



Call for PhD positions in Doctoral Programme
in
“Comparative and European Legal Studies”
(35th cycle)

Academic Year 2019/2020

N.B. Please note that only the Italian version of the present call issued with Rector’s Decree n. 382 of 28th May 2019 is legally binding, the English version is provided for information only



Art. 1 – SUBJECT OF THE CALL

The 35th cycle of the PhD Programme in “Comparative and European Legal Studies” will commence in the academic year 2019/2020 at the University of Trento, in co-operation with:

- Cátedra Interuniversitaria de Derecho y Genoma Humano, Universidad de Deusto, Universidad del País Vasco, Bilbao (E)
- Centre for Intellectual Property Policy, McGill University, Montréal (CANADA)
- Departament de Ciència Política i de Dret Públic, Universitat Autònoma de Barcelona (E)
- Departamento de Derecho del Trabajo y Trabajo Social, Universidad de Salamanca (E)
- Departamento de Derecho Penal, Universidad de Salamanca (E)
- Departamento de Derecho Publico, Università Jaume I di Castellon de la Plana (E)
- Department of Law - Universitat Pompeu Fabra (E)
- Dipartimento di Scienze Giuridiche, Dottorato di ricerca in Diritto penale, Università di Parma (I)
- Escuela de Derecho de la Universidad de Valparaíso (RCH)
- Facultad de Derecho, Universidad de Belgrano, Buenos Aires (ARG)
- Facultad de Derecho, Universidad de Valencia (E)
- Facultad de Derecho, Universidad de Valladolid (E)
- Faculté de Droit, Economie et Finance, Université du Luxembourg (LUX)
- Faculty of Law, Economics and Governance of Utrecht University (NL)
- Institut für geschichtliche Rechtswissenschaft, University of Heidelberg (D)
- Instituto Universitario General Gutiérrez Mellado, UNED Universidad Nacional de Educacion a Distancia, Madrid (E)
- Kingston University London (UK)
- Max Planck Institute for Foreign and International Criminal Law, Freiburg (D)
- Max Planck Institute for Intellectual Property Competition, Munich (D)
- Universidad de a Coruna (E)
- Universidad de Huelva - Facultad de Derecho (E)
- Universidade Presbiteriana MacKenzie - San Paolo (BRA)
- Vermont Law School, South Royalton (USA)
- Wirtschaftswissenschaft Fakultät Eichstätt, Ingolstadt (D)

Places: n. 10

Scholarships: n. 8

The scholarships are funded as follow:

- **n. 7 scholarships** funded by the **University of Trento**;
- **n. 1 scholarship** financed by the **Fondazione Bruno Kessler** on the topic: “*Artificial Intelligence and Law*”.

The topic-specific grant is conditional to the execution of a particular research topic for which specific skills are required; these specific skills will be verified during the selection procedure (by the written examination and the oral examination).

Those interested in the topic-specific grant should carefully check the topic and required skillset indicated on the web page <https://www.unitn.it/drsge/node/133>.

Information about the scholarship: <http://www.unitn.it/en/node/1937/>

Positions without scholarship: n. 2

Supernumerary postgraduate research positions: positions reserved to candidates fulfilling the requirements stated by art. 20, par. 3 of the University Regulations regarding PhD Programmes **n. 1**

Deadline for application: August 5, 2019, 4:00 p.m. Italian time

Duration: 3 years

Beginning of the academic year: November 1, 2019

Head of School: prof. Gian Antonio Benacchio (Ph. +39 0461 283895; e mail: g.benacchio@unitn.it)



Doctorate website: <http://web.unitn.it/en/drsqce> for informations about PhD programme and enrolment 1st, 2nd, 3rd year and admittance to final examination

Competition website: <https://www.unitn.it/en/node/1966/>

Webpage about rights and duties of PhD students: <http://www.unitn.it/en/node/52919/>

Official languages of the PhD Programme: Italian and English

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
- 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/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

IMPORTANT

The results of the selection process will be published at the [selection's webpage](#), together with the list of applicants (using their application ID) that are not admitted to the selection after a formal check or after the evaluation of the foreign qualification.

