



# **Statutes** of the Deutsche Forschungsgemeinschaft



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# Statutes of the Deutsche Forschungsgemeinschaft

in the version of the resolution passed by the General Assembly on 4 April 2023, recorded in the Register of Associations under No. VR 2030 at the district court of Bonn on 5 May 2023.<sup>1</sup>

*[Translator's note: This is the English translation of an original German legal text. In the event of a discrepancy, the German text is binding.]*

## Preamble

(1) <sup>1</sup>Academic freedom and an effective research system are indispensable to an open society.

<sup>2</sup>The promotion of science and the humanities forms part of Germany's cultural and political self-image and contributes significantly to prosperity and sustainable progress.

(2) <sup>1</sup>The Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) serves the sciences and humanities and promotes research in all its forms and disciplines. <sup>2</sup>It establishes structures and has an integrative effect, making use of its strategic potential in its commitment to academic freedom and fundamental ethical principles, and embracing its responsibility for the further development of the research system.

## Section 1 Purpose of the Association

(1) <sup>1</sup>The DFG promotes research of the highest quality. <sup>2</sup>The focus is on funding projects developed by the academic community itself in the area of knowledge-driven research. <sup>3</sup>It funds research projects, creates competitive opportunities and conducts procedures for the review, evaluation, selection and decision of research proposals. <sup>4</sup>The DFG helps shape the overall conditions and standards of academic research. <sup>5</sup>It maintains dialogue with society, politics and business and supports the transfer of knowledge. <sup>6</sup>It advises state institutions and institutions working in the public interest on issues relating to academic research and research policy.

(2) <sup>1</sup>The DFG acts in a research-driven manner in all its procedures. <sup>2</sup>Excellent research requires a broad spectrum of ideas and pluralistic debate; for this reason, the DFG takes particular care to promote international cooperation, early career researchers, gender equality and diversity in science and the humanities.

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<sup>1</sup> Passed by the General Assembly of the Notgemeinschaft der Deutschen Wissenschaft (Emergency Association of German Science) on 18 May 1951 in Munich and on 2 August 1951 in Cologne, amended by resolutions passed by the General Assemblies of 22 October 1954, 2 April 1955, 27 October 1959, 10 February 1960, 17 July 1964, 1 July 1971, 27 June 1978, 15 January 1991, 6 July 1993, 3 July 2002, 2 July 2008, 2 July 2014, 3 July 2019, revised on 7 July 2021, most recently amended on 4 April 2023 in Bonn. Entered in the Register of Associations at the district court of Bonn for the first time on 27 March 1952 under No. VR 777, altered on 14 October 1963 to No. VR 2030.

## **Section 2 Name, Seat, Fiscal Year, Public Benefit Status**

(1) <sup>1</sup>The name of the Association is “Deutsche Forschungsgemeinschaft” and its seat is in Bonn. <sup>2</sup>It is recorded in the Register of Associations. <sup>3</sup>The fiscal year begins on 1 January and ends on 31 December.

(2) <sup>1</sup>The DFG pursues exclusively and directly public-benefit purposes as defined in the tax-privileged purposes section of the German Fiscal Code (Abgabenordnung). <sup>2</sup>The Association is non-profit; it does not primarily pursue its own economic interests. <sup>3</sup>Funds of the Association may only be used for purposes set forth in the Statutes.

(3) <sup>1</sup>Members as such do not receive allocations from the funds of the Association. <sup>2</sup>No person may gain personal benefit either through payments which do not conform to the objectives of the Association or through disproportionately high remuneration.

(4) The Association may transfer funds to other corporations as per Section 51, paragraph 1, sentence 2 of the German Fiscal Code and to legal persons under public law in order to promote science and research; the transfer of funds to domestically based corporations under private law requires that these are tax-privileged for public-benefit purposes.

