



Please find below a translation of the guest contract and further documents. We would like to note that only contracts and documents written in German are binding. The translation is only attached to the German original for purpose of better understanding and will not be signed.

Die Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.,
Hofgartenstraße 8, 80539 München,
represented by the President Prof. Dr. Martin Stratmann and the Secretary General Dr. Simone Schwanitz,
representing the same by the Management Board of the Max-Planck-Instituts für Plasmaphysik (IPP),
Boltzmannstraße 2, 85748 Garching bei München,
represented by Prof. Dr. Sibylle Günter and Susanne Russell

and

■■■■■ ■■■■

conclude the following

Guest and Permission Agreement

§ 1 Objectives

■■■■■ is doing research in the field of '■■■■■' and thus on a topic that is closely related to the research in the field of PMU conducted at the Institute.

By granting a guest stay at the Institute, ■■■■■ shall be given the opportunity to further his research in a way that is also beneficial to the interests of the Max Planck Society.

§ 2 Grant Agreement

To the extent necessary to realize the purpose agreed upon in § 1, ■■■■■ shall be granted the use of the facilities of the Institute free of charge for the period from ■■■■■ to ■■■■■. ■■■■■ must reach agreement with the responsible division management on the specific scope and type of use of the facilities.

When using the facilities, ■■■■■ shall observe the Institute's rules, in particular the regulations and safety provisions applicable in the IPP (see Appendix I) and shall be subject to the instructions of the Institute's management in this respect.

■■■■■ must treat the Institute's facilities with care and protect them from damage.

§ 3 Legal Relationship with the Max Planck Society and its Employees

The parties agree that they do not intend to establish an employment or service relationship through this agreement and its actual implementation, and therefore no claim to remuneration arises. The guest stay also does not give rise to any entitlement to subsequent employment or service with the Max Planck Society.

Subject to the provisions of § 2, [REDACTED] is not subject to any instructions regarding the time and place as well as the manner of his activities at the Institute. He is not entitled to give instructions to employees of the Max Planck Society.

§ 4 Confidentiality and Data Protection

[REDACTED] undertakes to treat all information received in connection with the guest stay as confidential and to keep it secret from outsiders. This obligation shall also apply beyond the end of the guest stay at IPP. The obligation of confidentiality does not apply if the information has become common property through publications of third parties or in any other way or if the respective party has expressly agreed to its disclosure.

[REDACTED] shall be bound to his confidentiality. The obligation shall be made with a separate document as well as handing over of the relevant leaflet(s).

[REDACTED] expressly agrees that his data may be stored electronically and used for internal administrative purposes and statistical evaluations of the Institute.

§ 5 Rules to ensure good scientific practice

The Rules for Safeguarding Good Scientific Practice of the Max Planck Society of November 24, 2000, as amended from time to time, are an integral part of this Agreement. They are attached to this agreement and will be handed out to [REDACTED] upon signing this agreement.

§ 6 Results

[REDACTED] undertakes to inform the Institute management without delay of any results obtained in connection with the guest stay or the use of the Institute facilities. The Max Planck Society shall thus be given the opportunity to examine the results for a Max Planck proprietary share. The parties will closely coordinate their treatment of joint results.

§ 7 Publications

In the case of publications, the rules to be applied in the IPP concerning the "Procedure for Publications" shall apply mutatis mutandis in their currently valid version (can be viewed on the intranet). Notwithstanding the above, [REDACTED] grants the Max Planck Society a non-exclusive right to use the publication.

§ 8 Insurance Coverage

The guest status does not constitute insurance coverage in the statutory health, nursing care, unemployment and pension insurance. [REDACTED] is recommended to take care of sufficient insurance coverage himself.

The Max Planck Institute for Plasma Physics is insured with the Employer's Liability Insurance Association for Energy, Textiles, Electrical and Media Products (BG ETEM), according to whose statutes the statutory accident insurance protection also extends to guests staying at the company's premises. However, commuting accidents are not insured.

