

**Presentation of Prof. Dr. Margret Wintermantel,  
President of the German Rectors' Conference (HRK),  
at the Bologna Conference "Penalised for Being  
Mobile. National pension schemes as obstacles to  
mobility of researchers"**

**(Please, check against delivery)**

**The Viewpoint of German Universities**

**Berlin 12 June 2008**

**Herr Storm, Professor Lorz, Mrs. Pauli, Dear  
colleagues, Ladies and Gentlemen,**

On behalf of the German Rectors' Conference (HRK) and its Bologna Centre it is a real pleasure for me to welcome all of you today to our international Bologna Conference with the somewhat provocative title "Penalised for Being Mobile? National pension schemes as obstacles to mobility of researchers".

We are very satisfied with the cooperation that has been developing with both, the German Federal Ministry for Education and Research (BMBF) and the Standing Conference of Länder ministries of Education and Research (KMK), which enables us to organise this conference. The topic is rather new in the context of the Bologna process. As a matter of fact, the HRK has it already addressed earlier within its working group on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers. Therefore it

seemed rather fitting for us to organise and host this event today. It proves the close cooperation in general that has been developing between universities and ministries in Germany, both responsible for successfully implementing the Bologna process. Bologna has already changed the European university landscape considerably. We hope that this conference will give an additional impulse to more realism in discussing the mobility of university staff in Europe.

We appreciate the initiative of the European Commission for a "single labour market for researchers in Europe" castigating the complexities of our national social security and taxation systems as an obstacle to the mobility of researchers. A lot of the "food for thought" that you will be "served" during the next two days has been prepared by EU expert teams. Therefore we understand this conference as a contribution not only to the Bologna process, but also to the "European partnership for researchers" proposed by the Commission to the Council and the European parliament in the end of May and presented here by Dr. Pauli. On that note our gathering shall take up the task of exploring synergies between the two concepts of the European Higher Education Area (EHEA) and of the European Research Area (ERA).

During these two days you will focus on one, maybe the most important aspect of social security related issues of geographical mobility. You will approach the "nitty-gritty" of the problems of university teachers and researchers mobile in the European Higher Education Area. Although a lot has already been said today, I would like to underline, why mobility of staff is so important from the point of view of German universities. Three reasons can

be identified. It is traditionally important for sustaining the **academic quality culture**, but also for fostering the **current internationalisation strategies of our higher education institutions** and last but not least the **recruitment strategies** of German and European universities. Let me comment on this briefly.

Great European minds traditionally went to that university which offered them the best conditions for research and teaching. By being accepted in another university and another country they showed that they were able to defend their ideas and to prove the quality of their work in a different intellectual, cultural and national context. Thus, international geographical mobility of researchers was and is up to now an important element of the **academic quality culture of universities**.

On the purely national scale mobility can be described as a hallmark of the German higher education system. Most German "Länder" have fixed regulations in their higher education laws that prohibit a young researcher from becoming professor at the same university where he or she already acquired a doctorate (PhD degree) or the habilitation. This system is enforcing **geographical mobility inside Germany**. The quality of a full professor is therefore judged twice - by the degree awarding department and by the recruiting university. The German universities of applied sciences (Fachhochschulen) have another specific rule fostering **intersectoral mobility**. They usually only accept candidates as professors who – after earning a PhD degree from a university - worked at least three years outside academia in a leading position. Through this

system, intersectoral mobility between companies and higher education institutions is a necessity, with the future professor being evaluated by two different employment sectors.

For a long time this national mobility system helped, first, to avoid academic inbreeding at universities and, secondly, to combine academic teaching and a strong professional and practice orientation in the universities of applied sciences.

**International mobility of university scientists** has also been high on the agenda of German universities over the last decades. German students and academic staff do very well in the statistics of the Erasmus exchange programmes. Due to the enormous and increasing importance of international cooperation and competition we think, however, that our universities have to be more open to the world. They have to give incentives to their staff to gain more international experience, to make it return and, finally, have to be able to attract the best staff and scientists from all over the world. In this sense international mobility is a sign of the competitiveness of an institution. It proves its ability to offer attractive scientific and financial conditions for incoming EU or third country nationals as well as for returning German scientists. Thus, not only for academic reasons, but also in order to meet the requirements of an international labour market and to enhance their access to human resources worldwide, German universities are seriously developing internationalisation strategies for recruiting more international young scientists and professors to our institutions.

