Call for PhD positions at the PhD Programme in “Comparative and European Legal Studies”

Academic Year 2015-16 (31st cycle)

N.B. Please note that only the Italian version of the present call issued with Rector’s Decree n. 415 of 3rd July 2015 is legally binding, the English version is provided for information only

THE RECTOR

Considering Law n. 210 of 3 July 1998, and in particular art. 4, as modified by art. 19, par. 1 of Law n. 240 of 30 December 2010;
Considering Ministerial Decree n. 45 of 8 February 2013 regarding the rules and procures for the accreditation of doctoral programmes and the criteria for their institution by accredited bodies, in particular art. 3;
Considering the Decree of the Council of Ministers President of 9 April 2001 and subsequent amendments and integrations, which determine the criteria for guaranteeing equal access to third level education;
Considering the Statute of the University of Trento, approved by Rector’s Decree n. 167 of 23 April 2012, and in particular art. 28;
Considering the Trento University Regulations for Doctoral Programmes, approved by Rector’s Decree n. 383 of 4 July 2013 and subsequently amended by Rector’s Decree n. 160 of 18 March 2014;
Considering the report by the Internal Evaluation Unit of 12 December 2013 related to the pre-requisites for the proposed Doctoral Programmes;
Considering the resolution approved by the Academic Senate on 26 November 2014;
Considering the proposal by the Faculty of Law on 24/07/2013;
Considering that, with Decree n. 687 of August 20, 2014, the Ministry granted, starting from the cycle activated for A.Y. 2014-2015, the accreditation for the Doctoral Programme in Comparative and European Legal Studies;
Considering the operative instructions on the 2015-2016 AY PhD Programmes’ accreditation process, announced with Ministry note on March 13, 2015;

In consideration of the resolution of the Academic Senate on March 25, 2015, the University of Trento, taking into account the time required to allow for international recruitment, has decided not to delay issuing the calls and their relative selection procedures;

STATES

ART. 1 - PURPOSE OF THE ANNOUNCEMENT

This Announcement regulates the selection for admission to Academic year 2015/2016 (31st cycle) of the PhD Programme in “Comparative and European Legal Studies” at the University of Trento.

Places: n. 10
Scholarships: n. 8 (All scholarships will be financed by the University of Trento)

The Admission Committee can admit one candidate more than provided for in the initial number of available places announced, in accordance with art. 20, part 3 of the University Regulations regarding PhD Programmes (for details see art. 8)

Deadline for application: 2 September 2015, 16:00 Italian time

Duration: 3 years

Coordinator: prof. Gianni Santucci - Tel. 0461 28 3831 - Email: gianni.santucci@unitn.it

Doctoral Programme Secretariat: by the Faculty of Law of the University of Trento, phone +39 0461 281867, Email dottorato.sgce@unitn.it

PhD Programme Webpage: http://web.unitn.it/en/drsgce

Official language of the PhD Programme: Italian and English.
Start of the Academic Year: 1 November 2015

Curricula:
A. Private Law, Comparative Private Law and Commercial Law
B. Administrative, Constitutional and International Law
C. Criminal Law and Procedure and Philosophy of Law
D. The History of Roman Law and European Legal Thought in Europe
E. Substantive and Procedural Labour Law

The Doctoral Programme cooperates with:
- Cátedra Interuniversitaria de Derecho y Genoma Humano, Universidad de Deusto, Universidad del País Vasco, Bilbao (E)
- Center for Administration of Justice, Florida International University, Miami (USA)
- Centre for Intellectual Property Policy, McGill University, Montréal (CANADA)
- Departamento de Derecho del Trabajo y Trabajo Social, Universidad de Salamanca (E)
- Departamento de Derecho Publico, Universidad de Salamanca (E)
- Department of Criminal Law of the University Jaume I, Castellón (E)
- Department of Law - Universitat Pompeu Fabra (E)
- Dipartimento di Scienze Giuridiche, Dottorato di ricerca in Diritto penale, Università di Parma (I)
- Ecole Normale Supérieure Lettres et Sciences Humaines, Lyon (F)
- Escuela de Derecho de la Universidad de Valparaíso (RCH)
- Facultad de Derecho, Universidad de Buenos Aires (ARG)
- Facultad de Derecho, Universidad de Valladolid (E)
- Faculty of Law, University of Rijeka (HR)
- Facuty of Law and Criminology, Vrije Universiteit, Brussel (B)
- G.J. Wiarda Instituut of Legal Sciences, Utrecht Law School (NL)
- Hunan University Law School, Changsha (CN)
- Institut für geschichtliche Rechtswissenschaft, University of Heidelberg (D)
- Instituto Universitario General Gutiérrez Mellado, UNED Universidad Nacional de Educacion a Distancia, Madrid (E)
- Instituto Vasco de Criminologia, Universidad del País Vasco (E)
- Max Planck Institute for Foreign and International Criminal Law, Freiburg (D)
- Max Planck Institute for Intellectual Property Competition and Tax Law, Munich (D)
- Peking University Law School (CN)
- Shanghai University of Finance and Economics (CN)
- Swiss Institute of Comparative Law, Berne (CH)
- Université Montesquieu-Bordeaux IV (F)
- Vermont Law School, South Royalton (USA)
- Wirtschaftswissenschaft Fakultät Eichstätt, Ingolstadt (D)

Scientific Areas:
IUS/01 PRIVATE LAW
IUS/02 COMPARATIVE PRIVATE LAW
IUS/04 COMMERCIAL LAW
IUS/07 LABOUR LAW
IUS/08 CONSTITUTIONAL LAW
IUS/09 INSTITUTIONS OF PUBLIC LAW
IUS/10 ADMINISTRATIVE LAW
IUS/13 INTERNATIONAL LAW
IUS/15 CIVIL PROCEDURAL LAW
IUS/16 CRIMINAL PROCEDURAL LAW
IUS/17 CRIMINAL LAW
IUS/18 ROMAN LAW AND ANTIQUITY LAW
IUS/19 HISTORY OF MEDIEVAL AND MODERN LAW
IUS/20 PHILOSOPHY OF LAW
IUS/21 COMPARATIVE PUBLIC LAW

The number of places covered by scholarships and/or by internship contracts and by other potential financial support may be increased with funds from other universities, public research bodies or prestigious private companies, made available after the publication of this announcement and before the end of the selection. Any increase in the number of scholarships or other means of financial support shall result in a corresponding increase
in the total number of available places. Such occurrence will be communicated on line, and nowhere else, at http://www.unitn.it/en/ateneo/1966/announcement-of-selection.

