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**Max Planck Institute
for Social Law
and Social Policy**



MAX-PLANCK-INSTITUT FÜR SOZIALRECHT UND SOZIALPOLITIK
MAX PLANCK INSTITUTE FOR SOCIAL LAW AND SOCIAL POLICY

Report 2010–2011

**Max Planck Institute
for Social Law and Social Policy, Munich
(from 1 July 2011)**

**Max Planck Institute
for Foreign and International Social Law, Munich
(until 30 June 2011)**



Contents

Preface	7
I. Foreign and International Social Law	9
1. Introduction	10
1.1. Objectives and Design of Institute Research	10
1.2. Main Fields of Research	11
1.3. Promotion of Junior Researchers	15
2. Europeanisation and Internationalisation	17
2.1. The Implementation of "Freedom of Movement for Workers" in the German-Polish Relationship under Labour and Social Law Aspects	17
2.2. EU State Aid Law and Financing of Social Services at Municipal Level	21
2.3. International Standard Setting and Innovation in Social Security	23
3. Changes in Developed Countries	25
<i>Regulatory Instruments and Forms of Action</i>	
3.1. Individualised Health Care: Ethical, Economic and Legal Implications for the German Health Care System	25
3.2. Reimbursement of Off-Label Drugs from the Perspective of Social Law and Liability Law	26
3.3. Residents in Stationary Care and their Role as Customers – Social Service Provision and the Right to Self-Determination	28
<i>Organisational and Structural Reforms in Social Benefits Systems</i>	
3.4. Social Services and Assistance through the Local Community – Tasks and Functions of the Municipalities in the context of the Europeanisation of the Social State Principle	30
3.5. Crime Victim Compensation Law in Europe – A Comparison	31
3.6. Raising the Retirement Age: An International Comparison	33
3.7. Governance of Occupational Pension Schemes	34
3.8. Turkish Social Assistance Law: Basic Protection in Old Age and in the Event of Disability	36
<i>The Status of Family and Civil Society in Social Security</i>	
3.9. Time for Responsibility in the Life Course – Political and Legal Strategies	38
3.10. New Family Structures and Changing Gender Role Models as a Challenge to Social Law	40
3.11. The Situation of Single-Parent Families: A Comparison	44
3.12. Early Childhood Care and Education in Italy	45
4. Transformation in Threshold Countries	47
4.1. The Right to Health in Latin America	47
4.2. The Ibero-American Multilateral Agreement on Social Security	48
5. Multi-Focus Research	49
5.1. Emeritus Workplace Hans F. Zacher: The History and Crisis of the Social Market Economy	49
5.2. The Marketing of Naming Rights to Sports Facilities in National and International Law	53
5.3. Doping Control Systems and the Personal Freedom of Athletes	55

6. Promotion of Junior Researchers 58

Doctoral Group: "The Triangular Benefit Delivery Relationship in Social Law"

- 6.1. Further Education as Social Law 58
- 6.2. Occupational Rehabilitation of Persons with Disabilities in Germany and Switzerland 59
- 6.3. State Pricing for Reimbursable Pharmaceuticals and Legal Limits 60
- 6.4. Individual Cooperation for Young People – Service Provision Law in the Area of Child and Youth Services 61
- 6.5. Price Control Mechanisms in the Provision of Medical Devices 63

Doctoral Group: "Social Security and Long-Term Care Dependency"

- 6.6. Social Security and Long-Term Care Dependency 64
- 6.7. Coordination of Social Services for the Provision of Long-Term Care 65
- 6.8. Quality Assurance in Home Care 66

Individual Dissertation Projects

- 6.9. Social Security Contributions 67
- 6.10. Quality Assurance, Pricing and Rationing – Cost-Benefit Assessment of Health Technologies 68
- 6.11. State Responsibility for Inpatient Long-Term Care Services 69
- 6.12. The Right to Hear a Specific Physician (Section 109 SGG) in Social Court Practice 70
- 6.13. Social Security in the People's Republic of China 71
- 6.14. Greek Pension Insurance 72

II. Munich Center for the Economics of Aging (MEA) 75

1. Overview 76

- 1.1. MEA and its Origins 76
- 1.2. Scientific Background 76
- 1.3. Department Structure and Thematic Priorities 78
- 1.4. Scientific Advice on Policy Issues 81

2. Old-Age Provision and Social Policy 81

- 2.1. The German Pension System in an International Comparison 81
- 2.2. International Social Security Project: Incentive Effects on Early Retirement 81
- 2.3. Country Studies 82
- 2.4. Politico-Economic Analysis of Pension Reform Options 82
- 2.5. Maintaining Social, Economic and Political Stability in Times of Demographic Change 82
- 2.6. Raising of the Statutory Retirement Age to 67 83
- 2.7. Analysis and Assessment of Old-Age Pension Policy Measures 83
- 2.8. Analyzing Public Knowledge about the Riester Subsidy 86
- 2.9. Correct Actuarial Calculation of Pension Reductions 87
- 2.10. The Pension Simulation Program MEA-PENSIM 88
- 2.11. Implicit Taxation in the German Social Insurance System 89
- 2.12. Redistributive Flows in the German Social Insurance System 90
- 2.13. Contribution Determinants in German Statutory Health Insurance and Social Long-Term Care Insurance 90
- 2.14. Statutory Health Insurance Simulation Model (MEA-GKV-SIM) 91
- 2.15. Analysis and Assessment of Policy Measures in the German Health and Long Term Care Insurance Sectors 91
- 2.16. Poverty among the Elderly in Germany 91

2.17. Financial Literacy and Retirement Planning	93
2.18. Financial Literacy and Private Pension Provision	93
2.19. Instant Gratification and Self Control in an Experiment with Children and Teenagers	94
2.20. Who Lost the Most? Financial Literacy, Cognitive Abilities and the Financial Crisis	94
2.21. Riester Pensions and Life Expectancy	95
2.22. Do Smarter Consumers Get Better Advice? An Analytical Framework and Evidence from German Private Pension Schemes	95
2.23. How Financially Literate are Women? Perspectives on the Gender Gap	95
2.24. Personal Preferences and Retirement Behavior	96
2.25. Individualized Supply of Retirement Planning Information in Sweden	96
3. Health Economics	97
3.1. Health and Retirement Behavior	97
3.2. Pensions for Reduced Earning Capacity and Health Status	97
3.3. The Influence of Group Structures on the Sickness Absence Rate	97
3.4. Aging, Cognitive Abilities and Retirement	98
3.5. Education and Cognitive Abilities	98
3.6. The Long-Lasting Effects of Parental Socio-Economic Background	99
3.7. Older People's Statements on their Childhood Circumstances	99
3.8. Practice Fee and Consultation Behavior	100
3.9. Extensions to the Hurdle Model	100
3.10. Long-Range Effects of Workload and Maternity on Health in Old Age	100
3.11. Education and Health	101
3.12. Health Inequality in Childhood	101
3.13. Social Determinants of Mental Illnesses	101
3.14. Health Shocks and Joint Retirement Decisions	102
3.15. Education-Related Inequalities in Dental Service Utilization by Europeans Aged 50+	102
4. Macroeconomic Implications of an Aging Society	103
4.1. Demographic Change, Human Capital, Pension Reforms and Welfare	103
4.2. Subjective Retirement Expectations in SAVE	103
4.3. The Income and Asset Situation of German Baby Boomers	103
4.4. Saving and Old-Age Provision in Germany (SAVE)	104
4.5. Decision Areas and Risk Preferences	105
4.6. Risk Preferences and Savings Behavior of German Baby Boomers: A SAVE Data Analysis	105
4.7. Age and Labor Productivity in Truck Assembly	105
4.8. Are Mixed-Age Teams Better?	106
4.9. Age and Labor Productivity in the Insurance Industry	106
5. Survey of Health, Ageing and Retirement in Europe (SHARE)	106
5.1. SHARE Survey Management	107
5.2. Multinational Advancement of Research Infrastructures on Aging	108
5.3. CHANCES – Consortium on Health and Ageing Network of Cohorts in Europe and the United States	110
5.4. New Perspectives of Research on Aging: Linking SHARE with Administrative Data and Biomarkers	111
5.5. Intergenerational Relationships in Europe	113
5.6. Life Courses in Europe: Early Life Events and Later Life Outcomes	113
5.7. SHARE Research Data Center	114
5.8. Measuring and Explaining Interviewer Effects	114
5.9. Methodological Perspectives on Linking Survey Data and Administrative Data	114

