



UNIVERSITY
OF TRENTO - Italy

Call for PhD positions
Doctoral Programme in “**Comparative and European Legal Studies**”
(32nd cycle)

ACADEMIC YEAR 2016-17

N.B. Please note that only the Italian version of the present call issued with Rector's Decree n. 401 of 6 June 2016 is legally binding, the English version is provided for information only



Art. 1 – OBJECT

The public call for admission to the 32nd cycle (A.Y. 2016/2017) of the PhD Programme in “Comparative and European Legal Studies” at University of Trento is open.

The Doctoral Programme cooperates with:

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

Positions: n. 10

Scholarships: n. 8 (all funded by the University of Trento)

Positions without scholarship: 2

Supernumerary 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: 1 September 2016, 16:00 Italian time.

Duration: 3 years

Start of the Academic Year: 1 November 2016

Director: prof. Gabriele Fornasari. Ph. +39 0461 283886; E mail: gabriele.fornasari@unitn.it

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

Announcement Webpage: <http://www.unitn.it/en/ateneo/1966/announcement-of-selection>

PhD students' rights and duties Webpage: <http://www.unitn.it/en/ateneo/52919/rights-and-duties-of-doctoral-students>

Official language 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 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/08 CONSTITUTIONAL LAW
- IUS/09 INSTITUTIONS OF PUBLIC LAW
- IUS/10 ADMINISTRATIVE LAW
- IUS/13 INTERNATIONAL LAW
- IUS/15 CIVIL PROCEDURAL LAW
- IUS/16 CRIMINAL PROCEDURAL LAW
- IUS/17 CRIMINAL LAW
- IUS/18 ROMAN LAW AND ANTIQUITY LAW
- IUS/19 HISTORY OF MEDIEVAL AND MODERN LAW
- IUS/20 PHILOSOPHY OF LAW
- IUS/21 COMPARATIVE PUBLIC LAW

Doctoral Scholarships Webpage: <http://www.unitn.it/en/servizi/1937/doctoral-scholarships>

The number of places covered by scholarships and/or by internship contracts and by other potential financial support may be augmented with funds from other universities, public research bodies or prestigious private companies, made available after the publication of this announcement and before the end of the selection. Such occurrence will be communicated on line, and nowhere else, at the announcement webpage.

IMPORTANT: The selection results (intermediate and final), the list of candidates (identified by ID number) that, as a result of formal verification, will be not eligible for selection (“ex officio” exclusion) and the list of candidates whose academic degree awarded abroad has not been recognized as equivalent by the Admission Committee will be published on the Announcement Webpage.

The publication on the web portal is to all intents and purposes a notification: candidates will not receive personal communications.

Art. 2 – ADMISSION REQUIREMENTS

1. Applications for admission to the PhD Programme described in the previous article, are accepted from candidates, regardless of gender, age, religion or nationality, who are in possession of the following titles:
 - a) an Italian “Laurea Magistrale” (Master’s Degree) according to Ministerial Decree no. 270 of 22 October 2004, or
 - b) a university degree awarded under the previous regulations, or a second level degree awarded by an Italian “AFAM” Institute (Artistic and Musical Higher Education), or
 - c) an equivalent degree qualification gained abroad at an officially recognized academic institution and considered suitable¹ by the Admission Committee for the sole purpose of the admission to the PhD Programme. The degree must be equivalent to the Laurea magistrale (Master’s Degree), in terms of duration, level and subject area², and allow the access to an academic course equivalent to PhD in the country of provenance.
2. Applications are also accepted from candidates who expect to obtain their degree/equivalent qualification abroad, **by 10 October 2016**. In such case applicants must attach the documents listed in art. 4 par. 7 (Obligatory Attachments).
3. In these cases, the candidate’s admission to the course will be subject to confirmation. The candidate shall provide the PhD Office - Cognitive, Social Sciences and Humanities (fax n. + 39 0461 282191 – email: phd.office-cssh@unitn.it), upon penalty of exclusion, with a certificate attesting to their qualification or a self-declaration (see [Annex A](#)) by **31 October 2016**.

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.

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



4. Candidates who hold a foreign academic qualification which has not been declared equivalent³ to an Italian degree, shall implicitly request that the eligibility of their qualification be recognized as part of their online application, attaching the necessary documents.

It is in the interest of the applicant to provide all relevant informations for the evaluation of the qualification.

The Admission Committee reserves the right to request candidates to provide additional documentation, if deemed necessary in order to recognize the equivalence of the qualification.

