

Resolution of the Bundesrat

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Reinforced European Research Area Partnership for Excellence and Growth

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At its 903rd session on 23 November 2010, under Sections 3 and 5 of the Act on Cooperation between the Federal Government and the *Länder* in European Union Affairs (EUZBLG) the Bundesrat adopted the following opinion:

1. The Bundesrat basically welcomes the Commission's considerations on the further development of the European Research Area (ERA). It too sees the need to optimise Europe's research performance to promote growth and job creation. It supports the objective of increasing the efficiency and excellence of public research systems, establishing the free circulation of researchers and allowing the free movement of scientific knowledge. The Bundesrat also refers here to its opinions of 6 July 2007 (Bundesrat Printed Paper 251/07 (Resolution)) and 10 October 2008 (Bundesrat Printed Paper 401/08 (Resolution) and Bundesrat Printed Paper 521/08 (Resolution)).
2. The Bundesrat notes that the priorities named by the Commission with regard to the creation of the ERA have largely been implemented in Germany already and that in the past years – as, indeed, the Commission observes in its communication – substantial progress has been made in the development of the ERA.
3. The Bundesrat endorses the Commission's standpoint that the national research systems of the Member States will continue to form the basis of the ERA. It supports the intention to make the national systems more open to each other and more interconnected in order to create a globally competitive ERA, as long as the planned measures are on a voluntary basis and the distribution of competences between the

Union and the Member States and the different circumstances of the national systems are taken into account.

4. Like the Commission, the Bundesrat considers investment in research and innovation and efficient use of resources to be vital factors in keeping Europe globally competitive. Achieving the 3% target and improving research competitiveness in Europe therefore have to be pursued with continued vigour.
5. The Bundesrat agrees that the diversity of research systems in Europe promotes competition and with it science and innovation too. Here a lasting balance needs to be struck between competition and cooperation. This is why the Bundesrat welcomes the approach of aligning European research programmes, the better to exploit Member States' research and innovation potential.
6. Cooperation must take place in the context of fixing research priorities between the Member States which provide most of the financing of programmes, and in close coordination with the research organisations and research funding bodies directly affected. The research and funding institutions themselves set the conditions for their collaboration and the Bundesrat rejects coordination under Commission control.
7. However, in the Bundesrat's view there are also limits to integration, so in raising the level of its research each Member State must retain the leeway to make decisions on its own account. This alone will ensure that research funding matches regional requirements.
8. In this connection the Bundesrat has reservations especially as regards the 'More effective national research systems' priority outlined by the Commission in section 2.1 and sees no need either to reform or to harmonise legislation.

As regards the allocation of funding, the concepts of competition and peer review referred to are already being successfully applied in Germany.

The Bundesrat also considers that transparent allocation of research funds in a competitive environment and a regular evaluation of the research bodies will ensure the quality of research. In Germany there has long been a broad-based culture of evaluation taking in all areas of education and research.

At the same time, however, competitive research funding represents only one option that is applied in appropriate cases. In other cases, open research programmes are being launched which make it possible to support research projects on a continuous basis within the limits of available budgetary resources. These funding programmes are tailored to the specific needs of SMEs, which only in rare cases are able to cope with the time constraints of a competitive procedure. The Bundesrat therefore considers that allocation of research funding based solely on competitive criteria would rule out the possibility of varied approaches to regional research funding.

The peer review is also closely linked to cost and benefit. This means that in the case of small amounts of funding an expert is called upon if necessary, whereas for larger projects several experts and in cases involving international payments international experts are also brought in. With regard to this the Bundesrat fears that introducing expensive formal procedures going beyond the varied approaches taken hitherto and increasing the amount of bureaucratic red tape for each project would work against the objective of promoting research excellence. The Bundesrat does not, therefore, consider an international peer review to be necessary in every case, such as regional R&D funding for example.

9. The Commission's communication attributes an active role to the research stakeholder organisations. The Bundesrat points out that the organisations and umbrella organisations referred to, such as Science Europe, can only operate within the scope for action and decision-making they are allowed.
10. The Bundesrat welcomes the opening up of the research labour market called for by the Commission and the improvement of their mobility between the Member States. It is pleased with the progress already made on this.
11. The Bundesrat points out that recruitment in Germany is already open, transparent and merit-based. It considers that the publication of job offers must be proportionate. In particular, legitimate interests and principles of human resources development in the institutions must be maintained.
12. The Bundesrat acknowledges the benefits of the EURAXESS research jobs and career planning portal launched by the Commission. It does not, however, consider mandatory advertising of all job offers via this portal to be necessary as there are a

number of jobs portals in Germany. Support should be given instead to cooperation between the various research jobs and career planning portal providers.

