



**NOTICE OF SELECTION FOR THE CONFERENCE OF N. 1 DEPARTMENTAL RESEARCH GRANT DUE:  
"THE PROTECTION OF INFRA-EUROPEAN INVESTMENTS IN LIGHT OF THE TERMINATION AGREEMENT" –  
RESPONSIBLE PROF. PROF. FABRIZIO VISMARA, PROF. PAOLO BERTOLI**

FOR THE COMPETITION SECTOR 12 / E1 - INTERNATIONAL LAW, SSD IUS / 13 - INTERNATIONAL LAW, MACROSECTOR 12 / E - INTERNATIONAL, EUROPEAN UNION, COMPARATIVE, ECONOMY, MARKET AND NAVIGATION LAW

A selection is announced, based on qualifications and possible interview, for the assignment of n. 1 departmental research grant lasting 1 year to carry out research activities in the COMPETITION SECTOR 12 / E1 - INTERNATIONAL LAW, SSD IUS / 13 - INTERNATIONAL LAW, MACROSECTOR 12 / E - INTERNATIONAL LAW, OF THE EUROPEAN UNION, COMPARATIVE, OF ECONOMICS, MARKETS AND NAVIGATION.

The amount of the research grant is € 19,367.00 including the charges to be paid by the recipient.

The awarding of the fellowship involves the realization, at the Department of Law, Economics and Cultures and under the guidance of Prof. Fabrizio Vismara and Paolo Bertoli, as part of the research program entitled "The protection of intra-European investments in the light of Termination Agreement" of the following activities briefly reported:

The research project aims to analyze the agreement for the resolution of bilateral investment treaties between the member states of the European Union reached in implementation of the Achmea ruling.

Particular attention will be paid to the retroactive application of the agreement and to the termination of all bilateral investment treaties concluded between the member states. However, the complete resolution of these treaties would seem to be in contrast with the Achmea ruling in which the Court of Justice ruled on the incompatibility with European Union law of only the arbitration clauses contained in bilateral investment treaties between Member States. The project also aims to investigate the effects of the Achmea ruling on the Energy Charter Treaty and on bilateral investment treaties between Member States and third States to which the resolution agreement does not apply.

**Art. 1 - ADMISSION REQUIREMENTS**



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*Chiaramente Insubria!*

Piano II  
Uff. S.2.1.1  
**Orari al pubblico**  
Lun -Ven: 9.30 – 12.00  
14.30 – 15.30



Scholars with a professional scientific curriculum suitable for carrying out the research activities envisaged by this selection can participate in the selection and possess the following qualifications:

- Degree in LAW or equivalent, with a duration of not less than four years, obtained according to the didactic system prior to the Ministerial Decree n 509/1999 and subsequent amendments;
- Specialist Degree in LAW (class 22 / S) obtained in accordance with the D.M. 509/1999 and subsequent amendments;
- Master's Degree in LAW (class LMG-01) awarded in accordance with the D.M. 270/2004;
- similar academic qualification obtained abroad and recognized as equivalent to the Italian qualification by the competent academic authorities.

**MANDATORY REQUIREMENT:** Possession of a PhD or equivalent qualification obtained abroad, for the sectors concerned, accompanied by adequate scientific production.

For admission to the selection, the following requirements are also required:

- not be excluded from the active political electorate;
- have not been convicted and have no criminal proceedings in progress.

The requisites must be possessed on the expiry date of the term established for the presentation of the admission application.

The University of Insubria may decide at any time, with a motivated provision, the exclusion of candidates for lack of the prescribed requirements.

Academic qualifications obtained abroad that have not already been declared equivalent in accordance with current legislation will be evaluated, solely for the purposes of selection, by the Selection Committee; to this end, candidates must attach to the application form the original qualification or a replacement certificate accompanied by:

1. official translation into Italian.
2. legalization and "Declaration of Value in loco" of the title.

Candidates who cannot deliver the required documentation before the competition will be admitted with reserve. In this case, the required documentation must be delivered before the contract is signed.

## **Art. 2 - INCOMPATIBILITY AND PROHIBITION OF CUMULATION**

Research grants cannot be awarded to permanent staff of universities, public research and experimentation bodies, the National Agency for New Technologies, Energy and Sustainable Economic Development (ENEA) and the Space Agency. Italian (ASI), as well as institutions whose scientific specialization diploma has been recognized as equivalent to the title of research doctor pursuant to article 74, fourth paragraph, of the DPR 11 July 1980, n. 382.

