



Selection Announcement: Doctoral School in “Comparative and European Legal Studies” - 24th Cycle

THE RECTOR

- In accordance with Law no. 210 of 3.07.1998 and in particular, Art. 4, which assigns the organization of Doctoral studies to universities in accordance with the general criteria stipulated by ministerial regulations;
- In accordance with the Ministerial Decree no. 224 of 30.04.1999, regarding the general criteria to be followed by individual universities in the organization of doctoral studies;
- In accordance with the Decree by the Prime Minister of 9.04.2001, and subsequent amendments on the general criteria for uniform treatment regarding the right to higher education;
- In accordance with the Charter of the University of Trento and in particular Art. 12, paragraph 9
- In accordance with the University Regulations for Doctoral Schools, issued with the Rector's Decree no. 997 of 16.12.2003 and amended with the Rector's Decree no. 359 of 19.04.2006;
- In accordance with the proposals made by the Department of Legal Sciences;
- In accordance with the report of the internal Evaluation Committee of 16.01.2007 on the requirements for the Doctoral Programmes proposed;
- In accordance with the resolution made jointly by the Academic Senate and the Scientific Research Committee on 12.02.2008

decrees

ART. 1 - INSTITUTION

The University of Trento announces the 24th cycle of the Doctoral Programme in “Comparative and European Legal Studies” in co-operation with:

- Cátedra Interuniversitaria de Derecho y Genoma Humano, Bilbao (E)
- Departamento de Derecho del Trabajo, Universidad de Salamanca (E)
- Departamento de Derecho Penal y Criminología, Facultad de Derecho, Universidad de Buenos Aires (ARG)
- Departamento de Derecho Penal, UNED (Universidad Nacional de Educación a Distancia) (E)
- Departamento de Derecho Público, Universidad de Salamanca (E)
- Dipartimento di Diritto pubblico, Università Jaume I di Castellón de la Plana (E)
- Dipartimento di Scienze Giuridiche, Dottorato di ricerca in Diritto penale, Università di Parma
- Ecole Normale Supérieure Lettres et Sciences Humaines, Lyon (F)
- G.J. Wiarda Instituut of Legal Sciences, Utrecht Law School, Utrecht (NL)
- Institut für Zivilverfahrensrecht, Universität Wien (A)
- Institut für geschichtliche Rechtswissenschaft - Romanistische Abteilung – Universität Heidelberg (D)
- Institute for Criminal Law and Justice, Department of Foreign and International Criminal Law, Georg-August Universität Göttingen (D)
- Institute of European Law and Comparative Legislation, Faculty of Law, University of Rijeka (HR)
- Max Planck Institut für Strafrecht, Freiburg (D)
- Max Planck Institute for Intellectual Property Competition and Tax Law, Munich (D)
- Rotterdam Institute of Law and Economics (RILE), Università di Rotterdam (NL)
- Université de Bordeaux (F)
- University of Illinois at Urbana Champaign (USA)
- Vermont Law School (CDN)
- Wirtschaftswissenschaft Fakultät Eichstätt – Ingolstadt (D).

Length: three years.



Specializations:

- A. Private Law, Comparative Private Law and Commercial Law
- B. Public 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.

Scientific Areas:

- IUS / 01 Private Law
- IUS / 02 Comparative Private Law
- IUS / 04 Commercial Law
- IUS / 07 Labour Law
- IUS / 09 Institutions of Public Law
- IUS / 10 Administrative Law
- IUS / 15 Civil Procedural Law
- IUS / 16 Criminal Procedural Law
- IUS / 17 Criminal Law
- IUS / 18 Roman Law and Ancient Law
- IUS / 19 History of Medieval and Modern Law
- IUS / 20 Philosophy of Law
- IUS / 21 Comparative Public Law
- SPS / 02 History of Political Doctrines

Head of the School: prof. Gabriele Fornasari - Tel. +39 0461 883886 – E-mail: fornasari@jus.unitn.it

Official languages: Italian and English.

This hereby announces the selection process for **16 doctoral positions** in the Comparative and European Legal Studies Programme, **8 positions** will be assigned grants financed by the University of Trento (Italy).