5.10. The Effects of Unilateral Divorce Laws in Europe	114
5.11. Ethnic Discrimination in the German Housing Market	115
5.12. Attrition of Alteri Respondents in a Multi-Actor Survey	116
5.13. Respondent Incentives, Interviewer Training and Respondent Behavior	116
5.14. Interviewer Effects on Attrition in the Fourth Wave of the German SHARE Study	116
5.15. Compatibility of Caregiving and Career – An Analytical Life Course Perspective	116
5.16. Social Determinants of Depression in Later Life	117
5.17. Marriage Stability	117
5.18. Ethnic Inequality Based on Discrimination	118
5.19. Ethnic Differences in Access to Vocational Training: Discrimination?	119
5.20. International Cooperation: The "SHARE Family"	121

III. Max Planck Fellow Group: Inclusion and Disability **125**

1. Introduction **126**

2. Projects **129**

2.1. Persons with Disabilities and a Migrant Background	129
2.2. The German Basic Law in Light of the UN Disability Rights Convention	130
2.3. Social Security and Persons with Disabilities in "Developing Countries"	131
2.4. Seeking Competence: Concepts and Standards for Good Employees in the Focus of Social Service Provision	132
2.5. Counselling for Families of Children with Disabilities	134
2.6. Consolidation, Flexibilisation or Erosion of Standard Biographies? The Contribution of Diversity Management to Social Inclusion	135
2.7. Diffusion and Inclusion: The Implementation of the UN Convention on the Rights of Persons with Disabilities in East Africa	136

IV. Events Organised by the Institute **139**

1. A Social Event! Ceremony on the Occasion of the Establishment of the Second Department **140**

2. Symposia, Conferences and Workshops **143**

2.1. Foreign and International Social Law	143
2.2. Munich Center for the Economics of Aging (MEA)	146
2.3. Max Planck Fellow Group	147

3. Guest Lectures **150**

4. Visitors and Delegations **151**

V. Publications **153**

1. Publications of the Institute **154**

2. Publications by the Institute Staff **155**

2.1. Foreign and International Social Law	155
2.2. Munich Center for the Economics of Aging (MEA)	163
2.3. Max Planck Fellow Group	164

VI. Papers and Lectures	165
1. Papers	166
1.1. Foreign and International Social Law	166
1.2. Munich Center for the Economics of Aging (MEA)	173
1.3. Max Planck Fellow Group	176
2. Lectures and Courses	181
2.1. Foreign and International Social Law	181
2.2. Munich Center for the Economics of Aging (MEA)	182
2.3. Max Planck Fellow Group	182
VII. Grantees and Guests	185
1. Grantees	186
2. Guests	186
VIII. The Institute	189
1. Personalia	190
2. Scientific Advisory Board and Board of Trustees	194
3. Institute Library	195
4. Information and Communication Technology	198
5. Honours	198
6. Work of Institute Members in External Bodies	199
7. Expertises	203
8. Alumni Meeting 2010	204
Imprint	207

Preface

The year 2011 has brought about significant changes for the Institute. At the beginning of the year, *Prof. Axel Börsch-Supan*, Ph.D., took office at the Institute as scientific member of the Max Planck Society. Thus, the Institute, founded in Munich in 1976 in the form of a project group for international and comparative social law under the leadership of *Prof. Dr. Dr. h.c. mult. Hans F. Zacher*, and transformed in 1980 into the Max Planck Institute for Foreign and International Social Law, is now for the first time run by two directors.

Due to the appointment of the second director, the Institute has substantially expanded its area of work: One department, headed by *Ulrich Becker*, will continue its research on foreign and international social law, while the second department, the "Munich Center for the Economics of Aging" (MEA) will dedicate its research to social policy under the leadership of *Axel Börsch-Supan*. As of 1 July 2011, the Institute was consequently renamed Max Planck Institute for Social Law and Social Policy.

As early as March 2010, a new research group started its work at the Institute under the leadership of Max Planck Fellow *Prof. Dr. Elisabeth Wacker*. This group examines the structures, measures and impacts of prevention, rehabilitation and health development from a national and international perspective.

The layout of the present Report 2010 – 2011 is in line with the new organisational structure of the Institute. The first two chapters shall outline the respective research tasks of the two departments. The endeavour is to give a brief, but comprehensive, account of the Institute's tasks, beginning with the Department of Social Law (I.), then describing the tasks of the Department of Social Policy (II.), bearing in mind that the latter only started its work at the Institute in July 2011. This shall

be followed by the report of the Max Planck Fellow Research Group on "Inclusion and Disability" (III.). It becomes clear from the various individual parts that the Institute places strong focus on the promotion of junior researchers, as well as on cooperation with universities in both Munich and many other parts of the world.

The expansion of the Institute naturally involved extensive rebuilding and enlargement measures. A special word of thanks is due to all administration and IT staff for their exceptional dedication and support during this period. Changes at the Institute during the reporting period, yet unrelated to the expansion process itself, also occurred in the staff. A complete overview is given in VIII.1.

The Institute continues to enable scholars to conduct social law and social policy research in a first-rate environment whose resources are unrivalled inside and outside Germany. All Institute publications are listed in V. Excellent work facilities as well as the expertise of its staff have made the Institute an internationally recognised centre for social law and social policy studies that continues to attract researchers from all over the world (cf. VII.). This is ultimately also due to its library, which comprises more than 110,000 volumes and thus offers a unique basis for comparative research in social law and social policy (cf. VIII.3.). The promotion of visiting scholars and the organisation of guest lectures, workshops and conferences, as well as the reception of visiting guests (cf. IV) foster both international and interdisciplinary exchange.



Prof. Axel Börsch-Supan, Ph.D. and Prof. Dr. Ulrich Becker, LL.M. (EHI).

Besides conducting its own research projects and promoting junior researchers, the Institute also strives to communicate its findings on German, European and international social law at home and abroad by participating in diverse conferences, workshops and lecture events (cf. VI.). This very often also involves exchanges with experts from practice working at ministries, associations and social benefits institutions, as well as with politicians. In this way, the Institute seeks to not only perform advisory tasks, but to also enable its staff to take practice-related issues as an opportunity for further in-depth study or for the reconsideration of hypotheses.

In presenting this report, we hope to be able to not only supply an account of the Institute's activities, but also to give our readers an insight into the various developments of social law and social policy, and to promote interest in research related to these fields. It would be a valuable enrichment to all our staff if this could also foster new contacts and thus create new impulses for research at the Institute. On that note, I would again like to express my personal gratitude to all staff members for their work and commitment.

Munich, December 2011

Ulrich Becker

*I. Foreign and
International Social Law*



1. Introduction

Ulrich Becker

1.1. Objectives and Design of Institute Research

Contents and Methodology



Prof. Dr. Ulrich Becker, LL.M.
(EHI)

(1) Social law, the core area of research of the Institute's Social Law Department, is the law of social benefits. Social benefits are those benefits which are provided by the government, or for which at least some sort of public responsibility is assumed, and which pursue a particular social objective. The social objective of these benefits is to help, support and protect individuals, adjust imbalances, or compensate for social disadvantages. Their granting is based on the adoption of some sort of state responsibility. The functionality of social law is also a determining factor as regards its transformation.

(2) This transformation process is examined in Institute research primarily by means of comparative law projects. In times of reforms pertaining to social law great interest is still expressed with regard to information on alternative *solutions to socio-political problems*. Due to their level of detail and accuracy, comparative legal studies are particularly capable of providing precise and complete information on the institutional conditions and particularities of a specific social policy. In this regard, different configurations are to be selected depending on the respective overall aim:

- If they are to illustrate the *effects* of the law, they can by way of *single case studies* examine particular forms of intervention on the part of the welfare state or focus on particular steering instruments. In such cases, the conditions for the effectivity of the law should be included and information should be given on either the various approaches to a solution via law or the various fields of application of law.
- The interface between the socio-political and the legal responsibility hosts studies which give information on the interplay of different social benefits systems in the context of coping with particular social needs. They are to be set up as broadly as

possible in the form of *overall studies* or needs-based macro-comparisons, or must at least again include legal systems with varying basic normative concepts, since they are to convey fundamental information regarding an entire area of social benefits law. In terms of social policy they are revealing in that they reflect the *complexity* of intervention on the part of the welfare state.

- Comparative social law may also be used specifically for obtaining *legal knowledge*. Within this meaning, comparative legal research may be directed at working out common principles and application rules, at facilitating the systematisation of national social law, and at recognising foreign doctrinal particularities.

Country-Based Research Approach

The research staff of the Department of Social Law observe and analyse developments in social law and social policy in a number of European and non-European countries. Research is country-based and includes further assignments for specific subjects and for the observation of international organisations. This division of tasks was and is basically upheld, because social law is and will continue to be shaped primarily by national factors. Country-specific societal, economic and cultural backgrounds are therefore essential to the understanding of law, and it is in this sense that the expertise acquired by all staff of the Institute in the course of their long-standing activities can be brought to fruition. A chief policy in engaging new research staff has been to seek experts on national social law regimes which are of particular significance to development and reform processes. Worth noting in this context is that country-specific investigations by no means become obsolete through processes of Europeanisation and internationalisation. This is because social law is characterised to a much lesser extent than other fields of law by unitarisation tendencies. It goes without saying that the Institute-based knowledge of foreign law is increased by including scholars from abroad in individual projects or by conducting projects with foreign cooperation partners (see also VIII.7.).