The ownership of the grant is not compatible with enrollment in bachelor's, master's or master's degree courses, research doctorates with scholarships or medical specialization schools, in Italy or abroad, and involves placement on leave without pay, for the duration of the research fellowship, for the employee serving in Public Administrations,



even if with a part-time employment relationship, other than those referred to in the previous paragraph.

The grant cannot be combined with scholarships awarded for any reason whatsoever, unless the grant is awarded, except with those granted by national or foreign institutions useful for integrating, with stays abroad, the activity of research, nor can it be combined with dependent work, even if private and part-time, with other grants or with income deriving from freelance activities carried out continuously.

Candidates must not have exceeded or are about to exceed the maximum allowed limit of six years of the grant awarded pursuant to art. 22 of Law no. 240/2010, with the exception of the period in which the fellowship was received to coincide with the research doctorate without scholarship within the maximum limit of the legal duration of the relative course.

The overall duration of the relationships established with the holders of checks and contracts referred to in art. 24 of Law no. 240/2010 (fixed-term researchers), also with different universities, state, non-state or telematic, as well as with the bodies referred to in art. 22 paragraph 1 of Law no. 240/2010, with the same subject, cannot in any case exceed twelve years, even if not continuous. For the purposes of the duration of the aforementioned relationships, the periods spent on maternity leave or for health reasons according to current legislation do not count.

The holder of the research fellowship cannot be in a relationship of kinship and affinity, up to and including the fourth degree, with a professor belonging to the Research Facility or with the Rector, the General Director or a member of the Board of Directors of the University, as provided for by art. 18, paragraph 1, lett. c) of the Law of 30 December 2010, n. 240.

The grant holder may carry out a limited self-employment activity, subject to the authorization of the research manager, which does not involve a conflict of interest with the research activity carried out for the University.

### **Art. 3 - SUBMISSION OF APPLICATIONS FOR PARTICIPATION**

The application for participation in the public selection, as well as the qualifications held, documents and publications deemed useful for the competition, must be submitted, under penalty of exclusion, electronically, using the computer application dedicated to the page: <https://pica.cineca.it/uninsubria/didec2020-adr001>

The computer application will necessarily require the possession of an e-mail address to be able to self-register with the system. The candidate must enter all the data required for the production of the application and attach the documents in PDF / a electronic format. It will be possible to attach a maximum of n. 30 documents for publications and n. 30 documents for the other titles to be evaluated, and with a maximum size of 30 Mb. The application form must be completed in all its parts, as indicated in the online procedure, and must include:

- Curriculum of his / her scientific and professional activity
- Copy of a valid identity document

No other forms of submitting applications or documentation useful for participation in the procedure are allowed.

By the deadline for submitting the application, the system allows saving in draft mode. The date of electronic submission of the application for participation in the selection is certified by the computer system by means of a receipt which will be automatically sent by e-mail.



Upon expiry of the deadline for submission, the system will no longer allow access and subsequent submission of the application

Each application will be assigned an identification number which, together with the competition code indicated in the computer application, must be specified for any subsequent communication.

The procedure for compiling and electronically submitting the application must be completed no later than 11.59 pm on 25 September 2020

The submission of the application form must be completed and concluded in the following ways:

- Sign the document on the ConFirma server

To digitally sign the document, it is necessary to have a hardware equipment (for example smart card or USB device with digital subscription certificate issued by an accredited Certifier) compatible with the ConFirma service. After signing you will be able to download the signed PDF

- Digitally sign the document on your electronic device

To digitally sign the document, it is necessary to have a hardware equipment (for example smart card or USB device with digital subscription certificate issued by an accredited Certifier) and digital signature software with which to generate, starting from the PDF file of the document downloaded from this site, the signed file in pdf.p7m format to be uploaded on the site itself

- Sign the document manually

To manually sign the document, you must download the PDF of the document to your computer, print it, manually sign it, scan it into a PDF file and upload it to the site.

**ATTENTION:** the scan, in addition to the pages of the application, must contain on the last page a copy of a valid identity document (this step is not necessary if the copy of the identity document has been included in the attachments to the application) .

Applications without the candidate's signature will be declared inadmissible.

Foreign citizens residing in Italy can make use of the self-certification referred to above, limited to cases in which it is a question of proving personal statuses, facts and qualities that can be certified or attested by Italian public or private subjects (Article 3 of Presidential Decree no. 445 / 2000).

Foreign citizens who are not resident in Italy cannot use the self-certification institution in any way (Article 3 of Presidential Decree no. 445/2000).

Titles, certificates and publications produced in ways different from the above will not be taken into consideration. In application of the rules on self-certification, the University will verify the veracity of the self-certification and self-certification pursuant to Presidential Decree n. 445/2000.