5. 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 Announcement Webpage](#)

Art. 3 – THE DOCTORAL PROGRAMME

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

It is based on:

- three courses for a total of 80 hours, focusing on legal interpretation (30 hours), comparative law (30 hours) and European law (20 hours);
- 20 hours are devoted to seminars on related subjects, such as for example the circulation of legal models, the relationship between juridical and social sciences, juridical innovations due to the globalization phenomenon and economic analysis of the law;
- 20 hours of the program will be available for use by the doctoral students for attending meetings and seminars internal or external to the Faculty of Law.

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

The 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.

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

One distinctive feature of the curriculum is its highly interdisciplinary approach to methodological and substantive issues, as well as to the analysis of legal skills. On each of these fronts, the dialogue with non-legal disciplines helps identify concepts and theories from different fields and develop the cognitive skills that enable the integration of different contributions. Specific attention is paid to the scientific debate in the field of

³ For further information on the Italian university system visit <http://www.cimea.it/default.aspx?IDC=134>.



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
 - the rights of EU and non-EU workers
 - the protection of gender equality and positive action
 - the protection of privacy and new technologies
 - the promotion of employment and professional training
 - safety and the workplace
 - types of employment relationships: employed, parasubordinate and self-employed
 - the promotion and enhancement of flexible means of entering and exiting the job market
 - the creditor’s powers and workers’ rights
 - instruments and methods of protection: self-protection and judicial protection: civil, criminal and administrative
 - alternative protection measures to judicial action: conciliation and arbitration
 - the role of collective interest organisations in a national, Community and international context
 - trans-national and European collective contract negotiation.

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

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

Art. 4 – APPLICATION

1. The deadline for submission of the on-line application is **1 September 2016, 16:00 Italian time**. Candidates have to complete the on-line application and upload all the required attachments, using the link <http://www.unitn.it/en/apply/dott>.



Candidates who need to obtain a username and password to access the UniTn reserved area, first need to register⁴ on the University website (<http://www.unitn.it/en/account>).

2. Participation in the selection process is subject to the payment of a non-reimbursable application **fee of €15.00**, payable **by credit card**⁵ as indicated in the appropriate section of the application on line ('Selection participation fee').
3. **Candidates are recommended to check that they have received an email confirming that their application has been successfully completed and submitted. The administration is not responsible for any on-line applications improperly closed by candidates.**

The candidate is wholly responsible for ensuring that his/her application is complete and correct. Incomplete or irregular applications, missing attachments, non-payment of the participation fee, or applications transmitted in ways other than those set out in this article, shall not be considered valid and will consequently be excluded from selection process.

Admission to the selection procedure is conditional upon a candidate fulfilling the admission requirements.

The University of Trento is entitled to sample-check such requirements, as per art. 71, and subsequently Law n. 445 of 28 December 2000.

A candidate whose application is discovered not to meet the admission criteria may be excluded at any time. They will be given written notice to this effect, including an explanation of the decision.

4. In accordance with Law 104/92, art. 20 and Law 68/99, art. 16, paragraph 1, disabled candidates or those with learning disabilities may request, in their on-line application, any necessary additional support or time required in order to undergo an interview. All personal data will be treated in accordance with the privacy criteria set out by the Legislative Decree 196/03, 'Data protection code'.
5. For all purposes in law, the application is considered to be a self-declaration of personal details and information provided.
6. Candidates can apply for only one of the specialized curricula of the Doctoral Programme.
7. **OBLIGATORY ATTACHMENTS (candidates will be excluded from the selection process if one or more of the obligatory attachments are missing)**⁶

a) **ID document: copy of identity card** (for EU citizens) or **passport**, in particular of the pages that include the photo, personal details, number, date and place of issue, expiry date;

b) **Academic documents:**

- **for candidates holding an Italian qualification:**
 - Self-declaration using the appropriate form as per art. 46 of the Law n. 445 of 28 December 2000 and subsequent amendments (drafted using the attached [Annex A](#)), stating that the candidate holds the academic qualification, the degree classification⁷, the degree date, the issuing university, the final grade, the list of examinations with dates, credits and marks attained. Candidates of the University of Trento must only declare the degree date; other information **will be automatically checked by Doctorate Office ("ex officio" procurement).**

If candidates have yet to be awarded their degree at the time of applying:

- self-declaration using the appropriate [Annex A](#) as per art. 46 of the Law n. 445 of 28 December 2000 and subsequent amendments with the list of examinations, credits and marks attained and the degree expected date.

