

**2 – TIMELINE**

<b>IMPORTANT DATES</b>	
7 <sup>th</sup> to 16 <sup>th</sup> May 2012	<b>APPLICATION period</b>
1 <sup>st</sup> June 2012	Publication of <b>CPG Resolution</b> containing the results pertaining to application requests.
5 <sup>th</sup> June 2012	Publication of <b>Bulletin FD/PÓS/SEL. nº 02/2012</b> containing the following items: 1. Answer to requests for exemption from the foreign language proficiency examination. 2. Answer to requests for exemption from the essay examination. 3. Answer to requests for a 50% reduction of the FUVEST fee. 4. Answer to requests for waiver of the FUVEST fee (only for applicants pursuing admission into the

	Human Rights field).
15 <sup>th</sup> to 25 <sup>th</sup> June 2012	Period for SUBMITTING APPLICATIONS TO THE FOREIGN LANGUAGE PROFICIENCY EXAMINATION and paying the FUVEST fee.
26 <sup>th</sup> June 2012	Deadline for applicants to pay the FUVEST fee
14 <sup>th</sup> and 15 <sup>th</sup> July 2012	Foreign language proficiency examinations, pursuant to the guidelines posted on FUVEST's website ( <a href="http://www.fuvest.br">www.fuvest.br</a> ).
17 <sup>th</sup> August 2012	Publication of the results for the foreign language proficiency examinations on FUVEST's website ( <a href="http://www.fuvest.br">www.fuvest.br</a> ).
23 <sup>rd</sup> August 2012	Applicants have access to their respective foreign language proficiency examinations at the Postgraduate Office.
24 <sup>th</sup> August 2012	Publication of <b>Notice FD/PÓS/SEL. n° 06/2012</b> , containing the list of applicants invited to participate in the second stage of the selection process (essay examination) and the location of the examination.
4 <sup>th</sup> September 2012	Essay examination.
5 <sup>th</sup> October 2012	<ol style="list-style-type: none"> <li>1. Publication of <b>Notice FD/PÓS/SEL. n° 07/2012</b>, containing the results for the essay examination.</li> <li>2. Publication of <b>Notice FD/PÓS/SEL. n° 08/2012</b>, containing the list of applicants invited to participate in the third stage of the selection process (first round of candidates selected by advisors) and vacancies available.</li> <li>3. Publication of <b>Bulletin FD/PÓS/SEL. n° 03/2012</b>, containing specific instructions regarding criteria for the first round of admissions by advisors.</li> </ol>
16 <sup>th</sup> October 2012	Access by applicants to the essay examination at the Postgraduate Office.
18 <sup>th</sup> to 24 <sup>th</sup> October 2012	<p>Applicants accepted and/or exempted in the two previous stages of the selection process submit their choice of intended advisor within the previously selected field of concentration and submit the following documents at the Postgraduate Office:</p> <ol style="list-style-type: none"> <li>1. Two copies of the advisor application form, available at <a href="http://www.direito.usp.br/pos/arquivos/ficha_selecao_orientador_2012.pdf">http://www.direito.usp.br/pos/arquivos/ficha_selecao_orientador_2012.pdf</a>. One of the copies shall be returned to the applicant to be kept as a receipt.</li> <li>2. A research project within the line of research of the intended advisor containing: (i) the research theme and its boundaries; (ii) the rationale and relevance of the theme chosen; (iii) the main issues to be discussed; (iv) bibliography, and (v) in the case of doctoral candidates, the original contribution to Brazilian legal science. <b>Obs.: one copy of the research project must be submitted in printed form and the other in PDF format via labeled CD-ROM.</b></li> <li>3. <i>Lattes</i> curriculum in printed form (<a href="http://www.cnpq.br">www.cnpq.br</a>). <b>Curricula that do not conform to this standard shall not be accepted.</b></li> <li>4. The documents must be submitted in hole-punched</li> </ol>

