



## Legal Constraints and Limiting Factors to Researcher Mobility and Integration Executive Summary

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The survey on “legal constraints and limiting factors to researchers’ mobility” was carried out by **INRAN**, the Italian National Institute for Research on Food and Nutrition, with the **collaboration of 31 MoniQA partners** from 20 countries (Austria, Belgium, Bulgaria, China, Egypt, Finland, Germany, Greece, Holland, Hungary, Indonesia, Israel, Italy, New Zealand, Norway, Poland, Spain, Turkey, United Kingdom and Vietnam). It represents a significant overview of the state of research integration in food science and technology within and outside Europe in terms of researchers’ mobility and, given the number and types of participants it is highly representative.

Across the MoniQA consortium, food science and technology research is carried out in universities and centres of excellence, in public institutions under the auspices of specific government ministries, private research institutions and in scientific and technological parks.

**In most of the network organisations, researcher recruitment is rarely planned in advance.** Only three partners out of 31 plan recruitment so that it occurs each year at the same period. In 17, recruitment depends on the specific needs of the moment, on the projects or on the occurrence of a vacancy. Nine partners reported that personnel recruitment is planned only when it concerns higher scientific positions.

In general, **job vacancies** are posted and publicised so that application forms submitted. Vacancies are not always publicised on the web (only 22 out of 31 partners do so). Six partners publish vacancies only in national official journals and newspapers, which implies that foreign researchers have limited access unless they are aware of the relevant publication. Moreover, in most cases, the job vacancy is not published in English but in the mother tongue of each specific country. Only 10 partners advertise in English – and of those four are native English-speaking institutions. Therefore, **language represents a limiting factor to researchers’ mobility.**

Recruitment is currently regulated by both internal laws, which are specific to each organisation, and national laws (as well as European law). They represent the legal framework that regulates scientific staff recruitment procedures, contracts, probationary periods and career development in each country. Recruitment of both permanent and temporary staff is generally regulated by the same procedure, which includes advertising, application, assessment and decision-making (14 countries out of 20) and the majority **of recruitment occurs by means of interviews.** In six countries, there is a difference between recruitment of permanent and temporary staff and different laws apply to each. Permanent



positions are usually regulated by national laws, which require competitions and written assessments to take place, whereas recruitment of temporary staff is almost always regulated by local rules, which are internal to the organisation.

**Restrictions in access and preferred channels** for scientific staff in the recruitment process have emerged during the investigation. In 12 out of the 20 consortium countries, no restriction in access for permanent and temporary staff related to language, citizenship, curriculum or qualifications awarded emerged. In seven, however, language is or might be an obstacle. In addition, in five countries, citizenship and qualifications awarded in another country too represent a limitation to the recruitment of researchers for some positions. The **equivalency of qualifications** hampers and/ or might also hamper recruitment in some countries. Recruitment can also be performed by means of preferential channels, which mainly apply to people with internationally recognised **outstanding scientific qualifications**. Countries such as China, Finland, Germany, Greece, Israel, Italy, Poland, Turkey, United Kingdom and Vietnam welcome people with outstanding scientific qualifications and have created preferential channels for them.

Although the extent to which **gender** may be a limiting factor was investigated, the survey demonstrated gender is not a factor for discrimination in recruitment. However, it is interesting to highlight that equal share of positions, despite being mentioned, is seldom planned – except at the BOKU University (AT), where Statutes set specific objectives for the achievement of gender equality and to attract more female applicants.

Researchers working at all MoniQA partners are safeguarded by national **health and safety** in the workplace laws. These laws usually implement the European Regulations on ‘Safety and Health Requirements for the Workplace’, and they range from government ministry and/ or Presidential Decrees to Codes of Labour, Employment Acts, and Health and Safety Acts. They cover safety aspects related to hazardous working conditions, use of chemicals, risks of accidents and long term exposure, and state researchers’ rights.