Art. 2 - ADMISSION REQUIREMENTS

Applications for admission to the PhD Programme described in the previous article, are accepted from candidates, regardless of gender, age, religion or nationality, who hold an Italian “Laurea Magistrale” (Master’s Degree) according to Ministerial Decree no. 270 of 22 October 2004, or a second level degree awarded by an Italian “AFAM” Institute (Artistic and Musical Higher Education), or a university degree awarded under the previous regulations, or an equivalent degree qualification obtained abroad and considered suitable by the Admission Committee. Applications are also accepted from candidates who expect to obtain their degree/equivalent qualification abroad, by the 9 October 2015. In such case applicants must attach the following:
- a certificate of enrolment with a list of the examinations successfully passed, dates and marks obtained in each examination. EU citizens who have obtained their degree from a public academic institution of the member countries of the European Union may provide a self-declaration as allowed for by the Presidential Decree n. 445 of 28 December 2000, using Form A template;
- a statement by their thesis supervisor or other academic supervisor declaring that the student will obtain the degree by the 9 October 2015.

In these cases, the candidate’s admission to the Programme will be subject to confirmation. The candidate shall provide the PhD Office - Cognitive, Social Sciences and Humanities (email: phd.office-cssh@unitn.it; fax n. +39 0461 282191) upon penalty of exclusion, with a certificate attesting to their qualification (EU citizens who have obtained their degree from a public academic institution of the member countries of the European Union may provide a self-declaration as allowed for by the Presidential Decree n. 445 of 28 December 2000, using Form A) by the 30 November 2015.

Art. 3 - FOREIGN QUALIFICATION

Foreign qualifications must be equivalent to the Laurea magistrale (Master’s Degree), in terms of duration, level and subject area1. The Admission Committee will determine their eligibility. Candidates who hold a foreign academic qualification which has not been declared equivalent to an Italian degree, shall implicitly request that the eligibility of their qualification be recognized as part of their online application, attaching the following documents:
- certificate of the foreign academic qualification with the list of examinations, dates and related marks (EU citizens who have obtained their degree from a public academic institution of the member countries of the European Union may provide a self-declaration as allowed for by the Presidential Decree n. 445 of 28 December 2000, using the Form A template);
- translation into English, French, German or Spanish, of the degree certificate with exams, dates, grades obtained signed by the applicant, to enable the Admission Committee to declare its equivalence, for the sole purpose of admission to the selection process for this 31st cycle;
- any other document which may be useful to evaluate the admissibility of the academic qualification for participation in the selection process (Diploma Supplement or Declaration of value).2

Successful applicants holding a foreign qualification must present the following documents to PhD Office - Cognitive, Social Sciences and Humanities (email: phd.office-cssh@unitn.it; fax n. +39 0461 282191), by the 30 November 2015:

- The Declaration of Value5, with the certificate of the foreign degree listing examinations, dates and grades, translated and validated by the Italian Diplomatic mission or consulate in the country where the issuing institution is located. The Declaration of Value shall certify both that the foreign qualification is valid in the country where the issuing institution is located and that it grants access to an academic Programme equivalent to the PhD (third level of higher education as established in the Bologna Process – European Higher Education Area);
- Alternatively, a Diploma Supplement can be provided, in English. It must be in the format established by the European Commission, the Council of Europe and UNESCO/CEPES.

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1 For further information on the Italian university system visit http://www.study-in-italy.it/study/new-degrees.html
2 For further information on the Italian university system visit http://www.cimea.it/default.aspx?idc=134;
3 The Diploma Supplement accompanies a higher education diploma, providing an improvement in international “transparency” and a promotion of the academic and professional qualifications obtained (diplomas, degrees, certificates, etc.). The Diploma Supplement must be issued by the same institution that issued the qualification. Further information at: http://ec.europa.eu/education/tools/diploma-supplement_en.htm;
4 http://www.cimea.it/default.aspx?idc=176;
5 Should the Declaration of Value not be available by the given deadline, the candidate has to produce evidence of the request to the Diplomatic mission. The candidate has to provide the original Declaration of Value as soon as available.
The eligibility of a foreign academic degree will be assessed by the Admission Committee, following the rules in force or the academic degrees’ recognition international treaties. At web page http://www.unitn.it/en/ateneo/1966/announcement-of-selection will be available the ID candidates list whose academic degree has been considered not eligible for the admission selection by the Admission Committee. Candidates are strongly recommended to take careful note of the application ID generated by the system once they have finished their online application. The list of non admitted candidates to the selection procedure will be available at web page http://www.unitn.it/en/ateneo/1966/announcement-of-selection and should considered as official notification.

Art. 4 - THE DOCTORATE PROGRAMME

The first year training program is the same for every curriculum. It is based on:

- a Programme of at least 80 hours comprised of seminars, concerning each curriculum, on the common theme of interpretation of the law as well as the fundamental problems to be dealt with for each curriculum;
- 20 hours are devoted to seminars on related subjects, such as for example the circulation of legal models, the relationship between juridical and social sciences, juridical innovations due to the globalization phenomenon and economic analysis of the law;
- 20 hours of the program will be available for use by the doctoral students for attending meetings and seminars internal or external to the Faculty of Law.

Lectures may also be given by both Italian and foreign lecturers from outside the Faculty of Law. They may be partly delivered in English, and, where deemed appropriate by the Doctoral Programme Board, also in French, German and Spanish.

The doctoral students will also participate in other structured training activities, organised within the Faculty of Law, as well as the structures of the University of Trento, for a minimum of 80 hours.

