

## Decree n. 1019/20

### The Rector

Having regard to the statutes of LUM Jean Monnet University of Casamassima (Ba).  
 Having regard to Ministerial decree of 18/06/2008 with which has been decided the amount of the scholarships for the PhD courses.  
 Having regard to the Law 30 December 2010 n. 240, art. 19 "Provisions on the PhD courses".  
 Having regard to the Ministerial Decree nr. 45 of 8/02/2013 published on the Italian Official Gazette nr. 104 of 6/05/2013.  
 Having regard to the "University Regulations on Research Doctorates" issued with D.R. 1042.18 del 31.07.2018 according to the rules of DM. 45 of 8/02/13.  
 Having regard to the "University Regulations on Research Doctorates" issued with D.R. 1045.18 of 31.07.2018 according to the rules of DM. 45 of 8/02/13.  
 Having regard to the note of 11.03.2020 nr. 7757 with which the Ministry has send the "Guidelines for the PhD courses 36° cycle A.Y. 2020/2021".  
 Having regard to the proposal of renewal for the XXXVII cycle a.y. 2020/2021 of the International Research Doctorate in "General Theory of the process" with Main Office at the LUM Jean Monnet University of Casamassima (BA) received by the Teaching Staff Council.  
 Having regard the favorable opinion of ANVUR Agency published on the web site of the PhD program.  
 Having regard the public announcement n. 2/FSE/2020 "Dottorati di ricerca in Puglia XXXVII Ciclo", published on BURP of 28/05/2020, with which the Regione Puglia aims to contribute to the implimentation of the offer of the Advanced training and research, ensuring the consistency with the needs of the Regional producing system as foreseen by Regiona Operational Program 2014-2020;  
 Having regard the Region's Decisione N. 73 del 27/07/2020 del Code CIFRA: 162\_DIR\_2020\_00073: POR PUGLIA FESR FSE 2014-2020 – ASSE X – AZIONE 10.4. Avviso n. 2/FSE/2020 "Dottorati di Ricerca in Puglia XXXVII Ciclo" di cui all'Atto Dirigenziale n. 53 del 26.05.2020. Deliberazione della Giunta Regionale n. 645 del 07.05.2020. Approvazione graduatorie delle borse di dottorato ammissibili a finanziamento" published on BURP of 30 July 2020 wich finance nr. 1 scholarship for this PhD Program for a.y. 2020/2021;  
 Having regard to the resolution taken by the Academic Senate of 07/08/2020 with which is approved the renewal of this PhD course for the XXXVII cycle – A.Y. 2020/2021;  
 Having regard the DP. 115/20 dtd 07/08/2020 with which the Chairmen of the the Board of Directors, because of the urgency to respect the deadlines foreseen by Anvur note–



Dottorati di ricerca in Puglia XXXVI ciclo è un intervento cofinanziato dall'Unione Europea a valere sul POR Puglia 2014-2020, Asse Prioritario OT X "Investire nell'istruzione, nella formazione e nella formazione professionale per le competenze dell'apprendimento permanente" - Azione 10.4 - DGR 645/2020 - Avviso 2/FSE/2020 A.D. n. 53 del 26/05/2020 (BURP N. 77 DEL 28/05/2020)

shown above, approves the budget for the renewal of this PhD course for the XXXVII cycle – A.Y. 2020/2021.

## DECREES

### Art. 1 – Institution of the course

1. A public selection process is announced, by Università LUM Jean Monnet-Casamassima (BARI), for the admission to under-mentioned doctorate, XXXVI Cycle - A.Y. 2020/2021 (the information on this PhD course can even find on the web site of the University at the following address: <https://www.lum.it/dottorati-ricerca-giurisprudenza/>);

## FACULTY OF LAW

### INTERNATIONAL RESEARCH Ph.D. IN GENERAL THEORY OF THE PROCESS.

**Scientific-disciplinary sectors:** IUS/15 "Civil Procedure Law"; IUS/16 "criminal Procedure Law"; IUS/01 "Private Law" IUS/10 "Administrative Law"; IUS/04 "Business Law" IUS/08 "Constitutional Law"; IUS/12 "Taxation Law"; IUS/14 "EU Law"; IUS/18 "Roman Law"; IUS/21 "Comparative Public Law".

