



Subject: Public selection procedure to assign for a fixed-term position for 1 researcher in accordance with article 24 paragraph 3 letter b) of Italian Law 30 December 2010 no. 240/2010 (as amended by D.L. 36/2022), competition sector 12/B1 (Commercial Law), scientific disciplinary sector IUS/04 (Commercial Law), Faculty of Law.

Art. 1

Announcement of public selection procedures

A public selection procedure is hereby announced for the recruitment of no. 1 full-time fixed-contract researcher position for a three-year employment contract pursuant to article 24 paragraph 3 letter b) of Italian Law n. 240/2010 (as amended by D.L. 36/2022), as specified below:

Faculty of Law:

- **No. 1 position**

Competition sector: 12/B1 (Commercial Law)

Scientific disciplinary sector IUS/04 (Commercial Law)

Degree Class: LM/SC-GIUR (Innovation Law)

Contract type: full time

Scientific productivity goals:

The researcher will have to publish, over the three-year term, at least 5 articles in scientific journals, in the scientific disciplinary sector IUS/04.

Teaching activities, supplementary teaching and student services:

The researcher will have a total annual commitment to teaching activities, supplementary teaching and student service activities equal to 350 annual hours, relative to the current teachings in the Faculty of s.d.s IUS/04 (Commercial Law), fulfilling all obligations under current legislation. The researcher will also be engaged in addressing matters related to innovative issues in the legal field.

Foreign language in which the discussion will be held: English

Maximum number of publications: 12



Art. 2

Admission and Eligibility Requirements

The selection procedure is open to all candidates, without discrimination of gender, age, religion or nationality, who hold a PhD degree or equivalent qualification, obtained in Italy or abroad.

The candidates, holding a PhD degree or equivalent qualification obtained in Italy or abroad, must also:

- a) have held three-year contracts in accordance with art. 24 paragraph 3, letter a) of Italian Law 30 December 2010, no. 240; or
- b) have obtained the national academic qualification to function as a full or associate university professor, in accordance with article 16 of Italian Law 30 December 2010 no. 240; or
- c) to have benefitted from allocated research grants pursuant to article 51 paragraph 6 of Italian Law 27 December 1997 no. 449 and subsequent amendments namely art. 22 of Italian Law 30 December 2010 no. 240, or post-doctorate fellowships pursuant to art. 4 of Italian Law 30 November 1989 no. 398, or similar contracts, research grants or fellowships at foreign universities or research institutions for at least three years, even non consecutively; or
- d) have held for at least three years contracts pursuant to art. 1 paragraph 14 of Italian Law 4 November 2005 no. 230;

Candidates must provide a detailed description of the type and duration of the above contracts, grants or post-doctorate fellowships required under point c), with particular focus on any activities carried out abroad, in order to define an equivalence.

Candidates holding qualifications obtained abroad must, **under penalty of exclusion, produce a copy of the order** issued by the relevant authorities, in which the equivalence of qualification has been recognized, or **copy of the request** (filed with the relevant authorities) **aimed at obtaining the recognition of the qualification** bearing the date of presentation which should predate the deadline for the presentation of candidates.

The **order of equivalence** issued by the relevant authorities must be presented in order to finalize the contract before beginning the term of service, **under penalty of exclusion from the classification list.**

It should be noted that **the term of service at the University must begin no later than 29th October 2023**

The conditions required for participation in the process must be fulfilled, **under penalty of exclusion**, by the application deadline.

Candidates who cannot participate in the selection, and are therefore excluded, include the following:

- 1) Those not in possession of the prerequisites for admission;
- 2) Those who have been denied their civil and political rights;
- 3) Those who have been dismissed or relieved from their role in public administration
- 4) Those who have been dismissed or relieved from their role in other public employment pursuant to art. 127 letter d) of Presidential Decree of 10 January 1957 no. 3;
- 5) Those who have held contracts for a period of time which, if added to the duration of the contract involved in this selection procedure, exceed 12 years, even non-consecutive, of contracts as a research associate, pursuant to art. 22 of Italian Law no. 240/2010 and fixed-term contracts as a researcher pursuant to art. 24 of Italian Law no. 240/2010 at the University or at any other Italian private, public, or online University, or at other institutions or bodies provided for by law. For the above-stated purposes, maternity leaves and sick leaves are not taken into account under current Italian legislation;
- 6) full and associate professors or researchers who have already held a permanent position at a University are also ineligible, even if they are no longer in employment;



- 7) Those who, at the time of application, are related by blood or marriage up to the fourth degree of kinship, to a professor belonging to the Faculty that is overseeing the selection procedure, or the Rector, the Director or a member of the University Board of Administration.