	paper sheets held together by a clasp and placed in a labeled plastic folder with an elastic fastener.
29 <sup>th</sup> October to 9 <sup>th</sup> November 2012	Advisors select the first round of candidates.
13 <sup>th</sup> November 2012	Publication of <b>Notice FD/PÓS/SEL. n° 09/2012</b> , containing the results for the first round of applicants admitted by advisors.
23 <sup>rd</sup> November 2012	Publication of <b>Notice FD/PÓS/SEL. n° 10/2012</b> , containing: 1) the names of the applicants not selected for the first round of admissions and eligible to participate in the third stage of the selection process; 2) the number of remaining vacancies made available by each advisor within his or her field of concentration. Publication of <b>Bulletin FD/PÓS/SEL. n° 04/2012</b> , containing specific instructions regarding selection criteria for the second round of admission by advisors.
26 <sup>th</sup> to 27 <sup>th</sup> November 2012	Applicants shortlisted in <b>Notice FD/PÓS/SEL. n° 10/2012</b> submit their choice of intended advisor.
3 <sup>rd</sup> to 7 <sup>th</sup> December 2012	Advisors select the second round of candidates.
14 <sup>th</sup> December 2012	Publication of <b>Notice FD/PÓS/SEL. n° 11/2012</b> , containing the results for the second round of applicants admitted by advisors.
14 <sup>th</sup> December 2012	Publication of <b>Notice FD/PÓS/SEL. n° 12/2012</b> , containing the final results for the selection process and instructions for initial matriculation in the 2013 Postgraduate Degree Program.

### **3 – APPLYING TO A FIELD OF CONCENTRATION**

Applications for the selection process are to be submitted **between 7<sup>nd</sup> and 16<sup>th</sup> May 2012**. – The application must be submitted electronically at the following address: [http://www.direito.usp.br/pos/inscricao\\_pos\\_01](http://www.direito.usp.br/pos/inscricao_pos_01) - **Note: The application period opens at 00:00 and closes 23:59 Brasilia Time.**

- a) At the time of application, applicants may request:
  - exemption from the foreign language proficiency examination or the essay examination;
  - reduction of the FUVEST fee;
  - waiver of the FUVEST fee.
- b) Students already matriculated in the master's program at FDUSP who seek approval in one more foreign language for the purpose of gaining entrance into the direct-doctorate program shall apply pursuant to clause 4 only.

### **4 – APPLYING TO THE FOREIGN LANGUAGE PROFICIENCY EXAMINATION**

Applications to the foreign language proficiency examination must be submitted **between 15<sup>th</sup> and 25<sup>th</sup> June 2012**. **Note: The application period opens at 00:00 and closes 23:59 Brasilia Time.** In order to take the foreign language proficiency examination, applicants must observe the following:

- a) **BRAZILIAN APPLICANTS** shall apply online and pay the appropriate fee, according to the criteria below, at [www.fuvest.br](http://www.fuvest.br).

b) **FOREIGN APPLICANTS** shall apply online at [www.fuvest.br](http://www.fuvest.br) between **15<sup>th</sup> and 25<sup>th</sup> June 2012**, and pay the appropriate fee, according to the criteria below, on the day of the examination.

c) The location of the foreign language proficiency examination shall be announced on [www.fuvest.br](http://www.fuvest.br).

- 1) Proficiency examination for 1 language: BRL 110.00 (one hundred reais);
- 2) Proficiency examination for 2 languages: BRL 160.00 (one hundred and sixty reais);
- 3) Proficiency examination for 3 languages: BRL 161.00 (one hundred and sixty-one reais);
- 4) Proficiency examination for 4 languages: BRL 162.00 (one hundred and sixty-two reais).