Personalia

During the period under review, two long-standing members of the research staff left the Institute: Dr. Peter A. Köhler, courtesy of whom the social law of the Scandinavian states, as well as the history of social law, was comprehensively examined, and Dr. Bernd Schulte, to whom credit is due for his scientific dedication to the Europeanisation of social law, which started in the mid 1970s. This last-mentioned staff change also throws a light on the profound transformation that European Union law has been undergoing. While it used to be a field of law that few specialists were engaged in, it exerts its influence on all areas of social law today. The Institute's younger generation of jurists have in the course of their education gained profound knowledge of European law, allowing them to include this law as part of a multi-level legal system in their research.

The studies on Scandinavia will be continued by Dr. Sebastian Weber, who commenced his research activity as a member of the Institute on 1 December 2010. Also new among the research staff is Dr. Tineke Dijkhoff, who has been with the Institute since 1 April 2011 and who is investigating into the social law of the Netherlands and international social standards. Further departures from the research staff were: Dr. Yasemin Körtek, who since 1 April 2011 has been employed as a professor of law (with focus on social law) at Mannheim University of Applied Labour Studies of the Federal Employment Agency; and Dr. Edda Blenk-Knocke, who has successfully completed her contribution to the Institute's research project regarding time for responsibility over the life course ["Zeit für Verantwortung im Lebensverlauf"].

Publications

The findings of scholars employed by the Institute are not only published in German and foreign research journals; the Institute also offers its own channels for social law publications. For instance, it publishes the *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht* (ZIAS), its own journal for foreign and international labour and social law. In addition, the Institute puts out two serials entitled *Studien aus dem Max-Planck-Institut für Sozialrecht und So-*

zialpolitik (formerly: *Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht*) and *Schriftenreihe für internationales und vergleichendes Sozialrecht*. Six new issues of the *Studien* were published in the period under review. A series of working papers (*MPISoc Working Papers*) deals mainly with narrower, highly topical subjects or addresses specific circles. This low-budget publication is mainly, but not exclusively, distributed via the Internet. Worth mentioning also is the series *Schriften zum deutschen und europäischen Sozialrecht* (Nomos Verlag, Baden-Baden), which was initiated by the director. As of 2012 it will be issued under the title *Schriften zum Sozialrecht* (SzS) by a large group of (initially) German teachers of social law. Two new volumes were released in this series in 2011.

1.2. Main Fields of Research

Dynamics of Social Law: The Fundamental Processes of Change

As emphasised at the beginning, social law is a changing law. This is true not least because social law has to adapt to the societal conditions which it seeks to influence. Yet, the transformations in the past years have been radical and have resulted in structural changes that also make clear that the underlying values are at least being subjected to shifts of emphasis (1). The changing processes as such can be categorised according to the affected operating level and level of development (2).

(1) Well over are the times when the welfare state, and thus also the social benefits systems, were geared at expansion. Change has been necessitated by the developments on the job market observed for some years now, as well as by societal changes brought about for their part especially by globalisation and an ageing and shrinking population. The efforts made to effect savings in social policy have therefore been noticeable for quite a while. In Germany, cost containment acts have since the 1980s ranked among the favoured legislative measures in statutory health insurance law. By way of the Pension Reform Act of 1992 a consolidation course was adopted also in pension insurance. Apart from a modification to the pension adjustment, this involved the reinforcement of the



so-called participation equivalence, i.e. of the correlation between contributions and pension payments. It is a trend which also features in the statutory old age provision systems of most other European countries, as does the extension of the combination of unfunded and funded pension schemes.

On the one hand, it is the endeavour for more efficiency that is behind the indicated reforms of social benefits systems. It is not for nothing that both in health care and in employment promotion attempts at quality assurance are becoming increasingly significant. This factors in the improvement of benefits and services, but also generally in the efforts to account for the efficiency principle in a more pronounced way. On the other hand it is striking that the aforementioned concept of self-responsibility is experiencing a renaissance. However, the changes are by far more differentiated than what some statements have us believe. Looking at the overall range of social state intervention, it is hardly appropriate to speak of a general decrease in state responsibility as regards social protection. The activation strategy adopted in employment policy is, rather, highly ambitious and characterised by the endeavour to integrate all employable persons into the labour market.

In family policy, too, the state is now trying to exert a stronger influence on societal processes. This is based on the expectation that the protecting and supporting state may, in return for its services, expect a certain degree of personal efforts taken on the part of its citizens, as well as some input in order to increase the benefits to society. The emphasis on self-responsibility in the welfare state cannot do without a considerable degree of paternalism. At the same time it is unclear how much space the society of citizens is supposed to be allowed without this compromising the reliability of necessary social corrections, and how much competition and how many alternatives social benefits systems can take in order to continue to fulfil their functions.

That these systems, even if they enforce solidarity, contribute to societal stability has in Germany been proven by the history of statutory pension insurance: the latter contributed significantly to the integration of large population groups both after World War II and after the Reunification. And it is particularly through social benefits that the effects

of the current financial crisis on the labour markets have been cushioned.

(2) If one analyses the observable changes whilst taking into account the relevant regulation levels as well as the respectively reached stages of development, three separate processes can be discerned. They run parallel to each other and, as has been detailed in previous reports, are interrelated in many ways. These processes are:

- the Europeanisation and internationalisation of social law. These phenomena are characterised by the increasing significance of supranational regulation levels and the interconnections that arise from the provisions stipulated at these levels and from national law (cf. I.2.);
- the adjustment or, respectively, modernisation of social security systems in developed countries, characterised by a modification of the tasks to be completed on the part of the state and by the utilisation of new forms of steering and of action (cf. I.3.);
- the transformation of social benefits systems in developing countries or emerging nations. In these countries the societal change, which is connected to rapid economic growth, leads to the necessity of setting up new and more comprehensive social benefits systems that are to contribute to the support and completion of the traditional forms of security (cf. below, I.4.).

The differentiation of the mentioned processes shows particularities which are important for the analysis and understanding of these processes. As for their examination, fundamental questions play an important role in many respects. Social law may serve as an area of reference for enquiries into overlapping concerns of legal policy and legal doctrine, for instance as regards the effects of privatisation or the role of competition in social benefits schemes. At the same time, comparative law is increasingly gaining in significance. In times of intensified information exchange, a frequently posed question is whether and which national regulatory patterns can be transferred to other countries' social benefits schemes – either because re-

form needs are similarly embedded in different states in that, say, demographic developments threaten the fundamentals of pay-as-you-go risk coverage schemes; or because increasing economic interpenetration and migration calls for a greater convergence of social benefits schemes, as meanwhile promoted within the European Union by means of an institutionalised process of comparison; or because in the course of societal developments and transformations traditional security options are to be replaced with new forms of security. In any event, knowledge of the respective national legal systems is required in the mentioned cases. The regulation techniques used therein as well as the ideas of order underlying these systems are to be included in the legal comparison just as much as their distinctive modes of action, and their societal and cultural requirements.

In this way, general structures and principles such as the shaping of democracy, the rule of law or the protection of individual freedoms are gaining in importance, but especially so are the institutional arrangements on which the actions of those affected and of the administration are based. That the development of social benefits systems takes on an increasingly important role, and not only in financial terms, but particularly in regard to the realities of people's lives and to the stabilisation of society, can be readily gathered from the current reform debates.

Europeanisation of Social Law

In the political multi-level governance system of the European Union the distribution of competences is an expression of the normative attribution of responsibility. In accordance with the concept of the treaties, social protection is to remain within the area of national responsibility. The social state is not only a national accomplishment, but shall also continue to be seen as a national issue. In that regard, and with particular reference to the implementation of the Lisbon Treaty, nothing has changed.



Court of Justice of the European Union, Luxembourg.

However, this does not rule out the possibility that this role might *de facto* be jeopardised. After all, the economic liberties and economic-political principles contained in the EC Treaty do not merely refer to particular areas of life, but are generally applicable. Accordingly, they may also relate to social benefits law. Indeed, the contingencies between commercial law and social law have greatly increased since the mid-nineties. For the welfare state two phenomena are of significance in this regard: the extension of social rights on the one hand, and the opening up of socially isolated markets on the other hand.

Exceptions in favour of social law are no longer only made by the judicature with regard to primary law, but can also increasingly be found in EC secondary law. They have thus lost their sole connection to negative integration and reached positive integration. Therefore, they are transported from the application level to the level of law-making, thus acquiring an abstract and general meaning. The most important examples of this can be found in the Posted Workers Directive and in the Services Directive, as well as in European public procurement law, which is currently under reform.