Art. 3

Application and submission deadline

The application for admission to the selection procedure, the documents and publications considered useful for the assessment must be presented, under penalty of exclusion, exclusively online, via the following web page:

<https://pica.cineca.it/unimc>

within 11:59pm (Italian time) on the thirtieth day from the day after the publication of this notice in the "Gazzetta Ufficiale della Repubblica Italiana " (Official Gazette of the Italian Republic).

No other methods of presenting admission or documentation in order to participate in the procedure are accepted.

Additional documents will not be accepted once the deadline has passed.

An email address is necessary in order to register in the system.

The candidate must include all data requested in order to present the application, attaching the documents in .pdf format.

The application must be fully compiled in all sections.

The procedure allows any data inserted to be saved as a "draft", modified or integrated until the deadline passes.

The application must be definitively compiled and the date of the online presentation will be certified by the information system by a receipt that shall arrive automatically via email. Once the application has been presented and the receipt email confirmed, it will no longer be possible to access the application to modify it, but it can still be removed by clicking on the Ritira/Withdraw button on the start page (dashboard). The candidate can potentially re-apply.

Once the deadline for presenting applications has passed, the system will no longer allow the candidate to access or send the application.

Each application will receive an identifying number which, together with the **competition code 2023RTDB002**, must be specified in any and all communication relative to this procedure.

The presentation of the application must be established and concluded according to the following methods:

1. By means of digital signature, using smart cards, USB tokens with digital or remote signatures, that allows the owner to digitally sign the documents:
 - In case of the use of smart cards or token USB Digital Signature the compatibility of the device with the ConcorsiOnLine system will need to be verified. If successful, the owner can digitally sign the application directly on the server (ed. ConFirma);



- If the candidate does not have a digital signing device compatible with the ConcorsiOnLine or has a remote signature with access to a portal for the signature of generic documents, the .pdf file generated by the system will have to be saved on candidate's own PC and, without making any modifications at all, digitally signed in CAdES format: a file with .p7m extension will be generated and will have to be uploaded to the system. Any change made to the file before signing with Digital Signature/Remote Signature will impede the automatic verification of the correspondence of this document.
2. Should it prove impossible to use one of the two options listed above, the candidate will have to save the system-generated .pdf on their own PC and, without making any changes, print and sign it in full on the last page of the printout. This document will have to be scanned and uploaded to the system.
 3. In case of access via SPID (Public Digital Identity System), no signature will be required during the application process.

Failure to sign the application, where requested, will result in exclusion from the selection process.

Contact the support team via the link at the bottom of the page in case of any technical problems:
<https://pica.cineca.it/unimc>.

Art. 4 Application Content

For the purposes of the application the candidate must:

- 1) Select the position for which they intend to apply.
- 2) Declare, pursuant to articles 46 and 47 of DPR 445 of 28/12/2000, that information declared in the application is accurate and be aware of the criminal penalties provided pursuant to articles 75 and 76 of the same decree.
- 3) declare to have read the privacy statement and authorize the privacy authority regarding the use of personal data according to the terms specified by the same.

In the application the candidate must state, assuming full civil, penal and administrative responsibility:

- 1) name, surname, gender, place and date of birth, citizenship, tax code, current address, a contact address for any communication (if different from place of residence), telephone and email contact information for the purposes of the selection proceedings.
- 1) that they hold all requirements defined in art. 2 of this tender;
- 2) that they enjoy full civil and political rights in their country of origin or home state;
- 3) that they are not currently holding or have previously held a permanent position as full or associate professor or university researcher;
- 4) that they have not been dismissed or relieved from their role in public administration for consistently inadequate performance nor from public employment pursuant to art. 127, 1 paragraph, letter d) of DPR 3/1957;