**Deadline for the presentation of the application form: September 15th 2020 (according to the provisions of art. 3)**

Main Office: University LUM Jean Monnet – Casamassima (BA) – Italy

Partner University Megatrend University of Belgrado (Serbia)

South East European University – Macedonia

Course duration: 3 years

**Number of Places Available:5**

Nr. 4 with scholarship

Nr. 1 with scholarship payed by Regione Puglia (POR PUGLIA FESR FSE 2014-2020 – ASSE X – AZIONE 10.4. Avviso n. 2/FSE/2020 "Dottorati di Ricerca in Puglia XXXVI Ciclo")

Nr. 1 without scholarship





Dottorati di ricerca in Puglia XXXVI ciclo è un intervento cofinanziato dall'Unione Europea a valere sul POR Puglia 2014-2020, Asse Prioritario OT X "Investire nell'istruzione, nella formazione e nella formazione professionale per le competenze dell'apprendimento permanente" – Azione 10.4 - DGR 645/2020 – Avviso 2/FSE/2020 A.D. n. 53 del 26/05/2020 (BURP N. 77 DEL 28/05/2020)

Coordinator: Prof. Roberto Martino – Università LUM Jean Monnet

**Admittance procedures:** written exam, evaluation of the qualifications, oral exam, foreigner language.

**Degrees for the admittance to the doctorate:**

Old regulations: Law; Economics and Commerce

New regulations: Master of Science in Law (class LMG/01)

Specialistic degree in Law (Class 22/s), Specialistic degree in business economics sciences (class 84/s);

Master of sciences in business economics sciences (class LM77)

Score for the evaluation of the qualifications: 10/100

**Language/s of the admittance procedures: English**

**Annual contribution for the inscription and attendance for non students without scholarship: € 4.250,00**

**Web address:** [https://www.lum.it/dottorati-ricerca-giurisprudenza/"\);](https://www.lum.it/dottorati-ricerca-giurisprudenza/)

**Art. 2.**

**Admission requirements**

1. The admittance to the selection process is reserved to the Italian and foreigner candidates, who holds the following degrees: New regulations: Master of Science in Law (class LMG/01) Special degree in Law (Class 22/s), Special degree in business economics sciences (class 84/s), Master of sciences in business economics sciences (class LM77) or Old regulations: Law; Economics and Commerce taken in Italy or in any foreigner university recognized as equivalent to an Italian one.

2. Those candidates, who hold a degree of a foreign University, recognized as equivalent to one of the above mentioned degrees and awarded by Italian Universities, must apply for the declaration of equivalence from the Examining Board to the sole end of admittance to the competition of the Research Doctorate and must enclose to the application form the module compiled with the kind of degree, the final mark and the list of exams with the evaluations translated in Italian or English following what is foreseen by art. 3.

3. The Italian candidates who get the degree within the 31/10/2020 can participate to the admission exam. They will be admitted "with reserve" and they will be excluded from the pass-list if they will not get the degree within that date.



### Art. 3 Presentation of the admission applications

The application form, drawn up according to the facsimile attached to the present announcement, available on, <https://www.lum.it/dottorati-ricerca-giurisprudenza/> must be filled in, signed, scanned and sent **in advance** together with all the other required documents, **in digital format** (PDF or similar), **within September 15<sup>TH</sup>, 2020** to Dr. Mariateresa Santaloia ([santaloia@lum.it](mailto:santaloia@lum.it)), who will send a reply to the same e-mail address certifying the receipt, attaching the scanned registered copy. The application could be even sent to this pec address [concorsilum@pec.it](mailto:concorsilum@pec.it).

In the title of the e-mail it is necessary to quote: "Admission competition to the PhD Program in the General Theory of the process – XXXVI cycle".