In the private group and radiation accident insurance as well as the expedition insurance of the MPG, insurance coverage exists for guest scientists according to the respective insurance conditions. [REDACTED]. [REDACTED] is obliged to immediately notify the insurance company in writing of the occurrence of an insured event (Allianz-Versicherungs-Aktiengesellschaft under the fax number 030/5389-360424). The insurance number PU 10/0501/3206967/110 must be indicated in the notice of claim. If the accident results in death, this must be reported within 48 hours, even if the accident has already been reported.

§ 9 Liability Regulation and Exclusion of Liability

The Max Planck Society is liable for damages that are not personal injuries only in cases of intent and gross negligence. This also applies to slightly negligent breaches of duty by legal representatives or employees. [REDACTED] is expressly advised not to carry or store any personal valuables during his stay at the Institute. The Max Planck Society does not assume any guarding and due diligence obligations for valuables that are nevertheless brought in.

In all other respects, the parties shall be liable for intent and negligence in accordance with the general statutory provisions. [REDACTED] is advised to take out sufficient insurance coverage himself.

§ 10 Termination and Return of Items

This contract can be terminated by mutual agreement at any time by written agreement.

Termination by one of the parties must be made in writing, with two weeks' notice to the end of a calendar month.

In the event of good cause, the contract may be terminated in writing without notice. An important reason entitling the Max Planck Society to terminate the contract is, in particular, a serious breach of obligations under this contract.

Upon termination of the contract, [REDACTED] shall immediately return the objects made available to him or otherwise obtained by him in proper condition.

§ 11 Place of Jurisdiction

Munich is agreed as the place of jurisdiction for all disputes arising from this contract.

§ 12 Written form

Amendments and supplements to this contract shall be agreed in writing.

[REDACTED] has received a copy of this contract.

Garching, [REDACTED] [REDACTED]

Max Planck Institute for Plasma Physics

[REDACTED] [REDACTED]

Rules to Ensure Good Scientific Practice

- adopted by the Senate of the Max Planck Society
on November 24, 2000, amended on March 20, 2009 –

Scientific honesty and the observance of the principles of good scientific practice are essential in all scientific work which seeks to expand our knowledge and which is intended to earn respect from the public. The principles of good scientific practice can be violated in many ways – from a lack of care in the application of scientific methods or in documenting data, to serious scientific misconduct through deliberate falsification or deceit. All such violations are irreconcilable with the essence of science itself as a methodical, systematic process of research aimed at gaining knowledge based on verifiable results. Moreover they destroy public trust in the reliability of scientific results and they destroy the trust of scientists among themselves, which is an important requirement for scientific work today where cooperation and division of labor are the norm.

Although dishonesty in science cannot be fully prevented through sets of rules alone, appropriate precautions can nevertheless guarantee that all those involved in scientific activity are regularly made aware of the standards of good scientific practice. This is an important contribution to limiting scientific misconduct.

The basic rules of good scientific practice set out here take up the relevant recommendations of the Deutsche Forschungsgemeinschaft of January 1998 and adapt them to the research conditions at the Max Planck Society. They are binding on all persons active in research work at the Max Planck Society. For further information on the background and issues involved, please refer to the paper on "Verantwortliches Handeln in der Wissenschaft" (responsible practice in science) prepared by a working group of the Scientific Council of the Max Planck Society, and approved by the Senate of the Max Planck Society at its meeting of November 24, 2000. This text gives a detailed analysis of the conditions for and specific dangers to good, responsible scientific practice. It is also a plea for cooperation in the further development of the relevant recommendations.