The number of grant-assisted places may be increased by funds from universities, public research bodies or qualified private organizations made available after the publication of this announcement and before the beginning of the selection. Any increase in the number of available places resulting from an increase of grants will be communicated through the official notice board of the University of Trento and posted on the website: <http://portale.unitn.it/en/ec/phd/cels.htm>

Art. 2 – ADMISSION REQUIREMENTS

Applications for the doctoral positions are accepted from candidates, regardless of gender, age and nationality, holding an Italian “laurea specialistica” (magistrale), in compliance with the Ministerial Decree no. 509 of 3.11.1999 as amended, a university degree of the previously enforced Italian regulations, or an equivalent academic degree obtained abroad.

Applicants who have a foreign degree which has not been officially recognized as equivalent to an Italian degree should submit a request for equivalence in the application. This is done by adding the following documents:

- degree certificate or degree self-certification (according to Presidential Decree no. 445 of 28.12.2000 concerning EU citizens);
- translation into English of the degree certificate, with exams taken, grades obtained and signed by the applicant to enable the Doctoral School Committee to declare its equivalence, for the sole purpose of being admitted to the selection of the present Call.

Only admitted non-EU applicants holding a non-Italian qualification and admitted EU applicants holding a non-EU qualification must also present their degree certificate along with exams taken and grades, translated and authenticated by an Italian consulate, embassy or diplomatic representative in the country where the degree was issued, and the respective declaration of validity (“Dichiarazione di Valore”), **no later than 31.10.2008**.

Applications are also accepted from students who expect to complete their degree by the date of the first selection examination. In such cases, admission is “conditional” and the applicants must be able to present the relevant degree certificate, or a declaration that the degree will have been conferred



(according to Presidential Decree no. 445 of 28.12.2000, applicable only to citizens of the European Union), by the date of the first selection examination.

Art. 3 – THE DOCTORAL PROGRAM

The **first year** formative program is the same one for each curriculum.

It will be based on a course of 80 hours on the interpretation of the law from the historical, philosophical, comparative points of view, and in relation to the different disciplines of the law.

The courses can be taught by Italian or foreign professors not necessarily belonging to the Department; some of the lectures will be held in English.

20 hours of the program will be constituted by seminars concerning transversal subjects, such as circulation of the juridical models, institutions of the Islamic law, relationship between juridical and social sciences, innovations due to the globalization phenomenon and economic analysis of the law.

20 hours of the program will be at disposal of the students for attending meetings and seminars internal or external to the Department.

The program of the **following years** is articulated in seminars and short courses for the different curricula:

a) Private Law, Comparative Private Law and Commercial Law

The topics handled during the second and third year of the doctoral course are as follows:

- understanding models – macro-comparison and diachronic comparison;
- the comparison of institutes – micro-comparison and synchronic comparison;
- the private corporative law: financial frameworks, corporative models of governance, integration between corporations; punishments for violations of the corporation regulations, no profit-making corporations.

The following course module topics will be explored in detail:

- Comparative legal systems – Property, contract issues and liabilities in civil law and common law;
- The formation of a common European private law;
- The propagation of models in European private law – The propagation of models of civil law and common law;
- The law of economics – The propagation of models and economic analysis.

Already by its previous cycles, the Economic Analysis of Law course held by the Doctoral School of Comparative and European Legal Studies had established a tight collaboration with the Department of Economics to develop different projects and activities for doctoral students. In particular the students will be able to participate in other initiatives organised by the Department of Economics, such as the Summer Institute in Behavioural Economics, the Winter School of Law and Economics and other seminars on topics of research whom the Department of Legal Sciences and the Department of Economics are dealing with. A cycle of lectures in Economic Analysis of Law are held in collaboration with the Doctoral School of Economics and Management.

b) Public Law

The topics handled during the second and third years of the course will study aspects of jurisprudence in detail and, in particular, the protection of fundamental rights.

During this part of the course, the specialised curriculum will maintain a unitary structure, albeit spread over several disciplinary focal points, which are all interrelated in a perspective of both national and comparative law, and of international and Community law, due to the similarities in the substantial and procedural foundations of the protection of fundamental rights.