Only documentation received within the peremptory deadline indicated in the announcement is considered validly produced. The introduction of qualifications awarded or presented after the deadline date of the call is not admissible.

It is not allowed to refer to documents and publications already submitted for participation in other competitions at this or other Administrations.

Candidates must provide for the return of qualifications and publications sent for participation in the selection at their own expense, subject to agreement with the Research and Internationalization Service of the University of Insubria.

#### **Art. 4 - SELECTIVE PROCEDURE**



The selection is made by a special jury composed of three members

- the Head of Research with the function of President of the commission
- two members identified among professors and researchers, including external to the University, experts in the sector covered by the call.

The judging commission provides for the comparative evaluation of the curricula of the candidates who have submitted the application on the basis of qualifications and publications.

The assessment will be supplemented by a possible interview, in a public session, which will focus on the illustration of the candidate's professional experience to assess the suitability for carrying out the research activity covered by the grant.

In this case, candidates will be notified of the date of the interview at least 7 days in advance by e-mail sent to the address indicated in the application.

Failure to attend the interview is considered an explicit and definitive manifestation of the candidate's will to renounce the selection.

To take the interview, candidates must have a valid identification document or an equivalent identification document pursuant to art. 35, paragraph 2, of the D.P.R.

28/12/2000, n. 445.

Candidates recognized as having a disability must specify in the application the necessary assistance in relation to their handicap, as well as the possible need for additional time for the completion of any tests, pursuant to law no. 104 of February 5, 1992.

For the evaluation of candidates, the Commission has 70 points of which:

- for scientific and professional qualifications: up to a maximum of 40 points
- for scientific publications: up to a maximum of 30 points

In particular, the evaluation of scientific and professional qualifications will take place according to the following scheme:

Degree (four-year, single-cycle or specialist):

- 110 cum laude: 20 points
- from 106 to 110: 15 points
- from 99 to 105: 10 points
- from 90 to 98: 5 points

Doctoral degree: up to 5 points

Schools of specialization / advanced courses or Masters: up to 6 points

Passing state exams / public competitions: up to 5 points

Other (teaching activities, lectures, participation in conferences as a speaker): up to 4 points

The scores attributed to qualifications and publications are made known to the candidate before the start of any interview.

For inclusion in the ranking, candidates must have achieved an overall score of not less than 48/70 following the evaluation of qualifications and publications

In the event that the Commission deems an interview necessary, the evaluation of the same can have a maximum score of 30/30 which will be added to the score attributed to qualifications and publications up to a maximum of 100 points. For inclusion in the ranking following any interview, candidates must have achieved an overall score of not



less than 70/100.

The final ranking is approved by provision of the Department Director and will be published in the Rector's Register of the University and on the University website with the value of notification to interested parties.

The merit ranking will be used in the event of renunciation or termination of the grant, on the proposal of the research manager, provided that the period proposed for the contract is not less than one year.

#### **Art. 5 - EXCLUSION FROM THE PROCEDURE**

Candidates are admitted with reserve.

It involves exclusion from the procedure:

1. the application presented or received after the peremptory deadline of the notice;
2. failure to sign the application form by hand;
3. the lack of participation requirements;
4. the existence of situations of incompatibility.

The exclusion is arranged with a reasoned provision by the Department Director and is communicated to the interested party by e-mail to the address indicated in the application.

#### **Art. 6 - RENUNCIATION OF THE CANDIDATE TO THE PROCEDURE**

Any waiver of the candidate to participate in the procedure must be sent only and exclusively electronically to the address indicated above, art. 3 of this announcement, by filling out the waiver form.

#### **Art. 7 - CONTRACT**

The winner of the check will be invited to enter into the private law contract within a specified period, under penalty of forfeiture.

The awarding of the fellowship involves carrying out the activities provided for in the research project object of the collaboration under the guidance of the scientific manager of the research project.

The tasks are determined by the individual collaboration contract and are carried out under the direction of the project manager, who will verify the activity carried out pursuant to art. 34 of the Regulations for the awarding of fellowships for carrying out research activities.

The fellowship is awarded for a period of one year and may possibly be renewed for periods of not less than one year, under the conditions set out in the University Regulations.

Pursuant to art. 22 paragraph 3 of Law no. 240/2010 and art. 6 paragraph 2-bis of Law no. 11/2015, the maximum limit for the use of grants for each individual is 6 years, even if awarded following different competitions at different Bodies / Universities.