13. The Bundesrat observes that the recommendations of the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers of 11 March 2005 and the Human Resources Strategy for Researchers (HR Strategy) are already largely being implemented in Germany. Application of the researchers' Charter, Code and HR Strategy must, however, continue to be voluntary. In particular, participation in European research and innovation programmes and the allocation of funding must not be made directly or indirectly dependent on the formal acceptance of the Charter and Code or implementation of the HR Strategy.
14. The Bundesrat supports the efforts to improve the quality of doctoral training through the introduction of structured doctoral training programmes, but stresses that the decision on the organisation of doctoral training is an autonomous decision that rests with the universities. In Germany there are already many such programmes at universities and research institutions. With the 'Exzellenz' initiative a substantial special budget line has been created for the development of graduate schools. Besides structured graduate training, however, there must continue to be the possibility of individual doctoral training pathways. Differences in the subject culture should be taken into account in the doctoral training pathways on offer.
15. The Bundesrat sees the importance of transparency and cooperation in the area of social security systems to alleviate mobility barriers. It is pleased that the Commission too sees researchers as part of the category of workers with a high level of intra-EU mobility. But it stresses that the EU does not have 'harmonising' powers in this regard. The Bundesrat therefore refers the Commission to its opinion on the Commission White Paper 'An Agenda for Adequate, Safe and Sustainable Pensions' of 30 March 2012 (Bundesrat Printed Paper 94/12 (Resolution)).

The Bundesrat points out that there is no intention on the part of the *Länder* to make any fundamental changes to the well-established system of supplementary pension schemes for public-sector research workers.

The Bundesrat underlines the fact that under the new instrument of 'ERA pacts' the signatories may make further agreements only within the framework of the powers

entrusted to them by the Constitution and laws. The Bundesrat therefore welcomes the Commission's statement that it will deal with stakeholders only within the remit of their competencies.

The *Länder* support activities by which barriers to cross-border mobility can be removed, in so far as this does not affect the stability and security of existing and successfully functioning supplementary pension institutions in the Member States. As they see it, transparency and information tailored predominantly to the needs of mobile workers are necessary to help them cope more easily with all the different pension schemes.

The Bundesrat therefore expressly welcomes the initiative of European pension providers to produce an Internet knowledge portal called 'Find your Pension Portal', designed to create transparency and provide information on state and company pension schemes for scientists working in the public sector. By involving Member States' statutory pension insurance institutions this marks an important joint effort towards removing barriers to international mobility and strengthening cooperation between European pension providers.

16. The Bundesrat is convinced that the ERA's potential can be exploited to the full only if all regions and stakeholders have a possibility to participate commensurate with their state of development. It agrees with the Commission that the differences between those Member States that are well advanced in research and development as well as their general framework conditions and funding possibilities and those that are lagging behind are substantial. It therefore welcomes the Commission's approach of harmonising use of the Structural Funds more closely with the objectives of the future framework programme for research and innovation in order to be able to invest more in funding the research infrastructure, technology transfer and human resources.
17. Like the Commission, the Bundesrat stresses the need to create a labour market that is equally attractive to men and women so as to be able to exploit the ERA's potential fully.
18. The Bundesrat shares the Commission's view as regards the importance of access to knowledge from public-sector research and as regards the need for knowledge transfer into the economy. It therefore welcomes the Commission's intention to establish open access to publications as a general principle for all EU-funded projects in the new

research and innovation framework programme and to ensure that in so doing account is taken of scientists' concerns regarding intellectual property and rights of use.

19. The Bundesrat too considers that the international interlinking of science and research must be increased still further; it stresses the need for cooperation both inside and outside Europe and for the exchange of knowledge and scientists. The Bundesrat points out, however, that the EU has no competence to regulate academic training programmes, and neither does it have any say in the design of university constitutions in the individual Member States.
20. The Bundesrat requests the Commission to pursue the development of the proposed ERA monitoring mechanism and the choice of indicators in a transparent process involving the Member States. The choice and number of indicators should be kept to the minimum necessary for assessing progress on completion of the ERA. Both selection and implementation should rely on methods tried and tested in the cooperation between Eurostat and the national statistical offices. There should be no direct intervention by the Commission in research institutes and universities.
21. The Bundesrat is sending this opinion directly to the Commission.