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Federal Ministry of Education and Research

**Notification
of the Administrative Agreement
between the Federal and Länder Governments
on the Establishment of a
Joint Science Conference
(GWK Agreement)
of 19 September 2007**

Notification is hereby given of the Administrative Agreement concluded by the Federal Government and the Heads of Government of the *Länder* between the Federal Government and the *Länder* Governments on the Establishment of a Joint Science Conference (GWK Agreement) of 11 September 2007 (Annex).

Berlin, 19 September 2007

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Annette S t e e n k e n
for the
Federal Ministry of Education and Research

Annex

**Administrative Agreement
between the Federal Government and the *Länder* on the Establishment
of a Joint Science Conference
(GWK Agreement)
of 11 September 2007**

The Federal Government and the governments of the *Länder* of the Federal Republic of German conclude the following agreement on the basis of Article 91b Basic Law:

Article 1

Establishment of a Joint Science Conference

The parties to the agreement shall set up a Joint Science Conference. Members shall be the Ministers and Senators of the Federal Government and *Länder* responsible for science and research as well as for finance. The Conference shall deal with all questions of research funding, science and research policy strategies and the science system which jointly affect the Federal Government and the *Länder*.

Article 2

Tasks of the Joint Science Conference

(1) The members of the Joint Science Conference

1. whilst preserving their own competences, shall strive for close coordination on questions of common interest in the field of national, European and international science and research policy with the aim of strengthening Germany's position as a location for science and research in the international competition;
2. shall act jointly in cases of supraregional importance in promoting
 - a) institutions and projects in the field of non-university scientific research
 - b) scientific and research projects at institutions of higher education
 - c) the construction of research buildings at institutions of higher education, including large facilities, in accordance with the detailed definition of this Agreement;
3. shall also inform each other of major plans and decisions which are not the object of joint funding.

(2) The Heads of the Federal and *Länder* governments are entitled to transfer further tasks to the Joint Science Conference by a resolution.

The Contracting Parties shall undertake commitments under this agreement subject to the provision of the necessary budget funds by their legislative bodies.

(4) When implementing its tasks, the Joint Science Conference shall take into account the resolutions and recommendations of the conferences of the specialist ministers of the *Länder*. It shall give the relevant specialist conferences of *Länder* ministers the opportunity to comment. Resolutions by the Joint Science Conference which are of financial relevance shall be coordinated with the financial planning of the Federal Government and *Länder*.

Article 3

Joint Funding of Science and Research

(1) The joint funding of science and research shall cover those institutions and projects of supraregional importance and national scientific interest listed in the Annex to this Agreement.

(2) The Joint Science Conference shall regulate in implementation agreements details of joint funding, the preconditions for and the consequences of withdrawing from the joint funding programme as well as the shares of the Federal Government and the *Länder* in joint funding.

Article 4

Chair and Procedures of the Joint Science Conference

(1) The Joint Science Conference shall elect for the period of two years one representative each from the circle of representatives of the Federal Government and from the circle of representatives of the *Länder* governments. These shall rotate the chairmanship on an annual basis and deputize for one another.

(2) The members may each nominate a deputy member.

(3) The representatives of the Federal Government shall have sixteen votes which shall be cast jointly, the representatives of the *Länder* governments shall have one vote each.

(4) The Joint Science Conference shall take its decisions with a majority of at least 29 member votes. Members who have been outvoted may put down their dissenting opinion in a special vote (minority vote). Decisions may also be taken in a circulation procedure. Joint funding may only be decided with the approval of the host *Land*.

(5) Agreements under Article 2 Para 1 No. 2 b shall require the approval of the representatives of the Federal Government and all the *Länder*. Should an agreement not receive the required approval, it shall be brought before the Heads of Government for consultation and decision upon the application of a member.