1. General principles of scientific practice

The following regulations, over and above the provisions of national, European and international law, are to be observed as general principles of scientific research at the Max Planck Society:

a) General regulations governing scientific practice:

- precise observance of discipline-specific rules for acquiring, selecting and processing data,
- reliable securing and storage of primary data for 10 years; clear and comprehensible documentation of the methods employed (e.g. labbook) and all important results,
- the rule of systematic skepticism: openness to doubt, even about one's own results and about the results of one's own group. The test of a scientific result can be its reproducibility. The more surprising or the more hoped-for a result, the more important it is – within the bounds of reasonable cost and effort
- to independently reproduce the means of achieving the result within the research group before communicating it externally,
- a realization of tacit, axiomatic assumptions; watchfulness for any "wishful thinking" motivated by self-interest or morals; systematic alertness to any possible misinterpretations as a consequence of the methodically limited ascertain ability of the object of research (over-generalization).

b) Regulations governing relations with colleagues and cooperation:

- no hindrance of the scientific work of others,
- active promotion of junior scientists' scientific qualifications,
- openness to criticism and doubt expressed by other scientists and team colleagues.

c) Regulations governing the publication of results:

- publication on principle of research results (principle of the public availability of the results of research),
- appropriate correction of published mistakes,
- fair evaluation and citation of any literature used,
- honesty in the recognition of the contributions of colleagues,
- making of research results achieved with public funds freely available wherever possible.

d) Regulations governing proper review processes:

- careful, altruistic and impartial appraisal of colleagues,
- no delaying of reviews,
- no performance of biased appraisals,
- no performance of an appraisal where there is a suspected or actual conflict of interests.

e) Observation of the Max Planck Society's special, internal regulations:

- for example on security and defense research, on spinoffs, on dealing with conflicts of interest,
- with respect to the types and consequences of scientific misconduct, please refer to the rules of procedure in case of suspicion of scientific misconduct in the version adopted by the Senate on November 24, 2000, in particular.

2. Cooperation and leadership responsibility within working groups

The head of each institute or research establishment is responsible for a proper organization which ensures clear allocation, depending on the size of the individual scientific working units, of the tasks of leadership, monitoring, conflict resolution and quality control and guarantees that these tasks can in fact be undertaken.

Cooperation in scientific working groups must be organized in such a way that the results achieved in specialized areas within the particular undertaking can be reciprocally aired, criticized and integrated into the general body of knowledge, regardless of any considerations of hierarchy. This is also of particular significance for training junior scientists in the group towards independence. In larger groups a regulated form of organization is recommended, e.g. through regular colloquiums. Reciprocal checking of results is to be assured, even if this entails making one's own results accessible.

Leadership roles in working groups can only be performed responsibly in the full knowledge of all relevant circumstances; the leadership of a working group demands expertise in the field, presence and a broad perspective. Where this may no longer be possible to the desired level because of the size of

the group or for other reasons, the leadership functions must be delegated in such a way that the leadership division remains manageable.

3. Guidance for junior scientists

Particular attention should be given to the training and furthering of junior scientists and to guiding them in the observance of the principles of good scientific practice. Junior scientists should be informed of the rules of good scientific practice and the consequences of scientific misconduct through regular training sessions. Attention is drawn here to the special significance of good cooperation with the universities in this context.

In the departments and working groups at the institutes and research establishments of the Max Planck Society, appropriate care should be taken of junior scientists, in particular of undergraduate diploma candidates and doctoral students and younger postdocs and those writing theses to qualify as university lecturers. Primary contact persons should be in place for these junior scientists. In the case of doctoral students it is recommended that in addition to the primary contact person, two other experienced scientists also be involved in their guidance. Appropriate cooperation with the university at which the candidate is to take the doctorate should also be ensured (Thesis Committee).

4. Securing and storing primary data

Primary data as a basis for publications must, as far as possible, be stored for at least ten years on durable, secure carriers in the institutes or research establishments in which they arose. Either the institute or the central organization must ensure that data remains readable for at least this length of time. Access to the data has to be granted for persons with a justifiable interest.

