

**Statement by the Plenary Assembly of the  
German Rectors' Conference (Hochschulrektorenkonferenz – HRK)**

**given in Bremen on 23 November 2005**

**on the European Charter for Researchers and on the  
Code of Conduct for the Recruitment of Researchers**

In its capacity as the representative of Germany's universities, the German Rectors' Conference (Hochschulrektorenkonferenz – HRK)

- welcomes the increasing attention which the European Commission is showing towards research and, in particular, towards university research in the context of establishing a Europe of Knowledge;
- supports in principle the European Commission's political goals connected with the Recommendation on a European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers;
- values the Charter as an important recommendation that acts through the force of its arguments and that needs to be implemented by researchers, funders and employers as a voluntary measure for ethical orientation;
- points out that most of the goals of the Charter have already been implemented in Germany or, such as in the case of the value of interuniversity mobility, for example, are part of the German tradition in science and research;
- presents the German universities' understanding of the Charter and the Code in the attached Implementation Protocol and points to potential obstacles and future tasks to be addressed in the implementation of the Charter.

The Hochschulrektorenkonferenz (HRK) adopts the Charter and the Code and recommends its member universities to consider the recommendations contained in the Charter and Code where they have not yet been implemented respectively where their implementation is not impeded by statutory and other legal provisions. The HRK will as far as possible support the process of implementing the Charter by providing the German universities with recommendations and information services. To this end, the HRK will initiate a process to identify the views and opinions of the German universities, especially on the question of which frameworks that obstruct the implementation of the recommendation still need to be changed.

Original signed by Professor Burkhard Rauhut, Acting President of the German Rectors' Conference in Bremen, 23 November 2005

## **Implementation Protocol on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers**

In the opinion of the German universities, the following points contained in the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers need further discussion and consideration in order to facilitate the implementation of the Charter and the Code by university institutions and by individual researchers. The headings used for the individual points relate to the relevant sections and subsections contained in the Charter and the Code, respectively:

### **Section 3: Definitions**

#### **Researchers**

The German science and research system, just like many other European systems, is characterised by great variety in its researcher profiles. This is why there is some doubt as to whether the Charter's underlying definition of a researcher as set out in the guidelines in the Frascati Manual (OECD 2002) will not lead to inappropriate levelling which, for example, would also define science journalists as researchers. This contradicts the tradition that exists in Germany in the form of professional definitions and collectively agreed employment contracts.

### **Section 1: The European Charter for Researchers**

#### **General Principles and Requirements Applicable to Researchers**

##### **The contribution made by research to society**

On several occasions, the Charter emphasises the need for research to be relevant and beneficial to society. This is a particularly sensitive topic for the universities. Research forms the basis for the continuing development of business, industry and society. This is why the university must be given the opportunity to promote corresponding innovations by performing both basic and applied research. In this respect, the universities expressly emphasise the provision contained in Article 13 of the Charter of Fundamental Rights of the European Union: "The arts and scientific research shall be free of constraint. Academic freedom shall be respected."

##### **Professional responsibility of researchers (professional attitude, contractual and legal obligations, accountability, relation with supervisors)**

In the opinion of the German universities, academic freedom and the researcher's accountability towards society and the scientific community are inseparable. However, this must not result in highly-detailed bureaucratic control and in excessive reporting, recording or bookkeeping duties that serve to impede the required creativity.

#### **General Principles and Requirements Applicable to Employers and Funders**

##### **Intellectual property rights**

The German Employee Inventions Act of 2002 deliberately abolished the university teacher (professorial) privilege and allows the university to commercially exploit the inventions of its university members (researchers). These are obliged to report any publications that

contain a patentable invention to the university. The act provides for the researcher to receive a 30% share of the university's potential gross earnings in the event of a patent registration.

### **Award of research grants (stability and permanence of employment, funding and salaries)**

The universities continue to consider the award of research grants to be an indispensable element in promoting and developing early-stage researchers. Such grants allow researchers to concentrate on their research work without being burdened by other duties. It is absolutely essential that employers provide grantholders with information on the social security implications of the funding that they award. The universities also welcome the minimum social security cover for grantholders in the form of obligatory health and accident insurance and maternity protection as has been defined in the discussions held to date on the Charter. These demands are being implemented by key German funding organisations.

### **Non-discrimination**

The principle of non-discrimination on account of national origin should not rule out the possibility that nationally funded grant programmes remain reserved for nationals of the home country or for applicants from specific countries.

### **Value of mobility**

The universities expressly share the high esteem which the Charter attaches to geographical, intersectoral, interdisciplinary, transdisciplinary and virtual mobility as well as to mobility between the public and private sector. They also share the opinion that the lack of opportunities regarding the portability of social security rights, especially pension rights, strongly impedes mobility in Europe, above all, between the public and private sector and geographical mobility. In this respect, the European governments are urgently called upon to counteract this competitive disadvantage for German and European research and to create innovative solutions.

### **Evaluation/appraisal systems**

A performance-oriented professorial salary system was introduced in Germany on 1 January 2005 that includes performance evaluation/appraisal. As far as research assistants are concerned, for example, target agreements can certainly serve as a tool to facilitate transparent evaluation/appraisal. Where a country and a specific community of researchers is large enough, transparency can also be achieved within a country and without the inclusion of foreign experts.

### **Career development/access to career advice**

The development of a career path strategy for researchers at universities contradicts the German tradition of prohibiting in-house appointments, a tradition that has been established in the laws of the individual federal states and whose purpose is to assure the mobility of researchers. Furthermore, the German universities attach great importance to the continual renewal of their early-stage researchers and view with concern the danger of petrification in the staff structure of the universities. In the case of experienced researchers who cannot be given a professorship, ways are currently being sought to provide them with permanent employment while granting special termination rights to

employers. In any case, Germany's universities certainly see the need to increase the advice given to researchers on possible career paths within and without the university.

### **Supervision**

Germany's universities consider themselves to be responsible for further extending the supervision of early-stage researchers and doctoral students and are engaged in dialogue with European partners on developing various models with which to achieve this goal.

### **Access to research training and continuous development**

Germany's universities consider the development of continuing training programmes for university members to be an important task and have developed various models in this respect. They definitely see further need for development in this field, albeit that achievement of this goal is currently above all impeded by financial restrictions.

## **Section 2: The Code of Conduct for the Recruitment of Researchers**

Germany's universities welcome, in principle, the Code of Conduct for the Recruitment of Researchers that has been presented as a guideline for employers on the appointment or employment of researchers. It appears important in this respect that the proposed criteria are always applied equally and not on a case-by-case basis. For universities in their capacity as employers, the basic principle applies that the autonomy of the employer's decision and the goal of strengthening science and research must be considered in each and every case as the main objective behind any decision to appoint or employ a researcher.