Candidates of the University of Trento must only declare the degree expected date. Other informations **will be automatically checked by Doctorate Office ("ex officio" procurement).**

- a letter signed by their thesis supervisor stating that the candidate will obtain their academic title by **10 October 2016.**

- **for candidates holding a foreign qualification:**

⁴ It is recommended to carry out the registration well in advance. Candidates should allow up to 2 working days for their registration to be processed.

⁵ Il servizio POS virtuale è abilitato a ricevere pagamenti dai circuiti Pagobancomat; Carta si (Visa, V-Pay, Maestro, MasterCard); BankAmericard-Key Client.

⁶ At web page <http://www.unitn.it/en/ateneo/1966/announcement-of-selection> will be published the ID candidates list not admitted to the selection because of incomplete applications.

⁷ For further information visit <http://hubmiur.pubblica.istruzione.it/web/universita/offerta-formativa/classi-di-laurea-magistrale>



- an academic certificate with the list of examinations and marks attained or equivalent certification. If available, the Diploma Supplement⁸/Transcript of Records or Declaration of Value⁹ can be provided. If the certificate is not in English or German, the candidate must also provide an English translation with the list of exams and marks attained. The candidate has to sign the translation, thus vouching for its accuracy. This will allow the Admissions Committee to evaluate the eligibility of the certificate, for the sole purpose of participation in this admissions process.

If candidates have yet to be awarded their degree at the time of applying:

- an enrolment certificate listing exams taken and marks attained;
- a letter signed by their thesis supervisor stating that the candidate will obtain their academic title by **10 October 2016**.

8. OPTIONAL ATTACHMENTS:

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

If candidates intend to integrate their documents after the complete closing of the online application procedure, they are required to deliver the additional documents **by 1 September 2016 (16:00 Italian time)** to the following email address: ateneo@unitn.it (please state in the email subject: "Application ID – Candidate's Surname and first name – Doctoral course in Comparative and European legal studies – 32nd cycle – Integration to the application"). Additional documents which are delivered according to different modalities shall not be accepted.

Art. 5 – ASSESSMENT OF THE APPLICATIONS

1. The assessment of the applications shall be performed by an Admission Committee, appointed by the Rector, composed of a minimum of three members chosen from among the university's permanent professors and researchers, including non-Italians, from the academic fields related to the PhD Programme. The Committee may also include a maximum of two other experts, including non-Italians, from either public or private research institutes.
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 and an oral examination.
4. Candidates must be present to both the written and the oral examinations, which cannot be replaced by any other kind of assessments. Candidates must state in the online application which curriculum they intend to apply for and in which language they wish to sit the exams. Both the written and oral examinations may be executed in a language chosen from Italian, English, German, French and Spanish.
5. Each candidate must choose only one curriculum, otherwise he/she will be excluded.
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.

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.

⁸ The Diploma Supplement accompanies a higher education diploma, providing an improvement in international "transparency" and a promotion of the academic and professional qualifications obtained (diploma, degrees, certificates, etc.). The Diploma Supplement must be **issued** by the same institution that issued the qualification. Further information at: http://ec.europa.eu/education/tools/diploma-supplement_en.htm

⁹ For further information visit <http://www.cimea.it/default.aspx?IDC=134>



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 Announcement webpage](#)¹⁰.
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.
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.

The exam schedule, showing the date, place and time they will be held, will be notified 20 days in advance, with a notice posted [on the Announcement webpage](#).

Art. 6 – RANKING

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.

1. The ranked list (again using candidates' application IDs) will be published [on the Announcement webpage](#).
Successful candidates will not receive any personal communications, since the ranked list of candidates will be posted on the website.
2. Scholarship will be awarded according to the ranking position.

Art. 7 – ADMISSION TO THE PHD PROGRAMME AND ACCEPTANCE OF THE OFFER

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 factor, in accordance with the criteria established by the Law of 9 April 2001 and subsequent amendments and integrations; when neither candidate has applied for a scholarship, the younger of the two candidates will be selected.
3. If a successful candidate withdraws before the beginning of the course (November 1st 2016), the next candidate in the ranking will be admitted.

This candidate is expected to accept the offer within 8 days from the day after he/she receives the communication from the relevant University Office (PhD Office - Cognitive, Social Sciences and Humanities).