The same original documents must be delivered by hand to Dott.ssa Mariateresa Santaloia:

1. Administration Office of this University, S.s. 100 Km 18 – 70010 Casamassima (Bari) – Italia – from Monday to Friday, from 10.00 up to 12.30;

or

2. On the day of the written exam, should it has been impossible to deliver them before.

***If the candidate cannot deliver the original application according to the above mentioned rules, or if the documents are different from those that are delivered by mail, the candidate will be excluded from the selection.***

The candidates are expected to pay a contribution of € 55.00, as entrance examination fee, by bank transfer, to the following current account:

**Nr. 21504 - Banco Popolare - Sede di Bari – Viale della Repubblica 73 (IT 64 T 05034 04000 000 000021504) held by Università LUM Jean Monnet specifying "Contributo partecipazione prove ammissione dottorato internazionale di ricerca in "General Theory of the process: administrative, civil, constitutional, penal and fiscal". This amount is not returnable in any case.**





Dottorati di ricerca in Puglia XXXVI ciclo è un intervento cofinanziato dall'Unione Europea a valere sul POR Puglia 2014-2020, Asse Prioritario OT X "Investire nell'istruzione, nella formazione e nella formazione professionale per le competenze dell'apprendimento permanente" - Azione 10.4 - DGR 645/2020 - Avviso 2/FSE/2020 A.D. n. 53 del 26/05/2020 (BURP N. 77 DEL 28/05/2020)

Candidates will not be admitted unless they have declared under their own responsibility, the following information on their application form:

- a) their surname and name, date and place of birth, tax code, citizenship, place of residence, contact address chosen at the aims of the selection process, including post code, telephone number and e-mail address;
- b) Curriculum vitae et studiorum duly signed in the forms provided for by D.P.R. 445/2000;
- c) their degree, specifying when (date) and where (University) it was awarded, or equivalent degree obtained abroad. Those who hold a degree, obtained in a foreign University, which hasn't been recognized as equivalent to one of the above mentioned degrees awarded by Italian Universities, must ask for the declaration of equivalence with the sole end of admittance to the competition for the Research Doctorate. To this end, it is necessary to enclose the translated and legalised degree certification containing certified transcripts of records of all examinations taken by the candidates and their study plan. Furthermore, candidates should enclose any other documents, translated and legalised, that *they* consider useful for the above-mentioned declaration of equivalence (Annex 1).
- d) List of the qualifications and of the publications they wants to be evaluated duly signed in the forms provided for by D.P.R. 445/2000;
- e) a commitment to attend the Doctoral course full-time, at all the partner Universities, in accordance with the procedures set out by the Teaching Staff Council.
- f) their level of knowledge of the English language and of any other foreign languages (satisfactory, good, excellent)
- g) a commitment to communicate information about any change of residence or contact address chosen for the selection process
- h) the indication of the scientific-disciplinary sector in which they want to hold the entrance examination
- i) copy of the contribution of € 55,00 as entrance examination fee
- l) copy of an identification document, duly signed.

People who have disabilities should specify on the application form, according to current regulations, any aid they require and/or any request for additional time to complete the selection examination.

To the application form the candidates must even enclose the documents and the publications of item d).



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The University Administration will accept no liability for communication problems due to candidates providing inaccurate details of their residence or contact address, or to any delay in their notifying the Administration of any changes to said details, or to failings of the postal or telegraphic or telematics services beyond the Administration's control.

#### **Art. 4 – Exclusions**

The University administration can make in any moment, till the decree of appointment of the winners, the exclusion from the competition because of lack of the admission requirements.

The clearly justified exclusion will be done by Rectorial decree.

The candidates that declare something not true in the application form will forfeit the right to participate to the entrance admission.

#### **Art. 5 - Selection**

The aim of the entrance examination is to assess the candidates' aptitude for scientific research and the knowledge of the language chosen in the admittance form.

The examining board has a maximum score of 100/100 for the evaluation of the publications and of the entrance examinations.

The maximum score for the qualifications and for the other documents submitted to the Examining Board's evaluation is 10/100.

The maximum score for the written exam is 60/100 and that for the oral exam is 30/100.

The minimum score for the written exam in order to pass at the following exams is 36/100.

The minimum score to pass the entrance examination is 60/100.

The evaluation and the criteria for the marks to be given to the qualifications and to the other documents submitted to the evaluation will be published by the Examining Board out of the room of the exam before the oral exams.

The written exam will be in Italian. The candidate can choose to hold the oral exam in Italian or in one of the two language (English or French) that he has chosen in the application form.

**Written notice of the date, time and place of the exam will be communicated on the webpage <https://www.lum.it/dottorato-di-ricerca-giurisprudenza/> on the Doctorate section without any other advice.** The admission exam will be held no later than **October 31<sup>th</sup>, 2020.**

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Candidates who are absent on the day of the entrance examination, for whatever reason, will be deemed to have withdrawn their application.

