



Alexander von Humboldt
Stiftung/Foundation

The European Commission
Directorate General for Research
Commissioner Janez Potočnik

B-1049 Brussels

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

Following the formal decision taken by the Board of the Alexander von Humboldt Foundation at its meeting on 4 December 2007, and in combination with the enclosed implementation protocol, the Alexander von Humboldt Foundation herewith appends its signature to the "European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers".

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Alexander von Humboldt Foundation Implementation Protocol

On the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers

as of: 16 January 2008

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The Alexander von Humboldt Foundation (hereafter: AvH)

- welcomes the growing attention the European Commission is affording research in respect of building a Europe of knowledge
- supports the European Commission's political objectives associated with the recommendation on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers
- considers the Charter an important recommendation which should be effective by the force of its arguments and should be implemented by researchers, funders, and employers on a voluntary basis
- sets great store by the intended improvement in the general conditions for research and by Europe-wide agreement on the essential pre-conditions for promoting research; increasing researchers' mobility means improving researchers' promotion and career prospects
- sets out its understanding of the Charter and Code in the enclosed Implementation Protocol and identifies future tasks in implementing the Charter.

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

The Charter and Code are very broadly-based and thus also address aspects which do not fall within the ambit of the AvH. Other points included in the Charter require precise interpretation by the AvH because they have to be reconcilable with the general conditions pertaining to an organisation granting research fellowships and awards.

In the following, the points are set out which the AvH considers do not adequately reflect the principles of its work as formulated in the Charter and Code and are thus supplemented by its own or further interpretation with regard to implementation.

The headings correspond to the points in the Charter and Code:

Introduction

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Eng. Brochure / Ger. text in OJEU

Most of the overarching points discussed in the introduction/explanatory statement do not fall within the AvH's ambit and thus could only be indirectly implemented by the AvH. It cannot immediately contribute, for example, to creating "the necessary conditions for more sustainable and appealing careers (...) in R&D" (Point 4) or "the development of an attractive, open, and sustainable European labour market for researchers" (Point 8). Neither can it support researchers through "sustainable career development systems" (Point 9). This notwithstanding, the AvH deems it proper to recognise and uphold the specific promotion of researchers through research fellowships and awards for self-chosen, cross-border collaborations not based on employment as a systematically useful contribution to promoting individual careers, and this in terms of the instruments cited in Points 6, 9, 12, and 17.

Principles and requirements applicable to researchers

Professional responsibility

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The AvH functions on the principle of the freedom of research. This means that the research proposals submitted by applicants and candidates nominated for awards are not evaluated on the basis of social relevance but on the extent to which they evidence the aspirants' academic excellence. This does not rule out the possibility that academics whose research proposals already demonstrate social relevance at the time of application, may indeed be granted sponsorship.

Dissemination, exploitation of results

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c.f. notes on "Professional responsibility"

Principles and requirements applicable to employers and funders

Recognition of the profession

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In the AvH's understanding of the term, "researcher" exclusively denotes academics in the pre- or postdoctoral phase as well as during all subsequent phases of academic activity. The AvH only sponsors scientists and scholars who have already completed their doctorates (or can document achievements equivalent to a doctorate). As German funding organisations share responsibility in this area, other funders in Germany are charged with granting fellowships to scientists and scholars who have not completed their doctorates.

Non-discrimination

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In accordance with § 2 of its statutes, the AvH is already obliged "to offer academically highly-qualified academics of foreign nationality the opportunity to carry out a research project in the Federal Republic of Germany and to maintain the academic contacts resulting therefrom by granting research fellowships and research awards without distinction of gender, race, religion, or belief."

In this context, however, specific research funding phenomena resulting from the research itself, must be permissible. Due to the fact that the various research funding organisations in Europe take responsibility for different special research funding tasks, in the end, taking the view presented here of Europe as a whole, the non-discrimination objectives are fulfilled collectively. Singling out individual "national" funding institutions would fall short of this comprehensive view, and withdrawing certain "national" funding programmes would almost certainly result in diminished funding opportunities as a whole. This cannot be the object of non-discrimination regulations.

Hence the AvH deems it proper to continue programmes which directly address researchers from certain countries or regions. Indeed, organising regional programmes is a service to non-discrimination: regionally-targeted programmes specifically take account of the general conditions governing research in certain countries.

According to its statutes, as established by the Federal Republic, it is the AvH's duty to facilitate cross-border research collaboration with academics in Germany. *This duty is binding under the law of the Federal Republic of Germany.* The AvH carries it out by granting research fellowships and research awards.

