



DIPARTIMENTO DI SCIENZE GIURIDICHE

**Call for selection  
2018 DSG Visiting Researcher Fellowship  
Excellent University Departments Project**

**Art. 1**

The *Alma Mater Studiorum – University of Bologna – Department of Legal Studies* (hereinafter, “DSG” or “Department”), in the framework of the **Excellent University Departments Project, funded by the Italian Ministry of Instruction, University and Research**, and with a view to fostering the internationalization of departmental research, adopted the present call, concerning **n. 5 Visiting Researcher Fellowships for foreign scholars** invited to carry out research activities within the Department’s facilities.

In particular, the *Fellowship* shall allow a strong scientific interaction between foreign scholars invited and Professors/Researchers of the Department with regard to the priorities identified in the Excellent University Departments Project (see Annex I). This interaction shall be developed especially by means of the following activities: joint organization of workshops or other events of scientific nature within the DSG; drafting joint scientific manuscripts to be published in scientific international journals or international dimension collective volumes; joint participation to calls for European and international projects. Selected *Visiting Researchers* shall also hold a seminar on their research activities which will be mainly addressed to PhD candidates and research fellows of the DSG.

**Art. 2**

Each *Visiting Researcher* will be entitled to:

- receive a lump sum compensation covering travel and transfer expenses, room and board for a total amount of **2.000 EUR for Visiting Researchers residing in the EU** and **2.600 EUR for Visiting Researchers not residing in the EU** (visa costs will be reimbursed separately);
- be provided with a fully equipped office space, in via Zamboni 27/29, Bologna (<http://www.dsg.unibo.it/it>);
- accede the items and IT resources of the DSG and the “A. CICU” library (<http://www.dsg.unibo.it/it/biblioteca>).

**Art. 3**

The length of the stay shall range from **3 weeks to 2 months** during the period **December 2018 – June 2019**. The period of stay shall be continuous so to achieve a fruitful interaction with the Professors and Researchers of the Department.



## DIPARTIMENTO DI SCIENZE GIURIDICHE

The application shall include all required documents and shall be uploaded by the candidates by **6 November 2018 at 12:00 on the online platform <https://personale.unibo.it/pol/welcome.htm?siteLanguage=en>**.

The application shall be submitted exclusively on-line; any document submitted through other means will not be accepted. The application shall include:

1. personal and professional data of the Visiting Researcher;
2. a cover letter from a Professor/Researcher of the Department, including a short scientific biography of the Visiting Researcher;
3. the indication of the reasons concerning the decision to conduct a research stay in Bologna, Professors/Researchers of the DSG with whom the applicant wants to collaborate, research activities to carry out, methodology and expected results;
4. the indication of both the chosen period of stay and an alternative option;
5. a scanned copy of the Visiting Researcher's passport (or other identity document) in course of validity;
6. Visiting Researcher's *curriculum vitae et studiorum* and list of publications (last 5 years);
7. title and abstract of seminar for PhD candidates and research fellows of the DSG that the Visiting Researcher shall hold.

### **Art. 4**

The applications will be evaluated by a Commission appointed by the Department Council. The Commission will be tasked with the selection of the 5 best applications and the definition of the final ranking list within the deadline indicated by the Council.

The selection criteria are the following:

1. scientific qualification and research experience of the candidate;
2. originality of the research project;
3. centrality of the chosen topic within the international legal debate;
4. methodology applied to the research;
5. contribution to the strategy aimed at improving the DSG's scientific activity, as illustrated in the Excellent University Departments Project.

For each criterion, up to 20 points can be assigned. Only applications scoring at least 70/100 are eligible to be selected.

The Department reserves the right to select a lower number of candidates if the applications submitted do not satisfy the demanded excellence requirements.

### **Art. 5**

Visiting Researchers will be invited through a deliberation adopted by the Department Council and containing the scholar's first and family names, contacts, dates of stay within the DSG, description of the planned activities and name of the proposing Professor. The deliberation will be published on the website [www.dsg.unibo.it](http://www.dsg.unibo.it).

The invitation will be formalized with a letter from the Department's Head no later than 30 November 2018.



## DIPARTIMENTO DI SCIENZE GIURIDICHE

Within one week of receipt of the invitation letter, the Visiting Researcher is required to formally accept the position by sending a confirmation message to: [dsg.affarigenerali@unibo.it](mailto:dsg.affarigenerali@unibo.it).

### **Art. 6**

The Visiting Researcher's entry and residence in Italy are regulated by the Italian laws and the local authorities' regulations.

It is up to the Visiting Researcher to obtain the visa and any other necessary authorization to enter Italy.

### **Art. 7**

The DSG will activate an accident and third party liability insurance coverage (RCT). The RCT will be limited to the activities listed in the agreement concluded with the Visiting Researcher and taking place within the Department's facilities.

The Fellowship does not provide for any right to benefit from the National Health Service coverage. Visiting Researchers are required to arrange for their health and social security coverage.

### **Art. 8**

At the end of the research stay, the Visiting Researcher shall provide:

- a final detailed report explaining the activities carried out and those to be completed (e.g.: participation to competitive European and international calls; submission of joint manuscripts to the editorial boards of scientific international journals or collective volumes);
- electronic copies of any final research product.

In case of non-compliance the Visiting Researcher will not receive any compensation and will be excluded from the participation to further calls for *Visiting Researcher Fellowships* published by the Department as part of the Excellent University Departments Project.