European Union law has thereby experienced a gradual enrichment in regard to social law particularly also in the field of commercial law, which is its basic domain. Yet, is this development of a general kind? And is it stable and not merely owed to rather short-term fluctuations in European policy? This is indicated by the increasing normative foundation of social issues at European level. The



European Union is no longer only dependent on legal guiding principles stemming from the member states. Its legal regulations increasingly reflect social objectives in their own right that are gaining in importance. The procedure of normative enrichment and superimposition is by no means new. In this regard, I should like to mention the contractual agreement on equal pay for men and women. This regulation originally served to establish equal competition. Since the 1970s the regulation has, through several guidelines, partly been defined more precisely, and partly been extended, with the result that the topic of gender equality has mutated into an independent goal of European policy. This goal has meanwhile in turn been reinforced in the context of primary law and has become part of a stable European anti-discrimination policy. Still, the establishment of European normative fundamentals is gaining breadth and depth. It should be noted in this context that the concept of "social market economy" was for the first time expressly mentioned in the Lisbon Treaty. And the European Charter of Fundamental Rights, which has become legally binding with the Lisbon Treaty entering into force, documents the status of fundamental rights protection attained in Europe and shows that social rights have become an integral part of the former.

The European Union has, at the same time, strengthened its own socio-political role. It has continued its convergence strategy initiated in the 1980s by way of a strategy that has been operating under the name of Open Method of Coordination (OMC) and which has received its own contractual basis within the framework of employment policy.

Are these developments entirely positive? There is a whole range of potential points of criticism that can hardly be overlooked: They first and foremost refer to the still recognisable orientation towards basic economic decisions. Furthermore, European social policy is, like the overall integration process, highly pragmatic. What is still largely missing is an independent normative discourse at European level. One will look in vain for instructions based on constitutional theories on how to effect a just organisation of the relationship between society and the individual – even if, looking at the developments in the national social states, one needs not neces-



sarily be convinced of their shaping power. Whatever the case, tendencies show that the concept of the social state in Europe is characterised by interaction between the various political levels. It involves a process of mutual learning so as for the social state to cope with the challenges it is faced with due to demographic developments and due to internationalisation. In this regard, the European integration process may put a unified Europe in a position to cope better with the consequences of globalisation. The current debt crisis has prompted many countries to effect social benefit cuts by means of strict budget consolidation measures – and is showing us quite plainly the dilemma of how social and economic affairs are precariously interdependent. Yet, the prevailing conviction that the economy also cannot strive without investing in social matters, that social protection must become a common feature in the internal market, has become a new basis of European values with an even greater mandate for efficiency.

Modernisation of Social Benefits Systems

The current period of change that the social state is experiencing manifests itself as the third phase of an overall development: Following the seminal achievements of social insurance legislation adopted in the 1880s during the *Bismarck* era, and the extension of the welfare state particularly between the 1950s and the 1970s, the task is now to adjust to the change in the labour markets brought about by growing internationalisation, as well as to the societal transforma-

tions influenced by demographic change. Both quite obviously result in a greater division of labour between the state and society and thus also in structural reforms of the social benefits systems.

Three aspects can be emphasised with regard to the assessment and analysis of modernisation processes through the research of the Institute's Department of Social Law:

the importance of new and transformation of known *steering instruments and forms of action*; this particularly used to include activation, with focus on contractual agreements between the authorities and the citizen, as well as competition, which in the health care system takes place on different markets and to a great extent also between the various insurers. In the reporting period, cost-benefit assessment and the personalisation of health care services played a particular role, just as much as did the changing conception of care home contracts in this regard;

Organisational and structural reforms of social benefit systems, meaning the creation of new benefit systems or adjustments to the organisation and structure of existing benefit systems; Institute research has also been dealing with: pension reforms, which may be examined under this aspect with regard to various objectives; the role of crime victim compensation schemes, which are increasingly linked to criminal prosecution; and the municipalisation of social law;

As regards the role of *family and civil society in social security*, Institute research also continued to focus on the change in family structures. It was furthermore examined how in light of societal and demographic changes non-professional care provision could be guaranteed in the future.

1.3. Promotion of Junior Researchers

The promotion of junior researchers is assigned a special rank among the activities of the Institute. This applies both to university teaching and to the mentoring of doctoral candidates, who are furnished with excellent working conditions at the Institute.

Mentoring of Doctoral Candidates

In 2010 and 2011 the Department of Social Law hosted two doctoral groups (cf. I.6.). A doctoral group is a group of four or five doctoral candidates who are engaged in specific dissertation projects within the overall frame of a more or less broad principal topic. The aim of such cooperation in the context of a doctoral group is to create an intensive exchange of views on common methodological foundations as well as on issues relating to academic work procedures and individual thematic problems. In this way, these groups are designed like small, informally organised *graduate schools*.

The work of a new doctoral group is launched in a brief retreat of one or two days. Regular meetings at the Institute are organised in order for the group members to keep updated on their progress. They first and foremost deal with fundamental questions, particularly with regard to the methodology of comparison, the peculiarities of social law, and the significance of social policy for the development of social law. These activities are rounded off by conferences, organised by the group members themselves or by other institutions, with doctoral students from other universities for the purpose of discussing their theses within a larger circle of junior researchers, thus also becoming familiar with other work styles.

The doctoral group on "The Triangular Benefit Delivery Relationship in Social Law" has in the course of 2011 worked out an essay of well over 100 pages on the structures and principles of benefit delivery in social law ["*Strukturen und Prinzipien der Leistungserbringung im Sozialrecht*"]. The essay summarises the general experiences gained in connection with German social law within the framework of the individual dissertation projects, to be published in three parts in *Vierteljahresschrift für Sozialrecht*, the quarterly journal for social law (Nos. 5/2011, 1 and 2/2012). Research in this doctoral group has thus proven exceptionally productive. The jointly elaborated result, one that was never expected to be so successful, is a flagship for the general concept of such doctoral groups and representative of the fruitful research atmosphere at the Institute. The individual dissertations are expected to be completed in 2012.





Doctoral seminar: Ilona Vilaclara, Kyung A Choi, Dongmei Liu, Markus Schön, Nikola Wilman, Michael Schlegelmilch, Iris Meeßen and Magdalena Neueder (left to right).

Another doctoral group, which started its research in July 2010, has been dealing with social benefits and long-term care [*"Sozialleistungen bei Pflegebedürftigkeit"*], focusing on the fundamental issues regarding benefits, but also benefit provision, particularly in outpatient/home care. The individual studies also support and supplement the overall project of the Institute, which is to examine by way of macro-comparison European benefit systems in the event of long-term care dependency. The new research members of this doctoral group are *Vera Hansen*, *Carlos Schneider* and *Marko Urban*.

Dafni Diliagka, scholarship holder from the MaxNetAging Research School (coordination: Max Planck Institute for Demographic Research, Rostock) has joined our Institute to work on her dissertation on Greek old age insurance (since 1 November 2010).

We are particularly pleased to announce the successful completion of two dissertation projects during the reporting period. The dissertation written by *Nikola Friedrich* on mediation in social jurisdiction was endowed with the dissertation award of the Munich Juridical Society [*Münchener Juristische Gesellschaft*] in summer 2011 and will be conferred the Mediations-Wissenschafts-Preis of the Centre for Mediation [*Centrale für Mediation*] in March 2012; the other dissertation, written by *Martin Landauer* on the topic of state responsibility in the context of

inpatient long-term care benefits, will be conferred the 2012 dissertation award of the Society for the Promotion of Social Law Research (Cologne) [*Gesellschaft zur Förderung der sozialrechtlichen Forschung e.V. (Köln)*].

Lectures and Courses

In the period under review, the director of the Department of Social Law continued his teaching activities at the Faculty of Law at Ludwig Maximilian University, Munich; these activities were characterised mainly by his contribution to the scientific delivery of information on the focal areas of labour and social law, as well as by his role in the university part of the First State Exam in Law. The final lecture examinations were replaced with a more comprehensive examination in the elective proficiency courses; in this context it has been found important to also assign social law an appropriate place in these proficiency examinations. The director was, furthermore, one of the examiners for the oral examinations of the First State Exam in Law as part of the First Examination in Law.

Members of the Institute staff were also engaged as lecturers abroad (cf. VI.2.): within the frame of regular courses at the universities of Leuven (*Becker*), Rennes and Poitiers (*Kaufmann*), as well as within the frame of individual guest lectures at different universities (*Becker, Wacker*).