## **Section 3 Membership**

(1) The following may be admitted as members of the Association:

- a) institutions of higher education that are research institutions of general importance,
- b) other research organisations of general importance,
- c) the academies joined in the Union of the German Academies of Sciences and Humanities for their respective scientific and academic disciplines,
- d) scientific associations of general importance that serve the purpose of the Association.

(2) There are no membership dues.

(3) <sup>1</sup>Withdrawal from the Association is only possible at the end of the fiscal year. <sup>2</sup>The intent to withdraw must be submitted to the Executive Board no later than six weeks prior to this time.

## **Section 4 Bodies**

(1) Bodies of the DFG are:

- a) the General Assembly (Mitgliederversammlung)
- b) the President (Präsident or Präsidentin)
- c) the Executive Committee (Präsidium)
- d) the Executive Board (Vorstand)

e) the Secretary General (Generalsekretär or Generalsekretärin)

f) the Senate (Senat)

g) the Joint Committee (Hauptausschuss) and, by its appointment, the Committee for Executive Board Affairs (Ausschuss für Vorstandsangelegenheiten) and the Audit Committee (Ausschuss für Rechnungsprüfung)

h) the Review Boards (Fachkollegien)

(2) <sup>1</sup>As a rule, the bodies of the DFG pass their resolutions in meetings. <sup>2</sup>Where there are objective reasons for doing so, resolutions of the governing bodies may also be passed without the presence of the members of the governing bodies at a meeting place. <sup>3</sup>Resolutions are adopted by a majority of the votes cast, unless the Statutes provide otherwise. <sup>4</sup>These regulations apply to all bodies of the DFG. <sup>5</sup>Details are governed by regulations regarding the passing of resolutions by the bodies and committees of the DFG, as adopted by the Joint Committee. <sup>6</sup>For elections and votes in the General Assembly, the General Assembly may adopt differing regulations; Section 5 paragraph 2 sentence 1 remains unaffected.

## **Section 5 General Assembly**

(1) The General Assembly determines the principles of the work of the DFG.

(2) <sup>1</sup>It elects, in accordance with the following provisions and with rules of procedure to be adopted by it, the President, the Vice Presidents and the members of the Senate. <sup>2</sup>It confirms the appointment of the Secretary General by the Joint Committee.

(3) The General Assembly receives the annual report and the annual accounts from the Executive Board, and decides on the approval of the actions of the Executive Board.

(4) <sup>1</sup>The General Assembly decides on the admission of new members to the DFG. <sup>2</sup>Applications for membership must be submitted to the General Assembly with a recommendation from the Senate. <sup>3</sup>A majority of the votes of all members is required for the admission of a new member.

(5) <sup>1</sup>The ordinary meeting of the General Assembly is held once a year. <sup>2</sup>The place and time are determined by the Executive Committee. <sup>3</sup>The President convenes the General Assembly. <sup>4</sup>The invitation together with the agenda must be received by the members no later than three weeks prior to the annual meeting; the invitation will be sent in written form (Section 126 of the German Civil Code (Bürgerliches Gesetzbuch)) or in text form (Section 126b of the German Civil Code). <sup>5</sup>The General Assembly must also be convened if requested by the Executive Committee, the Joint Committee or one-third of the members. <sup>6</sup>If the President is prevented from convening the General Assembly or fails to comply with the request within three weeks after its submission, the General Assembly may also be convened by two Vice Presidents.

(6) <sup>1</sup>For each meeting, a secretary must be elected to keep the minutes of the meeting. <sup>2</sup>The chairperson of the meeting and the secretary must sign the minutes.

## **Section 6 President**

(1) <sup>1</sup>The President represents the DFG internally and externally. <sup>2</sup>His or her term of office is four years. <sup>3</sup>It begins on the first day of the calendar year following the election. <sup>4</sup>Re-election for a second term is possible. <sup>5</sup>The term of office of the departing President ends when the newly elected President takes office.

(2) The President develops jointly with the Executive Committee the strategic and conceptual direction of the DFG.