(6) Decisions by the Joint Science Conference shall be binding for the Contracting Parties once they have the approval of the Heads of Government. Approval in accordance with the

first sentence shall be considered to have been given when a resolution is passed by the Joint Science Conference, if and providing it has been passed unanimously. This shall also apply unless one of the parties to the agreement applies for consultation and decision-making by the Heads of Government within four weeks of a decision by the Joint Science Conference which has not been reached unanimously.

(7) Details on procedure shall be determined by the rules of procedure which are to be approved by the Joint Science Conference.

Article 5

Tasks of the Committee

(1) The Joint Science Conference will have the support of a Committee in implementing its tasks under Article 2.

(2) The Committee shall prepare the consultations and resolutions of the Joint Science Conference.

(3) The Joint Science Conference may pass a resolution to transfer matters to the Committee for final decision.

Article 6

Membership, Chairperson and Procedures of the Committee

(1) The Committee shall consist of one representative each at head of office/head of department level of the ministries of the Federal Government and *Länder* responsible for science and research and finance. The members may each nominate a deputy member.

(2) The Joint Science Conference shall determine the chairperson for the duration of two years at the suggestion of the Federal Government and at the suggestion of the *Länder*. These shall rotate the chair on an annual basis and deputize for one another.

(3) Article 4 Paras 3 and 4 shall apply *mutatis mutandis* for votes.

(4) Decisions by the Committee on matters in accordance with Article 5 Para 3 shall be considered decisions by the Joint Science Conference providing and in so far as they are taken unanimously.

Article 7

Office

- (1) An office shall be set up at the seat of the Federal Government in Bonn for handling the everyday business of the Joint Science Conference and for the preparation and follow-up of its consultations.
- (2) The head of the office shall be elected by the Joint Science Conference and appointed by the Federal Government.
- (3) The office shall be subject to the instructions of the Chairperson of the Joint Science Conference.
- (4) The Federal Government shall pay for staff and other expenditure incurred by the office, with the exception of costs incurred as a result of the collaboration of *Land* government staff. These costs shall be borne by the *Land* which has seconded the staff.

Article 8

Amendment to the Implementation Agreements

- (1) The Contracting Parties intend to amend the Implementation Agreements in accordance with Article 2 Para 3 and Article 5 Para 3 of the Skeleton Agreement on Research Promotion on the basis of this agreement by 31 December 2008.
- (2) The following paragraphs are rescinded:
 1. Section 6 Para 2 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning the Joint Funding of the German Research Association of 28 October/17 December 1976, last amended by the Agreement of 20 March 2001 (Federal Gazette, P. 9298),
 2. Section 5 Para 2 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning the Joint Funding of the Max Planck Society of 28 October/17 December 1976, last amended by the Agreement of 18 December 1996 (Federal Gazette, P. 6362),
 3. Section 8 Para 2 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning the Joint Funding of Scientific Research Institutions of

5/6 May 1977, last amended by the Agreement of 25 October 2001 (Federal Gazette, P. 25,218),

4. Section 8 Para 3 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning the Joint Funding of the Fraunhofer Society of 17 March/26 August 1977,

5. Section 6 Para 2 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning the Joint Funding of a Programme conducted by the Union of the German Academies of Sciences and Humanities of 12 October 1978/19 October 1979, last amended by the Agreement of 8 January 2007 (Federal Gazette 2007, P. 18),

6. Section 2 Para 2 of the Implementation Agreement on the Skeleton Agreement on Research Promotion concerning Gender Equity in Joint Research Promotion of 6 October 2003 (Federal Gazette, P. 24,803).