2. Europeanisation and Internationalisation

2.1. The Implementation of 'Freedom of Movement for Workers' in the German-Polish Relationship under Labour and Social Law Aspects

Annemarie Aumann

Katharina Mayer

To mark the full opening of the German labour market for Polish citizens of the European Union, with effect from 1 May 2011, the Institute hosted an interdisciplinary German-Polish conference on 24 and 25 November 2011 in collaboration with the Faculty of Law of the University of Wrocław. Speakers from both countries presented papers there. Under the title "Die Realisierung der Arbeitnehmerfreizügigkeit im Verhältnis zwischen Deutschland und Polen aus arbeits- und sozialrechtlicher Sicht" [see heading above], a total of 19 renowned speakers from academe and practice sought to illuminate to what extent hopes and fears on both sides are justified.

The success of the conference was due also to the committed support of the Munich-based Consulate General of the Republic of Poland, the Foundation for German-Polish Cooperation, and the Bavarian State Chancellery.

While the first part of the conference dealt with the historical background and European legislative bases of worker migration between the two states, the second set of items on the agenda sought to elaborate the economic significance of free movement from German and Polish as well as European perspectives. That was followed by debate on labour law issues. The next day was devoted entirely to the social law dimension of the theme.

The managing director of the Max Planck Institute for Social Law and Social Policy, *Ulrich Becker*, opened the conference and welcomed the 60 or so participants – members of the academic community, the judiciary and social benefit administration as well as staff of various federal and state ministries.

Elżbieta Sobótka, consul general of the Republic of Poland, gave her words of welcome a very personal touch. A labour law expert herself, she had conducted research in Bonn

with several of the participants over 20 years previously. She thus believed that the four market freedoms rested on the fundament of a fifth basic freedom, the "free movement of thoughts", which even then had already shaped the relations between German and Polish scholars. The former directors of the Institute, *Hans F. Zacher* and *Bernd Baron von Maydell*, likewise emphasised the high value of neighbourly cooperation and expressed the hope that the conference would contribute further to that end.

Historical Background and Legislative Bases

In his paper, *Herbert Szurgacz* (University of Wrocław, holder of the Chair for Labour Law) illustrated the changeful history of Polish migrant workers in Germany. He made it clear that current fears of a glut in the German labour market and the attendant consequences were not merely a contemporary phenomenon, but had already impinged on the situation of Polish workers in Germany during the previous two centuries. He not only evoked the National Socialist regime that had propagated the image of "the Polish as eternal seasonal and farm labourers", subjecting them to draconic "special laws", but also called to mind the repressions Polish workers had endured prior to and during the First World War.

With that background in mind, *Ulrich Becker*, in his subsequent depiction of the relevant European legislation, paid tribute to the free movement of workers as the "human side of the single market" that allows individuals to experience the meaning of a unified Europe. *Dagmara Skupień* (University of Łódź, Chair for European and Collective Labour Law) introduced the institutions "EURES" and "SOLVIT Network" as EU instruments designed to develop a European employment market. She thereby raised the problem of their lacking familiarity, as manifested in their hesitant use by EU citizens willing to migrate. The mutual recognition of occupational qualifications moreover still posed immense difficulties, she said. That assertion was confirmed in the ensuing discussion by many participants on the grounds of their everyday experiences.



Annemarie Aumann



Katharina Mayer



Basic Economic Parameters

Timo Baas (German Federal Employment Agency, Institute for Employment Research, Working Group on Migration and Integration) rendered a very vivid description of the economic importance of free movement from the German point of view. To begin with, he pointed out that the actual migration figures fell far short of most initial projections, which in themselves had diverged markedly, and that the effects on the German labour market thus tended to be marginal. Rising employment figures were attributable mainly to the legalisation of already existing employer-employee relationships. Since that not only resulted in more security for the workers concerned, but proved advantageous to social insurance funds through the increase in the number of contributors, he recommended that the labour market also be opened for Bulgaria and Romania as soon as possible.

Maciej Żukowski (vice rector of Poznan University of Economics) held that Germany, because of its hesitant stance, had already forfeited to the United Kingdom its status as the most attractive immigration country for Poles, and had thus diminished its prospects for the recruitment of urgently needed young professionals. Yet he averred that Poland, too, was faced with grave consequences. Its economy suffered from the loss of human capital and concomitant brain drain, notably

in the medical field. A further adverse effect was the pronounced ageing of society. On an individual-based level, an increase in failed marriages had been recorded. In the context of free movement the new term "Euro orphans" had been coined for children whose parents worked abroad. He therefore drew up a rather sober interim balance: "All those who were afraid that 'the Poles [would] come' need fear no longer; but all those who hoped that the 'Poles [would] come' must hope no longer."

Subsequently, *Werner Tegtmeier* (retired state secretary in the German Federal Ministry of Labour and Social Affairs) argued the case for an integrated employment and labour market policy in light of declining population growth and rising average age in both countries, demanding in particular that education policy respond accordingly. In the ensuing discussion, *Wolfgang Heller* (German Federal Ministry of Labour and Social Affairs) defended Germany's policy, pointing out that its labour market had already been open to Polish academics and highly qualified manpower prior to 1 May 2011.

Labour Law Issues

Martin Franzen (Ludwig Maximilian University (LMU) Munich, holder of the Chair for German, European and International Labour Law and Civil Law), in his depiction of the application and enforcement of national labour requirements, concentrated on the problems involved in the posting of workers. It was inexplicable, he said, that the easy-to-handle free movement of workers had been restricted for so long, while the more easy-to-abuse free movement of services had been permitted unlimitedly from the start. Within the latter framework, the posting of workers to Germany had already been possible before 1 May 2011. These workers were nevertheless the only legal persons in the Union unable to invoke a fundamental freedom; their stay was a "mere annex" to the entrepreneurial freedom to render services.

Ludwik Florek (University of Warsaw, holder of the Chair for Labour Law and Social Policy) expounded that, contrary to the treatment of Polish workers in Germany, German workers in Poland had already profited prior to the codification of the European Funda-



Elżbieta Sobótka (Consulate General of the Republic of Poland, Munich).

mental Freedoms from the principle of equal treatment for all workers enshrined in Polish law. He affirmed that worker protection was indeed more advanced in Germany than in Poland in a number of areas, creating an additional incentive to seek work in Germany. Nevertheless, a minimum wage existed across all sectors in Poland – a measure one had not managed to introduce in Germany to date. Maternity protection was likewise more extensive in Poland.

Social Law Issues

The second day of the conference commenced with an introduction to the system of European coordination of social legislation by *Richard Giesen* (Centre for Labour Relations and Labour Law (ZAAR); holder of the Chair for Social Law, Labour Law and Civil Law at LMU Munich). He explained that the Open Method of Coordination comprised conflict rules and equivalence rules as well as rules permitting the export of social benefits. In contrast to labour law, an approximation of substantive law thus did not occur. Despite administrative difficulties, the European legislator had been successful in harmonising member states' social security legislation in such a way as not to impair the free movement of workers to any great extent.

In the following paper, *Krzysztof Ślęzak* (Poznan University, Chair for Labour and Social Law) elucidated the complex and wide-ranging matter of coordinating old-age and survivors' pensions in Poland. He cited the particular difficulties in the calculation of applicable contribution periods, given that in Poland not the duration of payments but only their amount was considered.

In the subsequent debate, *Richard Giesen* reaffirmed that in view of disparate living conditions in the individual member states, a substantive approximation of legislation at European level was neither desired nor required.

Daniel Lach (Poznan University, Chair for Labour and Social Law) gave a trenchant talk on the cross-border provision of healthcare benefits. He thereby focused on the new Directive on the application of patients' rights (2011/24/EU), which aims to facilitate patient access to health benefits abroad. What on initial reading looked very promising, he



Prof. Dr. Herbert Szurgacz.

said, was in fact highly restricted by exemptions and subsidiarity rules. And as the directive, according to its preamble, expressly did not seek to encourage border crossing, it de facto changed nothing in the prevailing legal situation. As in the past, the actual free movement of patients would no doubt remain regionally confined to frontier areas.

Ulrich Becker conversely pointed out that the patients' rights directive, in codifying European case law, contributed to legal certainty and had definitely led to improvements in such other fields as the disclosure of information to patients. In response to the question of what transposition requirements he saw in Poland, *Daniel Lach* replied that Polish healthcare benefits were likely to be in big demand by other EU citizens as they were less expensive than in other member states. That threatened to necessitate cuts in the catalogue of benefits awarded by Polish social insurance institutions, considering that their financial circumstances were already tight.

As a special Polish feature, *Marcin Zieleniecki* (University of Gdansk, Chair for Labour and Social Law) presented the Institute of Bridging Pensions in his paper, explaining that it allowed workers who had been employed under conditions of exceptional hardship to apply for early retirement. Attempts to phase out that regulation continued to meet with practical impediments in Poland – a fact that was lively debated afterwards.