The program for the subsequent years depends on the curriculum, delivered through seminars and short Programmes:

A) Private law, Comparative Private Law and Commercial Law

The curriculum provides doctoral students with advanced training in the area of private law. The main goal is to enable doctoral students to acquire the knowledge and skills necessary to actively participate in the national and international scientific debate. The same knowledge and skills are also a prerequisite to a conscious use of legal concepts in the context of the resolution of old and new problems arising from the society and awaiting answers from law and lawyers.

With regard to knowledge acquisition, the curriculum pays special attention to methodological issues. Both in terms of comparative law and national law, advanced training in the areas of private law presupposes the ability to critically analyze issues such as the functionalist and structuralist approach, legal change, the relationship between sources of law, forms of state intervention in the markets and in society, the role of non-state rules, the use of comparative law in the processes of rule-making in the private law field.

In addition to methodological issues, the curriculum offers annual formative activities related to the main institutions in the private law area. Special attention is paid to the following topics:
- The interaction between technological innovation and legal innovation
- Intellectual property law
- European private law
- Private economic law
- Private organizations law

As far as legal skills are concerned, the curriculum focuses on some crucial aspects in the lawyer’s job: interpretation techniques, writing techniques, understanding and resolution of legal problems, development of innovative doctrinal opinions. The educational activity is directed on one hand to provide the necessary theoretical knowledge to develop original research, on the other hand to the implementation of the main legal skills in the contexts usually analyzed by private law.

One distinctive feature of the curriculum is its highly interdisciplinary approach to methodological and substantive issues, as well as to the analysis of legal skills. On each of these fronts, the dialogue with non-legal disciplines helps identify concepts and theories from different fields and develop the cognitive skills that enable the integration of different contributions. Specific attention is paid to the scientific debate in the field of law and economics. However, the curriculum also offers educational activities on the relationship between law and cognitive science, law and life sciences, law and technology as well as law and humanities.

B) Administrative, Constitutional and International Law

The topic areas covered during the second and third years of the Programme will study aspects of public law in detail and, in particular, the protection of fundamental rights.
In this part of the Programme, the curriculum will maintain a unitary structure, albeit spread over several disciplinary focal points, which may be interrelated within the perspective of national, comparative and Community and international law, due to the similarities in the substantial and procedural foundations of the protection of fundamental rights.

In particular, the curriculum area will cover the following topics:
- fundamental rights: philosophical origins and constitutional codification;
- fundamental rights: foundations, regime, structure and content;
- rights of EU citizens;
- rights of non-EU citizens;
- international instruments of protection: universal instruments (UN) and regional instruments (Council of Europe, AU - African Union, OAS - Organization of American States);
- international and supranational procedural instruments: international judges and Community judge; relations with national jurisdictions;
- sector-specific instruments of protection: freedom of thought (freedom of information technology, freedom of communication, rights of access to administrative documentation, protection of health data, protection of statistical data and system of derogation); participation in the administrative process; charter of services (the user's position in relation with the providers of public services); the instruments of implementation of the principle of horizontal subsidiarity;
- the rights of peoples, with specific reference to the principle of self-determination, the principle of permanent sovereignty over natural resources, and the rights of indigenous peoples;
- rights of minorities (ethnic, linguistic and religious): instruments for individual and collective protection;
- human rights protection in armed conflicts, with reference to the interaction between human rights and international humanitarian law, to situations of belligerent occupation, and to the problems related to the human rights of combatants;
- the relationship between social and economic rights, the international protection of the obligations ensuing from international trade law and international investment law;
- fundamental rights in relation to new technologies applied to biomedicine (BioLaw);
- instruments of protection: a) constitutional and EU justice; b) administrative justice and c) ordinary jurisdiction;
- d) International jurisdiction;
- instruments of protection: final protection and precautionary protection.

C) Criminal Law and Procedure and Philosophy of Law

The research topics proposed will take place in the following sectors:

- The harmonisation of Criminal Law and Criminal Procedural Law in a European and trans-national context.
In this sphere, the accent will be upon studies of the comparison between orders with special attention given to the harmonisation profiles, nowadays incentivated by supranational initiatives that run in the direction of adaptation of national laws with fixed principles in the provisions of Community or International law.

As regards the relationship with European Union Law, above all an analysis will be made of the means of common contrast in the fight against fraud, money laundering and safeguarding the environment, considering both the incriminating facts in point as well as measures of a procedural nature, such as for example the introduction of the European arrest warrant.

As regards the relationship with international law, the main focus of attention will be on the Statute of the International Criminal Court, and its implementation by means of the procedures before the Court of the Hague. The jurisprudence of the Court will be able to provide extremely interesting and numerous cues for initiating scientific investigations on fundamental questions concerning the basis of general criminal theory (indictment criteria, subjective factors and error, joint responsibility, mitigating circumstances, commensurate sentencing), the single instances of crime (genocide, war crimes, crimes against humanity) and important procedural aspects (role of the prosecution, penal action, investigation techniques, the formation of evidence, ne bis in idem and efficiency of the judgement).

The consideration of international criminal law, involving the search for “substantial” justice, also gives rise to a renewed consideration of a legal-philosophical kind on the concept of justice and on the opportunity to harmonize principles and rules, to identify spaces in which a conception can be allowed that does not suffer the limitations shown by formalism.

- Criminal Law and new technologies.
In this sector the focus of attention will be on criminal law regarding information technology and the internet on one side, and the relationship between criminal law and bioethics, on the other.

On the first point, with the aid of the competencies in terms of information technology deriving from legal-philosophical considerations, the research may be directed towards the needs for discipline and legal harmonisation caused by the strong development of relationships by means of the Internet, with the consequent number of problems of a criminal nature pertaining to the protection of privacy and copyright, illegal interception, the spread of pornographic material, the identification of internet provider responsibility, as well as regarding prosecution, the regime of evidence and international cooperation.
On the second point, research of an interdisciplinary nature can be carried out, in which the criminal justice and philosophical justice competencies on the relative themes are brought together, amongst other things genetic identity, techniques of assisted reproduction and the protection of pre-natal life, end-of-life treatments and the production of genetically modified organisms.