(3) The President convenes and chairs the meetings of the Executive Board, the Executive Committee, the Senate, the Joint Committee and the General Assembly.

(4) <sup>1</sup>If the President is prevented from attending, he or she is represented by an Executive Committee member of his or her choice. <sup>2</sup>If the President is unable to appoint someone, the Executive Committee chooses which of its members will represent the President.

(5) <sup>1</sup>The President is appointed on a full-time basis. <sup>2</sup>The Committee for Executive Board Affairs determines the terms of his or her employment.

## **Section 7 Executive Committee**

(1) <sup>1</sup>The Executive Committee consists of the President and the Vice Presidents. <sup>2</sup>The number of members of the Executive Committee is established by the General Assembly. <sup>3</sup>The term of office of the Vice Presidents is four years. <sup>4</sup>It begins on the first day of the calendar year following election. <sup>5</sup>Re-election for a second term is possible. <sup>6</sup>In addition, the president of the Stifterverband für die Deutsche Wissenschaft is a member of the Executive Committee in an advisory capacity.

(2) <sup>1</sup>The Executive Committee prepares the resolutions of the Senate and the Joint Committee to the extent that they are not funding decisions. <sup>2</sup>The members of the Executive Committee attend the meetings of the Senate, the Joint Committee and the General Assembly in an advisory capacity. <sup>3</sup>They are also entitled to attend the meetings of all bodies in an advisory capacity. <sup>4</sup>This does not include meetings of the Executive Board, the Committee for Executive Board Affairs and the Audit Committee. <sup>5</sup>Section 13 paragraph 1 and Section 14 paragraph 1 remain unaffected.

## Section 8 Executive Board

(1) <sup>1</sup>The Executive Board as defined by Section 26 of the German Civil Code consists of the President and the Secretary General. <sup>2</sup>At the recommendation of the President and after deliberation of the Executive Committee, the General Assembly may appoint a member of the Executive Committee as an additional full-time member of the Executive Board. <sup>3</sup>This person's membership in the Executive Committee ends when the President's term of office comes to an end. <sup>4</sup>The Committee for Executive Board Affairs determines the terms of his or her employment.

(2) <sup>1</sup>The Executive Board conducts the regular business of the DFG and performs all duties not assigned to another body under these Statutes. <sup>2</sup>It represents the DFG in legal transactions. <sup>3</sup>If only one Executive Board member is appointed, this member is the sole representative of the Association. <sup>4</sup>If the Executive Board consists of more than one person, the Association is represented by two Executive Board members. <sup>5</sup>The Executive Board may appoint special representatives for certain types of business as per Section 30 of the German Civil Code.

(3) <sup>1</sup>The Executive Board reports in the Executive Committee on the performance of its duties. <sup>2</sup>It reports to the Senate, the Joint Committee and the General Assembly on the affairs of the DFG.

(4) <sup>1</sup>The President lays down the guidelines for the activities of the Executive Board and determines the allocation of responsibilities within the Executive Board, subject to the rights and duties of the Secretary General under paragraph 5 and Section 9, paragraph 1. <sup>2</sup>The Executive Board adopts rules of procedure.

(5) <sup>1</sup>The responsibilities of the Secretary General include the implementation of the budget in accordance with the decisions of the Joint Committee. <sup>2</sup>He or she may object with suspensory effect to decisions made by an Executive Board consisting of three persons that affect the implementation of the budget if there is any doubt as to its legality or economic viability. <sup>3</sup>If no agreement is reached, the Executive Board reports to the Executive Committee. <sup>4</sup>The Executive Committee may bring about a decision or submit the matter to the Joint Committee for a final decision. <sup>5</sup>If the matter fundamentally affects the economic management of the DFG, the Executive Committee must submit the matter to the Joint Committee at the request of the Secretary General.

(6) In the event of the termination of the employment of a member of the Executive Board, he or she no longer holds their position on the Executive Board.