Specifically, the curriculum will handle the following topics:

- Fundamental rights: philosophical origins and constitutional codification;
- Fundamental rights: foundations, regime, structure and content;
- The rights of EU citizens;
- The rights of non-EU citizens;
- The international instruments of protection: universal instruments (UN) and regional instruments (the Council of Europe, OAU and OAS);
- International and supra-national procedural instruments: international judges and Community judges; relations with national jurisdictions;
- Sector-specific instruments of protection: freedom of thought (freedom of information, freedom of communication, rights of access to administrative documentation, the protection of health information, the protection of statistical data and the system of derogation); participation in the administrative



process; the 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 minorities (ethnic and linguistic): instruments for individual and collective protection;
- Fundamental rights in relation to new technologies (BioLaw);
- Instruments of protection: a) constitutional justice; b) administrative justice and c) ordinary jurisdiction;
- Instruments of protection: final protection and precautionary protection.

c) Criminal Law and Procedure and Philosophy of Law

In part, the research topics proposed will analyse the subjects already handled by previous cycles of the Criminal Law curriculum:

- a) the harmonisation of criminal law and criminal procedural law in a European and trans-national context;
- b) criminal law of economics and new technologies;
- c) alternative means to resolve conflicts of a criminal nature: substantive and procedural issues of mediation in dealings with minors and the criminal jurisdiction of the justice of the peace.

Other parts of the curriculum provide more detail, with more specialised aspects related to the following particularly relevant issues:

1. The relations between the criminal justice systems (in both substantive and procedural aspects) and supra-national law, with specific regard for:

a) European Union law, particularly in view of the new European Constitution. The increasing drive towards the harmonisation of judiciary codes, including criminal codes, of the Member States, and in particular, the instruments of the Third Pillar (framework conventions and decisions on issues such as the fight against fraud, terrorism, organised crime, money laundering, the trafficking of human beings, environmental protection, etc.) offer new and wider scope for research, in view of the imminent approval of the European Constitution which ratifies the jurisdiction of the European Union in criminal matters and of effective Europe-wide projects for the unification of criminal law and criminal procedural law in individual areas (the Corpus Juris project for the criminal protection of EU financial interests and for the establishment of a European Public Prosecutor; the European arrest warrant; Eurojust etc.);

b) Criminal law, criminal procedure and international tools for the protection of fundamental rights, specifically the European Convention on Human Rights and the jurisprudence of the European Court of Justice in Strasbourg. The development and increasing influence of European jurisprudence in national criminal legal systems, in large part assimilated by the European Court of Justice, make it relevant to assess the effective role that fundamental rights play as "subjects" and "limits" in modern criminal law, and what powers they exert in the procedure;

c) International criminal law and procedure, particularly in light of the Rome Statute of the International Criminal Court (ICC) and the jurisprudence of ad hoc Tribunals for Rwanda and former Yugoslavia. The entry in effect of the International Criminal Court, the prolific production of doctrine and the significant extension of the jurisprudence of ad hoc Tribunals have allowed for a wide spectrum of research into the general aspect and general theories of crime in the new international criminal law (assumptions for individual and joint responsibility, the subjective factor and error, extenuating circumstances, commensurate sentencing, etc.), into individual instances of crime encountered (genocide, war crimes, crimes against humanity, crimes of aggression), and into the basic categories in the nascent international criminal procedure (action; role of the prosecution; investigation techniques and international cooperation; the formation of evidence; final judgement and the so-called international *ne bis in idem*).

2. The criminal law of new technologies, with particular regard for criminal law for IT and the Internet (computercrime and cybercrime), genetics, assisted fertility techniques, end of life health treatment etc. and related procedural profiles. The extraordinary development of IT and the Internet, combined with today's new needs for discipline and harmonisation in all judiciary codes, which are monitored by several supra-national bodies (UN, the European Council, specifically with the 2001 Convention on Cybercrime, the European Union, WIPO, etc.), is opening up new, extensive fields of research, in a trans-national and comparative context, in many areas: from the criminal protection of privacy and copyright, the fight against fraud, counterfeiting, damages, illegal access and interception, the distribution of pornography and offensive content, etc. to the allocation of responsibility to service-providers and professionals, specifically business and organisation owners, etc. with the establishment and experimentation of new juridical institutes, also on procedural and probational levels, and forms of international cooperation.

