

Ministerial Decree of 23rd December 2020 n. 928

(*Courtesy translation*)

CONSIDERING Law Decree of 9th of January 2020, no. 1, converted with amendments by the Law of 5th of March 2020, no. 12, which established the Ministry of Education and the Ministry of University and Research, with the consequent suppression of the Ministry of Education, University and Research;

CONSIDERING Legislative Decree of 30th of July 1999 no. 300 containing “Reform of the government organization, pursuant to article 11 of law no. 59 ”, as most recently amended by the aforementioned Legislative Decree n. 1 of, and in particular the articles 2, paragraph 1, no. 12), 51-bis, 51-ter and 51-quater, concerning the establishment of the Ministry of University and Research, "to which are attributed the functions and duties pertaining to the State in the field of university education, scientific research, technological and artistic and high artistic, musical and dance training ", as well as the determination of the functional areas and the organization of the Ministry;

CONSIDERING Ministerial Decree no. 738 of 8th of August 2019 regarding the criteria for the distribution of funds to universities for the year 2019, registered at the National Audit Office on 10th of October 2019, Sheet 3082, and in particular the art. 6 which assigns 5,500,000 € to the continuation of the Programme “Rita Levi Montalcini for young researchers” for young Italian and foreign scholars and experts, in possession of a doctoral degree or equivalent position for less than six years, and employed permanently abroad in research or teaching activities for at least three years. The Programme is aimed at the realization of research programmes offered autonomously in Italian universities, through contracts related to art. 24, paragraph 3, letter b) of the Law of 30th December 2010, no. 240, on the basis of criteria and methodologies defined by Ministerial decree;

CONSIDERING Law of 30th December 2010, no. 240 stipulating regulations regarding the autonomy of universities, academic personnel and recruitment, and including a mandate to the Government to incentivize the quality and efficiency of the university system, and in particular the art. 24 – *Temporary Researchers*:

- paragraph 2, letter b) and paragraph 3, letter b);
- paragraph 4, as amended by article 5, paragraph 5-bis, of Law no. 58 of June 28, 2019: *"The contracts referred to in paragraph 3, letters a) and b), may provide for the regime of full time or part-time. The total annual commitment for the performance of teaching, supplementary teaching and student service activities is equal to 350 hours for the full-time regime and 200 hours for the part-time regime"*;
- paragraph 5, according to which, *"within the resources available for multiannual planning, in the third year of contract according to paragraph 3, letter b), the university will assess the contract holder, if he/she received the scientific habilitation foreseen by article 16, for the purpose of appointing him/her to the role of associate professor, according to article 18, paragraph 1, letter e). If the assessment is positive, the contract holder, upon conclusion of the contract, will be hired in the role of associate professor. The assessment is conducted in compliance with internationally recognized quality standards identified with a specific university regulation in line with criteria set by Ministerial decree"*;

- paragraph 8: “*the salary due for contracts as foreseen by paragraph 3, letter b) of the same article is equal to the salary for a full time research position increased by up to a maximum of 30 percent*”;

CONSIDERING THAT for the winners of the Programme for young researchers “Rita Levi Montalcini” the salary is determined according to the art. 24, paragraph 8, of the Law of 30th December 2010 no. 240 in an amount equal to 120 percent of the initial salary due to the full-time researcher, the option of full-time status is required for the entire duration of the contract;

CONSIDERING art. 29, paragraph 7, of the Law of December 30th 2010, no. 240, which, amending article 1, paragraph 9, of Law no. 230 of 2005, gives to the Minister of Education, University and Research, having consulted the National Quality Assurance Agency for University and Research and the National University Council, the task to identify the research programmes financed by the European Union or by the Minister of Education, University and Research, whose winners may be directly hired to the roles of full professors, associate professor or temporary researcher by the universities;

CONSIDERING art. 3, paragraph 1, letter a) of Ministerial Decree no. 963 of December 28th 2015, entitled “*Identification of high-level research programs, financed by the EU or by the Ministry of Education, University and Research*”, which states that the winners of the Programme for young researchers “Rita Levi Montalcini”, for the implementation of the programme itself, will be directly hired to the role of temporary researchers as defined by article 24, paragraph 3, letter. b) of the Law of 30th December 2010 no. 240;