No personal note will be sent to excluded candidates, the online ranking list will be the only official information. Notwithstanding the provisions of the following articles 5 co. 12 and 6 co. 5 of this selection announcement, any notices related to the selection will be sent by e-mail to the e-mail address indicated in the online application in the "Email address for notification" section. It is therefore advisable to regularly check your inbox and inform the PhD Office - Cognitive, Social Sciences and Humanities (phd.office-cssh@unitn.it) of any changes to the email address reported in the online application.

Art. 2 – ADMISSION REQUIREMENTS

1. Applications for admission to the selection process are accepted from candidates regardless of gender, age and nationality, who hold:
 - a) an Italian "Laurea Magistrale" (Master's Degree) according to Ministerial Decree no. 270 of 22 October 2004, or
 - b) 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
 - c) an equivalent degree qualification obtained abroad at an officially recognized academic institution and which:
 - is considered suitable¹ by the Admission Committee for the sole purpose of the admission to the PhD Programme;

¹ The eligibility of the foreign qualifications is assessed by the Admission Committee in accordance with the legislation in force and with international treaties or agreements concerning the recognition of qualifications for continuing the studies.



- is equivalent to the Italian Laurea magistrale (Master's Degree), in terms of duration, level and subject area²;
 - allows access to an equivalent PhD course in the country/higher education system of origin (unless substantial differences are encountered).
2. Applications are also accepted from candidates who expect to obtain their degree/equivalent qualification abroad **by October 3, 2019**. In this case admission is "conditional" and applicants will submit the degree certificate to the PhD Office - Cognitive, Social Sciences and Humanities (email: phd.office-cssh@unitn.it; fax n. +39 0461 282191) **no later than October 7, 2019**. Failure to provide the degree certificate or the self-declaration as allowed for by the Presidential Decree n. 445 of 28 December 2000, using the [Form A](#)) will lead to forfeiture of grant and position.
 3. Applicants with a foreign university degree that has already been declared equivalent³ to an Italian second level by the academic competent bodies of an Italian university have to upload in the application online the decree of equivalence (the Italian Rector's Decree issued by the university).
 4. Applicants with a foreign university degree that has not been officially recognized equivalent to an Italian degree (see point no. 3) submit an implicit request for equivalence in their application, uploading the needed documents.
 5. It's in the applicant's best interest to provide all elements necessary for evaluation, especially if the higher education system of the country where the title was obtained is not comparable with the Italian one. The Evaluation Committee reserves the right to ask applicants to provide additional documentation, if deemed necessary in order to recognize the equivalence of the qualification.
 6. Candidates who have already obtained a PhD degree can apply for a second PhD Programme only if the main research topics and scientific-disciplinary fields of the Doctorate programme for which the title was obtained are different. For applicants who have already benefited - even partially - from a doctoral scholarship the admission to the new PhD Programme can't be covered by a scholarship⁴.
 7. The list of candidates (identified by ID number) whose academic degree awarded abroad has not been recognized as equivalent by the Admission Committee will be published on the [selection's webpage](#).

Art. 3 – THE DOCTORATE PROGRAMME

The first year training program is the same for every curriculum.

It is based on:

- 80 hours of lessons (divided into modules of 8-10 hours each) on cross-cutting issues such as, by way of example, legal interpretation, legal comparison, european law, the circulation of legal models, the relationship between legal sciences and social sciences, the economic analysis of law.
- 20 hours that will be dedicated to other initiatives, which will focus on topics chosen by the Doctoral Programme Board during the year;

The doctoral student will also have the opportunity to attend meetings and seminars internal or external to the Faculty of Law, previously approved by his/her Tutor and by the Director.

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 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, Comparative Private Law and Commercial 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 problems arising between individuals and institutions and in contexts both private and public, national and international.

² For more information on the Italian University system visit the webpage: <http://www.studiare-in-italia.it/study/new-degrees.html>

³ For further information: <http://www.cimea.it/en/servizi/procedure-di-riconoscimento-dei-titoli/procedure-di-riconoscimento-accademico-dei-titoli.aspx> - Section 3 "Nostrification procedure (equipollenza)"

⁴ [Opinion from the National University Council \(CUN\)](#) of 20 March 2008; Note from the Ministry of Education University and Research (MIUR) of 14 September 2010 n. 1746; art.6 par.2 of Law n.398 of 1989 "Regulations about university scholarships".