- 5) that they have not held research fellowships or fixed term contracts as a researcher pursuant to articles 22 and 24 of Italian Law no. 240/2010 at the University of Macerata or at any other Italian private, public or online University, or at institutions included in paragraph 1 of art. 22 of Italian Law no. 240/2010 for a period of time which, added to the duration of the contract of this tender, exceeds a total of 12 consecutive or non-consecutive years;
- 6) that they are not related by blood or marriage up to the fourth degree of kinship, to a professor belonging to the Faculty that is overseeing the selection procedure, or the Rector, the Director or a member of the University Board of Administration;
- 7) that they have not been convicted of a crime or that they shall disclose any previous convictions, specifying details of sentences or any criminal proceeding pending against them;
- 8) to have adequate knowledge of Italian language (for foreign candidates);
- 10) any qualifications of equal merit and value, penalty of exclusion from the Commission's evaluation, in compliance with current legislation (article 5 of Presidential Decree of 9 May 1994, no. 487). The candidate must be in possession of such qualifications by the application deadline.

If the candidate chooses to change any contact information for the purposes of the selection procedure, this must be communicated in a timely fashion via an email to concorsidocenti@unimc.it with the application identification number and competition code in the subject line.

The candidate must attach the following documents to the application, exclusively in .pdf format:

- 1) a copy of a valid identity document;
- 2) CV listing all teaching and scientific activities;
- 3) The publications to be submitted for evaluation in this procedure, to be presented as laid down in the following article 5.

No reference is allowed to documents or publications already submitted to this or to other administrations, or to documents or publications attached to other applications for another competition.

The University does not take any responsibility for lost communication due to inexact contact information given by the candidate such as missed or late communication of change of address from the one given in the application.

Furthermore, the University does not take any responsibility for any missed or late communication due to technical issues or attributable to third parties, unforeseeable circumstances or force majeure.

The University, pursuant to Presidential Decree no. 445/2000, reserves the right to confirm the veracity of any self-declarations.

Pursuant to Italian Law 5 February 1992 no. 104, candidates with disabilities shall make an explicit request in their application for the necessary aid required in relation to their disability, indicating the possible need for extra time for their interview.

Art. 5 Publications

Any scientific publications the candidate intends to include for the purposes of the selection procedure must be submitted, in sequential order, exclusively via the designated online process outlined in art. 3



of this tender. The files (in .pdf format) must be devoid of macroinstructions and executable code and have a maximum size of 30MB.

The number of publications that the candidate intends to include for the purposes of the selection must not be higher than that indicated in art. 1 of this tender; if the candidate submits more than this number of publications, the Committee will evaluate the same following the order of the list of publications submitted by the candidate outlined in art. 4, up to the established limit.

It is specified that, pursuant to Ministerial Decree no. 243/2011, a doctoral thesis is considered a publication and so, should the candidate intend to present it, they must count in as part of the maximum number of publications allowed.

Legal obligations must be fulfilled for all publications.

Publications submitted through methods different from those defined in this article will not be taken into consideration by the commission.

Art. 6

Exclusion and withdrawal from selection

Candidates are admitted to the selection procedure subject to discretion.

They can be excluded due to a lack of compliance with the requirements at any time and with reasonable cause by the Rector.

Any withdrawal from participating in the selection process, must be sent – signed and dated – to the Human Resources Dept. – Teaching Staff Office, Università degli studi di Macerata via email to concorsidocenti@unimc.it, along with a copy of a valid identity document, indicating the identification number associated with the application and the competition code.

Any withdrawal will come into effect from the date of the Commission's first meeting after receiving the declaration of withdrawal.

Art. 7

Admissions Committee and related obligations

An admissions committee will be nominated for the purposes of the selection procedure, composed, according to the manner established by art. 9 of Regulations governing the recruitment, legal regime and economic treatment of temporary researchers ("Regolamento per la disciplina del reclutamento, del regime giuridico e del trattamento economico dei ricercatori a tempo determinato") issued by Regional Decree no. 334 of 2 ottobre 2019, in premise cited, by three components, chosen from full and associate professors, of which at least two are to external to the University, belonging to the relevant competition sector under consideration.