CONSIDERING Ministerial Decree no. 1096 of November 22nd, 2019, registered at the National Audit Office on January 2nd 2020, reg. no. 5, which established procedures for the submission of applications and the selection of proposals, pursuant to the provisions of Article 6 of the Ministerial Decree no. 738 of August 8th 2019;

CONSIDERING Director's Decree no. 2572 of December 19th 2019, whereby the total amount of €5,500,000 for the purposes referred to in Article 6 of Ministerial Decree no. 738 of 2019 was committed from Chapter 1694 p.g. 1 of the statement of expenditure of this Ministry for the financial year 2019;

HAVING REGARD TO the agreement concerning “*the entrusting to CINECA of IT services to be carried out in favour of the Ministry of Education and the Ministry of Universities and Research*”, of July 9th 2020 registered at the National Audit Office on September 3rd 2020 no. 1833, and in particular articles 2 and 8;

CONSIDERING the need to take into account the overall evolution of the circumstances because of the COVID-19 epidemiological emergency, which is still ongoing;

TAKING INTO ACCOUNT that, pending the publication in the Official Gazette of the aforementioned Ministerial Decree no. 1096 of November 22nd, 2019, the establishment of the Ministry of Education and the Ministry of Universities and Research took place, resulting in the abolition of the Ministry of Education, Universities and Research;

CONSIDERING Decree-Law no. 76 of July 16th 2020, converted with amendments by the Law no. 120 of September 11 2020, containing urgent measures for simplification and digital innovation, and in particular the article 19 which

introduced, in art. 24 of the Law no. 240 of December 30th 2010, paragraph 5-bis, according to which "*the university, if the needed resources are available in its planning and within the limits of the hiring resources available under current legislation for the classification in the rank of associate professor, has the right to anticipate, after the first year of the contract referred to in paragraph 3, letter b), the classification referred to in paragraph 5, subject to the positive outcome of the evaluation. In these cases, the evaluation also includes the performance of a teaching test within the scientific sector to which the holder of the contract belongs*";

TAKING INTO ACCOUNT, therefore, the need to supplement the provisions of Ministerial Decree no. 1096 of November 22nd 2019, concerning the procedures for the submission of applications, the selection of proposals and the allocation of resources available under article 6 of the aforementioned Ministerial Decree no. 738 of 2019;

DECREES

ART. 1

1. This Decree completely replaces the Ministerial Decree no. 1096 of November 22nd 2019.

ART. 2

1. The programme for the recruitment of young researchers following art. 6, of the abovementioned Ministerial Decree no. 738 of 8th August 2019, concerns scholars of all nationalities who have been awarded a Doctoral degree or equivalent and who are carrying out teaching or post-doc research activities abroad from at least three years.

2. Therefore, under penalty of exclusion, applicants should be:

- a) Scholars who have been awarded their doctoral Degree, or equivalent, after the 31st October 2013 and by the 31st October 2016. The awarding date corresponds to the date of the final exam, as stated in the art. 6, paragraph 3, of the Ministerial Decree no. 224 of the 30th of April 1999 or to the date of the final public discussion of the approved thesis according to the art. 8, paragraph 6, of the Ministerial Decree, no. 45 of 8th February 2013. The limit of the 31st October 2013 may be anticipated to a date not earlier than the 30th of April, 2012 in cases of maternity or paternity leave, for serious and documented illness and for national service (military or civil service) of a period equal to the suspension of the PhD programme, issued by the university, for the before mentioned reasons, as foreseen by the art. 6, paragraph 2 of the above mentioned Ministerial Decree no. 224/1999 or by the art. 12, paragraph 6, of the above mentioned Ministerial Decree no. 45/2013 as well as the internal regulations of the university for research doctorates referred to in article 5 of the same decree no. 45 of 2013. In this case, however, the attainment of the title of Doctor of Philosophy (PhD) or equivalent cannot be prior to 30 April 2012.
- b) Scholars who, at the date of the application submission, have been permanently and continuously employed abroad for at least three years in teaching or research activities in qualified universities or research institutions. The term “permanently” refers to an active and continuous commitment, of at least 30 months within the three years. The activities realized abroad on the basis of study grants or sponsorships obtained in Italy cannot be included as part of the three years period conducted abroad. During the three years previous to the submission

of the application, the scholars must not have covered any formal position at a university or other bodies/institutions, within the territory of the Italian State (temporary researchers that have conducted extended periods of research and/or teaching activities abroad, fellowships, contracts, doctorates, or enrollment in doctorate programmes in co-tutorship with foreign universities and research centres, beneficiaries of study grants).