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

4. Admitted applicants must confirm the acceptance of the position using the online application (instructions available at the webpage: <http://www.unitn.it/en/ateneo/1928/enrollment-1-2-3-year>):
 - **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 the following documents to the PhD Office - Cognitive, Social Sciences and Humanities, **by 30 November 2016**¹¹, by fax +39 0461 282191, or email: phd.office-cssh@unitn.it:

¹⁰ The chosen candidates will be listed using their application ID.



- the Declaration of Value with the certificate of the foreign degree listing examinations and grades, translated and validated by the Italian Diplomatic mission or consulate in the country where the issuing institution is located. The Declaration of Value shall certify both that the foreign qualification is valid in the country where the issuing institution is located and that it grants access to an academic course equivalent to the PhD (third level of higher education as established in the *Bologna Process – European Higher Education Area*);
 - alternatively, a Diploma Supplement can be provided, in English. It must be in the format established by the European Commission, the Council of Europe and UNESCO/CEPES.
6. Successful candidates who do not confirm their acceptance request within the terms and in the manner laid down in par. 4 of this article, shall be considered as withdrawn candidates. Their places shall be made available to other eligible candidates, according to their position in the shortlist.

Art. 8 –SUPERNUMERARY POSTGRADUATE RESEARCH POSITIONS

1. In accordance with art. 20, par 3 of the University Regulations regarding PhD Programmes, the Admission Committee can admit **up to one candidate** more than provided for in the initial number of available places announced, as long as the candidate has been shortlisted, and without granting a scholarship. The extra candidate must belong to one of the following categories:
- a) shortlisted non-EU candidates 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) be a research fellow at the date of the beginning of the PhD programme and be researching a subject relevant to the PhD Research Programme; such relevance to be determined by the PhD Programme Committee;
 - d) be employed 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 revisions;
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.
2. Candidates who wish to assert their requirements for supernumerary positions shall request, by submission of appropriate documentation proving their status, such admission to the PhD Office - Cognitive, Social Sciences and Humanities (email: phd.office-cssh@unitn.it -fax +39 0461 282191), **within 8 days** starting from the next day of the publication of the ranking list.
3. Supernumerary admission is disposed within the limit of the positions specified in art. 1 following the order of the final ranking.
4. After verification of the documents referred to in paragraph 2, the candidates who will be admitted in supernumerary position will receive email confirmation from the PhD Office - Cognitive, Social Sciences and Humanities and must provide acceptance of the place, using the appropriate online procedure (see art. 7, par. 4) , within 8 working days from the day following that of the receipt of such notice.

Art. 9 - ENROLMENT ON THE PHD PROGRAMME

1. The official registration in the course, limited to short-listed candidates who have accepted the place with the procedures set out in the preceding article, will automatically be formalized as soon as the PhD Programmes' requirements check set up by the Ministry of Education, University and Research for the AY 2016-2017 has been completed.
- In case of accreditation not confirmed, candidates who have accepted the place will receive a timely notification via email and the fee for the Right to Education (TDS) will be refunded.

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:

¹¹ 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.



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), the use of results derived from doctoral research conducted with scholarships financed by external bodies may be subject to restrictions imposed by specific funding agreements; doctoral grant-holders will be informed upon award of the scholarship of any such restrictions.

Art. 12 – PERSONAL DATA

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

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 by Rector's Decree n. 160 of 18 March 2014, to the Ethic Code of the University of Trento, to the Regulations for the Doctoral Programme in Comparative and European Legal Studies approved by the Board of the Faculty of Law on 24th July 2013 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 CERTIFICATE¹²

(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 postal address (*street, number, zip code, city, country*) _____

Mob. _____ e – mail _____

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

DECLARES

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

- Type of degree
- Master's degree
 - Laurea specialistica/magistrale
 - Italian University degree of the previous regulations in force
 - Other (specify) _____

Degree title: _____

on ____/____/____ University of¹³ _____

Country _____

with mark _____ out of _____

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

Alternately:

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

Graduating in: _____

University of: _____ Country: _____

Expected graduation date: _____

¹² (*) To be noted:

- Extra-EU students can provide self-declarations only concerning facts and information which can be verified by an Italian public administration and only if they are in possession of a valid residence permit, to be attached to the declaration;
- The self-declaration shall provide all the information required, in particular the admission requirements and those related to the mark, date and place of obtainment of the degree and/or English certificate;
- The self-declaration shall be duly signed and dated.

¹³ Graduates of the University of Trento must only declare the date of awarding of the title; other information will be collected automatically.

