



EUROPEAN COMMISSION
EMPLOYMENT AND SOCIAL AFFAIRS DG

Social protection and social integration
Free movement of workers and co-ordination of social security schemes

8291 00.00.04

Brussels,
E/3 US D(2004) 12338

Mr. Andrea Raccanelli
Bornheimer Str. 34
D-53111 Bonn

Dear Mr. Raccanelli,

Thank you for your letter of 10.05.04 which you sent to the European Commission and to me directly.

I would like to provide you with the following information.

EU nationals have the right to work in other Member States (Article 39 EC). This right to free movement of workers includes the right to have equal access to jobs and equal treatment in relation to working conditions as compared to the nationals of the host Member State.

On the basis of Article 39 EC nationals of other EU Member States must therefore be allowed to apply for research positions for which an employment contract is offered (like the positions under BAT IIa/2 as described in your letter) at the German Max Planck Society in the same way as German nationals.

On the basis of the information provided in your letter the services of the Commission consider that there is a violation of EC law on free movement of workers as it appears that citizen of other EU Member States do not have access in the same way as German nationals to research positions for which an employment contract is offered, but are granted systematically a scholarship.

The services of the Commission will register your case as an official complaint; in this respect you will receive an additional letter from the Secretariat General. The services of the Commission also intend to contact the German authorities in order to hear their position on this issue; therefore I would be grateful for information whether you agree that we give your name and, if necessary, parts of your documentation (as contained in your letter) to the German authorities.

On the basis of the reply of the German authorities the services of the Commission will decide if any additional measure will be taken.

Yours sincerely,

Rob Cornelissen
Head of Unit

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