## **5 – EXEMPTIONS AND WAIVERS**

**5.1** - Applicants holding a **master's** degree awarded by another postgraduate program accredited by CAPES who request to be exempted from the foreign language proficiency examination and/or the essay examination must provide **authenticated copies of their academic transcripts and duly registered master's degree.**

**5.1.1** - All documents related to the following requests:

- exemption from the foreign language proficiency examination and/or the essay examination (**only for applicants holding a master's degree awarded by another postgraduate program**);
- reduction of the FUVEST fee, or
- waiver of the FUVEST fee

must be submitted to the FDUSP Postgraduate Office **during the application period (7<sup>nd</sup> and 16<sup>th</sup> May 2012).**

**5.2 – Exemption from the foreign language proficiency examination:** applicants may be exempted from taking the foreign language proficiency examination in the following hypotheses:

- a) **previous approval** in the selection process held by FDUSP in 2010 (starting in 2011) or in 2011 (starting in 2012). Exemption shall be contingent on verification and authorization by the President of the CPG;
- b) falling within the provisions of Article 13, II, “a” of **Resolution nº 52/04**, issued by the Governing Body of FDUSP (available at [http://www.direito.usp.br/pos/arquivos/deliberacao\\_52-040001.pdf](http://www.direito.usp.br/pos/arquivos/deliberacao_52-040001.pdf));
- c) applying to the doctorate program **after having obtained a master's degree from another postgraduate program accredited by CAPES at the time the degree was awarded**, in which case previous approval in another proficiency examination may entitle the applicant to an exemption from one of the foreign language proficiency examinations, provided said language is listed in clause 8 of this Notice;
- d) All exemptions shall be verified and authorized by the President of the CPG.

**5.3 – Exemption from the essay examination:** applicants may be exempted from the essay examination in the following hypotheses:

- a) **previous approval** in the selection process held by FDUSP in 2010 (starting in 2011) or in 2011 (starting in 2012), **within the same field of concentration** selected in the current application;

- b) falling within the provisions of Article 13, I, “a” and “b” of **Resolution n° 52/04**, issued by the Faculty Board of FDUSP (available at [http://www.direito.usp.br/pos/arquivos/deliberacao\\_52-040001.pdf](http://www.direito.usp.br/pos/arquivos/deliberacao_52-040001.pdf));
- c) applying to the doctorate program **after having obtained a master’s degree from another postgraduate program accredited by CAPES at the time the degree was awarded**, provided that the field of knowledge in which the title was conferred **be compatible** with the chosen field of concentration;
- d) The exemption shall be verified and authorized by the President of the CPG.

#### **6 – FEE REDUCTIONS**

Pursuant to State Law n° 12.782 of 20<sup>th</sup> December 2007, a 50% (fifty percent) reduction of the fees specified in clause 4 of the present Notice shall be granted to applicants that **cumulatively meet the following criteria**:

- a. are regularly matriculated in a higher education institution at an undergraduate or graduate level, provided a certificate of enrollment is submitted;
- b. perceive a monthly income of less than two minimum wages, provided either an income statement or a personal written statement of unemployment is submitted.

#### **7 – HUMAN RIGHTS AREA**

One-third of the vacancies available in this area shall be reserved, through a weighted system of selection, to applicants who:

- a. belong to black or indigenous ethnic groups;
- b. suffer from serious physical disability;
- c. are facing economic hardship.

Applicants who fall within any of the above-mentioned criteria may apply via the “integration application form” available at: [http://www.direito.usp.br/pos/arquivos/Form\\_vagas\\_direcionadas.pdf](http://www.direito.usp.br/pos/arquivos/Form_vagas_direcionadas.pdf)

Those who apply to this field **may have the FUVEST fee waived** and must follow the instructions that accompany the complementary information regarding “**Social Integration Policies**” available at: [http://www.direito.usp.br/pos/arquivos/folder\\_medidas\\_2013.pdf](http://www.direito.usp.br/pos/arquivos/folder_medidas_2013.pdf)

#### **8 – STAGES OF THE SELECTION PROCESS**

Pursuant to Resolution FD n° 52/04, issued by the Governing Body of the Faculty of Law of the University of São Paulo, the selection process shall consist of three successive stages of elimination for admission in any of the Postgraduate Programs (master’s, doctorate and direct-doctorate), as follows:

**8.1 – FIRST STAGE:** a foreign language proficiency examination, organized by FUVEST:

Applicants must demonstrate proficiency in one foreign language in order to be eligible for the master’s program, or in two foreign languages in the case of the doctorate program, by receiving a minimum score of 7.00 in the proficiency examinations for **French, English, German** and/or **Italian**.