Scientific examinations, experiments and numerical calculations can only be reproduced or reconstructed if all the important steps are comprehensible. For this reason, full and adequate reports are necessary, and these reports must be kept for a minimum period of ten years, not least as a source of reference, should the published results be called into question by others.

The institute management is responsible for regulating – in a manner suited to the institute's scientific orientation – and setting out in writing all further details and responsibilities, in particular for detailing proper reporting standards and access regulations for the use of data.

Governments and industry within the OECD have brought in a set of guidelines on quality assurance, known as GLP (good lab practice), in the interests of improving quality and safety in health-relevant and environment-related areas of production.

While it does not appear useful or practicable to adopt the GLP in full, some of the principles do offer advantages for basic research. Institute management should consider and determine which of the GLP principles could be implemented at their Max Planck Institute on the basis of the prerequisites that are already in place there.

5. Data protection

Personal data should be sanitized as a matter of principle. In cases where personal data on test persons forms part of the actual research, the research-specific regulations of the Federal Data Protection Act (BDSG) must be observed. Personal data must be sanitized wherever this is possible in consideration of the purpose of the research. Up until such point, characteristics that can be used to assign personal or factual circumstances to an identified or identifiable person should be stored separately. To this end, the personal data in the research file is to be replaced with a case ID and stored with the case ID in a

separate file. They may only be merged with the individual details if required to fulfill the purpose of the research.

The duty to separate such files is associated with a duty to block personal data. If a test person demands the deletion of his or her personal data, the data should merely be blocked. The blocked data may not be used for further research purposes. It may only be accessed if required in the course of action taken on suspicion of scientific misconduct.

6. Scientific publications

Publications are the most important medium for the dissemination of research results to the scientific community and to the general public. Through this medium authors publish results for the scientific reliability of which they accept responsibility. Publications which report on new scientific results, must therefore describe the results and the methods used fully and comprehensibly, and give full and correct credit for own and third-party preparatory work; results which have already been published beforehand should only be repeated to the extent that it is considered necessary for understanding the context. Any findings which support or call into question the results presented should equally be made known.

If several originators are involved in a research effort or in the publication arising out of that effort, the only persons who may be credited as co-authors are those who themselves made a considerable contribution to the design of the studies or experiments, to working out, analyzing or interpreting the data and to drawing up the manuscript, these persons also having agreed to its publication. Management of the organizational unit in which the publication arose is not, in itself, sufficient grounds to claim authorship. The authors always bear joint responsibility for the content; "honorary authorship" is not permitted. Support from third parties is to be recognized in an acknowledgment.

The practice in all disciplines must meet these standards, although specific arrangements in individual disciplines are permissible. For the publication of original work, a number of conventions have become established in recent years in the scientific community, and in many experimental disciplines in particular, which also enable outsiders to obtain a rough idea of the contribution of co-authors based on their position in the author line. The author line thus serves to facilitate correct external perception and not only the fair recognition of the demands of co-authors as a result of their cooperation.

The naming of authors is not merely a question of scientific ethics; it is also a copyright issue. The provisions of copyright law are generally binding. The author has the right to recognition of his or her authorship. Spuriously claiming authorship is illegal. Spuriously contesting authorship is unethical at the very least. In allocating authorship, scientific ethics and copyright law have the same point of origin, as a result of which the list of authors should permit an accurate imputation of the extent of each author's service as expressed in the text. Nevertheless, there are conflicting priorities between the two systems of standards because different aspects are being attributed in each case. Scientific ethics are concerned with attributing scientific accomplishments. However, when it comes to scientific publications in general, copyright law protects not the content per se, but merely the authorship. Thus, an author is any person who cooperated in the creation of a publication in the manner described above. While copyright law does to a certain extent permit agreements to be reached on the naming of authors, the right to attribution is in essence inalienable.