- Alternative means of resolving conflict.
  This is a very contemporary area of investigation, centred especially on the area of conciliatory justice performed by means of mediation between perpetrator and victim and on the consequent identification of penalties which, although criminal, are characterised by a reparatory nature. The privileged area is the criminal competence of the justice of the peace, called to intervene specifically with instruments of this type, and in any case never with custodial sentences, in resolving interpersonal conflicts which cannot be seen as serious forms of criminal activity.
  In this regard an interesting area is the study of the particular procedural forms which the justice of the peace uses to achieve the aforementioned objectives, the criteria for imputation of the fact and especially the functionality of the penalty regime which the Judge is called upon to apply, the characteristic of which is not so much clemency as the objective of an effectiveness to do with profiles of rehabilitation of the criminal and reconciliation between perpetrator and victim.
  In the interdisciplinary key of this type of investigation, the legal-philosophical consideration brings a necessary contribution from the point of view of the structure and the purposes of the sentence, made even more current by the increasingly evident crisis of legitimisation of the traditional sentences.

- Legal Argumentation, Criminal Law and Criminal Procedure.
  In this Programme the candidate will cover the subjects above all to do with the legal reasoning developed in the criminal procedure, in a descriptive way focusing on the different legal orders and also in a prescriptive way considering the specific logical and linguistic elements arising from the dialogical structure of the dispute. To be better understood and thematised, the latter of these does in fact require argumentative proceedings of a topic-rhetorical nature which the most recent post-positivist juridical epistemology has shed considerable light upon.
  Regarding this point, it is essential to study from the theoretical, juridical viewpoint the questions concerning the interpretation of criminal and procedural law (as in the case of so-called scientific evidence) and of the forms of practical rationality that identify criminal law as a social procedure.
  Insights about legal ethics and training in legal education will be provided together with the study on the legal argumentative methods, in order to address the specific education of practical jurists, and particularly of penal lawyers, to the necessary logic and rhetorical expertise.

D) The History of Roman Law and European Legal Thought in Europe
The topic areas covered during the second and third years of the Programme will embrace a very wide panorama of historical-legal studies, from Ancient law and Roman tradition to common law and complete modernity, with special attention paid to the jurisprudential and doctrinal aspects of law. The historical-juridical curriculum is not intended to play an inductive role but rather to highlight the intrinsic historical dimension of jurisprudence and, in particular, of the scientific thought in the great season of classical Roman jurisprudence and, subsequently, of the theoretical developments in the long history of the ius commune Europaeum (the jus-doctrinal tradition).
  The contribution of historical disciplines in the doctoral Programme will therefore on the one hand deal with the dissemination of the methodological and conceptual legacies contained in Roman Law and in the largest European legal tradition and, on the other, with the understanding of specific issues in the history of law, identified by the research topics of each doctoral student.
  The specific topics of research which will be conducted during the two years following the first common year will cover matters relating to Roman legal experience, to the production of doctrine in public law, trial, the relationship between forms of literature and theoretical development (consultant and commentary literature) and the comparison of personal rights in their historical context.
  Overall, the curriculum area will promote a concept of multidimensionality in law and its concrete manifestations.

E) Substantive and Procedural Labour Law
The topic areas covered during the second and third years of the Programme will study aspects of labour law in detail, in particular, the discipline of individual and collective employment relations in a European and trans-national context, as well as basic profiles of employment procedures and arbitration.
  This part of the Programme will look at in detail, through interdisciplinary studies, the discipline of employment relations (employed, parasubordinate and self-employed) as well as the forms and methods of protection for workers (judicial and extra-judicial), in a broad sense and in a national and trans-national context.
  As the study of these topics enters the realms of a system in which a multitude of national, international and Community sources of law interact, in order to optimise the use of comparative methods, the vocational curriculum has been structured in two levels: the first level studies in depth the general principles of the protection of fundamental individual rights and the principles characterising a fair trial; the second level studies more specific topics which are closely related to substantial and procedural labour law and the protection of workers. These are
two different focuses of attention, they both play a part in the same unitary perspective, on a national and comparative law scale as well as on an international and supranational scale.

From this point of view, special attention will be paid to issues related to the increasingly forceful drive towards legislative harmonisation, undoubtedly due to the strengthening of the European Union, but also noticeable on a trans-national scale, which substantially weakens the role of national sovereignty which is at the heart of all traditional social security systems.

As a result, in addition to generalised problems concerning the protection of rights and fundamental individual liberties, the curriculum area will also deal with the following major topics:

- the relationship between supranational law – with particular regard for European Union and ILO law (International Labour Organisation) – and national law;
- the harmonisation or “communitisation” of disciplines in different areas, with particular reference to: freedom of movement for workers
  - the rights of EU and non-EU workers
  - the protection of gender equality and positive action
  - the protection of privacy and new technologies
  - the promotion of employment and professional training
  - safety and the workplace
  - types of employment relationships: employed, parasubordinate and self-employed
  - the promotion and enhancement of flexible means of entering and exiting the job market
  - the creditor’s powers and workers’ rights
  - instruments and methods of protection: self-protection and judicial protection: civil, criminal and administrative
  - alternative protection measures to judicial action: conciliation and arbitration
- the role of collective interest organisations in a national, Community and international context
- trans-national and European collective contract negotiation.

The doctoral students will also be encouraged to participate in cultural and research initiatives organised by the Italian Association of Labour Law and Social Security (AIDLASS) and in the initiative promoted by the Italian Association of researchers into civil procedure.

The doctoral students will in addition be encouraged to participate in internships and scientific initiatives held in prominent foreign Universities with which exchange programs exist for young students and where some members of the Doctoral Programme Board, either permanently or as visiting professors.

**Art. 5 - APPLICATION**

The application must be submitted online, in two stages:
- candidates first need to register on the University website (http://www.unitn.it/en/account) to obtain a username and password to access the UniTn reserved area. Candidates should allow up to 2 working days for their registration to be processed;
- they then need to complete the online application and to upload all the required attachments, using the link http://www.unitn.it/en/apply/dott.