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 analyse 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 and interpretation in the private and commercial 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 and company law,
- Private economic law,
- Private organizations law,
- Enterprise 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 analysed 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 environment, and 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 encouraged 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 effectivity 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 inceptive 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 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
 - free movement of 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 teach, either permanently or as visiting professors.

Art. 4 – APPLICATION

1. Application must be definitely and positively closed by **4:00 p.m. (Italian time) of August, 5 2019**. Candidates have to complete the on-line application and upload all the required attachments available on <http://www.unitn.it/en/apply/dott>.
2. Applicants who don't already have a Unitn account must first register⁵ on the University's website at <http://www.unitn.it/en/account>.
3. Participation in the selection process is subject to the payment of a non-reimbursable application fee of €15.00, by credit card⁶ as indicated in the appropriate section of the application ('Selection participation fee').
4. **Administration highly recommends that candidates make sure to have received the notification email confirming that their application has been successfully completed and submitted. Unitrento refuses any responsibility for all those application online not properly closed by candidates.** Candidates will be considered totally responsible of the successful submission of their applications (candidates must check to have received the email of confirmation). Incomplete or irregular applications, or applications transmitted in ways other than those set out in this article, shall not be considered valid and candidates will consequently be excluded from selection process.
All applicants are admitted to the selection conditionally upon ascertaining that they fulfill the admission requirements.
The University of Trento has the right to verify the documents delivered pursuant to articles 71 et seq. of the Presidential Decree n. 445 of 28 December 2000.
For justified reasons the Doctoral Programme has the right to exclude from this selection applicants who fail to fulfill the necessary requirements for the selection.
5. According to Italian Law n. 104/92, Art. 20 and to Italian Law n. 68/99, Art. 16 (1), applicants with special needs or with learning disabilities, in accordance with their particular disability may explicitly request in their application special assistance or extra time during the examinations. In this case personal data will be processed in compliance with the current law as indicated in the GDPR Privacy notice (see art. 11).
6. For all purposes in law, the application is considered to be a self-declaration of personal details and information provided.
7. Candidates can apply only for one of the specialized curricula of the Doctoral Programme. Candidates who want compete also for the topic specific grant, will have to indicate it on the application for admission to the selection process or they will have to fill in the appropriate form "Form to topic specific scholarship SGCE - 35^o" (available on the selection Website). The candidates will have to send the completed form to ateneo@unitn.it **until the deadline of the Call** (stating in the email's subject field: "Application ID – Surname and Name – PhD Programme in Comparative and European Legal Studies – 35th cycle – apply to specific scholarship).
The choice for a topic-specific grant implies the candidate's preference for the attribution of that specific scholarship with respect to the others.

⁵ Candidates are invited to not wait until the last few days before the deadline for the submission of the application. In order to get login information, and therefore access the online application portal, it could take up to two full working days.

⁶ The University accepts payments from the following circuits: Visa (e.g. Nexi/Cartasi, Postepay), V-pay, Maestro, MasterCard, NexiPay, MasterPass Wallet.



8. **MANDATORY ATTACHMENTS (candidates will be excluded from the selection process if one or more of the obligatory attachments are missing)⁷:**

a) **Identity document (ID):** a copy of the identity card (for EU citizens) or of the passport (pages with photo, personal data, place and time of issue of the document, expiration date of the document);

b) Copy of the **university degree:**

• **applicants with an Italian degree:**

- a self-declaration (by using [Form A](#)), according to the Presidential Decree Article 46 n. 445 of 28 December 2000 and later amendments, stating the possession of the degree (see Art. 2), type of degree, conferral date, issuing University, final grade, list of exams, date taken, credits (if available) and grades obtained. Applicants from the University of Trento must only declare the degree date. The University of Trento will provide any additional information about the applicant's qualifications.