7. Conflicts of interest between science and industry

In the course of cooperative projects with commercial enterprises there are many areas of conflict, which can almost always be traced back to the collision of scientific interests and political, economic or financial interests. Conflicts may arise, for example, over the practice of patent registrations or the confidentiality of unpublished data. Secondary employment as a consultant or expert in the field can also lead to conflict; especially if the client wants to achieve a certain result that cannot be achieved on the basis of the objectively available data. Seats on Supervisory Boards or ownership of stocks in companies active in one's own research field can also lead to substantial con-

licts of interest.

Links with industry must therefore be structured and practiced as equal partnerships. Economic aspects must not be allowed to take precedence over scientific freedom. If scientific priority finds itself in an irresolvable conflict with patent or economic priority, scientific priority must, in principle, be granted precedence even if economic advantages may be lost as a result. An institute should not enter into a relationship with industry solely on economic grounds and without the prospect of obtaining new findings.

In order to avoid conflicts of interest, all persons involved in a research project must disclose to their superiors or other responsible instances their financial and other interests and relationships where there is the possibility that these may conflict with their research activities. Moreover, care should be taken to ensure that no person holds both management responsibility in an institute and executive responsibilities in a company (including spinoffs).

8. Appointing ombudspersons

An independent, appropriately qualified person of considerable personal integrity should be elected from among the scientific staff at each institute or research establishment of the Max Planck Society to act as an ombudsperson in cases of conflict on matters of good scientific practice. It is the job of the ombudsperson in particular to be available to all concerned as a confidential advisor in cases where there is suspicion of a violation of the principles of good scientific practice. In addition one person should be elected in each of the three sections, to perform the job of ombudsperson for the entire section. The names of the elected ombudspersons shall be made known in an appropriate manner.

The ombudsperson must treat in confidence any information brought to his or her attention concerning possible misconduct. The ombudsperson is not obligated to disclose such information to the institute management. In conflict situations the ombudsperson may choose to initiate a meeting with the person suspected of misconduct or with the institute management; however, in special cases the ombudsperson may confide in the ombudsperson at section level.

The job of the ombudspersons at section level is to act as a contact for the institute ombudspersons and for anyone who suspects scientific misconduct. Furthermore, they must keep an eye on general developments and identify any problem areas that may give rise to scientific misconduct.

All scientific and scientific-technical staff, including fellowship holders, should have active voting rights. Passive voting rights, on the other hand, should be granted only to those members of the scientific staff who have an employment contract with the Max Planck Society, since dealing with cases of conflict demands a certain level of experience. Scientific members should not be eligible for election because the purpose of the ombudsperson is to provide a point of contact that is independent of the institute management. Further details on the election and duties of ombudspersons are outlined separately in guidelines laid down by the Scientific Council.

The elected ombudspersons should not fulfill any other functions that may lead to a conflict of interests, such as membership of the works council.

The section ombudspersons should report on their work to the President once per year (in sanitized form). The regulations passed by the Senate on the introduction of an investigation procedure in cases of suspicion of scientific misconduct remain unaffected by this.

9. Whistleblower protection

One of the problems with scientific misconduct is that offenses are seldom made public, nor are they followed up by the scientific community. Scientists are often reluctant to make their suspicions of scientific misconduct known for fear of reprisals, bullying or exclusion and isolation. Younger scientists in particular are frequently not taken seriously by their superiors if they bring a suspected case of

scientific misconduct to their attention. The Max Planck Society wishes to change that by enacting this regulation.

Institute staff shall be informed of the functions of the institute and section ombuds persons as a confidential point of contact for occasions when scientific misconduct is suspected. The name of the whistleblower shall not be made known during the ombudsperson's initial investigation. If the initial investigation leads to a formal investigation, the whistleblower's name shall only be made known if the person concerned would otherwise be unable to defend themselves properly or if the whistleblower's credibility or motives need to be examined. This is intended to ensure that whistleblowers can be heard without fear of repression.

