

Prot. n.8 del 4/1/2016

**OPEN COMPETITION
FOR THE GRANTING OF ONE (1) POST-DOCTORAL RESEARCH
SCHOLARSHIP**

(summary of the notice published on the website: www.giurisprudenza.unito.it,
under “*Bandi e borse di studio - > Borse di studio di ricerca*” [“*Official
announcements and scholarships/study grants - > Scholarship search*”].

Competition Announcement Code: BDR 09/2016

Subject: A call for applications relating to the granting of one (1) Post-Doctoral Research Scholarship under the "Rules for the establishment of scholarships" by the University of Turin (Letter A) pursuant to DR 3842 of 06.21.2013, as amended by DR 1977 of 05.05.2014.

Deadline for the submission of applications: 22/01/2016, at 15:30

The Director of the Department of Law of the University of Turin,

- Given the authorisation resolution by the Board of the Department of Law, dated 09.07.2015

Hereby commences

the following competitive process for the awarding of post-doctoral research scholarship:

POST-DOCTORAL RESEARCH SCHOLARSHIP

The Department of Law is offering the following **post-doctoral** research scholarship:

Scholarship no. 1) having a duration of 3 months and worth a gross amount of EUR 6,600.00

The amount of the post-doctoral scholarship will be paid out in monthly instalments.

This post-doctoral scholarship, which is designed to promote the mobility of incoming researchers who have earned a PhD abroad, is dedicated to carrying out research activities within the below-listed programme:

Scholarship no.1- programme title: ***“The significance of methods of comparative law in the interpretation of EU-law by national courts with a particular focus on EU consumer law instruments”*** - Academic supervisor: Prof. Barbara Pasa

This notice is published on the official University bulletin board and on the website of the Department of Law (www.giurisprudenza.unito.it), on the website of University (www.unito.it - “Servizi per gli studenti” – “Borse e premi di studio” e “Borse di studio attive”) as well as being forwarded via the list-serve news-info@unito.it to all e-mail addresses at the University of Turin.

Research area to be developed:

Scholarship no.1- programme title: ***“The significance of methods of comparative law in the interpretation of EU-law by national courts with a particular focus on EU consumer law instruments”***

Consumer law in the legal orders of the EU-Member States is largely influenced by Union Law. Nevertheless the starting point for the evolution of consumer law is to be found on national level. A milestone has been the Special Message to the Congress on Protecting the Consumer Interest by President John F. Kennedy on March 15, 1962 stating four fundamental consumer rights: the right to safety, the right to be informed, the right to choose and the right to be heard. In its aftermath an increasing legislative activity can be noticed in many Western countries. In Germany, e.g., the Law on Standard Terms (AGB-Gesetz) entered into force on April 1, 1977 along with other consumer protection instruments. At the same time, a coordinated European consumer law policy came on the agenda of the EEC during the 1980’s, resulting in a comparatively large number of different instruments that were adopted until today (cf. the proposal of a Regulation on CESL). Nowadays,

the harmonization of European Private Law in general, and consumer law in particular, is mainly driven by EU-Directives. Based on specific examples taken from the transposition and concrete application into Member States of EU Directives on consumer protection, the project first aim is that of identifying different types of Court reasoning based on comparative analysis within the Member States. Secondly, it will examine the policy beyond uses and misuse of comparative law by those courts. The project will be concluded with some critical remarks. All data and personal reflections will be collected in a working paper, submitted to peer evaluation.

On EU-level, the European Court of Justice (ECJ) only under certain circumstances refers to national legal orders (e.g. in developing general principles of Union Law), but usually emphasizes the need for an autonomous interpretation of EU legal instruments. Obviously a supranational court (like other international judicial bodies) has to overcome national differences to a certain degree – especially the traditional dichotomy between civil and common law. Even though, comparative law plays an important role in the activities of the ECJ. In contrast, the position of national courts towards taking recourse to other rules, models, or legal orders varies considerably between different countries. Whereas it is a common form of legal reasoning in some countries, courts of other countries are sceptical or at least reluctant in using comparative methodology maybe due to a lack of legitimacy of this method. Coming to consumer law, a well-known example for the reluctance of using comparative methods can be found in the application of the good faith principle in British law. Implementing Article 3 of the Directive on unfair terms in consumer contracts, the British legal order imported the continental principle of bona fides. Earlier British courts explicitly rejected the introduction of the principle but even after its inclusion in written law it was still looked upon sceptically by courts as well as by academic commentators. However comparative methods may contribute significantly to the development of a national court practice after the implementation of EU law. Possible objects for a comparison may be found in the legal order that has functioned as an inspirational source of the EU instrument or as well other Member States that have implemented the directive. The principle of uniform interpretation may even require a certain degree of paying attention to the reasoning of courts of other Member States.

This research can contribute to harmonization through judicial dialog and cooperation.