ART. 3

1. On the basis of the resources foreseen by art. 6 of Ministerial Decree no. 738 of 8th August 2019, 24 temporary full time research positions are hereby allocated as foreseen by article 24, paragraph 3, letter b) of the Law 30th December 2010, no. 240.

ART. 4

1. Applications must be submitted, with reference to those Universities that have declared their availability to take part in the call, exclusively via Internet on the MUR-CINECA website (<https://bandomontalcini.cineca.it>), within and not later than thirty days from publication of the present Decree in the Official Journal. Applications must include:

- curriculum vitae of the applicant;
- list of scientific publications and an attached publication realized during the previous three years;
- self-certification, or certification, as foreseen by the art. 3 of the decree of the President of the Italian Republic n. 445/2000, of continuous residence abroad, in a position involving teaching or research activities for at least three years at the date of the application submission and with a maximum interruption period of up to 6 months, together with the declaration that any formal position at a university or other bodies/institutions has not been covered in the same period within the territory of the Italian State, according to the art. 1, paragraph 2 of the present decree;
- the research programme must specify: the context of the research, the foreseen methodology, the foreseen results and different stages of the programme; the cost of the research which must be directly correlated with the activity of the scholar at the institution where the programme will be conducted;
- name, institution and email address of two foreign experts, who will provide each a confidential recommendation letter;
- indication, in order of preference, of five state universities - with the exception of those that have declared their unwillingness to accept the researchers who won the present call -, including special institutions, where the applicant intends to conduct the research activity. The list of institutions will be communicated to the Committee foreseen at art. 4, once the final classification by merit is completed;
- self-certification, or certification, under the art. 3 of the decree of the President of the Italian Republic n. 445/2000, of the possible period of suspension of the PhD course as foreseen by art. 2, paragraph 2 of the present decree;
- copy of the title of PhD in the case of a doctorate obtained abroad, accompanied by documentation certifying the equivalence with the Italian title of doctorate in accordance to the current regulations. In the case of non-availability at the time of submission of the application, such documentation must be produced at the time of acceptance by the successful candidate in accordance with article 4 of this Decree.

ART. 5

1. The selection of applications is entrusted to a Committee consisting of the Chairman of the Italian University Rectors' Conference, and four scholars of high scientific profile on an international level, nominated by the Minister, with the task of expressing motivated evaluations of the scientific qualifications of the candidates and the scientific profile of the research projects. When needed, the Committee will make use of competent anonymous reviewers for the assessment of applications. The allocation of available places is based on the number of applications, the quality of the candidates and the relevance of the projects.

2. Upon completion of the assessment stage, the Committee will classify, according to lists of priorities distinguished by general area, all the applications that are positively assessed and propose to the Ministry those to be financed in relation to the available funds.

3. The lists of priorities and the resulting list of the 24 selected applications will be approved by the Minister and published on the Ministry web site. Subsequently the Ministry will contact the selected candidates, who are asked to confirm their acceptance within 15 days. It is possible, in exceptional cases and following a corresponding request with specific reasons, within the aforementioned period of 15 days, to indicate a university location different from the five previously identified, in place of the first location chosen, as well as to change the order of preference of the university institutions indicated in the application.

4. Subsequently, the Ministry contacts the institutions, taking into account the order of preference indicated by the selected candidates.

5. Within 45 days the above mentioned institutions must send to the Ministry the resolution of the Administrative Board including the commitment to sign a contract according to the art. 24, paragraph 3) letter b) of the Law of 30th December 2010, no. 240, and the commitment of the university department to provide adequate resources and support the research or, alternatively, the statement of non acceptance of the selected candidate.

6. The winners formalize the contract and take service at the university within 8 months following the resolution of the Administrative Board.