By far the majority of the AvH's sponsorship programmes are open to scientists and scholars from all countries and disciplines. There are no quotas for countries or subjects. In addition, there are a number of AvH sponsorship programmes promoting cross-border collaborations with academics of certain nations. These programmes cannot be opened up throughout Europe because, taking the view of Europe as a whole, they already contribute collectively to the overriding objectives of the Charter as a partial and special programme (c.f. para. 2 on "Non-discrimination").

The AvH's programmes are open to scientists and scholars from all countries who wish to spend extended periods researching in Germany.

Funding and salaries

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The specific promotion of researchers through research fellowships and awards, especially for freely-chosen, cross-border collaborations which are in the researcher's own interest and not based on employment, should be recognised and upheld as a systematically useful contribution to promoting individual careers. By far the majority of researchers in Germany hold positions as employees. However, as well as the promotion of researchers holding positions, there is also a smaller amount of quite legitimate promotion of researchers on the basis of research fellowships. Fellowships do not function on a quid pro quo basis but serve to promote individual researchers' own academic work, which is in their own interest. As such, they contribute decisively to promoting and actively supporting individual researchers' careers. As a general rule, researchers must have the opportunity to choose between an employment contract based on quid pro quo (e.g. as employee, civil servant etc.) and independent sponsorship provided by a funding organisation based on research fellowships and awards. Withdrawing the latter option would mean restricting the scope for planning individual careers. Furthermore, there is no evidence to suggest that allowing the "fellowship" option, i.e. outside the quid pro quo context, could lead to a general restriction of the "employment" option at research institutions.

As the Alexander von Humboldt Foundation's research fellows are not employees (neither employed by the AvH, nor by the host institute, (c.f. Alexander von Humboldt Foundation regulations (RiLi III.12)), carrying out the research project is not defined as gainful employment in terms of German tax legislation. The monthly fellowship amount is thus not working income and is not subject to mandatory social security in Germany (c.f. RiLi III.12). Contributions to social security are made in the context of benefits in addition to the fellowship. Research fellows and any family members accompanying them must be registered with a health insurance provider, offering adequate cover in Germany (c.f. RiLi III 11) from the very first day and during the entire duration of their stay in Germany. During the sponsorship period, the AvH is able to grant research fellows and their marital partners and any underage children (under 18) accompanying them to Germany for at least 3 months, an allowance towards the cost of health and third party liability insurance (c.f. RiLi 1.2.8) .

The AvH is seeking to balance out current deficits in the area of social security benefits for its research fellows by granting an appropriate allowance to provide for the future (especially pensions, nursing care insurance and occupational disability schemes).

In case of childbirth, the AvH is able to continue paying the fellowship amount during the sponsorship period in line with regulations applying in Germany.

Gender balance

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The AvH makes its decisions on selecting researchers for sponsorship solely on the basis of the candidates' academic excellence. Child-rearing periods are taken into account when assessing applicants' academic performance.

When Humboldt Foundation selection committees are being formed, every effort is made to appoint suitable female academics.

Participation in decision-making bodies

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The AvH's selection committees are composed of scientists and scholars from Germany and abroad who have international experience of their own. Thus the perspective of those to be sponsored is represented on the committees.

Recruitment

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As the AvH's statutes define its role not as carrying out research work itself but only as specifically promoting academics to carry out self-chosen research projects in the context of a fellowship at universities and research institutions in various places in Germany, the AvH cannot, as a funding organisation, "recruit" researchers itself.

The Code of Conduct for the Recruitment of Researchers

Selection

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The AvH's selection committees are composed of the most suitable scientists and scholars from Germany and abroad who can be gained for the task. Provision is made for a reasonable balance between men and women as well as experience in the various sectors (c.f. Gender balance).

Transparency

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Applicants and nominees are provided with information on the selection criteria etc. The AvH's fellowships are granted on the basis of a directly comparative, cross-discipline and cross-border selection procedure, not involving any quotas and solely based on criteria of excellence. It is not a case of processing applications for project funding but, rather, making a general appraisal of the applicant's academic personality. For this reason, references to potential weaknesses in individual applications are not helpful. Furthermore, due to the necessary confidentiality of the review process and the specific cultural terms affecting the international promotion of people, the AvH is not able to comply with the demand to inform unsuccessful candidates about the reasons for rejection which could be counterproductive.

Variations in the chronological order of CVs

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CVs, including those with variations, form part of the assessment of the applicant's academic qualification without standard specifications.