Special attention should be paid to the protection of junior scientists. Past experience shows that particularly graduate students and doctoral students can see their future progress hindered if they point out a case of scientific misconduct or are themselves wrongly suspected of misconduct.

Ombudspersons should make it clear to staff that substantiated whistleblowing does not constitute denunciation or behavior that is detrimental to their group; rather, it is a necessary step in view of a suspected violation of scientific ethics. It is not the whistleblower voicing a justified suspicion who damages colleagues or the institute concerned, it is the scientist carrying out the misconduct. Institute management should support the ombudspersons in their work with clear stipulations confirming that scientific misconduct will not be tolerated.

Commitment to maintain confidentiality and respect for data protection

Dear [REDACTED],

Since you may come into contact with personal data in the course of your work, we hereby obligate you to observe data protection.

Your obligation is comprehensive. You may not process personal data yourself without authorization and you may not disclose or make available such data to other persons without authorization.

The EU General Data Protection Regulation (GDPR) defines processing as any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, filing, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"Personal data" within the meaning of the GDPR means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Your obligation continues without time limit and even after your employment has ended.

Violations of data protection regulations can be punished with imprisonment or fines as well as very high fines. Should the fines be directed against the Max Planck Society e.V., we reserve the right to assert claims for compensation against you, if necessary, insofar as a breach of obligation would exist. Since you will also come into contact with company and business secrets in the course of your work, we hereby obligate you to maintain confidentiality.

You must treat the information and documents obtained confidentially and carefully protect them against unauthorized disclosure to third parties. Any persons employed by you must be bound by the same confidentiality obligation. This obligation shall continue for four (4) years after completion of your order.

"Confidential Information" shall mean all information and documents of the respective other party which are marked as confidential or which are to be regarded as confidential due to the circumstances, in particular information on operational processes, business relations and know-how, as well as - for the Contractor - all work results. (e.g. resolutions, agreements, contents of files, minutes, transcripts, reports, contracts, license agreements, etc.).

Confidential information must be destroyed as soon as it is no longer required for the execution of the order, irrespective of the type of storage and retention. This must be done - unless statutory retention periods apply - at the latest upon termination of this contract. If statutory retention periods apply, the confidential information shall be destroyed by the Contractor after expiry of these periods. The Contractor shall confirm the destruction or deletion to the Customer in writing (telecommunication by fax (but not e-mail or similar) shall suffice).

Garching, Date Signature

Instruction on the dangers of corruption

Corruption is a crime

1. Definition

Corruption (active) as well as corruptibility (passive) describe the abuse of a position of power for personal advantage in breach of official duties or laws. The parties involved exchange benefits such as influencing decisions for payment. The fact that this "exchange of benefits" is disadvantageous for third parties such as a client is essential. A company or authorities suffer damage because corruption undermines free competition, which can result in supplies or services being sold at an inflated price or not meeting the required quality standards. This leads to financial or liability risks for the affected company. Furthermore, the discovery of potentially corrupt business practices can signify substantial damages for the affected company regarding damage to reputation and loss of trust.

As a result, corruption, i.e. accepting personal benefits in exchange for disrespecting rules concerning suppliers and consumers of services, is socially outlawed and liable to prosecution according to several regulations.

2. Laws and legal requirements to prevent corruption

As a recipient of public money, the Max-Planck Institute for Plasma Physics (IPP) is subject to such rules and regulations applying to public administration, particularly to the public procurement law. According to this, employees responsible for commissioning projects, social services or other benefits, for concluding any type of contract, for control tasks or for providing services (so-called office holders), are prohibited, under threat of punishment, from accepting gifts or other benefits that might influence the performance of their duties.

The most important criminal law regulations affecting IPP employees can be found in the following sections of the Criminal Code: Corruptibility, Corruption, Acceptance of a Benefit, Taking a Bribe, Granting a Bribe: § 331 to 335 of the Criminal Code (StGB); Participation and Connivance (Subornation of a Subordinate to Commit a Crime or Conscious Connivance): § 357 StGB; Taking and Offering a Bribe in Business Transactions: § 299 (1), (2) StGB; Breach of Trust: § 266 StGB; Fraud: § 263 StGB; Agreements in Restriction of Competition upon Invitations to Tender: § 298 StGB.