3. Non-penitentiary punishments and alternative means for criminal conflict resolution, with particular regard for the criminal jurisdiction system of justices of the peace and the juvenile courts. The general and universally acknowledged crisis in the use of detention as a normal means to control deviance and



resolve conflicts of a largely interpersonal nature (excluding serious forms of crime or violence towards assets of particular importance to the collective or the individual) has prompted research (not merely theoretical research, but also including the experimentation of legislative and applicative practices in many foreign judiciary codes) into non-penitentiary punishments and alternative means to resolve conflicts in a criminal context. In particular, the curriculum studies subjects of research such as institutes for restorative justice, (criminal) mediation between perpetrator and victim, the promotion of reparatory and recompensatory conducts and their favourable effects on criminal procedure, opportunities for voluntary discontinuance of withdrawal from legal action due to the tenuous or irrelevant nature of the fact, when it is unnecessary or inappropriate to proceed with or conclude a trial; etc. These institutes, first introduced in our judiciary code within the area of juvenile criminal justice (in particular, through the "alternative definitions" of the procedure introduced by Presidential Decree no. 448 of 22.9.1988), have recently been extended to apply to adult criminal justice, through legislation introducing the criminal jurisdiction of the Justice of the Peace (Law Decree no. 274 of 28.8.2000, implementing the Delegation Law no. 468 of 24.11.1999). In this matter, there has been much debate regarding doctrine, and the first significant facts on judiciary practice are now emerging.

- Legal Argumentation, Criminal Law and Criminal Procedure

In this course the candidate will have the opportunity to know the subjects linked to the legal reasoning developed in the criminal procedure. This reasoning will be realised both in a descriptive way focusing on the different legal orders and in a prescriptive way considering the specific logical and linguistic elements arising from a dialogical structure of the dispute. That one requires the proceedings of a topic-rhetorical nature to be completely understood.

These proceedings have been stressed by the recent epistemology.

Considering by the point of view of the legal theory the study of the matters linked to the interpretation of criminal and procedure law (f.i. scientific evidence) and of the practical rationality's forms identifying the criminal law as a social general rule are important in the context mentioned above.

d) The History of Roman Law and European Legal Thought in Europe

The topics handled in the second and third years of the course will deal with a wide panorama of historical-legal studies, from the laws of antiquity and Romanist traditions to common law and complete modernity, with special focus on the jurisprudential and doctrinal aspects of law.

The historical-juridical curriculum is not intended to play an inceptive role but, rather, to highlight the intrinsic historical dimension of jurisprudence and, in particular, of the scientific thought in the great season of the classical roman jurisprudence and, subsequently, of the theoretical developments in the long history of the *ius commune* Europaeum (the *jus-doctrinale* tradition).

The contribution of historical disciplines in the doctoral course will, therefore, on the one hand deal with the dissemination of the methodological and conceptual legacies contained in the 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 topics of research 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 relative to roman legal experience, to the production of doctrine in public law, the procedure, the relationship between forms of literature and theoretical development (consultant and commentary literature) and the comparison of laws in their historical context.

Overall, the curriculum will promote a concept of multidimensionality in law and its concrete manifestations.

e) Substantive and Procedural Labour Law

The topics handled during the second and third years of the course will study aspects of labour law in detail and, in particular, discipline in individual and collective labour relations in a European and trans-national context, and basic profiles of labour procedures and arbitration.

This part of the course will closely assess, through interdisciplinary studies, discipline in labour relations (subordinate, para-subordinate and autonomous) and 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 EU sources of law interact, in order to optimise the use of comparative methods, the curriculum has been structured into two levels: the first level studies the general principles of the protection of fundamental individual rights and the characterising principles of fair trial; the second level studies more specific topics, which are closely related to substantial and procedural labour law and the protection of workers. While these are two different focal points, they both play a part in the same unitary perspective, both on a national and comparative law scale and an international and supra-national scale.



In this light, particular focus must be given to issues related to the increasingly forceful drive towards legislative harmonisation due, undoubtedly, to the strengthening of the European Union - with effects notable on a trans-national scale - that substantially weakens the role of national sovereignty which is at the core 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 will also deal with the following major topics:

- the relation between supra-national law – with particular regard for European Union and ILO law – 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 citizen workers and non-EU citizen workers.

- The protection of gender equality and positive action.

- The protection of confidentiality and new technologies.

- The promotion of employment and professional training.

- Work safety and the working environment.

- Types of labour relationships: subordinated, para-subordinated and autonomous.

- The promotion of instruments for flexibility in entering and leaving the job market.

- Creditor’s powers and the rights of the worker.

- Instruments and methods for 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, EU 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 Law (AIDLASS) and in initiatives promoted by the Italian Association of researchers into civil procedure.

Furthermore the doctoral students are encourage to partecipate in stages and scientific initiatives held in foreign Universities according to exchange programme among students and where some members of the Doctoral School Committee are teaching.

Art. 4 – APPLICATION

Application should be made using the application form attached to this announcement.