The following two points refer to Italian degree applicants who have not yet obtained their degree, who expect to complete it by 3 October 2019 and therefore "conditionally" admitted to the selection:

- a certificate of enrolment, list of exams, date taken, credits and grades obtained with the expected degree conferral date by using [Form A](#); applicants from the University of Trento must only declare the degree expected date. The University of Trento will provide any additional information about the applicant's qualifications.
- a statement from the thesis supervisor or other academic supervisor declaring that conferral of the University degree will occur **by 3 October 2019**.

• **applicants with a foreign degree:**

- academic degree, in the original language, necessary for access to the PhD programme (see Article 2, paragraph 1, letter c).
If the diploma is not yet available, it will be sufficient - at this stage - to upload a certificate of achievement of the certificate issued by the institution that issued the diploma;
- list of exams taken to obtain the degree which gives admission to the Doctorate (academic transcript of records of Master's degree) with relative credits and grades; if the university course is divided into first and second level, the Bachelor's degree and the list of exams taken to obtain the relative title (academic transcript of records of Bachelor's degree) must also be attached.

If the language of the diploma or of the list of exams is different from English, German, French, Spanish, the applicant will have to submit a translation in English, which can be done by the candidate under her/his own responsibility, in order to allow the Admission Committee to evaluate the eligibility of the certificate, for the sole purpose of participating in this admissions process.

In addition, if available, one of the following documents:

- *Diploma Supplement*⁸ (according to the model developed by the European Commission, the Council of Europe and UNESCO/CEPES).
- *Declaration of value*⁹ which certifies that the educational qualification is valid in the country of achievement for being admitted to Doctoral programme (third level of higher education according to the Bologna Process - European Higher Education Area; EQF level 8).

The Declaration of value¹⁰ can be replaced by the *Statement of comparability - university qualification* awarded by the ENIC-NARIC Center in Italy (CIMEA) that contains all the information necessary for the evaluation of the qualification.

The following two points refer to foreign degree applicants who have not yet obtained their degree, who expect to complete it by 3 October 2019 and are therefore "conditionally" admitted to the selection:

⁷ At web page <http://www.unitt.it/en/node/1966/> will be published the ID candidates list not admitted to the selection because of incomplete applications.

⁸ The Diploma Supplement is a document attached to the final qualification, intended to improve international "transparency" and to facilitate academic and professional qualification recognition (diplomas, degrees, certificates etc.). The Diploma Supplement must be issued by the same institution which has given the diploma. See: <http://www.cimea.it/en/servizi/il-sistema-italiano-di-istruzione-superiore/diploma-supplement.aspx>

⁹ See: <http://www.cimea.it/it/servizi/procedure-di-riconoscimento-dei-titoli/glossario.aspx>; <http://www.studiare-in-italia.it/studying/info-07.html>

¹⁰ See <http://www.cimea.it/it/servizi/attestati-di-comparabilita-e-certificazione-dei-titoli/attestati-comparabilita-certificazione-titoli-overview.aspx>



- a certificate of enrolment in a course of study allowing access to the Doctorate (see Article 2 paragraph 1 letter c), with an indication of the exams taken and the corresponding grade (academic transcript of records), in original language; if the university course is divided into first and second level, the Bachelor's degree as well as the list of exams taken to obtain the aforementioned degree (academic transcript of Bachelor's degree) should also be attached. If the language in which the certificates are issued is different from English, German, French and Spanish the documentation must be accompanied by a translation in English carried out by the same candidate under his own responsibility;
- a statement by the supervisor of the thesis or other academic referent, stating that the student is expected to acquire the academic title **by 3 October 2019**.

9. **OPTIONAL ATTACHMENTS:**

- any certificates proving the applicant's knowledge of foreign languages;
- any research skills obtained by the applicants and any other academic degrees (2nd level Masters, PhD degrees, specializations, other high school education, etc.).

If candidates have to upload further documents after the complete closing of their online application procedure, they are required to deliver additional documents **until the deadline of the Call** to the following email address: ateneo@unitn.it (please state in the email subject: "Application ID – Candidate's Surname and Name – PhD Programme in Comparative and European legal studies - 35th cycle – supplement to application"). Additional materials which are not delivered using the specified method shall not be accepted.