## **Art. 6 - Examining Board**

The Examining Board will be composed of 5 effective members, and of 5 substitutes appointed among the full professors, associate professors and researchers of the Università LUM Jean Monnet of Casamassima (BA) and among the other professors of the Teaching Staff council. The substitutes will replace one or more effective members in case of impediment. To the examining Board could even participate up to two advisers belonging to private or public research centres (even foreigner ones).

Before the entrance examination, the Examination Board will decide the criteria for the marks to be given to the publications and to the other documents submitted to the evaluation and will publish them out of the room of the exam and on the Rectorship Secretariat – PhD office.

The evaluation of the publications will be affixed before the oral exam out of the room of the exam and on the Rectorship Secretariat – PhD office. The examining Board will affix out of the exam room and on the Rectorship Secretariat – PhD office the results of the exams subdivided in two lists, one for the places not available for students graduated in foreigner universities and one for the places available for students graduated in foreigner universities

The general merit-based ranking will be approved by Rector's Decree and published on the notice board of the Università LUM Jean Monnet – S.S. 100 Km. 18, CAP 70010 Casamassima – (Bari)- Italia and on the website of the above mentioned University.

To the admitted candidates will be sending a communication by registered letter or with other means able to guarantee the receipt, even by webmail.

## **Art. 7 - Admission**

Candidates will be admitted to the Doctorate Course according to the ranking list and up to the number of available places established for the Doctorate. In cases of equal merit, precedence will be given to the youngest candidate.

The admitted candidates will be excluded if their acceptance is not received within 10 days of the communication of the results of the entrance examination.

If a successful candidate forfeits his/her right to a position before the beginning of the course, the next candidate in the rankings will be offered the place, according to the ranking list order.





## Art. 8 – Awarding

Candidates who have been admitted must present their personal data and their application form for enrolment, in person or by mail, to the Administrative Office of this University, on plain, unstamped paper, for the attention of Dott.ssa Mariateresa Santaloia, within 10 days of the communication of the results of the entrance admission.

They should also include the following declarations:

- a) self-declaration of citizenship;
- b) self-declaration of the University degree with official transcripts of records, of the date and of the University;
- c) declaration in which the candidate states that he/she has not enrolled on any University course and has no intention of doing so for the legal duration of the Doctorate course;
- d) declaration in which the candidate states that he/she has not enrolled on any Specializing Courses, and in cases where he/she has already done so the candidate agrees to suspend or interrupt the course before the Doctorate course begins;
- e) declaration in which the candidate states that he/she has not benefited from previous Doctorate scholarships;
- f) declaration in which the candidate states whether or not he/she is a State employee;
- g) Self- declaration (only for the scholarship winners) of the income regarding the year 2017.

All documents written in English must be translated and legalised by the appropriate qualified Italian diplomatic or consular representatives abroad and must comply with the rules in force in that State.

Candidates must enclose to their application form a photocopy of a valid identity document, duly signed, the payment of ADISU Tax, the payment of the contribution for insurance for third-party liability against damage, two passport-size photographs and even, for the winner without scholarship the payment of the annual fee as specified in the following art. 10.

## Art. 9 - Scholarships

Candidates admitted to the Doctorate Course according to the ranking list will benefit from the scholarships up to the number of scholarships available. In cases of equal merit, precedence will be given to the youngest candidate.

The annual amount of the scholarship is € 18.880,00 including National Insurance contributions.





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The scholarship won't be paid out in case the scholarship winner, in the year before the starting up of the Ph.D., has a taxable income of more than € 25.000 (twenty-five thousand) euros.

The scholarship will be 50% higher than the annual scholarship for research periods abroad (as provided by Italian Law). Scholarships are paid every month, ex post.

Scholarships are confirmed for the following Academic Year if the Teaching Staff Council validates the results achieved by the PhD students and their income. Scholarships cannot be combined with other scholarships awarded for the same purpose. Those who benefited from a Doctorate scholarship, even for only one year, cannot benefit from a further scholarship.