The application, including all attachments, must arrive **by the 29 of August 2008** in one of the following ways:

- hand delivered to the University of Trento - Ufficio Dottorati ed Esami di Stato, Via Inama 5 – 38100 Trento (Italy) from 10:00 to 12:00 a.m., Monday to Friday;

- by mail to the following address: Magnifico Rettore dell’Università degli Studi di Trento - via Belenzani 12 – 38100 Trento (Italy) (please write “Doctoral School in Comparative and European Legal Studies” on the envelope);

- by fax to the following number: 0039 0461 882191.

The University of Trento does not take responsibility for loss of applications from mistakes in writing the address nor from possible postal or telegraphic delays or problems.

Applications received after the 29th of August 2007 will not be considered even if posted beforehand.

According to Italian Law no. 104/92, art. 20 and to Italian Law no. 68/99, art. 16, par. 1, special needs applicants are expected to explicitly state in their application whether they require special assistance or extra time during the examinations. Under Legislative Decree 196/03, all information will be kept confidential.

Applications should include the following attachments:

- photocopy of the applicant’s identity card or passport;

- curriculum studiorum;

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

Applicants who have a foreign degree which has not been officially recognized as equivalent to an Italian degree must submit a request for equivalence in the application. This is done by adding the following documents:



- degree certificate (according to Presidential Decree no. 445 of 28.12.2000 regarding self-certifications for EU citizens)
- translation into English of the degree certificate, with exams taken, grades obtained and signed by the applicant to enable the Doctorate School Committee to declare its equivalence, for the sole purpose of being admitted to the selection of this call.

If, afterwards the submission of their application, candidates wish to add further information, they are required to send them to the University offices **by the 29th of August 2008**. The applicant's name, the Doctoral Programme he/she is applying for and the object ("Integrazione domanda") must be clearly written on the envelope.

The University of Trento reserves the right to verify (including spot checking), declarations and documents submitted by candidates, according to art. 71 and subsequent articles of Presidential Decree no. 445, dated 28.12.2000. Any time, candidates not fulfilling the requirements requested can be left out the selection for the Doctoral Programme.

Art. 5 – SELECTION

The selection process may be held in Italian or in a foreign language chosen by candidates among English, German, French or Spanish. The selection aims to assess the candidate's knowledge and aptitude for scientific research in the area of the specialized curriculum chosen by the candidate.

The selection consists in a written exam and an oral exam.

Applicants must show an identifying document in order to be admitted to the examination.

Those candidates who achieve a minimum score of 36/60 in the written exam will be admitted to the oral exam, which is successfully passed with a minimum 36/60 point score.

The date of the exams, with time and location will be displayed on the website:

<http://portale.unitn.it/en/ec/phd/cels.htm>

at least 20 days before the date of exam, as laid down out in Art. 20 of the University Regulations for Doctoral Schools.

Art. 6 – PROGRAMME OF THE EXAMINATION

The written examination will consist in a dissertation on a topic which will be drawn among those prepared by the Commission. The topic will be related to one of the specialised subjects.

Candidates will be given a choice among the topics concerning the selected curriculum:

- **curriculum of Private Law, Comparative Private Law and Commercial Law:**
Comparative Private Law / Economic Analysis of Law / Commercial Law;
- **curriculum of Public Law:**
Constitutional Law / Administrative Law;
- **curriculum of Criminal Law and Procedure and Philosophy of Law:**
Criminal Law / Criminal Procedural Law / Philosophy of Law;
- **curriculum of Substantive and Procedural Labour Law:**
Labour Law / Civil Procedural Law;
- **curriculum of The History of Roman Law and European Legal Thought:**
Roman Law / History of European Legal Thought.

The oral examination will generally assess both the candidate's knowledge of the topics of the chosen curriculum and the subject of the research that the candidate plans to develop. During the oral exam The Commission will evaluate the candidate's knowledge of one of the foreign languages among English, German, French or Spanish.

Art. 7 – ADMISSIONS COMMITTEE

Upon hearing the Doctoral School Committee the Rector appoints the Admissions Committee. It consists of three members chosen among Italian and foreign tenure professors and researchers, who are experts in the scientific areas of the Doctoral School. The Committee may also include two experts, who may be foreign, from public and private national and international research centres. The appointment of these experts is compulsory in case of conventions or agreements with small-medium size companies.



After the admission examinations, the Committee will draw up a merit-based ranking according to the scores obtained by the applicants in each examination.