Art. 5 – SELECTION'S PROCEDURE

1. Upon hearing the Doctoral Programme Committee the Rector appoints the Admissions Committee. It consists of at least three members chosen among Italian and foreign professors and researchers, who are experts in the scientific areas of the Doctorate. The Committee may also include up to two experts, even foreign, of public and private national and international research organizations.
In order to properly verify the applications for the topic specific grant in "*Artificial Intelligence and Law*", a member of **Fondazione Bruno Kessler** could be included in the Admission Committee.
2. The selection process is designed to assess the candidate's basic knowledge and aptitude towards research in the chosen specific scientific area.
3. Admission to the Programme is by a selection procedure, based on a written examination and an oral examination.
4. Candidates can apply only for one of the specialized curricula of the Doctoral Programme.
Candidates who want compete also for the topic specific grant, will have to indicate it **until the deadline of the Call (art. 4, par. 7 of this call for proposals)**.
In the event that the candidate chooses to take the written exam on an ordinary disciplinary curriculum, he/she will not be able to compete for the topic specific scholarship.
During the oral examination, the candidates who compete also for a topic-specific grant (having done the written exam in the research area of the topic specific grant), they will be examined on the specific subject of the scholarships.
5. The assignment of the topic specific grant "*Artificial Intelligence and Law*" is subject to the candidate's possession of a good knowledge (intermediate level) of english language, to be demonstrated through appropriate certifications excluding native language candidates.
6. 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 and three essay titles within the research area of the topic specific grant "*Artificial Intelligence and Law*".
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.

7. In evaluating the written exam the Admission Committee will take account of relevance to the question, the descriptive completeness, the accuracy 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.
8. The assessment of the written exam will be available on the [selection's webpage](#)¹¹.
9. 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.
Candidates who compete also for a topic-specific grant will have to obtain a specific additional eligibility and for this reason they will be examined their competences on the specific subject of the scholarships.
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.
10. The oral exam will be passed if the candidate achieves a score equal to or greater than 36/60.
11. In order to sit the exams candidates must show a suitable identification document.
12. The exam schedule, showing the date, place and time they will be held, will be notified at least 20 days in advance, with a notice posted on the [selection's webpage](#).

Art. 6 – RANKING

1. Upon completion of the interview process, the Commission will finalize the ranking, combining the points assigned for the written examination with those for the oral exam.
2. Scholarships are assigned to eligible candidates based on:
 - a) the position in the ranking;
 - b) the eligibility of the applicant for that specific research topic.
3. The candidate who has been awarded a topic-specific grant, must accept it since the choice for a topic-specific grant he/she expressed during the application phase (art. 4, co. 7) implies the candidate's preference for the attribution of that specific scholarship with respect to the others.
Renouncing the topic-specific grant implies the exclusion of the candidate from the right to enroll in the PhD Programme.
4. Unassigned topic-specific grants will result in the reduction of positions.
5. The ranked list (using candidates' application IDs) will be published on the [selection's website](#).
By publishing the ranking, notification concerning the selection results is considered fulfilled.
Successful candidates will **not** receive any personal notification.

Art. 7 – ADMISSION TO THE DOCTORAL PROGRAMME AND ACCEPTANCE OF THE POSITION

1. Candidates will be admitted to the PhD Programme according to their position in the ranking, until all the available places are filled.
2. Should two candidates obtain the same score:
 - as regards the awarding of the scholarship, the candidates' economic situations shall be the deciding actor, in accordance with the criteria established by the Law D.P.C.M. 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.
3. If a successful candidate withdraws before the beginning of the Programme (1st November 2019), the next candidate in the ranking list will be offered the place.

¹¹ The chosen candidates will be listed using their Application ID.



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

If a candidate withdraws or is excluded in the first three-month term of the first year, the PhD Programme Committee may decide to offer his/her place to the next candidate on the shortlist.