According to the internal regulations (Compendium on Presents), you are generally not allowed to accept presents or other third-party benefits for your transactions. Supervisors must generally approve any exceptions to this rule.

Supervisor approval is implied for presents or other benefits with a total value of less than EUR 25 (e.g. bottles of wine, quality calendars etc.) and must therefore not be explicitly obtained. It is however important to remember that such items are still subject to the above-mentioned reporting duty to the supervisor. The item, the estimated value of the item, the reason for the present and the person giving the present must be reported. So-called minor presents (plastic ball-point pens, simple calendars and so on) are exempt from this duty to report.

3. Consequences under criminal and employment law

The maximum penalty for offences as set out in the sections of Criminal Code mentioned above is either a fine or a prison term of up to 5 years (depending on the severity level). Breaches against any of these rules may, apart from the criminal law consequences mentioned above, also result in consequences under employment law, up to dismissal depending on the severity level.

4. Information regarding corruption prevention

You can find all pertinent information regarding the regulations affecting the IPP and concerning the subject of corruption prevention on the IPP Intranet. This provides the Compendium on presents, the Code of Conduct against corruption, the Federal Government's corruption guidelines and other relevant specifications in the "Texts to prevent corruption" by the Federal Ministry of the Interior, published on the IPP Intranet under Leadership, consulting and control channels > Corruption prevention. Here you will find the Compendium on presents as well.

5. Contact

If you have any further questions on this subject or have noticed certain incidents in your environment based on your own observations which may indicate circumstances relevant to corruption, you can contact the contact person for corruption prevention, Ms. Ass. jur. Pisselhoy, Head of the Legal and Patent Department, Tel. -1293, e-mail eva.pisselhoy@ipp.mpg.de, at any time. Please make sure that your observations must stand up to scrutiny. Receipt and acknowledgement of this instruction on precautionary measures against corruption and of the Guide to Gifts are acknowledged by your signature.

Name:

■■■■ ■■■■

Garching, _____

Compendium concerning the treatment of presents and other benefits

Employees are generally not allowed to accept presents, rewards, commission or other benefits relating to their activity (Section 3(2) Public Services Labour Agreement - TVöD). Exceptions are only permissible if approved by the employer (= supervisor) (see III.), which may in some cases be implied (see II.). Irrespective of the above, employee/s must in any case inform his/her supervisor of the benefits provided.

1. Definitions and explanations

Presents and other benefits could be e.g.: any monetary or material values; vouchers, free tickets; benefits for private transactions, the procurement of purchase options at preferential prices; the opportunity to use cars, machines etc. free of charge; invitations to entertainments, being invited to or accompanying on informational or representational trips or holidays or the payment thereof awards etc.

The required connection to the employee's activities exists if the person providing the present provides this in order to entice the employee to exercise particular activities or take particular action due to his/her specified tasks.

The present/benefit is also regarded as accepted if the benefit is immediately regifted or made available to charities.

The supervisor's approval must generally be obtained before acceptance. If this is not possible for actual reasons, it must be obtained as soon as possible.

The general duty to report is in the interest of the employer who wishes to find out who attempts to influence his employees in the context of their activities.

2. Implied approval

Approval is implied for

- Presents and other benefits up to a total value of EUR 25 (e.g. bottles of wine, quality calendars etc.). It is however important to remember that such items are still subject to the above-mentioned duty to report to the supervisor/s. The item, the estimated value of the item, the reason for the present and the person giving the present must be reported. So called minor presents (plastic ball-point pens, simple calendars and so on) are exempt from this duty to report.
- Entertainment by government institutions or recipients of monies primarily financed by the government (e.g. HGF research institutions).
- The participation in private entertainment to mark or as an occasion of official activities if they are customary and appropriate.
- Entertainment on the occasion of general events that the employee participates in as part of his/her official duties or due to his/her activities (e.g. receptions), if they are customary and appropriate.
- Minor services that facilitate that performance of the transactions (e.g. collecting from the station).