In this context, I completely agree with the President of the German Academic Exchange Service (DAAD), Professor Stefan Hormuth, who calls for redoubling the number of foreign professors in German higher education institutions of about 2000 in the next few years.

Which role do pension related issues play in this context? In Germany and all over Europe the **awareness of the importance of social security related issues** and in particular of old age pensions for job applicants has been increasing over the last years. The former state or statutory pension systems can no longer guarantee a sufficient standard of living for retirement. This is particularly true also for researchers who are faced with a particular degree of job insecurity from the very beginning of their careers: with an extended pre-qualification period, often a series of fixed-term employment positions and a relatively low remuneration. Thus, we have to reconsider the social security conditions that we offer to our scientific staff, if we take the above goals seriously. **The new degree of autonomy** that universities in Germany enjoy – though variable from “Land” to “Land” - is slowly providing universities more rights and duties as employers of their academic staff. Yet, in the collective bargaining negotiations, we are still not equal partners with the Länder governments and the unions. German universities also have no authority over the important area of supplementary pension provision, which is also still determined by negotiations between the Länder governments and the unions. We have even less influence on the salary (Besoldung) and the pensions (Versorgung) of our full professors, who are normally State or Länder

civil servants, and relevant financial issues are regulated by Federal and Länder laws.

In practice, this leads first to many serious problems in the field of mobility and recruitment, for the universities, which are not always able to hire the person they want, and secondly, for our teaching and research staff as well as professors who very often must bear the deficits incurred through their international mobility.

One basic problem in Germany is the **vesting period of 5 years** (Unverfallbarkeitsfrist) for state pensions, supplementary pensions and for the pension provision of civil servants. People entering the system and staying for a shorter period will very often entail financial losses. This is true for all the scientific staff with a public employee status as well for professors with a civil servant status. This gives a strong incentive for and can even compel people who enter the system to stay longer, but it does not strengthen mobility. Moreover, this deters EU and third country nationals who might be interested in a several-year position at a German university and then moving back and proceeding to another country. Special problems have developed in regard to **professors with a civil servant status**. Here the European Court of Justice in November 1995 finally forced the German government authorities to accept the rules of the so called "migrant workers regulation" (1408/71) also for the separate pension system of civil servants, which does not belong to the state pension system in Germany. This led the federal government to decide that periods spent in a foreign pension system can not be considered as qualifying for the civil servant pension system any more.

While this is in line with European regulations, it harmed many people by lowering their pension level when entering the civil servant pension system.

The Ministry of education and research in Hesse estimates that these new rules improved the situation of one quarter of mobile professors entering pension age in Germany. Three quarters of the candidates were worse off than before.

The especially **precarious situation of young mobile researchers** should also be noted in this context; they often work in different countries on fixed-term contracts or grants and may never, or only at a late stage of their professional career, enter a permanent employment position.

In short: we need to provide more and better information for our mobile researchers and, above all, more favourable rules and regulations for those courageous scientists that take up the challenge to go into a foreign country and to prove their quality abroad.

Though it is always difficult to compare Europe and the United States we should study carefully, how, already at the beginning of the last century, the US universities established a system that did not hamper mobility between the 50 American states and their pension systems. The formation of the “**Teachers Insurance and Annuity Association**” (TIAA), founded by the Carnegie Foundation for the Advancement of Teaching in 1918, assures the mobility of professors between the different states until now. This was not a government, but a private non-profit initiative of a foundation supporting

universities and professors. The TIAA is now one of the largest financial services companies in the US.

In Europe, the situation surely is more complicated because of the legal and national prerogatives.

Nevertheless, we need common innovative solutions.

To conclude, please, allow me to recall a position that the HRK formulated when it discussed the “European Charter for Researchers and the Codex for the Recruitment of Researchers”. Upon signing the Charter and the Code, **the HRK noted in the implementation protocol** that:

“German universities also share the opinion that the lack of opportunities regarding the portability of social security rights, especially pension rights, strongly impedes mobility in Europe, above all, between the public and the private sector and geographical mobility. In this respect, the European governments are urgently called upon to counteract this competitive disadvantage for German and European research and **to create innovative solutions.**”

HRK decided to make the topic of mobility and pension rights the focus of the work of our Charter and Code working group’s effort. We hope that this international conference will contribute to a greater awareness of these problems all over Bologna Europe and will give a relevant impulse for future urgently needed innovative solutions.