4. Admitted applicants must accept the offer submitting the online application available at the [related webpage](#):
 - **within 8 days** starting from the next day of the publication of the ranking list on the announcement webpage if awarded a position with scholarship;
 - **within 14 days** starting from the next day of the publication of the ranking list on the announcement webpage if awarded a position without scholarship.
5. Successful applicants holding a foreign qualification must present (if they have not already done so under former application ex Art. 4 "Application Form") to the PhD Office - Cognitive, Social Sciences and Humanities, by fax +39 0461 282191, or email: phd.office-cssh@unitn.it at least one of the following documents **by November 5, 2019**¹²:
 - *Diploma Supplement* in English (according to the model developed by the European Commission, the Council of Europe and UNESCO / CEPES);
 - alternatively the *Declaration of value* which certifies that the educational qualification is valid in the country of achievement for being admitted to Doctoral programme (third level of higher education according to the Bologna Process - European Higher Education Area; EQF level 8).
The Declaration of value can be replaced by the *Statement of comparability - university qualification* awarded by the ENIC-NARIC Center in Italy (CIMEA) that contains all the information necessary for the evaluation of the qualification;
 - alternatively the Rector's Decree of "Equivalence-academic recognition of the title".
6. Short-listed applicants who do not submit their acceptance within 8 days from when the final ranking is published lose their right to enroll and their position will be offered to the next ranked eligible candidate.

Art. 8 –SUPERNUMERARY POSTGRADUATE RESEARCH POSITIONS

1. According to Art. 20, par. 3 of the University Regulations for Doctorates of Research, the Admission Committee may admit **up to 1** supernumerary position without a scholarship of the University of Trento, if such candidates coincide with one of the following cases:
 - a) foreign nationality, eligible in the general ranking, who are granted scholarships by other entities;
 - b) shortlisted candidates from countries which have specific inter-governmental agreements with Italy, and with which an ad-hoc agreement with the University is then made, without the University of Trento being required to assume any financial obligations;
 - c) research fellows (*Assegnisti di ricerca*) whose contract lasts for a minimum of 24 months as from the starting date of the Programme and researching a subject relevant to the PhD Programme; such relevance has to be determined by the Doctoral Programme Committee;
 - d) employees in the public sector, or the state legal system. Admission is dependent on candidates being given leave of absence or exceptional leave, in accordance with article 2 of the Law of 13 August 1984, n. 476 and subsequent revision¹³.
2. Candidates who wish to assert their requirements for supernumerary positions shall request, by submission of appropriate documentation proving their status, their acceptance of such admission to the PhD Office - Cognitive, Social Sciences and Humanities (email: phd.office-cssh@unitn.it -fax +39 0461 282191), also within 8 days starting from the day following publication of the ranking.
3. Supernumerary admission is disposed within the limit of the positions specified in Article 1 following the order of the final ranking.
4. After verifying the documents referred to in paragraph 2, the candidates who will be admitted supernumerary will receive email confirmation from the Humanities and Cognitive Sciences Area - PhD Office and must declare acceptance of the position, by using the appropriate procedure online (see Art. 7, par. 4), within 8 days from the day following the day of receipt of such notice.

Art. 9 - ENROLMENT ON THE PHD PROGRAMME

1. The registration in the doctoral programme will automatically be made official as soon as the PhD Programmes' requirements verification by the Ministry of Education, University and Research for the 2019/2020 AY has been completed. In case of accreditation not confirmed, candidates who have accepted

¹² 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.

¹³ Neither public employees who have already been awarded PhDs, nor those who have been enrolled on a PhD Programme for at least one academic year (having been granted exceptional leave), are entitled to exceptional leave, either with or without research grants, whatever their subject area.



the position will receive a timely notification via email and the fee for the Right to Education (TDS) will be refunded.

2. To complete the enrolment candidate who has obtained the qualification abroad, upon arrival in Italy, will have to show the official documents (in original or copy conforming to the original), relating to the academic path, already anticipated in a scanned form in phase of admission to the competition, to allow the appropriate verification of the validity of the qualifications, also through the national information centers on the recognition of foreign securities belonging to the ENIC-NARIC network. Until such time candidates are admitted to the course with reserve and may be excluded if they do not meet the requirements.