Prof. Dr. Bernd Baron von Maydell, Prof. Dr. Maciej Żukowski (Poznan University of Economics) and Prof. Dr. Ludwik Florek (University of Warsaw), Dr. Werner Tegtmeier (retired state secretary), Dr. Renata Babińska-Gorecka, Dr. Stephan Fasshauer (deputy manager of the Berlin-Brandenburg branch of German statutory pension insurance), Prof. Dr. Ulrich Becker, Bogdan Borecki (Polish Social Insurance Institution (ZUS)) and Prof. Dr. Herbert Szurgacz (University of Warsaw), Dr. Karolina Stopka (University of Warsaw) (top left to bottom right).

Stephan Fasshauer (deputy manager of the Berlin-Brandenburg branch of German statutory pension insurance – Deutsche Rentenversicherung Berlin-Brandenburg (DRV)) addressed practical issues concerning the free movement of workers. He noted that the limited scope of the German-Polish Agreement of 1975 was particularly detrimental to the implementation of workers' freedom of movement. Thus, a Polish retiree who returned home after a life's work in Germany forfeited his DRV entitlements and received the much lower minimum pension of €167 in Poland. *Stephan Fasshauer* and *Uwe Scheewe* (likewise from the DRV) nevertheless praised the smooth cooperation with their Polish colleagues – which was not to be taken for granted, as evidenced by the experience of several branch offices in dealing with other EU member states. *Fasshauer* cited electronic data exchange as an example of the practical efforts undertaken on both sides.

Bogdan Borecki embraced the same theme from the Polish viewpoint and talked about his experiences at the Opole branch office of the Polish Social Insurance Institution (ZUS). Apart from other practical issues, he saw a particular challenge in the return of Polish

workers to their home country and the attendant repercussions on pension entitlement.

Eva-Marie Höffer (German Statutory Accident Insurance Association, Department of International Social Law / European Law) gave a lecture on the creation of cross-border care structures in accident insurance, and seized the opportunity to introduce a new concept still in the phase of implementation – a concept that met with animated interest in the subsequent discussion. The idea, she said, was to offer Polish workers close-to-home care after their acute treatment in Germany by continuing their therapy in rehabilitation clinics in Poland. German regulations and quality standards would apply there, and the responsible German social insurance fund would bear the costs. That promised not only to improve healing processes, alone through the removal of language barriers, but also to enable the Polish side to profit from the expertise and service of German accident insurers.

Renata Babińska-Gorecka and *Karolina Stopka* (University of Wrocław, Chair for Labour and Social Law) focused on family benefits in cross-border contexts. In particular, they

spotlighted the problem of certain care services in Poland being counted as family benefits and not sickness benefits, entailing difficulties in the application of European coordination rules. Hence, there was discussion in Poland to classify long-term care services as sickness benefits, like in Germany, in order to counter a potential loss of eligibility.

In his closing address, *Ulrich Becker* thanked the co-organisers and sponsors of the conference and, above all, the Polish speakers and participants, whose excellent command of German had permitted the German hosts to stage the event in their own native tongue. He extended his special thanks to Consul General *Elżbieta Sobótka*, who with her cordiality had sown new seeds of friendship.

The organisers look back upon a successful conference, which has most of all shown that the primarily media-hyped fears of adverse effects of opening the German labour market were unfounded. The speakers' individual contributions are to be compiled in a conference volume, to appear in the publication series of the Max Planck Institute for Social Law and Social Policy.

2.2. EU State Aid Law and Financing of Social Services at Municipal Level

Markus Schön

Brussels is far away! This credo has been resounding, at least until recently, among the vast majority of non-statutory and public providers of social services at municipal level. For the field of social services of general interest long seemed to be unaffected by the provisions of the European Union in light of the conception of the latter as a purely economic community. Meanwhile, this view has fundamentally changed, with the provision of social services in Germany having come under increased scrutiny with a view to European legislation and jurisdiction. Particularly EU state aid law, regulated through Art. 107 et seq. TFEU, influences the framework for the financing of social services at municipal level, which has led to great uncertainties among the municipalities and private welfare organisations. In order to contribute to greater legal certainty regarding municipal practice the Institute hosted, on 22 June 2010 and in collaboration with the social services

Department of the City of Munich, a conference on EU state aid law and the financing of Social Services at municipal level [*"EU-Beihilfenrecht und die Finanzierung sozialer Dienstleistungen auf kommunaler Ebene"*]. The specialist conference was addressed at decision makers from the political levels affected, as well as at representatives from the welfare associations, while also pursuing a scientific purpose.

Beginning with a short outline of the problem, *Friedrich Graffe*, social secretary of Munich at the time, emphasised that European competition law still had very little in common with the way social services were financed at municipal level. Following this, *Ulrich Becker* gave a seminal account of the relevant state aid provisions and scope of application of the latter; *Stephan Rixen* (University of Bayreuth) then elaborated on the issues of economic efficiency and frontier crossing in the context of specific social services rendered at municipal level, focusing particularly on the so-called services of general economic interest (SGEI), a term coined by European law.

The next part focused on state aid law in practice: Institutions at various political levels and non-statutory welfare services were invited to illustrate from their point of view to what extent European state aid law impacts on the municipal financing of social services. Representatives of the European Commission, of the German Association of Cities [*Deutscher Städtetag*], of the non-statutory welfare services and of the Bavarian Ministry of Economic Affairs offered brief comments on this topic, thus initiating a lively discussion with the participants of the conference.

There was agreement that according to Art. 14 TFEU the European Union and the member states had joint responsibility for the functioning of services of general economic interest. This was particularly true for the economic and financial conditions involved. The question was how this new regulation might be brought into line with TFEU Protocol No. 26 on Services of General Interest, which grants local authorities a wide margin of discretion with regard to ensuring, commissioning and organising SGEI. According to *Becker*, certain provisions effected at EU level based on Art. 14 TFEU might also prove unfavourable to the municipalities.



Markus Schön



Since EU state aid law had been designed for economic purposes, it was exclusively applied to economic services. The fact that currently no clear distinction between non-economic and economic services of general interest was possible led to the question as to whether a universally valid dividing line could be drawn at European level. However, according to *Christian Holzleitner* (European Commission, Directorate General for Competition), it was the task of the member states to organise and arrange for the provision of SGEI in their respective territories. By choosing a legal framework which also provided for competitive action in the respective field of activity on the part of private companies, a member state decided for a liberal configuration – the consequence being that the corresponding normative guidelines set by the EU would become applicable. The general case of social services had in Germany proven economically efficient, since Germany had, unlike other member states, made use of its legislative scope for action in that it had thrown the market wide open in this field.

For lack of a general distinction between "economic" and "non-economic", the service in question must be examined in terms of its national or, respectively, local configuration. Next, it must be assessed whether, in the application of state aid law, a social service might become exposed to unfair competition with relevance to the internal market. *Holzleitner* says that the agencies involved would be well advised to generally take unfair competition into account. In this regard, *Klaus-Hannes Schäch* (secretary with the Bavarian Ministry of Economic Affairs) added that the ECJ regularly affirmed internal market relevance, thus attesting to the appropriate application of state aid law.

The question of applicability of European competition rules and state aid law regulations to social services in municipalities long met with a fundamentally defensive stance on the part of both the municipalities and private welfare organisations; however, this attitude has meanwhile increasingly been put into perspective. This raised the question of whether there existed any special regulations for the social sector. *Rixen* negated this, saying European commercial and competition law did not imply a "special economic zone for social affairs".

However, the public authorities as financiers of social services receive relief from the so-called Monti-Kroes package of the European Commission, whose principles are based on ECJ case law. The prerequisite is first and foremost that there is a general interest in the service in question. In this context it is important to define the specifics of each service in terms of its value for the common good that would make provision through private competitors economically unprofitable. According to *Holzleitner* it is crucial in this regard that the preferred provider is not cross-subsidised for more than one field of service provision. *Schäch* added that each territorial authority had the right to define "its own" SGEI under its own responsibility and under consideration of the applicable constitutional and municipal provisions.

As for the financing method, the exemption decision stringently requires the predetermination of rules as to how miscalculations might be mitigated at a later stage. Upon compliance, grant funding based on a fixed amount was compatible with the provisions of the exemption decision, as *Rixen* emphasised, concluding the issue brought forward by several participants. In any event it must



Christian Holzleitner (EU Commission, DG Competition), *Friedrich Graffe* (former social secretary of the City of Munich), *Prof. Dr. Stephan Rixen* (University of Bayreuth) and *Prof. Dr. Ulrich Becker* (left to right).

be ensured that financial means are not used for any purpose other than intended.

The conference welcomed 130 German and Austrian participants from various municipalities, welfare associations and from academe with the promise of initiating a dialogue between science and all those who deal with this topic in practice, and it has impressively fulfilled that promise.

It was not least due to the successful cooperation with the City of Munich that the conference was able to make a vital contribution to the current discussion regarding future developments in EU state aid law and the impact of the latter on public and private welfare services in Germany.