The final ranking of candidates will be posted on the website: <http://portale.unitn.it/en/ec/phd/cels.htm>

The publication of this list constitutes the formal notification of the results.

Successful applicants will not receive personal communication.

Art. 8 - ADMISSION TO THE DOCTORAL SCHOOL

Short-listed applicants will be admitted to the Doctoral School according to their placement in the list until all available places have been filled.

If the candidates are equally worthy of admission, the students' economic situation will be evaluated for positions that include a grant, in accordance with the Decree by the President of the Council of Ministers (D.P.C.M.) dated 9.04.2001 as amended, for positions not assigned a grant, the younger student shall be given priority.

If a successful applicant withdraws before the beginning of the programme, the next applicant on the list will be offered the position.

If a successful applicant withdraws or is excluded in the first three-month term of the first year, the Doctoral School Committee may decide to fill the vacancy with another candidate from the list.

According to Art. 19, paragraph 3, of the University Regulations for Doctoral Schools and according to previous Doctoral School Committee resolutions, the Admissions Committee **may allocate** up to 12,5% of the total assigned places to candidates who are deemed eligible in the general ranking, if they belong to the following categories:

- applicants from non-E.U. countries who have been awarded any kind of grant;
- 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 responsibility for the University of Trento);
- short-listed applicants who have been awarded grants under Law 449/97, Art. 51 ("Assegni di ricerca").

Art. 9 – HOW TO ENROL

Applicants who are admitted to the School should forward their enrolment application with attached stamp duty to:

University of Trento
Ufficio Dottorati ed Esami di Stato
Via Inama 5
38100 Trento (ITALY)

within 15 days of the date of the publication of the final ranking on the website:

<http://portale.unitn.it/en/ec/phd/cels.htm>.

If applicable, the receipt for payment of the provincial tax for the right to university study (TDS) must be attached to the application.

In their applications (forms are available at the University of Trento - Ufficio Dottorati di Ricerca and on the website: <http://portale.unitn.it/en/ec/phd.htm>) candidates should:

- ask / ask not to be awarded a grant (including successful applicants who are not eligible for a grant in case an applicant eligible for a grant gives up his/her place);
- declare that they already receive / do not receive a grant by the Italian Ministry of Foreign Affairs or by other Italian or foreign institution;
- declare that they have / have not already been awarded (even for one year only) a grant for an Italian Doctoral Programme;
- declare that they are not already enrolled and undertake not to enrol on any other programme for a diploma, degree, an Italian "Scuola di Specializzazione", doctoral or master degree, whether of the I or the II level, for the duration of this Doctoral School. Or alternatively, declare that they will stop attending such a school before the start of the Doctoral School;
- declare that they are / are not employed by the Italian public sector;
- declare to request the Doctoral School Committee authorization for any work occupation;
- undertake to inform the University of any changes of their residence or address.



Only admitted non-EU applicants holding a non-Italian qualification and admitted EU applicants holding a non-EU qualification must also present their degree certificate along with exams taken and grades, translated and authenticated by an Italian consulate, embassy or diplomatic representative in the country where the degree was issued, and the respective declaration of validity ("Dichiarazione di Valore"), **no later than 31.10.2008**.

Successful applicants who do not send their application **within 15 days** following the date of publication of the list on the website: <http://portale.unitn.it/en/ec/phd/cels.htm> lose the right to enrol and the corresponding place will be offered to the next candidate on the list.

Art. 10 – GRANTS

Grants are assigned based to the ranking of applicants drawn up by the Admissions Committee.

If an applicant forfeits his/her right to the grant, the next applicant on the list will be offered the grant.

In the case of one or more grants financed by an external entities, the candidates can choose which grant to benefit from, based on their position in the ranking. If a grant financed by external entities is submitted to a specific area of research, the candidate may accept or decline the grant. If he/she accepts the grant, he/she must mention the body which financed the grant in the doctoral thesis and provide it with a copy.

In 2008¹ the amount of the annual scholarship after tax has been determined as follows:

- 9.876,33 EUR for doctoral students residing in Italy
- 10.561,54 EUR for doctoral students residing outside Italy who can adopt the agreement in order not to avoid getting taxed in both countries.
- 10.173,21 EUR for the doctoral students residing in Italy and contributing to an additional social security system.

Grants are paid bi-monthly in advance, with recoupment of undue payments in case the student is expelled or suspended.

