



**EUROPEAN COMMISSION**

Employment, Social Affairs and Equal Opportunities DG

Social protection and social integration

**Free movement of workers and co-ordination of social security schemes**

Brussels,  
EMPL/E/3 US/hl D(2005) 19699  
please mention this reference

09.08.05+012799

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

**Subject: Your complaint of 10.05.04 against Germany**

Dear Dr. Raccanelli,

I refer to your complaint of 10.05.04 relating to the access of posts at the Max-Planck Society, registered under number 2004/4512 and to our previous correspondence.

I am pleased to inform you that the German authorities informed the Commission that on 18.11.04 the Administration Council of the Max-Planck Society adopted new rules for the support of persons preparing a doctorate. They are contained in the "Richtlinien der Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. für die Förderung des wissenschaftlichen Nachwuchses (Inland) und die Förderung der wissenschaftlichen Zusammenarbeit mit dem Ausland" (I attach you a copy of these guidelines). The new rules provide that Germans and non-Germans are equally entitled to be hired on BAT IIa/2 posts or to receive a scholarship. The criteria whether a person will be hired for post or will receive a scholarship do not relate any more to the nationality of the person. EU-citizens have therefore the same rights as German nationals.

The services of the Commission consider that there is in general no more discrimination between German nationals and migrant workers of other Member States in relation to the access to BAT IIa/2 posts and the working conditions; the services of the Commission therefore consider that the new rules are now in conformity with Community law on free movement of workers.

We shall accordingly be proposing that the Commission terminate this case at one of its forthcoming meetings. If you have new information that might prove that there is an infringement, we should be most grateful to receive it at your earliest convenience, and at any rate within four weeks of this letter.

Yours sincerely



Rob Cornelissen  
Head of Unit

Attachment

G:\2.3.2 Free movement and social security\2.3.2.02 Prepare infringement proceedings\2.3.2.2.1 Free movement\2004\2004-4512\Raccanelli3.doc  
Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.  
<http://europa.eu.int/>