Participation in the selection process is subject to the payment of a non–reimbursable application fee of €15,00, by credit card, as indicated in the appropriate section of the application on line (‘Selection participation fee’).

**Note that the application must be definitely and positively closed by 4:00 p.m. Italian time of 2 September 2015.**

Candidates are recommended to check that they have received an email confirming that their application has been successfully completed and submitted. Unitn refuses any responsibility for all those application online not properly closed by candidates.

Candidates are strongly recommended to submit early applications and not to wait until the last minute. The University shall not be held responsible for any dysfunction due to technical problems and/or overloading of lines of communication and/or of the OS, for the loss of communications due to incorrect address details or candidates’ failures to communicate eventual changes of address, or for any other problems or delays caused by third parties, unexpected occurrences or unforeseeable circumstances.

Incomplete or irregular applications, or applications transmitted in ways other than those set out in this article, shall not be considered valid.

The application is, in law, a self-declaration of the personal details and information provided.

Candidates will be considered totally responsible of their applications. Incomplete or irregular applications, or applications transmitted in ways other than those set out in this article, shall not be considered valid and candidates.
At web page [http://www.unitn.it/en/ateneo/1966/announcement-of-selection](http://www.unitn.it/en/ateneo/1966/announcement-of-selection) will be published the ID candidates list not admitted to the selection. No personal note will be sent to excluded candidates, the online list will be the only official information.

Admission to the selection procedure is provisional and conditional upon the verification of each candidate’s satisfaction of the admission requirements. The University of Trento is entitled to sample-check such requirements, as per art. 71 and, subsequently, Law n. 445 of 28 December 2000. Candidates whose application is discovered not to meet the admission criteria, may be excluded at any time. They will be given written notice to this effect, including an explanation of the decision.

In accordance with Law 104/92, art. 20 and Law 68/99, art. 16, paragraph 1, disabled candidates, or those with learning disabilities, must explicitly request, in their online application, any necessary additional equipment or time they require to undertake the selection procedure. All personal data will be treated in accordance with the privacy criteria set out by the Legislative Decree 196/03, “Code about personal information privacy”.

Candidates can only apply for one of the 5 curricula proposed by the Doctoral Programme.

OBLIGATORY ATTACHMENTS (candidates will be excluded from the selection process if one or more of the obligatory attachments are missing):

1) **ID document:**
   - Copy of ID card (for EU citizens) or passport, in particular of the pages that include the picture, personal details, number, date and place of issue, expiry date;

2) **Academic documents**
   - for candidates holding an Italian qualification:
     - Self-declaration using the self-declaration form, as per art. 46 of the Law n. 445 of 28 December 2000 and subsequent amendments (drafted using the Form A template), stating that the candidate holds the academic qualification (art. 2 of this announcement), the degree classification, the degree date, the issuing university, the final grade, the list of examination, dates and marks attained;
   - for candidates holding a foreign qualification:
     - An academic certificate with the list of examinations, dates and marks attained or equivalent certification, as per art. 3 of this announcement. If the academic qualification has not been officially recognised as equivalent to an Italian qualification, an English translation of the certificate (if not in English already) with the list of exams and marks attained must be provided. The candidate has to sign the translation, thus vouching for its accuracy. Alternatively, a translation of the degree certificate and grade transcript, validated by an Italian embassy or consular representative in the country where the issuing university is located, together with the Declaration of Value, can be provided. This will allow the Admission Committee to evaluate the eligibility of the certificate, for the sole purpose of participation in this admissions process. Candidates are strongly advised to attach the Diploma Supplement or an equivalent document, if available.
   - for candidates who have not yet obtained their degree/equivalent foreign qualification and who are therefore only provisionally admitted:
     - their enrolment certificate listing exams taken, dates and marks attained (EU citizens who have obtained their degree from a public academic institution of the member countries of the European Union may provide a self-declaration as allowed for by the Presidential Decree n. 445 of 28 December 2000, using Form A template);
     - a letter signed by their thesis supervisor stating that the candidate will obtain their academic title by the 9 October 2015.

OPTIONAL ATTACHMENTS:

- any certificates proving the applicant’s knowledge of foreign languages.

If candidates have to upload further documents after the complete closing of their online application procedure, they are required to deliver these by the 2 September 2015 to the following email address: ateneo@unitn.it (please state in the email subject: “Application ID – Candidate’s Last Name and Name – PhD Programme in Comparative

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7 The Diploma Supplement accompanies a higher education diploma, providing an improvement in international “transparency” and a promotion of the academic and professional qualifications obtained (diploma, degrees, certificates, etc.). The Diploma Supplement must be issued by the same institution that issued the qualification. Further information at: [http://ec.europa.eu/education/tools/diploma-supplement_en.htm](http://ec.europa.eu/education/tools/diploma-supplement_en.htm)
and European Legal Studies – 31st cycle – supplement to application”). Additional materials which are not delivered using the specified method shall not be accepted.

Art. 6 - SELECTION PROCEDURE

Admission to the Programme is by a selection procedure, based on a written and an oral examination. Candidates must be present to both the written and the oral examinations, which cannot be replaced by any other kind of assessments.

Candidates must state in the online application which curriculum they intend to apply for and in which language they wish to sit the exams. Each candidate must choose only one curriculum, otherwise he/she will be excluded.

Both the written and oral examinations may be executed in a language chosen from Italian, English, German, French and Spanish.

For the written examination, the Admission Committee makes available three essay titles for each of the study areas listed below that are part of each curriculum.

For each area of study one of the three essay titles is drawn by lots.