In any case, in order to ensure a rotation of the beneficiaries, no selected fellow will be allowed to participate to the call for Visiting Fellowship immediately following the one he/she applied for.

Flat-rate reimbursement will be authorized by the Department Council upon verification of the proper fulfilment of the required activities.

### **Art. 9**

As long as the present call remains open, it will be available in the section "Calls" of the website [www.dsg.unibo.it](http://www.dsg.unibo.it).



DIPARTIMENTO DI SCIENZE GIURIDICHE

**Art. 10**

All aspects not regulated by the present call are subject to applicable legal, statutory and regulatory provisions.



DIPARTIMENTO DI SCIENZE GIURIDICHE

**Annex I**  
**Excellent University Departments Project - DSG**

**GENERAL DEVELOPMENT GOAL:**  
**THE LEGAL SCHOLAR OF THE BOLOGNA SCHOOL**

Within the framework of the Excellent University Department Project, the DSG intends to focus its overall activity on the training of a new type of scholar, who shall not limit his/her working skills to a national dimension and the performance of traditional legal professions; indeed, he/she shall be capable of:

- a) interacting with traditional sources and systems of national dimension, on the one hand, and with new supranational and transnational legal forms driven by globalization, on the other; in doing so, he/she shall manage to reconcile the hermeneutics' traditional technical tools and new problem-based methodologies focusing on practice and inspired by the empirical method;
- b) establishing links between his/her own national law and the laws of other legal orders, even if they do not belong to the Western legal tradition;
- c) combining a precise technical knowledge of law with a robust awareness of the philosophical themes and the historical, scientific and technological context, as they both contribute to forming a background that shall be necessarily taken into account.

This new type of legal scholar shall thus be adequate to work not only in Europe, but also worldwide. He/she shall likewise be ready to work in a flexible way, by carrying out also activities other than those referred to the typical institutional roles, so to provide answers to a wider set of social needs. Accordingly, a brand new "model" of legal training is envisaged which shall however be consistent with the renowned tradition of the Bologna School.

As for teaching and research activities, a major emphasis is to be placed on the capacity to fully understand the interaction between law sources of national, supranational and transnational dimension. The core problems can be summarized as follows.

- 1) *Acts and facts adequate to produce law: evolution towards the supranational dimension.*

Over last decades, it was possible to note a growing influence from international bodies and norms on the effective content of national law provisions and a progressive limitation of



## DIPARTIMENTO DI SCIENZE GIURIDICHE

national legislative autonomy, due to the action of an integrated and multilevel law system. In this respect, it is worth to consider the European integration, which has led, also by virtue the role played by the Court of Justice of the EU, to the creation of a new legal order comprising both States and individuals amongst its subjects. Quite the same is true of Public and Private International Law, as they have long had a huge influence on the internal substantive law. A similar trend embraces Constitutional and Administrative Law as well (for example, one could recall the debate on the possibilities and limitations of a Global Constitutionalism and a Global Administrative Law). This phenomenon extends to all fields of law, including those, like Criminal Law, characterized by a high degree of statehood, and it proves very problematic for the legal orders linked to the continental tradition.

### 2) *Acts and facts adequate to produce law: evolution towards a transnational dimension*

In addition to the classical model based on statehood/legal positivism and the supranational systems some transnational phenomena appeared. They produced new forms of pluralism, the statutes of which are not always definable with precision. That is often connected to the growing urgency of regulating economic, scientific or technological issues. It happens, in particular, in the framework of Private Law and the so called *lex mercatoria*, because of the evolution of the economic globalization, and in the field of Labor Law, given the need to provide public interest with a transnational dimension, which has resulted in early examples of supranational collective bargaining. Similarly, it is important to mention the prominent role acquired by certain private actors in the governance of the Internet or the health policies.

### 3) *Acts and facts adequate to produce law: resurgence of statehood*

Nevertheless, one should not take for granted the obsolescence of classical statehood when it has to stand the legal sources analysis test. The reaffirmation of the State occurred in multiple instances, even from the legal point of view. As far as the European level is concerned, reference can be made to Brexit and to constitutional reforms promoted by some States of the Central and Eastern Europe, which run counter the founding values of the EU. Even the ongoing evolution of the “dialogue” between the Court of the EU and national Supreme/Constitutional Courts is meaningful, since the threshold of friction between the former and the latter is increasing.

### 4) *Validity sources: soft law and governance in technical areas*

As regards this aspect, a problem concerning the validity adds to those relating to the acts and facts adequate to produce law: applicable norms in force, understood in a positivist sense, may take the form of acts of weaker nature, as it is not always easy to distinguish prescriptions from recommendations or mere technical regulations. This is particularly evident in the regulation of emerging biotechnologies, since their field of application is rather indefinite and the risks they entail are not predictable. As a consequence, the



DIPARTIMENTO DI SCIENZE GIURIDICHE

technical nature of some norms is spreading, while this process is leading to a lower degree of certainty.

5) *Documents containing the texts of the norms in force: IT standards*

Besides the abovementioned issues, also the digitization of the documents containing the texts of the norms in force represents a problem. These documents are currently created, published, circulated and stored mainly in digital format: with a view to analyzing new sources of global law, it is necessary to search for shared technological standards to accede normative provisions.

For any further query, please contact [dsg.affarigenerali@unibo.it](mailto:dsg.affarigenerali@unibo.it).