The scholarships are incompatible with:

- subordinate employment with a ended of open ended contract in private of public enterprises, except if the employer puts him on leave without contributions;
- Commerce or industry activities;
- Working contracts with Public authorities as foreseen by article 7 item 6 of D.lgs. 30 March 2001, n. 165;
- Collaboration contracts as foreseen by article 61 item 1 of D.lgs. 10 September 2003, n. 276.

The candidate who belongs of one of these categories and who has received the scholarship will decays.

#### **Art.10 - Enrolment fee**

When they enrol, Scholarship winners are expected to pay a contribution of 50 Euros towards the annual insurance for third-party liability against damage, as well as stamp duty for the application on the following current account:

**Nr. 21504 - Banco Popolare - Sede di Bari – Viale della Repubblica 73 (IT 64 T 05034 04000 000 000021504) held by Università LUM Jean Monnet specifying "contributo per assicurazione I anno Dottorato internazionale di ricerca in General Theory of the process" XXXVI cycle".**

**Doctorate students (who have not win the scholarship)** are expected to pay a contribution of € 4.250,00 per annum. The contribution must be paid, by Bank transfer on the following current account:

**Nr. 21504 - Banco Popolare - Sede di Bari – Viale della Repubblica 73 (IT 64 T 05034 04000 000 000021504) held by Università LUM Jean Monnet specifying**





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***"contributo per iscrizione I anno Dottorato internazionale di ricerca in General Theory of the process" XXXVI cycle".***

Moreover all the PhD students have to pay the Regional Tax for the Right to study according to art. 11 of regional law nr. 45/2012. More information will be given in the enrolment form.

**Art.11 – Ph.D. students duties**

Enrolled students must attend the Doctorate courses held in the University, in accordance with the procedures established by the Teaching Staff Council and must carry out their research studies and activities regularly within the structures intended for that specific aim, in accordance with the procedures established by the Teaching Staff Council.

The admission to the PhD course implies an exclusive and full time engagement of 1.500 hours per year

The PhD students with scholarship and to Phd students who are employees on unpaid leave, must stay in the University's structures at least 4 days a week. The Phd students without scholarship are required to stay at University one days a week, without prejudice to the obligation to attend lessons, seminars and meetings organized by the PhD. All the PhD students have to fill daily the "PhD student's Libretto" and to sign it, where he has to specify the hours and the activities he has done. They have not to stay in the University during the period of closure of the buildings and (if it do not coincide) during the annual periods of rest. This disposal is applied compatibly with what is established in the regulation, which disciplines the jointed frequency between the PhD program and the Medicine specialization schools, and even according to which is established by the conventions with the enterprises in case of industrial curricula in cooperation with them. The "PhD student's Libretto" is deposited in the "PhD Office".

The PhD student must prepare a detailed six-monthly Report of the done activities, both of teaching and of individual research. The above mentioned six-monthly report must be even signed by the PhD student's Tutor. It has to be given to the "PhD Office" in order to be at complete disposal of the TSC and of the Coordinator that will use it to prepare the "Annual report of the Research activity of the PhD student" to be presented to the Academic senate.

The PhD student, in its training project, can make, after clearance of the TSC and advice of the Didactic structures, without any increase of the PhD scholarship, activities of tutoring for the students of degree and Msc, and even, maximum 40 hours of integrative teaching for each academic year.





The public employees admitted to the PhD program can have for all the period of the program the expectation foreseen by their contracts. The expectation for the employees under public law, of extraordinary leave for educational purposes in order to study, is granted if it is compatible with the requirements of the public office by which he/she is employed, according with article 2 of the Law 13 August 1984, nr. 476, and subsequent amendments and integrations, with or without salary and unless there is an expressed claims waiver only if they are enrolled for the first time to a PhD Program, regardless the kind of program.

The interventions foreseen by the Leg. Decree nr. 68 of 29.03.2012 are extended to the PhD students.

The female PhD students are protected during their pregnancy as foreseen by the Decree of the Minister of Labour 12.07.2007, published on Official Journal nr. 247 of 23.10.2007.

The attendance of the PhD program can be suspended, after decision of TSC, for at maximum one year maintaining the right to have the scholarship, except the interruption of the payment of it, that will be paid after the PhD student will start to attend the PhD program again. It will arrive only in case of Pregnancy, military service or Civil service and severe and documented illness.