Proficiency in Portuguese is also required of foreign applicants, for which purpose the essay examination shall also be evaluated accordingly.

Applicants shall have access to their respective foreign language proficiency examination on 23<sup>rd</sup> August 2012, at the FDUSP Postgraduate Office, from 10:00 until 16:00.

**8.2 – SECOND STAGE: an essay examination**, organized by FDUSP. Only applicants who pass and/or are exempted in the previous stage may participate. The examination shall assess legal knowledge within the field of concentration chosen by the applicant. Applicants must obtain a minimum score of 7.00 in order to be approved, as per the criterion of an FDUSP professor designated by the CPG. Essays that receive a score below 7.00 but not lower than 5.00, shall be automatically submitted for reevaluation by another FDUSP professor, also designated by the CPG, who shall establish whether the applicant is approved or not.

- a) The essay examination shall take place from 14:00 until 17:00. Applicants must enter the examination rooms **by 13:45 at the latest**. Past this time (13:45), applicants **shall not be permitted** to enter the examination rooms.
- b) Applicants must carry an identification document with a picture and a **blue ink ball pen**. No consultation material of any kind shall be permitted, as the examination is strictly closed-book.
- c) At the onset of the examination one of the essay topics listed in **clause 12** of this Notice shall be randomly chosen.
- d) In the case of fields of concentration containing sub-fields, applicants must choose the essay topic that corresponds to the desired sub-field and may not, under any circumstances, submit an essay on more than one topic.
- e) Applicants shall have access to their respective essay examinations on 16<sup>th</sup> October 2012, at the FDUSP Postgraduate Office, from 10:00 until 16:00.

**8.3 – THIRD STAGE: Selection of candidates by advisors**, organized by FDUSP. **Advisors shall select the first round of candidates between 29<sup>th</sup> October and 9<sup>th</sup> November 2012**. Pursuant to Article 10 of Resolution FD n°52/2004, the third stage of the selection process comprises:

- a) an evaluation of the applicant's *curriculum vitae* and research project;
- b) an interview, at the advisor's discretion, and/or
- c) a specific examination.

8.3.1 – Applicants must submit their choice of intended advisor within the previously selected field of concentration and submit at the Postgraduate Office, **between 18<sup>th</sup> and 24<sup>th</sup> October 2012**, the following documents:

- a) Two copies of the advisor application form, available at [http://www.direito.usp.br/pos/arquivos/ficha\\_selecao\\_orientador\\_2012.pdf](http://www.direito.usp.br/pos/arquivos/ficha_selecao_orientador_2012.pdf). One of the copies shall be returned to the applicant to be kept as a receipt.
- b) A research project within the line of research of the intended advisor containing: (i) the research theme and its boundaries; (ii) the rationale and relevance of the theme chosen; (iii) the main issues to be discussed; (iv) bibliography, and (v) in the case of doctoral candidates, the original contribution to Brazilian legal science. **Obs.: one copy of the research project must be submitted in printed form and the other in PDF format via labeled CD-ROM.**
- c) *Lattes* curriculum in printed form ([www.cnpq.br](http://www.cnpq.br)). **Curricula that do not conform to this standard shall not be accepted.**
- d) The documents must be submitted in hole-punched paper sheets held together by a clasp and placed in a labeled plastic folder with an elastic fastener.

## **9 - SECOND ROUND OF ADMISSION BY ADVISORS**

a) Provided there are vacancies available, applicants who are not admitted in the first round of admission may be invited through **Notice FD/PÓS/SEL. n° 10/2012** to participate in the second round of admissions, which is to take place **between 3<sup>rd</sup> and 7<sup>th</sup> December 2012.**

The specific instructions regarding selection criteria for the second round of admissions by advisors shall be published in **Bulletin FD/PÓS/SEL. n° 04/2012.**

## **10 - INITIAL MATRICULATION**

10.1 Selected candidates must matriculate on the dates established by the CPG and published by the Postgraduate Office. In order to matriculate, selected candidates must submit the following documents:

- a. A copy of the candidate's duly registered bachelor's degree, complete academic transcripts or a certificate containing the date in which the course was completed and the date of graduation at an officially accredited institution.
- b. For those who seek matriculation into the doctoral program, a copy of the candidate's master's degree and a certificate of accreditation issued by CAPES to the master's program that awarded the degree (only applicable to candidates who have **completed a master's course in another postgraduate program accredited by CAPES**);
- c. Foreigner Identification Document (RNE) and/or passport, in the case of foreign applicants;
- d. A plain copy of the candidate's Identity Document (RG);
- e. A plain copy of the candidate's Tax Identification Number (CPF);
- f. A plain copy of the candidate's Voter Identity Card;
- g. A plain copy of the candidate's Reserve Certificate;
- h. A plain copy of the candidate's Birth or Marriage Certificate.

## **11 – FINAL DISPOSITIONS**

- 11.1 All proceedings and filings at the Postgraduate Office (located on Largo de São Francisco, 95 – 3<sup>rd</sup> intermediate floor of the Annexed Building) shall take place between 10:00 and 16:00.
- 11.2 Scores shall not be reviewed.
- 11.3 Only vacancies previously approved by the Postgraduate Studies Commission may be filled.
- 11.4 Applicants may not change their choice of field of concentration, postgraduate level or advisor during the selection process, except in the case of a joint selection process involving two or more professors, pursuant to Article 11 and sole paragraph of Resolution FD n° 52/2004 or following the dispositions established set forth in FD/CPG/SEL. n° 01/2010.
- 11.5 Selected candidates previously admitted into and subsequently excluded from a Postgraduate Program offered by any college, school or institute belonging to the University of São Paulo must also observe the



provisions set forth in Article 55 of the Postgraduate Statute of the University of São Paulo.

11.6 No fees shall be charged upon matriculation.

11.7 Any unforeseen cases shall be resolved by the President of the CPG.

## **12 – ESSAY EXAMINATION TOPICS:**

### 12.1 – Field of concentration: **CIVIL LAW - (2131)**

#### 12.1.1 – Sub-field: **Civil Law**

**TOPIC 01** – Constitutive Elements of Legal Transactions According to the Doctrine of Pontes de Miranda

**TOPIC 02** – Nonperformance of Obligations and its Analysis in a Contractual Context

**TOPIC 03** – Exclusion of Liability for Damages in Tort Law

**TOPIC 04** – Good Faith in Contracts

**TOPIC 05** – Extinction of Contracts: Termination by Mutual Agreement, Revocation, Resolution and Rescission

**TOPIC 06** – Material Effects of Possession: Indemnity and the Right of Retention on Account of Expenditures for the Improvement of the Thing

**TOPIC 07** – Limitations on Ownership Rights

**TOPIC 08** – Kinship Relationships: Types of Kinship; Consanguineal Lineal and Collateral Kin; Determining Degrees of Kinship

**TOPIC 09** – *De Facto* Marriages: Characteristics, Requisites, Nature and Validity of the Legal Relationship; Marital Property in *De Facto* Marriages; Termination of *De Facto* Marriages