Grants cannot be combined with other scholarships, except those awarded by national or foreign scientific institutes for periods spent abroad and useful for the research activities carried out by the doctoral student.

Scholarships are increased by 50% for any periods spent abroad authorized by the Coordinator or by the Doctoral School Committee.

Grants are awarded for the entire duration of the Programme following confirmation by the Doctoral School Committee of the results achieved every year by the doctoral students.

A doctoral students' failure to attend the Programme for over thirty days will lead to grant suspension.

Art. 11 - RIGHTS AND DUTIES OF DOCTORAL STUDENTS

Doctoral students must commit to attend the doctoral programme and to carry out research activities and studies on a full time basis according to the schedules and the regulations laid down by the Doctoral School Committee, as specified in Art. 3 of the present announcement.

Students participating in a co-tutelle programme are required to conduct study and research activities according to the agreement signed 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 School Committee, on specific request of the candidate.

In case of a negative evaluation given by the Doctoral School Committee regarding a student's participation in School activities and studies, the Rector can exclude the student from the doctoral School.

Grants financed by external bodies where specific research is to be carried out, limit the grant holders to carry out that specific work for the entire duration of the Programme.

For the length of the doctoral programme, students are insured by the University against accidents and damage to third parties that occur solely in circumstances pertaining to the doctoral school programme.

¹ At the moment of the publication of this announcement the current Italia Law states that the doctoral scholarship is subject to social security contributions (INPS 17% or 24,72%. One third of the tax is chargeable to the doctoral student) according to art 2(26) of Law no. 335/95 as amended.



From the beginning and for the duration of the doctoral school programme, a public office employee who is accepted for a doctoral programme may request a leave of absence for reasons of study, without a stipend and may benefit from the doctoral grant, as long as conditions are met.

In the case of admission to a doctoral programme without a grant, or should the applicant not accept it, the person on leave of absence may benefit from the economic remuneration, social insurance and retirement benefits provided by the public institution where he/she is employed. Should the employee terminate employment in public office within two years from having obtained the doctoral degree, the amount paid out during the course of the doctoral studies must be claimed back.

Art. 12 – DOCTORAL TITLE CONFERRAL

The doctoral title, conferred by the Rector, is granted when students pass the final examination which takes place at the end of the doctorate programme.

Upon advice given by the Doctoral School Committee, the Examination Committee is nominated by the Rector, in accordance with the University Regulations for Doctoral Research Programmes.

The doctoral student discuss the final thesis in the language agreed with the Head of the School.

Release of title certification is dependent upon delivery of the final thesis to the University's open access institutional archive on behalf of the graduate, that guarantees the conservation and public availability of the thesis. It is the University's responsibility to then deposit the thesis, according to law, among the National Libraries of Rome and Florence.

Art. 12 bis – 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, will be 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 School for at least one trimester.

Art. 13 – PERSONAL DATA

The University of Trento, in accordance with Legislative Decree 196/03 "Italian Personal Data Protection Code", uses applicants' personal data only for the purpose of selection procedures and for institutional reasons.

In observance of the above-mentioned law, participation in the selection requires the applicant to give the University of Trento permission to publish his/her personal data concerning the results of the selection procedure on the University website.

Art. 14 – REFERRAL RULE

For matters not explicitly mentioned in the present announcement, please refer to art. 4 of Law no. 210 of 3.07.1998, to Ministerial Decree no. 224 of 30.04.1999 and to the University Regulations for Doctoral Schools issued with the Rector's Decree no. 937 of 16.12.03 and amended with the Rector's Decree no. 359 of 19.04.2006.

Trento, 30 June 2008

The Rector
prof. Davide Bassi



TO THE MAGNIFICO RETTORE
UNIVERSITÀ DEGLI STUDI DI TRENTO
VIA BELENZANI, 12
38100 TRENTO – ITALY

I, the undersigned, apply to be considered in the competitive selection for the Doctoral School in

COMPARATIVE AND EUROPEAN LEGAL STUDIES – 24th CYCLE

Preferred curriculum²

--

For this purpose I, the undersigned, declare:

SURNAME

--

FIRST NAME

--

DATE OF BIRTH

--

PLACE OF BIRTH Town|City

--

Country

--

RESIDENTIAL ADDRESS

Address			
Post/Zip Code			Country
Tel			Fax
E-mail			

POSTAL ADDRESS (if different from residential)

Address			
Post/Zip Code			Country
Tel			Fax

- **TO HOLD _____ CITIZENSHIP**

² Pursuant to Article 3 of the announcement of selection, the candidate must choose only one curriculum among "Private Law, Comparative Private Law and Commercial Law", "Public Law", "Criminal Law and Procedure and Philosophy of Law", "The History of Roman Law and European Legal Thought in Europe", "Substantive and Procedural Labour Law".