The beginning of post-doctoral scholarship-related activities shall be decided (based on the needs of the Department and the research itself) by the Academic Supervisor, in agreement with the Director of the Department and the scholarship winner, presumably from May 2016 to July 2016.

ADMISSION & APPLICATION REQUIREMENTS

The post-doctoral scholarship is aimed at foreign citizens holding one of the following:

- A university degree awarded under the old regulations (L), prior to DM 509/99;
- A specialised university degree (LS) / master (LM) (a second-level degree granted under DM 509/99 and DM 270/04); or
- University degrees obtained abroad comparable to the title of second-level degree awarded in Italy.
- A level III qualification (PhD) degree from a foreign university and recognized as suitable for the application for this scholarship by the post-doctoral scholarship jury.

Therefore, candidates/applicants must include with their applications their first and second level degrees (Bachelor's and Master's Degrees) with respective grades and the PhD/research doctorate in law (1).

These documents, if written in a language other than English, French, German or Spanish, must be accompanied by an official translation in Italian or English and be certified as identical to the originals, either by the original issuing university or by the competent official Italian representatives in accordance with applicable rules.

The failure to provide the documents required will lead to the candidate's exclusion from the scholarship selection process.

The evaluation of university degrees obtained abroad will be communicated to the candidates by the post-doctoral scholarship jury during the interview.

To participate in the selection process for the granting of the post-doctoral scholarship mentioned in this notice, applicants are required, upon pain of

exclusion, to hold a PhD/research doctorate in Law in a foreign country (i.e., not Italy) (the title must be held as of the application deadline for the scholarship).

In addition, candidates must possess the following essential **requirements and / or qualifications**:

- Scholarship no.1- programme title: *“The significance of methods of comparative law in the interpretation of EU-law by national courts with a particular focus on EU consumer law instruments”* - Academic supervisor: Prof. Barbara Pasa

Essential requirements:

- *Applicants must hold a PhD in European private and comparative law*
- *Good Knowledge of English, French, German, and Italian languages*

Other relevant requirements:

- *Previous Research fellowships*
- *Teaching experience in the relevant field (EU private and comparative law)*
- *Publications concerning EU private law and comparative law*

Those who are related to (i.e. have a degree of consanguinity or affinity up to the fourth degree) a professor or researcher in the Department of Law or with the Rector, the General Manager or a member of the Board of Directors of the University are precluded from participation in this post-doctoral scholarship selection process.

SELECTION PARAMETERS

The selection for the award of the post-doctoral scholarship shall be based on one's qualifications, one's Curriculum Vitae and, eventually, an interview (oral examination).

The Post-doctoral Scholarship Jury has 100 points it will assign for each research scholarship, to be sub-divided into 70 points for the assessment of qualifications and Curriculum Vitae, and 30 points for the oral examination. Within these parameters, the Post-doctoral Scholarship Jury will set forth the criteria for the specific allocation of points regarding the qualifications/Curriculum and / or for the interview, as well as the minimum score necessary for admission to the interview/oral stage.

In any case, the Post-doctoral Scholarship Jury will give a score to a PhD obtained abroad.

The interview / oral examination is designed to test the candidate's knowledge on the basis of the research to be undertaken and could take place using remote communications systems (i.e., video call, skype).

The date and form of the interview will take place on February 4, 2016 at Law Department - University of Torino, Campus Luigi Einaudi, Building D1 II floor Meeting Room, Lungo Dora Siena n. 100 10153 Torino.

At the conclusion of the Post-doctoral Scholarship Jury's work, the results will be published on the Department of Law website (www.giurisprudenza.unito.it), on the website of University (www.unito.it - "Servizi per gli studenti" – "Borse e premi di studio" e "Borse di studio attive") and on the official bulletin board of the University. In case of waiver or giving up of a scholarship by the winner, the research scholarship, at the request of the Academic Supervisor, can be subsequently awarded to suitable alternative candidates based on their merit ranking. Recourse to alternative candidates on the merit list is not in any case possible if not for the use of the entire three-month scholarship.

APPLICATION PROCESS

Applications to participate in the post-doctoral research scholarship competition should be made in writing on plain paper and should be addressed to the Director of the Department of Law, following the form attached hereto (at **Attachment 1**) and must be received no later than January 22, 2016, at 15:30.

The submission of the application must be made in one of the following ways:

1- Hand-delivery, personally or through a third person with a power of attorney from the interested party; delivery must be made in a sealed envelope at the reception of the Department of Law (Lungo Dora Siena 100/A -10153 Turin - Sector D2 - second floor) at the following times :

from Monday to Friday, 9:00 - 12:00 and from 14:00 – 15:30

Applications will be considered on time if received by the deadlines and times indicated above.

The envelope containing the application must clearly indicate the identification code for this competition announcement.