Art. 10 - 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. 11 – INTELLECTUAL PROPERTY RIGHTS ON RESEARCH RESULTS AND PUBLICATIONS

1. Without prejudice to the Italian law on copyright (legislative decree 633/1941 and subsequent amendments), intellectual and industrial property rights on the results eventually achieved by the student, including (but not limited to) software, industrial inventions patentable or not, know-how, models, data and data collection, are regulated in accordance with applicable laws and University regulations and, if necessary, according to the provisions in the individual agreements with universities, companies or entities involved.

Art. 12 – PROCESSING OF PERSONAL DATA

1. Pursuant to art. 13 of Regulation (EU) 2016/679 (General Data Protection Regulation), applicants are advised that the University will process their personal data in the public interest only for purposes related to the present PhD selection procedure.
2. The **controller** of the data processing is the University of Trento (hereinafter "University"), legal headquarters in via Calepina, 14, 38122 Trento (Italy), emails: ateneo@pec.unitn.it; ateneo@unitn.it. The data subjects may contact the **Data Protection Officer** (DPO or RPD) writing to: via Verdi n. 8, 38122 Trento, email: rpd@unitn.it.
3. The processing of personal data will be carried out, wholly or in part also by automated means, in compliance with the principles of lawfulness, fairness, transparency, adequacy, relevance and necessity. The personal data provision is a mandatory requirement for participation in the selection procedure. The provision of data related to health and disabilities is not mandatory, but failure in providing entails the impossibility for the University to grant the access to services and to the requested support.
4. At any time, the rights as per art. 15 and seq. of GDPR (access, rectification, erasure, restriction, objection) can be obtained by the controller, without prejudice to lodge a complaint with the supervisory authority.
5. The complete GDPR Privacy notice is available at: <http://www.unitn.it/en/node/79953>.

Art. 13 – REGULATIONS

1. For matters not explicitly mentioned in the present announcement, please refer to Law n. 398 of 30 November 1989, 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 Courses issued by Rector's Decree n. 383 of 4 July 2013, subsequently amended, to the Ethic Code of the University of Trento issued with the Rector's Decree n. 285 of 29 May 2014, to the Students Honour Code issued with the Rector's Decree n. 416 of 13 June 2016, to the Regulations for the Doctoral Programme in Comparative and European Legal Studies approved by the Board of the Faculty of Law on 26th April 2017 and to other relevant provisions contained in the existing regulations.



2. The Announcement of selection and this Translation will be published on the website of the University of Trento, on the Euraxess european webpage and on the website of the del Ministry of Education, University and Research.
Any changes or additions to the announcement will be published on the announcement web page indicated art. 1 of this announcement.

ANNEX A

Declaration substituting DEGREE CERTIFICATE¹⁴

(Article 46 - letters l, m, n - D.P.R. 28 December 2000, No. 445)

The undersigned _____

place of birth (*city+country*) _____ date of birth _____

official 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 (degree for admission to PhD, click the corresponding box):

Type of degree Laurea magistrale/specialistica
 Italian University degree of the previous regulations in force (*vecchio ordinamento*)

in: _____

Specialization (*Classe di laurea* ID code): _____

on __dd__ / __mm__ / __yy__ from University of¹⁵ _____

(town _____ - Italy) with mark _____ out of _____

AND TO HAVE PASSED THE FOLLOWING EXAMS (fill out the following Section C)

Alternately:

B) TO HAVE NOT YET GRADUATED and to be aware that admission to the Doctoral Programme is conditional upon submission of the degree diploma/certificate by the date cited in the announcement.

Graduating in: _____

Specialization (*Classe di laurea* ID code): _____

University of: _____ in Italy.

Expected graduation date: _____

AND TO HAVE PASSED THE FOLLOWING EXAMS (fill out the following section C)

¹⁴ **To be noted:** self-declarations can be delivered only if concerning facts and information which can be verified by an Italian public administration. In case of non-European citizens this is possible only if they are in possession of a valid stay permit, which must be attached to the declaration.
- The self-declaration shall provide all the information required, and data related to the mark, date and place of obtainment of the degree are mandatory;
- The self-declaration shall be duly signed and dated.

¹⁵ Graduates of the University of Trento must only declare the date of awarding of the degree; other information will be collected automatically.