Article 9

Amendment to the Implementation Agreement concerning Research Buildings at Institutions of Higher Education, including Large-Scale Equipment, and the Agreement between the Federal Government and the *Länder* on the Establishment of a Science Council

(1) The Implementation Agreement on Research Buildings at Institutions of Higher Education, including Large-Scale Equipment, of 21 May 2007 (Federal Gazette P. 5863) shall be amended as follows:

1. In Section 3 Para 2 the words “Bund-Länder Commission for Educational Planning and Research Promotion (BLK)” shall be replaced by the words “Joint Science Conference (GWK)”.
2. In Section 3 Para 4, Sentences 2 and 4, Section 5 Para 1, Sentence 3, Section 6 Para 1, Section 8 Para 5, Sentence 6, Section 9 Para 2, Sentences 3 and 4, Section 9 Para 3, Sentence 1, Section 9 Para 4, Section 10, Sentence 1, Section 12, Sentence 1, Section 13 Para 1, Sentence 3 and Section 13 Para 2, Sentence 2, the abbreviation “BLK” shall be replaced by “GWK”.

(2) In the Agreement between the Federal Government and the *Länder* on the Establishment of a Science Council of 5 September 1957, last amended by the Agreement of 21 May 2007 (Federal Gazette, P. 5863), the words “*Bund-Länder* Commission for Educational Planning

and Research Promotion (BLK)” in Article 2 Para 1 Sentence 4 and in Article 2 Para 2 shall be replaced by the words “Joint Science Conference”.

Article 10

Duration, Entry into Force, Repeal

(1) The Agreement shall be concluded for an indefinite period of time. It may be denounced by giving two years' notice to the end of a calendar year, but not before the end of a six-year period.

(2) Article 8 of this Agreement shall enter into force when it has been signed by all Contracting Parties. Otherwise, this Agreement shall enter into force from 1 January 2008. The entry into force of this Agreement shall revoke the following agreements:

1. the Administrative Agreement between the Federal Government and the *Länder* Governments on the Establishment of a Joint Commission for Educational Planning (BLK Agreement) of 25 June 1970, “Bulletin” of the Federal Government Press and Information Office of 3 July, No. 90, P. 891, in the version of 17/21 December 1990 (Federal Gazette 1991, P. 683),
2. the Skeleton Agreement on Research Promotion (RV-Fo) of 28 November 1975 (Federal Gazette No. 240 of 30 December 1975, P. 4), last amended by the Agreement of 25 October 2001 (Federal Gazette, P. 25,218).

(3) Unless otherwise stated in Implementation Agreements which have yet to be concluded, the funding ratio under Article 6 Para 1, Sentence 1 RV-Fo shall continue to apply for the shares of funding of the Federal Government and *Länder*.

Berlin, 11 September 2007

For the Federal Republic of Germany:

Angela Merkel

For the *Land* of Baden-Württemberg:

Günther H. Oettinger

For the Free State of Bavaria:

Dr. Edmund Stoiber

For the *Land* of Berlin:

Wowereit

For the *Land* of Brandenburg:

M. Platzeck

For the Free Hanseatic City of Bremen:

Jens Böhrnsen

For the Free and Hanseatic City of Hamburg:

Ole v. Beust

For the *Land* of Hesse:

R. Koch

For the *Land* of Mecklenburg-Western Pomerania:

H. Ringstorff

For the *Land* of Lower Saxony:

C. Wulff

For the *Land* of North Rhine-Westphalia:

Jürgen Rüttgers

For the *Land* of the Rhineland Palatinate:

Kurt Beck

For Saarland:

Peter Müller

For the Free State of Saxony:

Georg Milbradt

For the *Land* of Saxony-Anhalt:

W. Böhmer

For the *Land* of Schleswig-Holstein:

Peter Harry Carstensen

For the Free State of Thuringia:

Dieter Althaus

Annex to the GWK Agreement

Section 1

Object of the Joint Funding of Science and Research

Departure from the stipulated shares of funding of the Federal Government and the *Länder*

(1) Recipients of the joint funding for science and research are:

1. the German Research Association
2. the member institutions of the Hermann von Helmholtz Association of National Research Centres
3. the Max Planck Society for the Advancement of Science
4. the Fraunhofer Society for the Advancement of Applied Research
5. the member institutions of the Gottfried Wilhelm Leibniz Science Association
6. the German Academy of Natural Scientists Leopoldina
7. the Institute for Advanced Study Berlin
8. acatech – the German Academy of Science and Engineering
9. other research institutions and establishments which perform a service function on behalf of research, the organizations funding such institutions as well as research funding organizations, in so far as their annual funding requirements for overheads exceed a certain volume
10. the Academies Programme coordinated by the Union of the German Academies of Sciences and Humanities
11. Research buildings at institutions of higher education, including large-scale equipment, in so far as the eligible costs exceed a certain volume
12. Non-university scientific research projects, in so far as the eligible costs exceed a certain volume
13. Scientific research projects at institutions of higher education, in so far as the eligible costs exceed a certain volume.

(2) Payments exceeding the respective share of funding stipulated in this Agreement or in the Implementation Agreements may be made in the case of

1. Para 1, Nos. 1, 3 and 8 with the approval of the Federal Government and all the *Länder*,
2. Para 1, Nos. 2, 4, 6, 7, 10 and 11 with the approval of the Federal Government and the *Länder* concerned,
3. Para 1, Nos. 5 and 9 with the approval of the Federal Government and the majority of the *Länder*.

Protocol note concerning Section 1 Para 1:

The joint funding shall cover several projects which are pooled together to form a single programme, not, however, research institutions and research projects in the fields of departmental and industrial research.

Section 2

Participation and Share of Funding on the Part of the *Länder*

(1) The German Research Association, the Max Planck Society, the member institutions of the Gottfried Wilhelm Leibniz Science Association and other institutions (Section 1 Para 1, No. 9) shall be jointly funded by all the Contracting Parties. The share of funding of each individual *Land* shall be determined in the Implementation Agreement.

(2) The member institutions of the Hermann von Helmholtz Association of National Research Centres and the Fraunhofer Society for the Advancement of Applied Research shall be funded by the Federal Government and the *Länder* involved. The share of funding for each individual *Land* shall be determined in the Implementation Agreement.

(3) The Academies Programme coordinated by the Union of the German Academies of Sciences and Humanities (Section 1 Para 1, No. 10) shall be funded by the Federal Government and all the *Länder*. The share of funding of each individual *Land* shall be determined in the Implementation Agreement.

(4) The German Academy of Natural Scientists Leopoldina (Section 1 Para 1, No. 6), the Institute for Advanced Study Berlin (Section 1 Para 1, No. 7) and research buildings at institutions of higher education, including large-scale equipment (Section 1 Para 1, No. 11) shall be funded by the Federal Government and the respective *Länder* in which they are located.

(5) The acatech - German Academy of Science and Engineering shall be funded fifty-fifty by the Federal Government and all the *Länder*. The share of funding for each *Land* shall be determined in accordance with the "Königstein key" for the allocation of funds.

(6) The share of the individual *Länder* for financing research funding (Section 1 Para 1, No. 12) shall be determined in each individual case. Details shall be settled in an Implementing Agreement.

Section 3

Volume of the Joint Funding of Science and Research

Funding for research institutions shall cover overheads and investment costs. The funding of projects (Section 1 Para 1, Nos. 12 and 13) and research buildings, including large-scale equipment, shall cover the respective costs determined in the Implementation Agreements. The proportional funding shall be paid directly to the recipients unless otherwise agreed.

Section 4

Criteria for the Joint Funding of Science and Research

(1) Decisions on the joint funding of research are to be based primarily on criteria of scientific quality; regional structural developments are to be taken into account as appropriate.

(2) The Contracting Parties shall promote gender equity in the institutions and projects which they are jointly funding in accordance with the provisions stipulated in Federal Government and *Länder* laws on equal opportunities and with agreements between the Federal Government and the *Länder* on gender equity and shall work towards the abolition of existing and the prevention of future discrimination due to gender.