

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

The Director-General

Brussels, **16 JUL. 2015**
rtd.ddg2.b.2(2015)2506596

Dr Gordon Dalton
MaREI ERI, UCC, YIE
Pouladuff Rd, Togher,
Cork City
Ireland

Dear Dr Dalton,

I would like to thank you for your letter of 7 May requesting clarification on Irish postdoctoral 'period of training' and its consistency with the European Charter and Code for researchers. I apologise for the late reply.

The European Charter for Researchers and the Code and Conduct for the Recruitment of researchers¹ you refer to were adopted as a Recommendation, i.e. they are not legally binding.

The non-binding principles of the Charter are, however, very clear with respect to the two cases you refer to:

Under the section on general principles and requirements applicable to employers and funders, the Charter states:

"All researchers engaged in a research career should be recognised as professionals and be treated accordingly. This should commence at the beginning of their careers, namely at postgraduate level, and should include all levels, regardless of their classification at national level (e.g. employee, postgraduate student, doctoral candidate, postdoctoral fellow, civil servants)."

"Employers and/or funders should ensure that the performance of researchers is not undermined by instability of employment contracts, and should therefore commit themselves as far as possible to improving the stability of employment conditions for researchers, thus implementing and abiding by the principles and terms laid down in the EU Directive on Fixed-Term Work."

The fundamental principle is indeed to ensure that researchers are treated as professionals engaged in R&D at any stage of their career, regardless of their classification.

The references to training in the Charter and Code clarify the relation of researchers in their training phase with supervisors (p.14) and specify that the period of research training is included in the first four year time period of an Early-Stage Researcher (p. 28).

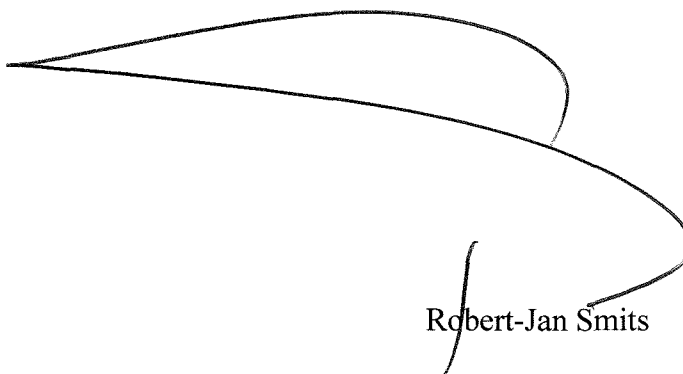
¹ Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers

Therefore, these provisions do not alter or weaken the classification of postdoctoral researchers as professionals.

You also express concern that the "Research Career Framework" was presented to research staff as a 'fait accompli' without consultation. Let me therefore explain the process of the 'HR Excellence in research' Award given to both universities in question. When acknowledging that the participating institution has adopted a Human Resources strategy for researchers, the Commission verifies that its publication is based on an internal analysis and whether or not the key institutional stakeholders have been consulted in an appropriate way, while carrying out the gap analysis. This is based on the declaration of the universities and the documents provided. I would therefore suggest that you clarify with the institutions which forms of consultations have been carried out.

I hope these elements of response have contributed to clarify the situation and make it clear that within the remit of the Commission's mandate we are not in the position to take any further action at this stage. We will of course keep a close look onto the progress of the implementation of the HR Strategy for researchers in Irish institutions.

Sincerely yours,



Robert-Jan Smits