**TOPIC 10** – Participation of the Surviving Partner and the Descendants of the Deceased Partner in the Inheritance

#### 12.1.2 Sub-field: **Roman Law**

**TOPIC 01** – Jurisprudence and the Responses of the Jurisconsults

**TOPIC 02** - *Status Libertatis*

**TOPIC 03** - *Usucapio*

**TOPIC 04** – Usufruct and Analogous Rights

**TOPIC 05** - *Fiducia*, *Pignus* and *Hypotheca*

**TOPIC 06** – Nonperformance and Liability

**TOPIC 07** – General Characteristics of the Roman System of Contracts

**TOPIC 08** – Real Contracts

**TOPIC 09** – Delicts in Civil Law and in Praetorian Law

**TOPIC 10** – The Roman Family

#### 12.1.3 Sub-field: **History of Law**

**TOPIC 01** – Jurisprudence in Rome During the Classical Period

**TOPIC 02** – Roman Law in the Late Roman Empire and Byzantine Law

**TOPIC 03** – Compilations of Germanic Laws in the Middle Ages

**TOPIC 04** – Sources of Canon Law until Gratian's Decretal

- TOPIC 05** – Medieval Universities and the *Ius Commune*. Glossators and Commentators
- TOPIC 06** – The Great Compilations of Portuguese Law, from the “Book of Laws and Precepts” until the “Philippine Ordinances”
- TOPIC 07** - The “Law of Good Reason” and the Reform of the “Statutes of the University of Coimbra”
- TOPIC 08** – Sources of Brazilian Law During the Colonial Period
- TOPIC 09** – Main Aspects of the Legislation Passed by King John VI of Portugal and Prince Regent D. Peter
- TOPIC 10** – Private Law During the Empire: Legal Culture, Jurisprudence and Legislation

**BIBLIOGRAPHY FOR THE SUB-FIELD OF HISTORY OF LAW**

- GILISSEN**, John. *Introdução Histórica ao Direito*. Lisboa, Fundação Calouste Gulbenkian, 1.995.
- MOREIRA ALVES**, José Carlos. *Direito Romano*, vol.1, Rio de Janeiro, Forense, 12ª edição, 1.999.
- COSTA**, Mário Júlio de Almeida Costa. *História do direito português*. Coimbra, Almedina, 1996.
- GOMES DA SILVA**, Nuno Espinosa. *História do direito português: fontes de direito*. 2.ed. Lisboa, Gulbenkian, 1991.
- MARTINS JR**, Izidoro. *História do direito nacional*. Recife, Cooperativa Editora e de Cultura Intelectual, 1941.
- TRÍPOLI**, César. *História do direito brasileiro*. São Paulo, RT, 1936-1947, 2v.
- LOBO**, Abelardo Saraiva da Cunha, *Curso de Direito Romano*, Rio de Janeiro, Typ.Álvaro Pinto, 1931. (Brasília, Senado Federal, 2006).

12.2 Sub-field of concentration: **COMMERCIAL LAW – (2132)**

- TOPIC 01** – Difficulties Encountered when Dematerializing Negotiable Instruments
- TOPIC 02** – Duties and Responsibilities of Investment Fund Administrators
- TOPIC 03** – Preserving the Company Through Bankruptcy?
- TOPIC 04** – Incorporation of Shares as an Alternative to Acquisition of Control in Public Limited Companies
- TOPIC 05** – Pipeline Patents in Brazilian Law
- TOPIC 06** – Fiduciary Transfer During Judicial Recovery
- TOPIC 07** – Functions of Reinsurance and Retrocession in the Insurance Market. Legal Regulation
- TOPIC 08** – Prudential Regulation in Banking Law
- TOPIC 09** – Abuse of Dominant Position Through Industrial Property
- TOPIC 10** – The Object of Commercial Law

12.3 Field of concentration: **ECONOMIC AND FINANCIAL LAW – (2133)**

12.3.1 Sub-field: **Economic Law and Political Economy**

- TOPIC 01** – Political Economy of Development
- TOPIC 02** – Epistemology, Concepts and Theories of Economic Law as a Science and as a Method

- TOPIC 03** – The Directive Constitution, the Economic Constitution and Economic Order. The Economic Constitution and Mass Democracy. The Incorporation of the Conflict into the Constitutional Text
- TOPIC 04** – Internal Aspects of Economic Sovereignty. Internalization of the Centers of Economic Decision-Making and Constitutional Protection for the Internal Market
- TOPIC 05** – Economic Activity in the Narrow Sense and Public Service. The Debate Regarding the Conception of Public Service.
- TOPIC 06** – International Economic Order
- TOPIC 07** – Reduction of Regional and Social Inequality. Regional Planning and Development. Regional Development and Cooperative Federalism
- TOPIC 08** – Industrial Policy and Technological Innovation. Technological Development, International Competition and Overcoming Underdevelopment
- TOPIC 09** – Economic Law, Public Policy and Development. The Debate Regarding Sectorial Perspectives and the Overall View
- TOPIC 10** – Economic Law and Companies. The Company as an Economic Agent