Grants received at the same time as attending a doctoral course (without scholarship) within the maximum limit of the legal duration of the relative course do not contribute to reaching the 6-year ceiling.

For the purposes of the duration of the aforementioned relationships, the periods spent



on maternity leave or for health reasons according to the provisions of current legislation are not relevant.

The renewal is however subject to a positive assessment of the activity carried out by the Department Council, as well as the actual availability of budget funds.

The collaboration does not constitute a subordinate employment relationship and does not give rise to rights regarding access to university roles. The University guarantees equal opportunities between men and women.

For non-EU citizens, the grant will run from the obtaining of the residence permit in Italy and from the actual start of the research activity.

#### **Art.8 - ECONOMIC TREATMENT**

The amount of the research grant is € 19,367.00 inclusive of the charges to be paid by the recipient, with the exclusion of the expenses for insurance coverage against accidents and civil liability, which are borne by the Administration, and any expenses of mission. The check is paid in monthly installments.

The check is exempt from personal income tax pursuant to art. 4 of the Law of 13 August 1984, n. 476 and subsequent amendments and is subject, in social security matters, to the rules set out in art. 2 paragraph 26 and following of the Law 8 August 1995, n. 335 and subsequent amendments

#### **Art. 9 - SUSPENSION OF THE CONTRACT FOR MATERNITY AND ILLNESS**

The research activity is suspended for maternity. In this case, the provisions of the decree of the Minister of Labor and Social Security of 12 July 2007, published in the Official Gazette no. 247 of 23 October 2007. During the period of compulsory leave, post-doc workers are entitled to receive the maternity allowance provided by INPS pursuant to art. 5 of the aforementioned decree of 12 July 2007, supplemented by the University up to the full amount of the research grant, on funds borne by the administrative unit where the research is located. The period of compulsory maternity leave must be recovered at the end of the natural expiry of the contract in accordance with the current legislation. In the matter of sick leave, article 1, paragraph 788, of law no. 296, and subsequent amendments.

The suspension measures are ordered by the Department Director.

#### **Art. 10 - WITHDRAWAL OF THE RESEARCH GRANT HOLDER**

The holder of the fellowship has the right to withdraw from the relationship, giving notice to the Head of Research and the Director of the Department at least thirty days before.

Failure to communicate involves the withholding of the consideration in relation to the period of lack of notice.

#### **Art. 11 - TERMINATION OF THE CONTRACT**



If the research fellow does not continue the activity envisaged by the research program without justified reason or is responsible for serious or repeated failures, upon a motivated report by the Research Manager and with a resolution of the Department Council, the termination of the contract may be ordered.

The contract is automatically terminated, without notice, in the following cases:

- unjustified failure to start or delay the activity;
- unjustified suspension of activity for a period exceeding 15 days;
- serious violation of the incompatibility regime;
- negative evaluation of the research activity expressed by the Department Council.

The resolution measures are ordered by the Department Director.

#### **Art. 12 - TREATMENT OF PERSONAL DATA**

Pursuant to Regulation (EU) no. 2016/679 and of the Legislative Decree. n. 196/2003, the University undertakes to respect the confidential nature of the information provided by the candidate. All data provided will be processed exclusively for the purposes of managing the selection procedure and any management of the collaboration relationship in compliance with the provisions in force as per the information available on the website [www.uninsubria.it](http://www.uninsubria.it).

#### **Art. 13 – INFORMATION ON THE APPLICATION OF THE LAW ON THE PREVENTION OF CORRUPTION**

The University, in implementation of the relevant legislation, has adopted its three-year plan for the prevention of corruption and appointed the Head of the prevention of corruption. The Three-year Plan is published on the institutional website at <http://www.4.uninsubria.it/online/home/naviga-per-tema/amministrazione-trasparente/Articolo4719.html>. Any reports can be sent to the address: [anticorruzione@uninsubria.it](mailto:anticorruzione@uninsubria.it)

#### **Art. 14 - RESPONSIBLE FOR THE PROCEDURE**

The Head of the Administrative Procedure (Law 241/1990) is Mr. Rosario Cumbo, Administrative Secretary of the Department of Law, Economics and Culture - Tel. +39 031 238 4330 - e-mail: [rosario.cumbo@uninsubria.it](mailto:rosario.cumbo@uninsubria.it)

#### **Art. 15 - FINAL RULES AND INFORMATION**

For anything not provided for in this announcement, reference is made to the current legislative and regulatory provisions on the subject. The notice will be published, pursuant to art. 11 paragraph 2 of the current University Regulations on the awarding of research grants, to the University Register and made public on the University website, the Ministry of University, Education and Research and the European Union.