The commissioners must possess the requirements outlined in art. 7 paragraphs 7 and 8 of Italian Law no. 240/2010 and must not find themselves in any situation of incompatibility or conflict of interest, governed by art. 51 of the Code of Civile Procedure, the Code of Ethics of the Università degli studi di Macerata and the ANAC directives regarding joint economic interests or everyday life between commissioner and applicant.

In its first meeting the Commission, having elected its own president and secretary, shall predetermine the criteria and parameters for evaluation of the candidates without having had access to the list of same or the documentation provided by them in order to assign a score for each individual qualification and publication.



The report will be passed on to the Procedure Officer who, as outlined in art. 16 of this tender, shall ensure its publication on the website <https://www.unimc.it/it/ateneo/bandi-e-concorsi/bandi-personale-docente/art-24> at least seven days in advance.

Once seven days have elapsed from the date of the publication of the criteria, the Commission, having reviewed the applications received, subject to the declaration on record of the absence of any situations of incompatibility or conflict of interest as mentioned above, will proceed with a preliminary comparative evaluation of the candidates through justified analytical judgement based on the *curricula*, qualifications and scientific production using the criteria and parameters, recognized at an international level, as identified by Ministerial Decree no. 243/2011 and defined in the first meeting.

The commission shall also evaluate the adequate knowledge of languages and information technology, work experiences in non-academic environments and experiences with national and international mobility programs.

Once the preliminary evaluation has been done, the candidates who are comparatively more meritorious shall be admitted to the interview, between 10 and 20 percent of the total and in any case, not fewer than six.

The list of eligible candidates admitted to interview to discuss their qualifications, publications and oral language test will be published on the University's official register online and on the portal of same, on the site <https://www.unimc.it/it/ateneo/bandi-e-concorsi/bandi-personale-docente/art-24>, at least 30 days in advance of the date of the interview.

The publication of the announcement on the University's official register online (<http://www.unimc.it/albo> online) is equivalent to an official notification. Failure to attend the interview shall be considered as a withdrawal from the selection process whatever the cause.

It is possible to hold the interview remotely.

The Commission, following their discussion, has a total of 100 points to award according to the following categories:

- a) Evaluation of qualifications: up to a maximum of 25 points;
- b) Evaluation of publications: up to a maximum of 50 points;
- c) Oral test in chosen foreign language: up to a maximum of 25 points

The candidate's presentation of qualifications and publications to the Commission is public; candidates must hold a valid identity document in order to take part. The Commission, based on the total scores awarded, determines a classification of the candidates.

The acts of the Commission consist of reports of each single meeting; they are an integral and necessary part of the preliminary evaluation of the candidates, the score awarded to each qualification and each publication following the public interview and the score awarded for the oral test in a foreign language.

The Commission then delivers the competition documents to the procedural officer.

The Commission's task must end within four months of the publication date of the Rector's Decree appointing the official register online. The Rector can defer the deadline, for no longer than two months, due to demonstrable and exceptional reasons as advised by the president of the Commission.

Should the work not be completed even after the deferred deadline has passed, the Rector, with reasonable cause, may begin the process to substitute the entire Commission, given that the reason for



the delay is attributable to the current components of the Commission and then establishing a new deadline .

Art. 8

Verification of records

The Rector, through a decree, shall verify the regularity of the acts within thirty days of the submission of the reports through preliminary investigation by the relevant departments, and approve the final classification, which takes into account any preferred qualifications according to art. 4 paragraph 2 point 10) of this tender.

The decree shall be published on the University's official register online and website, communicated to all candidates and transmitted to the Department that had requested the tender for successive fulfillment.

The deadline for appeals begins from the publication date of the decree in the University's official list online.

The commission's minutes are public and available at the following website <https://www.unimc.it/it/ateneo/bandi-e-concorsi/bandi-personale-docente/art-24>.

Should the Rector find any irregularities in the development of the procedure, he may send the acts to the commission with reasonable cause, giving them a deadline.

Art. 9

Recruitment

Within two months of the date of the decree to verify the documents for the Council for the Department that requested the position, with approved deliberation with absolute majority of full and associate professors, recruits the winning candidate, following the ranking of the final classification approved by the Rector.

The proposed recruitment shall be approved by the Administrative Council.