3. Criteria for approval

Supervisors may not approve benefits exceeding the value of EUR 25 if

- There is the risk that the performance of tasks will be affected if the benefits are accepted or if this might result in an impression of a lack of independence;

- The person providing the person is aiming at or could aim at influencing official activities;
- This might result in the impression of bribability or
- If the employee receives benefits often (e.g. not only for the usual holidays) or
- If the benefit is of a particularly high value.

If the supervisor/s does not approve the acceptance of the present/ benefits, these must be rejected or immediately sent back.

4. Legal consequences for breaches

Breaches of the prohibited acceptance of presents/ benefits constitute a breach of duties according to the employment contract, which might lead to employment sanctions.

Information leaflet for employees on the General Equal Treatment Act
(Allgemeines Gleichbehandlungsgesetz, AGG)

On August 18, 2006 the General Equal Treatment Act (AGG), which focuses on protection against discrimination in employment, entered into force in Germany. Its main principles are listed below and apply to the daily professional life of employees, as well as their conduct towards institute guests and external visitors. The Act transposes four European directives into German law and will have a major impact on local employment law.

The AGG prohibits direct or indirect unfavourable treatment on grounds of race or ethnic origin, gender, religion or philosophy of life, disabilities, age, or sexual orientation. This prohibition applies to the employer as well as to employees and third parties (prohibition of discrimination).

Discrimination and unfair treatment also include harassment in the form of unwanted behaviour, in particular by creating an environment characterised by intimidation, hostility, degradation, debasement or insults. The term sexual harassment covers any unwanted behaviour of a sexual nature, e.g. comments of a sexual nature or unwanted display of pornographic material.

The instruction to discriminate is also prohibited. The employer is obliged to provide and maintain a working environment which is free from discrimination (employer's obligations for preventing discrimination). The affected employee has the right to refuse to continue with his or her work if the employer takes no measures or obviously unsuitable measures to end the harassment.

The General Equal Treatment Act protects employees, trainees, freelancers of similar status to employees, internal and external applicants for vacancies, as well as former employees.

The prohibition of discrimination applies to the daily interactions of employees among each other but also to all areas of employment relations, such as selection procedures for job recruitment and the initiation of employment. However, not all differential treatment is prohibited. For example, differential treatment may be admissible if it can be objectively justified.

If provisions of the General Equal Treatment Act are violated, employees may be entitled to take legal action against their employer. Affected employees may demand cessation of any discriminatory behaviour and reinstatement of the conditions prevailing prior to any such behaviour, as well as compensation and damages.

The Max Planck Society considers the diversity of its employees as a particular strength of its organisation and values their daily interaction in the workplace. We are fully committed to the principles espoused by the General Equal Treatment Act. The Act calls for respect, appreciation, tolerance and fairness. By assisting and honouring these principles in your everyday working life, you will help to promote these values and increase our reputation as an employer.

The wording of the act, as well as § 61b Labour Court Act (Arbeitsgerichtsgesetz, ArbGG) can be accessed through the intranet at "Aktuelles aus der Personalabteilung" and will also be posted on notice boards of the institutes throughout the respective working areas. Employees who feel they are treated unequally on grounds of their race or ethnic origin, gender, religion or philosophy of life, disabilities or sexual orientation should bring the matter to the attention of the Department Internal Audit (complaints office, Beschwerdestelle, § 13 AGG). Under the AGG, no disadvantage may arise for any individual for making use of this procedure.

I have received a duplicate copy of this leaflet on

Name: 

(Signature of employee)