12.3.2 Sub-field: **Financial Law**

- TOPIC 01** – Functions and Limitations of the General Rules of Financial Law and Complementary Laws Regarding Financial Policy
- TOPIC 02** – Non-Tax Revenue: Assets, Agriculture, Industry and Services. Revenue from Mining and Energy
- TOPIC 03** – Revenue Renunciation and Fiscal Responsibility
- TOPIC 04** – Fiscal Federalism: Intergovernmental Transfers and Constitutional Funds
- TOPIC 05** – Public Spending. Budget Classifications. Public Spending in the Budget and in the Law of Fiscal Responsibility
- TOPIC 06** – The Public Budget: Concept and Juridical Nature. Budget Laws and Planning Governmental Action. Program Budgeting, Performance-Based Budgeting, Zero-Based Budgeting, PPBS, Anti-Cyclical Budgeting
- TOPIC 07** – Drafting the Budgeting Law: Phases, Agents and Participation of the Branches. Participative Budgeting
- TOPIC 08** – The Public Budget: Budget Execution
- TOPIC 09** – Financial and Budgetary Inspection: Legality, Legitimacy and Economy. The Role of the Court of Audit: Functions and Limitations of its Powers. Persons and Acts Subject to Financial and Budgetary Inspection
- TOPIC 10** – The Public Debt and Credit Operations: Concepts and Types. Public Indebtedness and its Limits. Indebtedness and the Financial Autonomy of the Federal States: Guarantees, Counter-Guarantees and Dedicated Budgets

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Textbooks

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BALEEIRO, Aliomar. Uma introdução à ciência das finanças. Rio de Janeiro: Forense.

BOUVIER, Michel; ESCLASSAN, Marie-Christine; LASSALE, Jean-Pierre. Finances Publiques. 10<sup>a</sup> édition. Paris: L.G.D.J., 2010.

BURKHEAD, Jesse. Orçamento Público. Rio de Janeiro: Fundação Getúlio Vargas, 1971.

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Legislation

FEDERAL CONSTITUTION

NATIONAL TAX CODE

DECREE-LAW 200, of 25.2.1967

LAW 4.320, of 17.3.1964

LAW 8.443, of 16.7.1992

LAW OF FISCAL RESPONSIBILITY (COMPLEMENTARY LAW 101, of 4.5.2000)

#### 12.3.3 Sub-field: **Tax Law**

**TOPIC 01** – Concept and Types of Tax. Taxes and Public Prices

**TOPIC 02** – Tax Obligation, Tax Liability and Taxation Methods

**TOPIC 03** – Functions of Complementary Law Regarding Tax Policy

**TOPIC 04** – Liability for Tax Payment. Primary and Vicarious Tax Liability. Tax Liability of Partners and Administrators

**TOPIC 05** – General Rule of Tax Imposition and the Functions of the Calculation Basis

**TOPIC 06** – Tax Immunities: Definition, Types and Constitutional Requirements

**TOPIC 07** – Tax Categories: Jurisdiction, Non-Jurisdiction, Imposition, Non-Imposition, Exemptions, Immunities

**TOPIC 08** – Tax Jurisdiction. Constitutional Discrimination of Tax Jurisdictions

**TOPIC 09** – Tax Principles and Constitutional Limitations to the Power to Impose Taxes

**TOPIC 10** – Taxation and Economic Intervention: Inducing Tax Norms

#### 12.3.4 Sub-field: **Environmental Law**

**TOPIC 01** – The Economic Approach to the Problem of the Environment

**TOPIC 02** – The Problematics of Sustainable Development

**TOPIC 03** – Public Policies and Environmental Law

**TOPIC 04** – The Environment in the Federal Constitution

**TOPIC 05** – The National Policy for the Environment

**TOPIC 06** – Environmental Law: Characteristics and Principles

- TOPIC 07 – Environmental Zoning
- TOPIC 08 – Preventive and Repressive Actions of the Public Administration Regarding the Environment
- TOPIC 09 – Post-Consumption Liability
- TOPIC 10 – The Ethical Approach to the Problem of the Environment