Within the chosen curriculum, the candidate may choose from the different essay titles drawn; in particular:

- curriculum in Private law, comparative private law and commercial law:
  candidates can choose between: Private Law / Comparative Private Law / Economic Analysis of Law / Commercial Law;
- curriculum in Administrative, Constitutional and International Law:
  candidates can choose between: Administrative Law / Constitutional Law / International Law;
- curriculum in Criminal Law and Procedure and Philosophy of Law:
  candidates can choose between: Criminal law / Criminal Procedural Law / Philosophy of Law;
- curriculum in The History of Roman Law and European Legal Thought:
  candidates can choose between: Roman Law / History of European Legal Thought;
- curriculum in Substantive and Procedural Labour Law:
  candidates can choose between: Labour Law / Civil Procedural Law;

In evaluating the written exam the Admission Committee will take account of relevance to the question, the descriptive completeness, the rigour of the exposition and of the language, the capacity for synthesis and clarity of exposition, care in the use of legal comparisons.

Those candidates who achieve a minimum score of 36/60 in the written exam will be admitted to the oral exam.


The chosen candidates will be listed using their application ID. Candidates are therefore requested to take careful note of the application ID generated by the system once they have finished their online application.

The oral exam will consist of a discussion of the written subject area, evaluation of the candidate’s aptitude for research, a general test of the candidate’s knowledge of the area of the curriculum chosen.

The oral exam will also be based on the research that the candidate wishes to carry out, and will include an evaluation of the relative knowledge of a language chosen by the candidate from among English, German, French and Spanish, with reference to the skills required for scientific communication. However, knowledge of the Italian language will be evaluated if neither the written nor the oral exam have been executed in Italian.

In assessing the oral exam the Admission Committee will take account of the precision in explanation, knowledge and competence concerning the national and supranational subject of the exam, the level of familiarity with the subject matters pertaining to the research that the candidate wishes to carry out. With specific regard to the language proficiency test, the level of competence in reading, translating and understanding the legal concepts in the chosen language will be taken into account.

The oral exam will be passed if the candidate achieves a score equal to or greater than 36/60.

In order to sit the exams candidates must show a suitable identification document.

The exam schedule, showing the date, place and time they will be held, will be notified 20 days in advance, with a notice posted on the web page: http://www.unitn.it/en/ateneo/1966/announcement-of-selection.

Art. 7 - ADMISSION COMMITTEE

The Admission Committee is appointed by the Rector, advised by the PhD Programme Committee. It is composed of three members chosen from among the University's permanent professors and researchers, including non-Italians, from the academic fields related to the PhD Programme. The Committee may also include a maximum of two other experts, including non-Italians, from either public or private research institutes.
Upon completion of the interview process, the Commission will finalize their ranking, combining the points assigned for qualifications with those for the interview. The ranked list (again using candidates’ application Ids) will be published on the website [http://www.unitn.it/en/ateneo/1966/announcement-of-selection](http://www.unitn.it/en/ateneo/1966/announcement-of-selection).

By publishing the ranking list, notification concerning the selection results is considered fulfilled. Successful candidates will not receive any personal communications, since the ranked list of candidates will be posted on the website.

**Art. 8 - ADMISSION TO THE PHD PROGRAMME AND ACCEPTANCE OF THE OFFER**

Candidates will be admitted to the PhD Programme according to their position in the ranking, until all the available places are filled. Should two candidates obtain the same score:
- as regards the awarding of the scholarship, the candidates’ economic situations shall be the deciding factor, in accordance with the criteria established by the Law of 9 April 2001 and subsequent amendments and integrations;
- when neither candidate has applied for a scholarship, the younger of the two candidates will be selected.

If a successful candidate withdraws before the beginning of the Programme (November 1st 2015), the next candidate in the ranking will be admitted.

This candidate is expected to accept the offer within 8 days from the day after having received the communication from the PhD Office – Cognitive, Social Sciences and Humanities.

If an eligible candidate withdraws or is excluded before the end of the first quarter of the first year, the PhD Programme Committee may decide to offer their place to the next candidate on the shortlist.

According to Art. 20, § 3 of the University Regulations for Doctorates of Research, the Admissions committee may admit up to 1 **supernumerary** positions without a scholarship of the University of Trento, if such candidates coincide with one of the following cases:

a) eligible applicants from non-E.U. countries who have been awarded any kind of scholarship (e.g. by the Ministry of Foreign Affairs or the Government the candidate comes from, or International institutions);

b) eligible applicants from a country with a specific intergovernmental agreement with Italy, on the basis of a bilateral agreement between the University of Trento and the foreign university (with no obligatory financial burden to the University of Trento);

c) eligible applicants who are research grant holders at the start date of the PhD programme, after verification by the Doctoral Programme Committe of the adequacy of the research topic with the doctoral programme;

d) eligible applicants who are public employees or under public law regime. Admission is subject to the passing of the exam and being placed on-leave or special leave under Art. 2 of the Law of 13 August 1984 n. 476, as amended.


Please note that the acceptance must include the payment of stamp duty and the payment of the "Provincial tax for the right to higher education” – TDS<sup>8</sup>, except for exempted student.

Successful candidates with foreign academic qualifications, are required to provide the relevant office (University of Trento PhD Office - Cognitive, Social Sciences and Humanities); Email [phd.office-cssh@unitn.it](mailto:phd.office-cssh@unitn.it) – fax +39 0461 282191 with the following, by **30 November 2015**:

- The Declaration of Value, with the certificate of the foreign degree listing examinations, dates and grades, translated and validated by the Italian Diplomatic mission or consulate in the country where the issuing institution is located. The Declaration of Value shall certify that the foreign qualification is valid in the country where the issuing institution is located and that it grants access to an academic Programme equivalent to the PhD Programme (third level of Higher Education, as for the Bologna Process – European Higher Education Area);

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<sup>8</sup> The registration includes the payment of the TDS - “Education Tax” for a total of €156,00 (€ 140,00 TDS for the Academic Year 2015-2016 and the revenue stamp of €16,00), except in cases of exemption [http://www.unitn.it/en/ateneo/1931/education-tax-tds-and-revenue-stamp](http://www.unitn.it/en/ateneo/1931/education-tax-tds-and-revenue-stamp); payment is to be made by credit card or bank transfer.
• Or, alternatively, the Diploma Supplement, in English, using the format set out by the European Commission, the Council of Europe and UNESCO/CEPES.