(7) <sup>1</sup>If a member of the Executive Board resigns before the end of his or her regular term of office, the Executive Committee may appoint a substitute member. <sup>2</sup>In the case of the office of Secretary General, this requires the approval of the Joint Committee. <sup>3</sup>The term of office of the



substitute member ends when a person appointed by means of a regular procedure takes office.

## **Section 9 Secretary General**

(1) The Secretary General manages the Head Office of the DFG on a full-time basis.

(2) <sup>1</sup>He or she is appointed by the Joint Committee upon recommendation of the Executive Committee for a period of up to eight years and confirmed by the General Assembly. <sup>2</sup>Reappointments are possible. <sup>3</sup>The term of office does not begin prior to confirmation by the General Assembly.

(3) Early dismissal of the Secretary General by the Joint Committee or the Committee for Executive Board Affairs is possible upon recommendation of the Executive Committee, which requires a two-thirds majority of its voting members.

(4) <sup>1</sup>Early dismissal by the Committee for Executive Board Affairs requires the approval of all its voting members. <sup>2</sup>The members of the Joint Committee are to be notified immediately of the decision to dismiss. <sup>3</sup>It takes effect 14 days after the dispatch of the notification, unless the majority of the members of the Joint Committee, the representatives of the federal government, or the majority of the representatives of the states in the Joint Committee demand before this date that the matter be referred to the Joint Committee.

(5) The Committee for Executive Board Affairs determines the terms of employment of the Secretary General.

(6) <sup>1</sup>He or she attends the meetings of the Executive Committee in an advisory capacity. <sup>2</sup>The Executive Committee may exclude his or her participation in individual agenda items for important reasons. <sup>3</sup>He or she may also attend the meetings of all other bodies, with the exception of the meetings of the Committee for Executive Board Affairs and the Audit Committee, in an advisory capacity.

## **Section 10 Head Office**

(1) The Head Office supports the work of the bodies and other committees of the DFG, implements their decisions and administers the funding programmes.

(2) The Head Office reports to the Executive Board and the Executive Committee on the current business of the DFG.

(3) The activities of the Head Office are governed by rules of procedure adopted by the Executive Board.

## Section 11 Senate

(1) <sup>1</sup>The Senate is the central scientific body of the DFG. <sup>2</sup>It deliberates and resolves, within the principles adopted by the General Assembly, on all major matters of the DFG, unless they are reserved for the Joint Committee.

(2) <sup>1</sup>The Senate determines which review boards are to be formed and how they are to be structured. <sup>2</sup>In doing so it ensures that the review boards in all their forms and disciplines cover the full range of fields in science and the humanities and take due account of their disciplinary research interests and interdisciplinary relationships.

(3) The Senate consists of 39 members.

(4) <sup>1</sup>36 members are elected by the General Assembly based on a rolling system. <sup>2</sup>Researchers who work at institutions of higher education or other research institutions are eligible for election. <sup>3</sup>The General Assembly may also elect other persons, in consideration of certain expertise relevant to the DFG. <sup>4</sup>Voting is based on the person; elected members of the Senate do not act as representatives of institutions. <sup>5</sup>Adequate representation of the entire spectrum of research disciplines must be sought in the composition of the elected members. <sup>6</sup>The Senate may invite guests to its meetings on a permanent or occasional basis.

(5) <sup>1</sup>The ex officio members of the Senate are the respective President of the German Rectors' Conference, the Union of the German Academies of Sciences and Humanities and the Max Planck Society. <sup>2</sup>Members of the Senate by virtue of their office may be represented at meetings by other authorised representatives of their respective institutions to be appointed in advance.

(6) <sup>1</sup>The term of office of the elected members of the Senate is three years. <sup>2</sup>It begins on the first day of the calendar year following the election. <sup>3</sup>Re-election for a second term is possible. <sup>4</sup>If an elected member of the Senate retires during their term of office, the Senate may co-opt a substitute member from previous lists of nominees for the remainder of the term of office of the retiring member. <sup>5</sup>For the elections, the Executive Committee, acting on proposals received from the members of the DFG and with the involvement of the Senate, prepares slates of nominations, which as a rule comprise three names for each vacant seat. <sup>6</sup>Details are governed by rules of procedure to be determined by the General Assembly.

