



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Protection and Integration

Coordination of Social Security Schemes, Free Movement of Workers

19.01.07 000732

Brussels,

EMPL/E 3/MH/LF/ek D(2007) 864

Please mention this reference

Dr. Andrea Raccanelli

Bornheimer Str. 34

D-53111 Bonn

Dear Mr Raccanelli,

I refer to your complaint regarding discriminatory treatment of Community doctoral students at the Max Planck-Society (number 2004/4512).

We had informed you by letter of 9 August 2005 that we considered the changed guidelines of the Max-Planck-Society to be in line with the EC Treaty. However, as you claimed that despite the new guidelines the practice at the Max-Planck-Society had remained more or less the same, we requested statistical data on the practical implementation of the new guidelines.

The German authorities have now provided us with statistical data according to which we consider that not only the guidelines but also their implementation has changed considerably as from the beginning of 2005:

According to this information, 100% of the employment contracts were concluded with German nationals in the second semester of 2004. However, this figure changed in the first semester of 2005 to 5.9 % of the employment contracts being concluded with researchers coming from other Member States. In the second semester of 2005, this figure increased to 8%, and was 7.3% in the first semester of 2006 (9 out of 123 contracts). At the same time, the number of fellowships granted to non-German EU citizens has continuously decreased and the number of fellowships granted to German nationals has increased: while in the second semester 2004, 89% of the fellowships were awarded to non-German EU citizens, they were granted 55% of the fellowships in the first semester of 2005, while the respective number of fellowships granted to German researchers increased accordingly.

In this regard, we consider that the change of the guidelines is now also applied in practice and that therefore according to the new rules there is no longer discrimination between German and other EU nationals.

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,

A handwritten signature in black ink, appearing to read 'Rob Cornelissen', written in a cursive style.

Rob Cornelissen
Head of Unit