Admitted applicants **who do not accept the position within 8 days** from when the final ranking list is published lose their right to enroll and their position will be offered to the next ranked eligible candidate.

Even candidates who intend to be admitted as supernumerary shall submit appropriate documentation proving their status, enrollment in the above reserved position **within 8 days** from when the final ranking list is published. Supernumerary registration is established within the limits of the number of positions listed in Art. 8 according to the final ranking list.

**Art. 9 – ENROLMENT**

The official registration in the doctorate, limited to short-listed candidates who have accepted the position according to the procedures in the preceding article, will automatically be made official as soon as the PhD Programmes’ requirements verification by the Ministry of Education, University and Research for the 2015-2016 AY has been completed. In case of nonconferrable accreditation, candidates who have accepted the position will receive a timely notification via email and the fee for the Right to Education (TDS) will be refunded.

**Art. 10 - SCHOLARSHIPS**

Scholarships are assigned according to the general ranking applicants drawn up by the Admission Committee. Successful applicants of topic-specific grants must accept the grant they are offered given that grants of general topics are considered of lower preference.

In case a candidate declines the grant, it will be offered to the next candidate in the ranking; in case the grant is associated to a specific topic, candidates next in ranking must have also obtained the eligibility for that specific topic.

The scholarship is worth €13,638.47 p.a., gross of any taxes for which the student may be legally liable. Scholarships are usually paid every two months, in advance. If a student is excluded from the programme, or suspends their participation, reimbursement of any advance payments will be required.

PhD scholarships may not be combined with any other scholarships, apart from those awarded by Italian or foreign institutions to fund a student's research abroad.

The size of the scholarship is increased by 50% during study periods abroad (minimum 1 month and maximum 18), subject to prior authorisation by either the Coordinator or the PhD Programme Committee.

The scholarship will be funded for the duration of the PhD Programme, provided that the student continues to meet the required standards.

If a student interrupts their attendance at the School for more than **30 days** the disbursement of their scholarship will be suspended.

If a student withdraws from the Programme at any point, they forfeit their entitlement to any further payments. Students who have already been awarded a scholarship in Italy for a PhD Programme are not allowed to receive another one.

**Art. 11 - PHD STUDENTS’ RIGHTS AND DUTIES**

Admission to the PhD Programme entails a full time, exclusive commitment on the part of the student. Students are expected to attend their Programmes and seminars and to engage in constant study and research activities, in accordance with the programmes and modalities decided by the PhD Programme Committee, as stated in art. 4 of this announcement. They are also required to present a report on their research to the PhD Programme Committee at the end of each year.

Students involved in co-tutor programmes are required to respect the criteria regarding study and research activities set out in the agreement with the foreign university.

From the start of the second year to the end of the third year of the Programme, each doctoral student is required to spend a **period of research of at least six months** (not necessarily consecutive) at a foreign institution, unless an exception is made by the Doctoral Programme Board, on specific request of the candidate, if he/she has not a scholarship, or for other specific reasons.

Upon careful consideration, the PhD Programme Committee may decide to exclude students from the School, with the consequent loss of any scholarship, in the following cases:

a) failure of exams or assessments during the 3 years of the PhD Programme;

b) if the PhD Programme Committee decides a student should not be allowed into the following year. The PhD Programme Committee will scrutinize both the results obtained during the academic year coming to a close, and the student’s commitment and application to their research activities;

c) if the student has taken on paid work without the previous authorization of the Doctoral Programme Committee;

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9 At the date of publication of this announcement, Italian law (art. 2, paragraph 26 of Law 335/95 and subsequent amendments) states that scholarships, from 01/01/2014, are subject to pension fund contributions (INPS), of 22% or 28.72%, of which 1/3 will be charged to the candidate.
d) prolonged and unjustified absences.

The acceptance of a scholarship funded by an external institution for specific research obliges recipients to carry out the specified activities.

The University guarantees to provide, for the entire duration of the PhD Programme, insurance against accidents and civil responsibility, but solely with regard to activities performed in connection with the PhD Programme.

According to art. 2, part 1, of Law n. 476 of 13 August 1984 and subsequent amendments, public employees admitted to a PhD Programme may ask for leave without pay for study reasons, for the entire duration of the PhD Programme. They are also entitled to receive scholarships, provided the necessary requirements are met.

If an employee on study leave is admitted to the PhD Programme without a scholarship, or if they give up a scholarship, they are entitled to receive their normal pay and benefits. If, after obtaining their PhD, an employee subsequently resigns from public service within two years of the end of the PhD Programme, the employee must fully reimburse their employer for the pay received during the entire Programme.

Art. 12 - CRITERIA FOR ADMISSION TO SUCCESSIVE YEARS

To be admitted to the second year, each doctoral student must achieve 60 credits:
- 40 credits for attending didactic activities in the first year, no less than 75% of the obligatory sessions:
- 20 credits for approval, by the Coordinator or by a Consulting Committee appointed by the Doctoral Programme Board, of two written essays, one in Italian and the other in a foreign language (English, German, French or Spanish). The Consulting Committee may arrange an interview with the doctoral students. The essays must focus on two of the scientific meetings which the students will take part in during the first year, one of which is relevant to their own curriculum, the other to a different curriculum area. The essays, of roughly 20 typewritten pages, must be handed in by 15 September.

To be admitted to the third year, each doctoral student must achieve 60 credits:
- 30 credits for attending didactic activities both inside and outside the Faculty of Law, no less than 75% of the obligatory sessions during the second year, based on a paper presented by the doctoral student and approved by the Head of the curriculum;
- 30 credits for passing an oral exam which will be held at the beginning of October in front of a panel appointed by the Doctoral Programme Board and which will focus on the status of the research, based on the index, even if only provisional, of the Doctorate thesis; each doctoral student will provide the Programme Secretariat with the index of his or her Doctorate thesis by mid September, together with an evaluation of his/her tutor about the index.