2- By registered mail post with return receipt (in this case, timeliness will be judged by the date of the postmark upon dispatch, and the envelope must clearly indicate on the competition announcement identification code). Applications should be sent to the following address:

Università di Torino - Dipartimento di Giurisprudenza
[University of Turin – Law Department]
Campus Luigi Einaudi
Reception Dipartimento – Settore D2 - II piano
[Reception of the Department of Law - Sector D2 - II floor]
Lungo Dora Siena n. 100/A
10153 - Turin (Italy)

The candidate may state, using the legal process of “self-certification”, that he/she meets the requirements of the scholarship competition notice.

On the application (Attachment 1) each candidate must specify:

- 1) The number of the post-doctoral research scholarship they are applying for;
- 2) his/her full name, date and place of birth, current residence;
- 3) his/her qualifications, dates and places for such and grades/judgements in relation thereto;
- 4) the title of doctor (PhD in law), date and place obtained and eventual final grade/judgment;

- 5) the address where he/she wishes to receive all notices or communications, as well as the telephone number and / or email address to be reached on;
- 6) the 'Skype' contact (**mandatory**); and
- 7) that he/she does not have a criminal record or have criminal charges pending.

The application form must include, at risk of elimination from the competition, the following documents:

- a) A Curriculum Vitae which evidences, in particular, that the candidate meets the specific requirements for the research scholarship which he/she is competing for;
- b) List of publications;
- c) Copy of a valid identity document
- d) First and second level university degrees (i.e., Bachelor's and Master's Degrees) with respective grades; and
- e) Title of the PhD in law earned in a foreign country other than Italy.

These documents [specifically the letters d) and e)], if written in a language other than English, French, German or Spanish, must be accompanied by an official translation in Italian or English and be certified as identical to the originals, either by the original issuing university or by the competent official Italian representatives in accordance with applicable rules.

CLOSING RULES

All matters not expressly covered in this announcement will be subject to the rules laid down in the "Regulations for the establishment of research scholarships" at the University of Turin, as well as general the university regulations and law in force concerning the awarding of university scholarships.

Turin, the 4th of January 2016



The Departmental Director
Prof.ssa Laura Scomparin



Attachment 1

To the attention of the Director of the
Department of Law
University of Turin
Lungo Dora Siena 100/A
10153 - Turin (Italy)

**Competitive Scholarship Award Code: BDR 09/2016
(Deadline for filing applications: 22/01/2016, at 15:30)**

Subject: Application to participate in the competition for the awarding of a post-doctoral research scholarship offered by the Department of Law, pursuant to Resolution of the Board of the Department [of Law] on 09/07/2015 (the complete announcement is published on the Department's website at: www.giurisprudenza.unito.it, under “*Bandi e borse di studio - > Borse di studio di ricerca*” [“*Official announcements and scholarships/study grants - > Scholarship search*”]).

Scholarship no.1- programme title: “*The significance of methods of comparative law in the interpretation of EU-law by national courts with a particular focus on EU consumer law instruments*” - Academic supervisor: Prof. Barbara Pasa; (duration – 3 months);

The undersigned, _____
_____, born at _____
_____ on the _____ and resident
in _____
Tax Code _____
E-mail address _____
Contact telephone number(s) _____
‘Skype’ contact (mandatory) _____

HEREBY PRESENTS

His/her application in order to participate in the research scholarship competition referred to above and to this end, specifically acknowledging the applicable penalties provided for under Article 76 of Presidential Decree 445/00 regarding false statements and falsified documents, and the use or filing of false documentation or data containing information that is no longer true, and accepting his/her full responsibility for such.

AND THEREFORE STATES

1) That he/she is a citizen of _____

2) That he/she has obtained a university degree in _____

at the University of _____ with a final grade of

3) That he/she has obtained the Doctorate in Research in _____

_____ at the University of

on the date of _____ with the following final grade/judgement

4) That he/she does not have any criminal convictions; (or, alternatively) has the following criminal convictions:

5) That he/she does not have any criminal proceedings currently pending against him/her; (or, alternatively) has the following criminal proceedings currently pending:

AND HEREBY ADDITIONALLY STATES

to know the following foreign languages _____

to elect the following address as his/her domicile, in order to receive competition-related communications or notices, _____

and undertakes to give timely notice to the University of any changes thereto.

The undersigned applicant hereby requests that the Scholarship Award Jury approve the equivalence of his/her academic qualifications as suitable for the sole purpose of permitting his/her participation in the research scholarship awarding process (pursuant to Art. 2 of the Competitive Scholarship Award Notice).

The following is therefore attached to this application:

- a) A Curriculum Vitae that evidences, in particular, that the applicant meets the specific requirements of Article 2 of scholarship selection notice required for the scholarship which they are applying;
- b) A list of publications;
- c) A copy of a valid identity document;

- d) First and second level university degrees (i.e., Bachelor's and Master's Degrees) with respective grades; and
- e) The PhD [doctorate] degree earned in a foreign country (i.e., other than Italy).

(Place and date) _____

Sincerely,