7. In cases of non-acceptance of a contract, of failure to take service by a winner, or in the case of non-acceptance by any of the five universities indicated by the winner in the order expressed in the application, the winner is declared dismissed. In this case, the other candidates in the list of priorities will be consulted in order of classification within the 12 months following the publication of the same list of priorities on the Ministerial web site.

8. The Ministry will also provide funds for the cost considered admissible for the execution of the research programme, which must not include costs resulting from the utilization of external personnel.

9. The contract agreed with the university regulates the exclusive full time employment of the researcher at the university pursuant to the Law of 30th December 2010, no. 240 as noted in premise. If, during the course of the contract, the researcher becomes the winner of other research programs, an *addendum* to the contract will be required which, in any case, may not lead to an increase in remuneration but only to a reshaping of the commitment to the project, however the

commitment must stay at least equal to 70% of the total. This amendment must be communicated to the Ministry which, at the end of the three-year period, will proceed with the recovery of any sums (part of the cost of the contract) reported in other research projects.

ART. 6

1.The Ministry, following the agreement of the contract, will transfer to the university the entire sum agreed for the conduction of the research activity and for the payment of the salary to the researcher involved, determined as 120 percent of the salary for a confirmed full time researcher, as foreseen by art. 24, paragraph 8, of the Law of 30th December 2010, no. 240. In cases of anticipated termination of the contract, the Ministry will recover the remaining funds from the university through the operational fund.

ART. 7

1.Within 90 days before the end of each year of the contract, the researcher will present a detailed report on the research conducted during the period of reference, and a final report upon termination of the contract to the university department at which they conduct their research activity. The abovementioned final report, together with the evaluation by the department, will be forwarded to the Ministry within 30 days. At the end of the contract the department is also requested to present to the Ministry a financial report of the project.

2.Furthermore, according to art. 24, paragraph 5, of the Law of 30th December 2010, no. 240, concerning the resources available for multiannual planning, the university, during the third year of the contract, will assess whether the contract holder has achieved scientific habilitation foreseen by article 16 of Law 240 of 2010, for the purposes of nomination as associate professor according to article 18, paragraph 1, letter e), of the same Law. In cases of a positive assessment, the contract holder, upon termination of the contract, is employed as an associate professor. The assessment will be conducted in compliance with internationally acknowledged quality standards identified in a specific university regulation in line with criteria stipulated by the Ministerial Decree 4th August 2011 no. 344.

3.The Ministry, taking into account the results of the previous calls of the Programme for young researchers “Rita Levi Montalcini”, monitors the outcomes of the recruitment of researchers according to the present decree, in the twelve months following the end of their contracts, also in order to verify the efficacy of this instrument to pursue quality and attractiveness objectives of the university system and in preparation of the adoption of next calls of the program.

ART. 8

1.No financial burdens are foreseen on the forecast budget of the Ministry of Education, University and Research in relation to the operation of the Committee as per art. 4.

ART. 9

1.Pursuant to Legislative Decree no. 196/2003 and to EU Regulation 679/2016, the Ministry of University and Research – General Directorate for University Education, Inclusion and the Right to Study, Via Michele Carcani n. 61 00153 Rome is the controller of personal data provided by the candidates to the Programme “Rita Levi Montalcini for young

researchers". These data are collected, for the purposes of managing the proposals presented by the scholars, by the data controllers, through the consortium CINECA, via Magnanelli n. 6/3 40033, Casalecchio di Reno, according to the methods provided by this decree. The person responsible for the processing of personal data is identified in CINECA Director.

2.The provision of data is mandatory for the evaluation of the candidates for the purpose of identifying the 24 winning subjects referred to in Articles 2 and 4 of this decree and for the management of the relative procedures.

3.The aforementioned information is disseminated exclusively in the cases and in the manner prescribed by this decree.

4.Interested parties may assert their rights under the Legislative Decree n. 196/2003 and EU Regulation 679/2016 with respect to the subjects mentioned above.

This decree will be sent to the National Audit Office for prior checking of legitimacy and to the competent office for prior checking of accounting regularity, as well as published in the Official Gazette and on the Ministry's website.

THE MINISTER
Prof. Gaetano Manfredi