The PhD student cannot attend in the same time a Specialization school or a Degree. If the winner is enrolled to a Specialization school or to a Degree he has to suspend to attend those courses before the beginning of the PhD program.

The PhD students who attend the TFA (Active Traineeship) or to Masters or Specialization Course can obtain to freeze the beginning of the PhD program for at maximum 3 months. This period can be recovered within the legal duration of the PhD program according with the advice of the TSC. If this period will be longer than 3 months, and no longer than one year, the activities of that PhD program must be deferred.

The attendance of the Doctorate Programme can be suspended in the following cases, according to the Teaching Staff Council decision:

- maternity;
- serious, documented illness;



The TSC can propose with a motivated decision, after having listened the PhD student, that he can be temporarily suspended by the program, or to be excluded by it with the consequent total or partial loss of his scholarship in case of:

- negative assessment by the Teaching Staff Council of the results achieved during the academic year;
- overcoming of the maximum number of absence as it is allowed by each PhD program regulation;
- unjustified and prolonged absences;
- behaviours in contrast with the rules of incompatibility.

In the aforementioned cases, the scholarship will be suspended and the scholarship holder will be obliged to pay back all sums received during the year to which the disciplinary action relates.

### **Art. 12 Evaluation of research activities**

At the end of each year of the course, according with internal PhD program regulation, the TSC decide with the absolute majority, the admission to the following year of the program and/or to the final exam or, eventually the exclusion of the student, evaluating his assiduity, its profits and the progress of each PhD student, even as regards the number of publications for each year of the program. His evaluation it is made with the presentation of the two six-monthly reports of the previous year which the PhD student has filled and deposited by him at the "PhD Office". The TSC can eventually decide to listen the PhD student. The Student who will not pass that exam can be admitted under condition to fill the gap within three-months of the following year.

### **Art. 13 – Ph.D. degree**

The Ph.D. Degree, awarded by the Rector of Università LUM Jean Monnet, will be obtained following successful completion of the final examination, which will show the achievement of high scientific value results through the presentation of a written thesis in accordance with art.6 of the "University Regulations on Research Doctorates".

For the final examination, on the advice of the Teaching Staff Council, the Rector will appoint a special Examining Board, in accordance with "University Regulations on Research Doctorates"

### **Art. 14 - Processing of Personal Data**



With reference to the provisions of Reg. UE679 / 2016, concerning the protection of persons and other subjects with regard to the processing and dissemination of personal data, Dr. Mariateresa Santaloia, as owner of the data relating to this competition, informs that the processing of the data contained in the competition applications is aimed solely at the management of the competition activity and that the same will take place with the use of IT procedures and paper filing of the related documents. The Office also specifies the obligatory nature of the provision of data and the consequence of non-admission to the competition in case of refusal to supply the same. Candidates enjoy the rights referred to in art. 7 of the aforementioned law including the right to access the data concerning them, as well as some complementary rights including the right to update, correct, integrate or delete erroneous, incomplete or collected data in terms that do not comply with the law . Advertising of the data on the university's website - Contests section - is subject to art. 7 "Duration of publication obligations (Article 8.14, paragraph 2, 15 of Legislative Decree No. 33/2013) of the Guidelines on the processing of personal data, also contained in administrative documents and deeds, carried out for purposes of publicity and transparency on the web from public subjects and from other obliged bodies "published in the GURI nr. 134 of 12.06.2014

#### **Art. 15 - Person Responsible for the Procedure**

The person responsible for the procedure is MARIATERESA SANTALOIA (tel. 0806978219 - 111 - fax. 0806977122; e-mail: [santaloia@lum.it](mailto:santaloia@lum.it)).

#### **Art. 16 - Referral Regulations**

For any matters not considered in the present announcement, reference will be made to the law 30 December 2010 n. 240, art. 19 ""Provisions on the PhD courses", the D.M. n. 45 of 08 February 2013, published on Official Gazette nr. 104 of 6/05/2013, the note nr. 3419 with which the Ministry has send the "Guidelines for the PhD courses for the 34° cycle A.Y. 2018/2019" and the "University Regulations on Research Doctorates" and the PhD internal regulation.

This announcement will be published on the LUM website, on Euroaxes and on Italian University Ministry websites as foreseen by the regulations in force.

Casamassima, .....

The Rector  
Emanuele DEGENNARO