Art. 10

Terms and conditions of contract

The position of the fixed-term researcher is by means of a fixed-term private law employment contract , approved by the Rector and interested party. The contract must explicitly state the following:

- a) Type of contract;
- b) Start and end date of agreement
- c) department, competition sector and scientific-disciplinary sector;
- d) employment scheme;
- e) financial, pension and insurance aspects;
- f) identification of research, teaching, supplementary teaching activities and student services;
- g) motives for termination of contract and necessary period of notice

Public administration employees are placed on leave for the entire duration of the contract, without checks or social security contributions, or in a non-permanent position in cases where this position is provided for by the relevant legislation.

If the researcher's employment does not take place before the 29th October 2023 (condition for maintaining ministerial funding), the University reserves the right to order the cancellation of the competition procedure or not to proceed with the signing of the contract.



Art. 11

Personal Data Handling

All personal data provided by candidates with the application to participate in the selection procedure will be collected and processed by the University of Macerata, data controller, in compliance with current legislation in relation to privacy (Reg. UE 679/2016 and legislative decree no. 196/2003 and successive modifications and integrations), for the sole purposes connected with the present procedure.

For information please see the section "Code for the protection of personal data of the Università di Macerata" published at link: <https://www.unimc.it/it/privacy-policy>.

Art. 12

Employment relationship

The holders of type b) contracts are required to make a total annual commitment of 350 hours to carry out teaching and supplementary teaching activities and student services, of which 60 hours for traditional lessons, for the fulltime contract, and equal to 200 hours for carrying out teaching, supplementary teaching and student service activities, of which 40 hours for traditional lessons, for the fixed-term contract.

The effective activities of teaching, supplementary teaching and student services are certified in a designated register, submitted annually for the approval of the Director of the Department concerned.

For the purposes of reporting on research projects, the figurative quantification of the annual research, study and teaching activities, with the related preparatory, verification and organizational tasks, is equal to 1500 hours per year for full-time researchers and 750 hours yearly for researchers with fixed-term contracts.

Researchers are required to submit an articulated technical-scientific report on the research activity carried out annually to the approval of the Department Council.

Failure to approve the report may constitute grounds for termination of the contract.

The holders of type b) contracts may vary, one time only during the entire duration of the relationship, the initial commitment regime envisaged in the contract subject to authorization by the relevant department.

Art. 13

Remuneration

The gross all-inclusive salary payable to researchers hired under a type *b)* contract is equal to 110% of the initial salary due to a full-time confirmed researcher.

The economic and career progression envisaged for permanent researchers do not apply to fixed-term researchers.

Art. 14

Incompatibility

The position of a researcher on a fixed-term contract is incompatible with:

- a) any other employment relationship, even part time or fixed-term, with public or private entities, without prejudice to the provisions of Art. 10 of the present tender;
- b) attending research doctorate or post-doctorate courses, with any grant or scholarship conferred including by a third party;



- c) holding other research fellowships, even in other Universities.

Art. 15

Procedure for recruitment of role of associate

In the third year of the contract, the Department Council, within the scope of the resources available for planning personnel needs, may propose to the Board of Directors the recruitment of a researcher who has obtained the national scientific qualification as associate.

The University has the right to anticipate the assessment referred to in the previous point to the conclusion of the first year of the contract.

In this case, the assessment also includes carrying out a didactic test in the disciplinary scientific sector to which the contract holder belongs.

Art. 16

Head of Procedures

The head of procedures of this tender is Dr. Simona Paielli, Human Resources Dept. – Teaching Staff Office – tel. n. 0733.2582663-2622-2423-2417, e-mail concorsidocenti@unimc.it.

Art. 17

Deferral

Anything that has not been provided for in this tender applies to the provisions of current legislation on public competitions and university legislation, in as far as is compatible.

Art. 18

Publication of tender

This tender is published on the web site of the Università degli studi di Macerata, <http://www.unimc.it/it/ateneo/bandi-e-concorsi/bandi-personale-docente>, on the official online register of the University and the websites of the Minister for Universities and Research and the European Union.

The procurement notice is published in the Official Gazette of the Italian Republic.

Macerata,

Rector
Prof. John Mc Court