2.3. International Standard Setting and Innovation in Social Security

Barbara Darimont

International social standards provide normative guidelines for national social systems. If they are to be effective, they must abstract from the regulations of concrete labour and social legislation, without being inextricably at odds with new developments and reforms (in short: with innovations). Do current standards, notably ILO Social Security (Minimum Standards) Convention No. 102, fulfil these requirements? Where do problems lie? How can they be resolved? Three points are worth considering: first, international standards are harder to change than national regulations; second, they are universally valid and, hence, must encompass social systems in countries at very differing levels of economic development; and third, despite necessary abstraction, they must avoid the risk of forfeiting their control effect.

The project "International Setting of Standards and Innovation in Social Security" (ISS-ISS) starts with an appraisal of the most important innovations in national social security systems, and then proceeds to illuminate their background and to analyse the need for reforms at international level. The innovations included are divided into three categories: (1) subject matter of social security, i.e. substantive scope of protection; (2) persons covered, i.e. personal scope of protection; as well as (3) new methods and means.

Substantive Scope of Protection: New and Uncovered Risks

In the 1950s, the ILO set out to formulate international minimum standards for nine branches of social insurance in Convention No. 102: medical care, sickness benefit, unemployment benefit, old-age benefit, occupational injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. Benefits awarded for the coverage of these risks form the framework of public social security schemes, which nevertheless vary in each country in terms of their sophistication and configuration.

The fight against poverty is not counted as one of the ILO's original tasks, but it could be addressed in the context of a convention on poverty in the world's population, thus integrating developing countries more extensively than has so far been done in the debate on international social standards.

In industrialised countries, demographic developments have led to changes in social situations of need. Given increases in life expectancy coupled with long-term care requirements and, in many countries, simultaneous declines in their birth rates, one cannot (any longer) assume that employed persons will concurrently take care of their parents and raise their children. This challenge has been met in a very few countries with the introduction of long-term care insurance. Indeed, the coverage of such care needs constitutes a relatively young branch of social security, so that innovative developments are to be expected in this field.

Personal Scope of Protection: Informal Social Security and Migration

A new policy is to advocate informal social security, meaning aid rendered within families and neighbourhoods or in the form of civil self-help. The concept is based on conventional self-help arrangements and proactive civil initiatives, and adopts a bottom-up approach. Informal social security networks already in place are specifically reinforced using tax money. The advantage of such schemes is that they do not build on formal employment relationships, which are lacking for most groups of persons in the Global South. Possibly, these arrangements could be



Dr. Barbara Darimont



Dr. Tineke Dijkhoff



linked with state-operated social security in the long run; meanwhile, they could function as a kind of interim solution for the extension of national systems.

The wealth gap and income disparities between industrialised states and developing countries are the cause of increased migration to Europe, but also to South Africa. Integrating these migrants in existing protection schemes poses a major challenge. China faces similar developments as it must cope with massive internal migration, the dimensions of which partially exceed those of the other global migratory flows.

Techniques: New Methods and Means

Apart from investigating new risks, another aim is to spotlight innovative developments in the methods and means employed in well-established social security systems. One approach is to look at new distributions of responsibility between the state and individuals, at least in comparison with the 1950s.

According to ILO Convention No. 102, every state is obliged to provide social benefits in compliance with the minimum standards of social security set out therein. The mode of procedure is left to the states themselves. Such leeway can be used to create new structures in social protection schemes – for example, through voluntary insurance. A more recent trend observed in many countries has been to press for more private provision, a goal which in Germany, for example, is sponsored by the government. Privatisation is thereby perceived as a process in which the government transfers social responsibilities to individuals, requiring them to seek protec-

tion through private institutions. Similar regulations in Latin America, notably in Chile, have attracted international attention. Privatisation processes in Europe, by contrast, tend to be gradual and reflect a long-term tendency towards more personal responsibility. ILO standards require that social protection be guaranteed by the government – which is why privatisation trends may infringe these standards, especially if private coverage is not mandatory, thus entailing gaps in benefit provision.

In the field of old-age pensions, the trend in many countries has been to give preference to defined contribution schemes. A problem here, however, is that the amount of benefit paid is frequently not specified in precise terms. Such schemes are thus apt to violate Articles 29, 65 et seq. of ILO Convention No. 102, which prescribes specific percentage rates of periodic payment.

Conclusion

What is missing overall is a dialogue on social law developments within the ILO framework. The ILO's supervisory committees more often than not take action in formalised procedures, applying the standards set out in existing conventions. Solutions to new problems are frequently not possible on that basis. Hence, a discussion of these issues among scholars and practitioners across national frontiers is an urgent priority. The Institute's plans for the future are to investigate further countries and subject areas.



Prof. Dr. Marius Olivier (International Institute for Social Law and Social Policy, and University of Western Australia), Prof. Dr. Ockert Dupper (Stellenbosch University), Prof. Dr. Frans Pennings (Universities of Utrecht and Tilburg), Prof. Dr. Edwin Kaseke and Prof. Dr. George Mpedi (both University of Johannesburg) (left to right).

3. Changes in Developed Countries

Regulatory Instruments and Forms of Action

3.1. Individualised Health Care: Ethical, Economic and Legal Implications for the German Health Care System

Nikola Wilman

The research project on "Individualised Health Care" is financed by the Federal Ministry of Education and Research within the framework of the ELSA research focus (ethical, legal and social aspects of the modern life sciences and of biotechnology). Apart from our Institute (with its subproject LAW), the other participants in the project are the Institute for Ethics, History and Theory of Medicine at Ludwig Maximilian University, Munich (project coordination, subproject ETHICS), as well as the National Research Center for Environment and Health at Helmholtz Zentrum München (subproject ECONOMICS). The duration of the project is three years (1 October 2010 – 30 September 2013).

This interdisciplinary research cooperation seeks to assess the ethical, economic and legal implications of individualised approaches to prevention and therapy, and to develop perspectives for an ethically justified, economically rational and legally appropriate development and application of individualised medicine (IM).

Research and literature interpret this so-called individualised or personalised medicine in quite different ways. In terms of a working definition valid for all subprojects, the research association understands it as an attempt to identify individual, and particularly biological factors which help predict the probability of developing a disease and the impact of various treatment methods. The object of this is to divide patients into subgroups comprising those, for instance, who run a higher risk of developing a disease or, respectively, those who respond particularly well to a certain treatment method (stratification). The key objective of IM is to develop solutions customised to the needs of healthy or ill individuals for the prevention or treatment of diseases.

The overriding aim of the subproject LAW, carried out by the Institute, is to analyse the legal challenges of IM in three selected sub-areas, and to develop perspectives in this regard for the legally tenable management of individualised solutions for prevention and therapy. In concrete terms, the subproject has the following objectives:

Analysis of the relevant constitutional and socio-legal provisions with a view to the integration of individualised medical care into the legal framework of the German statutory health insurance (SHI), as well as to the drafting of potentially required reform proposals.

The question of whether to introduce IM measures is usually not regarded as relevant to matters pertaining to the SHI, since medical history and predisposition to a certain disease do not play a role in the provision of SHI to new insurees. This may be a valid point. However, measures pertaining to IM may be of considerable importance when it comes to the scope of benefits. As the SHI in Germany insures the largest proportion of the population, the success of IM will crucially depend on whether or not benefits and services related to IM will be included in the SHI benefits catalogue. As regards the integration of IM benefits into the SHI benefits catalogue, the question is mainly whether existing legal provisions in this field are sufficient and feasible. This particularly applies to basic principles of the SHI such as the principle of solidarity, the granting of benefits according to medical necessity, as well as the efficiency principle (Art. 12, Social Code Book V) and the question of sufficient scientific evidence. In a workshop that took place on 20 July 2011, first findings of this work package were presented and could be discussed with experts from practice and science.

Analysis of the constitutional implications of IM for the right of the individual to informational self-determination, as well as of existing data protection regulations.

The legal analysis shall include the findings of the focus group studies related to the subproject ETHICS. The analysis is to differentiate between the use of data for the diagnosis of diseases and data use for research



*Nikola Wilman, LL.M., M.Jur.
(Durham, UK)*



purposes within the framework of IM, as well as between data acquisition and data use within these two areas. The key question is how the danger of illegal use of this data for purposes other than those specified by the person affected (data carrier) and of unauthorised disclosure or circulation of personal data to third parties can be prevented and, in general, how the interests of research on the one hand and of data and privacy protection related to the person affected on the other can be reconciled.

In the context of determining and analysing the relevant data protection regulations, any regulatory gaps in this matter are to be revealed and, by means of legal comparison, potential solutions shall be outlined accordingly. In doing so, investigation shall be made of the design of privacy protection in foreign legal systems (one European, one non-European) within the framework of the provision of individualised health care services.

- Analysis of the provisions and limitations pertaining to constitutional and social law with regard to the prioritisation of individualised health care services in the SHI. This aspect shall, in particular, examine cost-benefit analyses in terms of a prioritisation criterion.