Art. 13 - ADMISSION TO THE FINAL EXAM AND THE AWARDING OF PhDS

To be admitted to the final exam, each doctoral student must achieve 40 credits during the third year:
- 20 credits for attending didactic activities both inside and outside the Faculty of Law, no less than 75% of the obligatory sessions during the third year, based on a paper presented by the student and approved by the Head of the curriculum;
- 20 credits for writing the Doctoral thesis, based on its perfection status assessed by the favourable opinion of the tutor.

A further 20 credits are conferred with approval of the thesis and the relative discussion.

The Doctoral Programme Committee, once verified that the 40 credits have been achieved by the doctoral student, gives a detailed evaluation of the students’ activities throughout the programme. They also identify two or more referees, chosen from among both University of Trento faculty members and highly qualified researchers at other Italian, or foreign, institutions.

The submission of a student’s thesis to their referees may - either on the careful consideration of the PhD Programme Committee or following a reasonable request by the student (which must be presented to the Coordinator at least 30 days before the end of the final year of the Programme) which is accepted by the Committee on both academic grounds and in the light of other circumstances – be deferred for a maximum period of 12 months after the normal duration of the PhD Programme.

The referees are required to give a detailed written analysis of the thesis and to either declare it ready to be defended, or in need of a (maximum of 6 month) period for further necessary revisions, additions or corrections.

The Final Exam takes place in the presence of an Exam Commission nominated by the PhD Programme Committee, in accordance with University Regulations on Doctoral Research, and appointed by the Rector.

The candidate will discuss the thesis in the language agreed with the Head of the Programme.

For further information refer to the mentioned regulations.
Candidates who successfully defend their thesis are awarded a Ph.D. in “Comparative and European Legal Studies”, together with the curriculum of the doctoral programme. Before being issued with their degree certificate, candidates must submit the final version of their dissertation to the University’s open-access archive. The University guarantees the safe preservation of the dissertation and public access to it. The University is also legally required to ensure that the National Libraries of Rome and Florence receive copies of the dissertation.

Art. 14 - EUROPEAN DOCTORAL PROGRAMME
The Doctorate will be recognised on a European level if the requirements specified by the declaration of the Confederation of European Union Rectors’ Conferences, concurred at the Salamanca Convention in 1991, are satisfied. In particular:
1. the Doctoral thesis defence will be accorded if at least two professors belonging to two different institutions of higher education placed in two different European countries, other than the one where the thesis will be defended, have given their judgement concerning the manuscript;
2. at least one of the members of the Examination Committee should be a professor coming from one of the two European Countries. The Country cannot be the one where the Doctoral thesis will be defended;
3. a part of the defence must be held in one of the official languages different from the one(s) of the country, where the Doctoral thesis will be defended;
4. a part of the time devoted to the completion of the thesis will be the result of a period of research spent in a European universities or research centres collaborating with the Doctoral Programme for at least one trimester.

Art. 15 - INTELLECTUAL PROPERTY RIGHTS ON RESEARCH RESULTS AND PUBLICATIONS
Without prejudice to the Italian legislation on copyright (Legislative Decree no. 633/1941 and as amended) the usage of results derived from research conducted by doctoral students funded by external bodies may be subject to limitations due to specific financing agreements which eligible applicants will be made aware of at the time of receiving the scholarship.

Art. 16 - PERSONAL DATA
The University of Trento, in accordance with the Legislative Decree 196/2003 (Personal data usage), shall use the personal details provided by the candidate for the sole purpose of participation in the selection procedure. Participation in the selection procedure implies, in the full respect of the above mentioned norms, that candidates implicitly accept that the results of the selection procedure be published on the website of the University of Trento. The University of Trento, via Calepina 14, 38122 Trento, is entitled to use candidates’ personal data.

Art. 17 - REGULATIONS
For matters not explicitly mentioned in the present announcement, please refer to art. 4 of Law n. 210 of 3 July 1998, as amended by art.19 paragraph 1 of Law n. 240 of 30 December 2010, to Ministerial Decree n. 45 of 8 February 2013, to the University Regulations for Doctoral Programmes issued by Rector's Decree n. 383 of 4 July 2013, subsequently amended by Rector’s Decree n. 160 of 18 March 2014 and to the Regulations for the Doctoral Programme in Comparative and European Legal Studies approved by the Board of the Faculty of Law on 24th July 2013.

On behalf of the Rector
The Head of Education and Student Services
Dott. Paolo Zanei
ANNEX A

Declaration substituting
DEGREE CERTIFICATE
(Article 46 - letters i, m, n - D.P.R. 28 December 2000, No. 445)

The undersigned

____________________________________________________________________________________

Place of birth (city+country) __________________________ date of birth __________________________

Official postal address (street, number, zip code, city, country)

____________________________________________________________________________________

Mob. ____________________________ e – mail ____________________________

aware of the penal sanctions pursuant to Article 76 of the Italian Presidential Decree No. 445 of 28.12.2000 for falsifying documents and making mendacious declarations

DECLARES

A) TO HAVE GRADUATED (click the corresponding box):

Type of degree

☐ MA/MSc

☐ BA (4 years)

☐ BSc (4 years)

Degree title: __________________________________________________________________________

on _____/_____/_____ University of __________________________ Country ____________________ with

mark ______________ out of __________

AND TO HAVE PASSED THE FOLLOWING EXAMS (fill out the following section C, obligatory in either case A) or B)

Alternately:

B) TO HAVE NOT YET GRADUATED and to be aware that admission to the Doctorate is conditional upon submitting the degree certificates by the date cited in the announcement.

Graduating in: __________________________________________________________________________

University of: __________________________ Country: __________________

Expected graduation date: __________________________

AND TO HAVE PASSED THE FOLLOWING EXAMS (fill out the following section C, obligatory in either case A) or B)
SECTION C: List of exams taken (marks and dates mandatory):

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Date ____________________________    Signature _____ ________________________

Clear signature in full*

This declaration is exempt from stamp duties, pursuant to Article 37 of the Italian Presidential Decree No. 445 of 28.12.2000.

*The present declaration does not require authentication of the signature nor the signature should be affixed in the presence of the person assigned to receive the document. If sent, the signatory should add a copy of his own identification document to the present certificate.