Most MoniQA partners (28 out of 31), spell out an **IPR policy** regulating the ownership and protection of data and the intellectual property rights of researchers. In most cases, there is a distinction between inventions that are made within a contract where the invention activity is the object of the contract itself and the case of a researcher at the university or public administration with research purposes. In the first case, the rights coming from the invention belong to the employer whereas in the second case the researcher has the exclusive rights over the patented invention which s/he has invented. The latter rule does not apply if the invention is realised within specific research projects, which are financed by public or private funds. Usually, every time a researcher works within such a financed project, an agreement is drawn up between the partners regarding the exploitation of the research outcome including the names on possible publication. In the case of researchers on exchange or secondment, IPRs are agreed prior to a visit of an external researcher taking place. Three partners do not have any explicit policy regarding IPRs.

As far as exchanges and secondments in other research organisations are concerned, each organisation is regulated by its own rules/ laws. **Sixteen out of 31 MoniQA partners currently set time limits** for exchanges and secondments; at nine, a researcher cannot leave his Institution for more than 12 months whilst seven allow an exchange or secondment longer than one year, provided that the researcher comes back to the employer institution. Within 15 partners, mobility is a case-by-case decision. It is mostly subject to a satisfactory business case being made, and consequently a time limit on absence is not set. The duration of mobility depends on the individual’s role and responsibilities in his/ her organisation; it is usually easier for junior members to be away for longer.



The extent to which **bureaucracy** may hamper mobility and the time needed to get permission for a visit was also investigated. Nine partners state that authorisations are simply a matter of days or a few weeks, whereas in seven partners it can take up to two months. For most of the consortium partners, permission to temporarily leave their organisation depends on the length of the time, funding programme, the nature of the project, and the proposed host as well as the field in which the researcher works. Bureaucracy, apparently, is never a constraint to researchers' mobility.

**Economic issues** – at 28 out of 31 partners, staff on secondment keep their salaries whilst away but in most cases this is subject to limitations including the length of time and contribution from the host organisation. In general, the longer the period, the more the current salary is cut. 19 out of the 31 consortium partners offer additional economic support towards housing and living expenses when researchers go outside their organisation for training or complete work for a project. Researchers in mobility schemes, however, often rely on the economic support of the European Commission or national bodies.

The survey also investigated the **procedures** that a researcher must follow differ amongst research institutions. A researcher must have specific objectives that must fit within the research project, which can be undertaken at the host. Eleven partners state do not require a researcher interested in being hosted to know someone within the organisation. They can check for opportunities online or send an application. Nine MoniQA partners need a personal acquaintance or a sponsoring researcher.

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To conclude, this comprehensive survey identifies several limitations to free mobility and integration of researchers:

- **Language** is an important issue because efficient communication and access to information is hampered by websites, documents, vacancy advertisements, code of conducts not being available in English.
- **Restrictions in access** such as citizenship for certain positions can inhibit mobility, and in the public sector there is also the problem with the equivalency of qualifications awarded in other countries.
- Mobility is sometimes hampered by **limited funding**. Even in those situations where a researcher keeps his/ her own salary during mobility, it may not be enough to cover expenses in a another country.
- **Lack of contacts** is also a limiting factor because of the need for a "local" contact. Additionally, it was frequently emphasised that a satisfactory business/ research case of mutual interest facilitates mobility.

Of course, this survey did not take into consideration the fulfilment of immigration requirements, which are a pre-requisite.

This survey lays the groundwork for the **MoniQA mobility programme**, which will include the exchange of personnel on secondments and full relocation within the network institutions. Additionally, MoniQA contributes to mobility thorough its **joint training programme** within and beyond the network. More information about these activities is available at [www.moniqua.org](http://www.moniqua.org).

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## About MoniQA

MoniQA ("Monitoring and Quality Assurance in the Food Supply Chain") is funded by the European Union. This Network of Excellence (NoE) aims to make food safer by harmonising methods for food analyses. The project is coordinated by the Vienna-based International Association for Cereal Science and Technology (ICC). More than 155 researchers and scientist from 33 international partners from 20 countries are involved in MoniQA. For more information see also our homepage [www.moniqua.org](http://www.moniqua.org).

## Join us!

MoniQA offers associated partnerships for interested organisations, SMEs and institutions. Benefits include favourable conditions for participating in MoniQA events, involvement in Working Groups and in the future participation in the exchange and mobility programmes and access to the databases. For more information see the FAQ section on the MoniQA homepage [www.moniqua.org](http://www.moniqua.org) or contact

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