- TO HOLD AN ITALIAN DEGREE (“LAUREA”)** _____ with mark _____

IN (subject)

FROM (University)

CONFERRED ON (date)

- TO HAVE NOT YET GRADUATED**, that I am aware that my admission to the Doctoral School depends on the presentation of my degree certificate by the date of the first examination and that I am currently

STUDYING (subject)

AT (University)

COUNTRY

- TO HOLD A FOREIGN QUALIFICATION, recognized as equivalent to the Italian degree**

Italian Rector’s Decree recognizing equivalence	N°
	On (date)
	University of

- TO HOLD A FOREIGN QUALIFICATION and I request the Doctoral School Committee to recognize its equivalence to the Italian degree** ³

- TO SPEAK THE FOLLOWING LANGUAGE(S):**

<input type="checkbox"/> Italian	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Spanish	<input type="checkbox"/> German	<input type="checkbox"/> _____
----------------------------------	----------------------------------	---------------------------------	----------------------------------	---------------------------------	--------------------------------

- TO REQUEST THE WRITTEN EXAM IN THE FOLLOWING LANGUAGE:**

<input type="checkbox"/> Italian	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Spanish	<input type="checkbox"/> German
----------------------------------	----------------------------------	---------------------------------	----------------------------------	---------------------------------

- TO REQUEST THE ORAL EXAM IN THE FOLLOWING LANGUAGE:**

<input type="checkbox"/> Italian	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Spanish	<input type="checkbox"/> German
----------------------------------	----------------------------------	---------------------------------	----------------------------------	---------------------------------

- TO REQUEST A LANGUAGE VERIFICATION IN THE FOLLOWING LANGUAGE (other than the languages chosen for the written and oral exams):**

<input type="checkbox"/> Italian	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Spanish	<input type="checkbox"/> German
----------------------------------	----------------------------------	---------------------------------	----------------------------------	---------------------------------

- TO UNDERTAKE to inform the University of any changes to my address for correspondence and/or my telephone number**

- THAT I HAVE / DO NOT HAVE** ⁴ **A DISABILITY (Art. 4 Law 104/92) and need:**

³ Applicants who have a foreign degree which has not been officially recognized as equivalent to an Italian degree must submit a request for equivalence in the application. This is done by adding the following documents:

- degree certificate (according to Presidential Decree no. 445 of 28.12.2000 regarding self-certifications for EU citizens)
- translation into English of the degree certificate, with exams taken, grades obtained and signed by the applicant to enable the Doctorate School Committee to declare its equivalence, for the sole purpose of being admitted to the selection of this call.



- the following assistance:
-
- and/or extra time (cross out as necessary): YES NO

- **TO BE AWARE AND TO ACCEPT THE REGULATIONS REGARDING:**
 - the present call
 - the University Regulations for Doctoral Schools:
http://portale.unitn.it/en/rr/reg_doct.htm
 - Implementing Regulations of the Research Doctoral School in Comparative and European Legal Studies: <http://portale.unitn.it/en/rr/reru.htm>

Date _____

Signature

ANNEXES⁵:

Applications should include the following attachments:

- photocopy of the applicant's identity card or passport;
- curriculum studiorum;
- any certificates proving the applicant's knowledge of foreign languages;

Applicants who have a foreign degree which has not been officially recognized as equivalent to an Italian degree must submit a request for equivalence in the application. This is done by adding the following documents:

- degree certificate (according to Presidential Decree no. 445 of 28.12.2000 regarding self-certifications for EU citizens)
- translation into English of the degree certificate, with exams taken, grades obtained and signed by the applicant to enable the Doctorate School Committee to declare its equivalence, for the sole purpose of being admitted to the selection of this call.

⁴ Cross out non-applicable items.

⁵ After the conclusion of the entrance examination procedure, applicants who wish the documents attached to their application for the Doctoral Programme returned must explicitly request their return in writing to the Administration (Ufficio Dottorati di Ricerca), within one year of the expiry date of this announcement. All postal costs are at the applicant's expense.