12.4 Field of concentration: **PUBLIC LAW – (2134)**

12.4.1 Sub-field: **General Theory of the State**

- TOPIC 01 – Forms of Government.
- TOPIC 02 – The State at the Dawn of the 21<sup>st</sup> century. Characteristics.
- TOPIC 03 – Sovereignty and Human Rights.
- TOPIC 04 – The Democratic Rule of Law.
- TOPIC 05 – Law and the State.
- TOPIC 06 – State Intervention in Society.
- TOPIC 07 – The State in the International Order.
- TOPIC 08 – State Update
- TOPIC 09 – Forms of State
- TOPIC 10 – The Concept of State

12.4.2 Sub-field: **Constitutional Law**

- TOPIC 01 – Systems of Government: Parliamentary and Presidential Systems
- TOPIC 02 – The Legislative Process
- TOPIC 03 – Social Rights and Labor Rights
- TOPIC 04 – Restrictions to Fundamental Rights: Reasonability and Proportionality
- TOPIC 05 – International Treaties on Human Rights and the Internal Constitutional Order
- TOPIC 06 – Incidental and Abstract Constitutional Review of Norms
- TOPIC 07 – Abstract Constitutional Review within Federal States
- TOPIC 08 – Objective and Subjective Effects of Constitutional Review Decisions
- TOPIC 09 – Review of Electoral Procedures in the Brazilian Constitutional Legal System
- TOPIC 10 – The Law Pertaining to State Deputies

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12.4.3 Sub-field: **Administrative Law**

- TOPIC 01** – Administrative Law in Romanistic and Anglo-American Systems
- TOPIC 02** – Judicial Review of Administrative Acts
- TOPIC 03** – Regulating Agencies
- TOPIC 04** – Administrative Contracts
- TOPIC 05** – Police Power
- TOPIC 06** – Liability of the State in Tort
- TOPIC 07** – Public-Private Partnerships
- TOPIC 08** – Public Companies and Mixed Economy Societies
- TOPIC 09** – Control of the Administration by the Courts of Audit
- TOPIC 10** – Public Goods

12.5 Field of concentration: **INTERNATIONAL LAW – (2135)**

12.5.1 Sub-field: **Public International Law**

- TOPIC 01** – International Law and the State: Constitutive Elements; Emergence and Recognition of the State and the Government; Succession of States. The Legal Regime of Extraterritoriality and Jurisdictional immunity
- TOPIC 02** – Sources of Public International Law: Custom; Treaties; General Principles; Unilateral Acts of the State and Resolutions from International Organizations. Coexistence, Cooperation and Solidarity: Post-Modernity and International Law

- TOPIC 03** – Relationship and Conflict between Internal Law and International Law; *Jus Cogens* and *Erga Omnes* Obligations in International Law. The Tension Regarding the Enforcement of International Decisions in Brazil
- TOPIC 04** – International Liability. Elements, Compensation and Sanctions. Peaceful Resolution of Controversies. Types and Characteristics. International Jurisdictional Conflicts and the Fragmentation of International Law
- TOPIC 05** – The Use of Force in Contemporary International Law. International Crimes, Universal Jurisdiction and International Criminal Courts
- TOPIC 06** – Law of International Spaces. The Domain of the Land. The Domain of the Seas. The Domain of the Air. International Spaces
- TOPIC 07** – International Organizations and their Main Aspects: Functions, Prerogatives and Immunities. The UN and its Present Regulation: Organs, Jurisdiction, Performance and Relationship with Specialized Agencies; Amendments to the United Nations Charter
- TOPIC 08** – The Phenomenon of Regional Economic Cooperation and Integration. The European Union and MERCOSUR. The Individual, its Rights and the New Stages of the Process of Regional Integration
- TOPIC 09** – General Theory of Human Rights in the International Order: Legal Regime and Characteristics. International Process of
- TOPIC 10** – International Law and the Environment: Principles, Obligations and Liability. The Impacts of Globalization

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