(7) <sup>1</sup>Meetings of the Senate are convened by the President. <sup>2</sup>He or she must convene the Senate at the request of at least one-third of its members.

(8) Within its mandate, the Senate may establish committees and commissions whose members need not be members of the Senate.

## Section 12 Joint Committee

(1) <sup>1</sup>The Joint Committee is responsible for the funding of research by the DFG. <sup>2</sup>It decides on the budget.<sup>3</sup> It also deliberates and decides on the development of DFG funding policies, funding activities and programme planning on the basis of resolutions by the Senate. <sup>4</sup>The Joint Committee adopts rules of procedure. <sup>5</sup>Its members may attend the meetings of the General Assembly with an advisory vote.

(2) <sup>1</sup>The Joint Committee consists of the members of the Senate, representatives of the federal government, with a total of 16 votes, 16 representatives of the state governments with one vote each, and the representative of the Stifterverband für die Deutsche Wissenschaft, with a total of two votes. <sup>2</sup>Two representatives of the member institutions to be appointed by the General Assembly are permanent guests of the Joint Committee in connection with matters according to paragraph 1 sentence 3. <sup>3</sup>The Joint Committee may also invite guests to its meetings on a permanent or occasional basis.

(3) <sup>1</sup>The public funding bodies may be represented by other authorised persons of their respective authority to be appointed in advance or they may transfer their voting rights in writing, by fax or electronically to another member of the Joint Committee. <sup>2</sup>The transfer of a voting right to another member must be granted separately for each meeting of the Joint Committee.

(4) <sup>1</sup>Within the scope of its authority, the Joint Committee may establish subcommittees whose members need not be members of the Joint Committee. <sup>2</sup>To the extent that such subcommittees are delegated powers of the Joint Committee under paragraph 1, sentence 1, they must adopt rules of procedure which at least govern their composition and require the approval of the Joint Committee. <sup>3</sup>Paragraph 3 applies accordingly to subcommittees.

## Section 13 Committee for Executive Board Affairs

(1) <sup>1</sup>The Joint Committee establishes a Committee for Executive Board Affairs consisting of an elected member of the Senate, a representative of the federal government, a representative of a state, and a member of the governing body of a member institution appointed by the General Assembly. <sup>2</sup>The Committee is chaired by the member appointed by the General Assembly. <sup>3</sup>A further representative of a state and two members of the Executive Committee who are not members of the Executive Board attend the meetings of the Committee for Executive Board Affairs in an advisory capacity. <sup>4</sup>The Committee may order the attendance of members of the Executive Board during individual agenda items.

(2) <sup>1</sup>The Committee for Executive Board Affairs is responsible for concluding, amending and terminating the employment contract with the President, the Secretary General and the additional full-time member of the Executive Board according to Section 8 paragraph 1 sentence

2. <sup>2</sup>It determines in particular their remuneration and is responsible for the reporting and approval of these persons' ancillary activities as well as for determining the rights and obligations of these persons under the terms of their employment. <sup>3</sup>Based on a resolution adopted by the Joint Committee, the Committee for Executive Board Affairs may grant an appropriate expense allowance to the Vice-President.

(3) <sup>1</sup>The Committee adopts rules of procedure, which require the approval of the Executive Committee and the Joint Committee. <sup>2</sup>Resolutions require a majority of the votes cast. <sup>3</sup>If requested by the representative of the federal government or the representative of the state, the subject of a resolution is to be referred to the Joint Committee. <sup>4</sup>Section 9, paragraph 4 remains unaffected. <sup>5</sup>Section 4 paragraph 2 and Section 12 paragraph 3 apply accordingly.

### **Section 14 Audit Committee**

(1) The Joint Committee establishes an Audit Committee; Section 13 paragraph 1 applies accordingly.

(2) <sup>1</sup>The Audit Committee is responsible for auditing the legality and regularity of the implementation of the budget and of the accounting. <sup>2</sup>It may inspect and audit the books and records of the Association as well as its assets, in particular its treasury and holdings of securities and goods. <sup>3</sup>It may also delegate these tasks to individual members or, in the case of certain tasks, to special experts. <sup>4</sup>It appoints external auditors to audit the annual accounts, determines the scale and scope of the audit assignment, receives the auditors' report, and forwards it to the General Assembly with a recommendation regarding the approval of the actions of the Executive Board.

(3) Section 13, paragraph 3 applies accordingly.

### **Section 15 Review Boards**

(1) <sup>1</sup>The review boards evaluate research funding proposals. <sup>2</sup>In doing so, they also ensure the maintenance of uniform standards in the review process. <sup>3</sup>They are consulted on issues concerning the further development and refinement of the funding programmes of the DFG.

(2) <sup>1</sup>Members of the review boards are elected by researchers for four years in accordance with election regulations to be adopted by the Senate. <sup>2</sup>Re-election for a second term is possible.

(3) The review boards adopt rules of procedure, which must be approved by the Senate.

### **Section 16 Funding of Research Projects**

(1) Researchers and research institutions may submit proposals to fund research projects and their supporting structures within the funding programmes.

(2) <sup>1</sup>Funding decisions are made based on academic review by persons or bodies and subsequent evaluation by different bodies in each case. <sup>2</sup>The Joint Committee decides on exceptions; Section 16 paragraph 3 sentence 2 remains unaffected.

(3) <sup>1</sup>Research projects are reviewed in writing or by a review panel. <sup>2</sup>In the latter case, the review panel may also make the necessary evaluation if at least one member of a relevant review board participates.

(4) All decisions on grant proposals are by, or based on, a decision by the Joint Committee or its subcommittees.

(5) The DFG Head Office administers the review, evaluation and decision processes.

### **Section 17 Expense Reimbursement, Limitation of Liability**

(1) <sup>1</sup>Unless otherwise provided for in the Statutes, membership of the organs of the DFG is on a voluntary basis. <sup>2</sup>For activity in the statutory and other bodies and the associated expenditure of time, no remuneration is paid, including flat allowances for attendance, unless the Statutes provide otherwise. <sup>3</sup>However, members of such bodies are entitled to reimbursement of expenses demonstrably incurred in connection with activity in these bodies in accordance with a resolution of the Joint Committee.

(2) <sup>1</sup>Liability of members of statutory and other bodies to the Association and to the members is limited to intent and gross negligence. <sup>2</sup>If members of such bodies are liable to compensate third parties for any damage they have caused in the performance of their duties within these bodies, they may request from the Association to be exempted from liability, provided that the damage was not caused intentionally or by gross negligence.

### **Section 18 Statutory Amendments, Dissolution of the Association, Dedication of Assets to Public Benefit**

(1) <sup>1</sup>Amendments to the Statutes and dissolution of the Association require a three-fourths majority vote by the General Assembly. <sup>2</sup>The General Assembly may only resolve to dissolve the Association if at least three-quarters of the members are represented. <sup>3</sup>If the required number of members is not represented, another meeting of the General Assembly must be convened, which is then quorate regardless of the number of members represented.

(2) <sup>1</sup>In the event of dissolution of the Association or should the Association pursue objectives which are other than non-profit, the Association's assets are transferred to an institution under public law or to another tax-privileged organisation to use for the promotion of science and research. <sup>2</sup>If several institutions are under consideration, the General Assembly decides. <sup>3</sup>This decision requires approval by the public funding bodies.

(3) A decision by the General Assembly to amend or delete paragraph 2 requires approval by the public funding bodies.





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