The analysis shall deal with the methodology of determining cost-benefit ratios (particularly with regard to core elements of health economic evaluation such as the most important economic target, perspective, measure

of health outcome or selection of comparators), the procedure embedding the cost-benefit analysis, as well as with the actual legal evaluation of the outcome of the cost-benefit analysis with regard to IM measures. These three areas (methodology, procedure, evaluation) are to be assessed from a constitutional perspective, e.g. in terms of a person's right to access to health care services or of the principle of equality, or, as regards procedure, in terms of decision transparency, effective legal protection and legitimacy of decision makers. Further, from the perspective of social law, analysis shall be made of the question whether the existing provisions of Social Code Book V for a cost-benefit analysis in the context of IM (again with reference to methodology, procedure and evaluation) are sufficient and viable, particularly with a view to the constitutional provisions determined. The findings of the exemplary economic evaluation of individualised health care services obtained from the subproject ECONOMICS shall be taken into consideration within the legal analysis. Finally, in close cooperation with the subproject ETHICS and based on an overview of international approaches regarding prioritisation, further legally tenable material and procedural prioritisation criteria for the field of IM shall be developed.

3.2. Reimbursement of Off-Label Drugs from the Perspective of Social Law and Liability Law

Michael Schlegelmilch and Nikola Wilman

The prescription of medicines outside the terms of their product licence (off-label use) is an integral part of daily medical practice in Germany. Even though the issue of off-label use has for some time been under legal discussion, it has not lost any of its relevance. It is particularly the question of duty to pay on the part of the statutory health insurance (SHI), as well as that of legal liability and potential consequences for the prescribing physician and/or the respective pharmaceutical entrepreneur that are of central significance in this discussion. On 20 May 2010, the Institute hosted a conference in order to highlight and discuss from the perspective of social law and liability law the most important issues relevant for practical application. The findings of the conference and the views of the speakers shall be summarised as follows:



From a medical perspective, the current indication-based drug marketing authorisation procedure is only partially satisfactory, since important cancer drugs are usually only authorised for frequently occurring indications, while treatment sequence and interaction are sometimes ignored, making continuous keeping up with rapidly developing therapy standards impossible, says *Dirk Jüger* from the National Center for Tumor Diseases (NCZ) Heidelberg. This is due to the fact that a drug is approved exclusively on grounds of the medical indication defined by the pharmaceutical enterprise in its application for authorisation. This highly "enterprise-driven" authorisation process should be governed more by medical and less by market-based considerations or strategic reflections on the part of the pharmaceutical industry.

In the USA, the prescription of off-label therapies by a physician falls under the principle of therapeutic freedom and is therefore legal (*Wilman*). The US government has thus been trying to curb the widespread use of off-label drugs, chiefly by both passing a general prohibition on the promotion of off-label therapies by the pharmaceutical industry and by limiting reimbursement for off-label services provided by federally funded health insurance schemes such as Medicaid and Medicare.

Hans-Jürgen Kretschmer, presiding judge at the German Federal Social Court, gave an overview of the jurisdiction on off-label use and its development, from the Remedacen decision of the Federal Social Court in 1995, to its SKAT decision in 1999, through to its Sandoglobulin decision of 19 March 2002. In the latter, based on the non-existence of a prohibition on off-label use both in pharmaceutical law and in medical law, the Federal Social Court ruled that the prescription of a pharmaceutical at the expense of the SHI outside the terms of its product licence was generally inadmissible on grounds of insurance customer protection; at the same time, however, it established criteria for an exceptional permission to prescribe off-label drugs at the expense of the SHI. The jurisdiction of the Federal Social Court was, among other things, guided by the constitutional obligation of the State to protect its citizens from uncontrolled health hazards. What was more, limitations to a further development of



Dr. Hans-Jürgen Kretschmer (judge at the German Federal Social Court, Kassel).

the law by jurisdiction in this area arose, on the one hand, from the instruments introduced into Social Code Book V and the Medicinal Products Act for the improvement of off-label use provision and, on the other, from the privileges in European law regarding drug approval legislation.

The general prohibition to prescribe marketable pharmaceuticals outside the terms of their product licence, despite the prescription constituting a medically recognised standard of care, was regarded by third-party payers as a deficit in the provision of health care to statutorily insured persons, said *Sabine Richard* from AOK Berlin-Brandenburg. The potential approval for off-label use to be prescribed in accordance with the pharmaceutical guidelines of the Joint Federal Committee pursuant to Art. 35c, Para. 1, Social Code Book V was of little relevance, since it applied to very few pharmaceuticals only.

From the perspective of the pharmaceutical industry, the procedure for the inclusion of off-label indications in the respective annex of the pharmaceutical guidelines of the Joint Federal Committee is to be regarded as a positive step, notwithstanding the fact that a shorter duration of the procedure would be desirable (*Barbara Sickmüller*, German Pharmaceutical Industry Association BPI [*Bundesverband der Pharmazeutischen Industrie*]). Another current problem concerns a case group that has received little attention, but is related to off-label use in the context of "me-too" drugs (or "follow-ons") and their provision by pharmacists.





Prof. Dr. Ute Walter (University of Regensburg, solicitor for medical law in Munich).

According to *Ute Walter* (adjunct professor at the University of Regensburg and solicitor for medical law in Munich), off-label drug therapy, too, must comply with the medically recognised standard of care; which is not to say that certain off-label use could not qualify as a medically recognised standard, provided that it corresponds with the current state of scientific research in Germany. If this is the case, failure to use or prescribe off-label drugs will constitute an act of gross medical malpractice. In any event, off-label use always comes with an increased obligation to provide information and treatment-specific monitoring. As regards liability from a social security point of view, statutorily insured persons are, as a rule, legally entitled to be prescribed off-label drugs only in cases where treatment meets the medically recognised standard of care. SHI-physicians are not entitled to obtain prior authorisation for treatment through the health insurance (Art. 29, Para. 1, Sent. 2, in connection with Para. 11 of the Federal Master Treaty for Medical Practitioners [*Bundesmantelvertrag-Ärzte*]). The only option for insured persons is, therefore, to claim financial reimbursement (Art. 13, Para. 3, Sent. 1, Social Code Book V) from their health insurances after advance payment for the relevant off-label drug provided to them on private prescription.

The key standard for liability of the pharmaceutical entrepreneur is Art. 84 of the Medicinal Products Act, says *Jens Göben* from the Federal Institute for Drugs and Medical

Devices [*Bundesinstitut für Arzneimittel und Medizinprodukte*]. According to the prevailing opinion and with a view to scientifically sound medical therapy practice outside the intended area of application, the criterion concerning "intended use" is fulfilled in cases where the pharmaceutical entrepreneur tolerates such use. As regards liability release, stringent requirements must be accepted. This means, for instance, that the entrepreneur is under obligation to continually monitor the actual application of the off-label product on the market. The entrepreneur may, under certain circumstances, have to issue appropriate warnings with respect to off-label use and, if necessary, withdraw the respective product from the market.

Despite the fact that some isolated cases in jurisdiction have recently been outlined more clearly it can be said that, in sum, there is still a high level of legal uncertainty – both for the SHI-physician with regard to off-label prescriptions, and for the patient or, respectively, the insured person with regard to off-label use. In this regard, it would be desirable to effect a higher degree of harmonisation of legislation or, respectively, to accelerate the procedure for the inclusion of off-label indications in the pharmaceutical guidelines. As long as this is not the case, SHI-physicians will, if in doubt, remain bound to the obligation to issue private prescriptions that are generally not reimbursed.

3.3. Residents in Stationary Care and their Role as Customers – Social Service Provision and the Right to Self-Determination

Sebastian Weber

The right to self-determination on behalf of recipients of tax-financed social benefits finds particular expression in their right of request and choice. Benefits are to be provided correspondent to the respective particularities of each individual case in accordance with the legislative provisions and should meet the reasonable demands of the beneficiaries. This applies both to the type and constitution of the service provider, to the type, concept and nature of benefits, and even to the locality and equipment of a particular facility. The guiding principle in this respect is not the idea of a general provision of basic services,

but a response to a specific situation of need on the basis of a strictly personal entitlement to appropriate benefits or services.

Tax-financed social benefits and social insurance benefits occasionally overlap in the context of the often complex needs of individuals, thus leading to a more comprehensive care provision on the one hand, but also to conflicts regarding responsibility and to problems concerning the determination as to which specific benefit or service is to be granted by which provider. In this respect, potential for conflict also arises from the rights of request and choice on the part of the beneficiary. The respective social law provisions are, furthermore, subject to continuous change which, on the one hand, closes weak points identified in the existing system but, on the other, may possibly create new trouble spots. This can be exemplified by the question of where exactly home nursing care should be provided through the health insurance. Previous restrictions in German legislation have, in the course of past reforms, been relaxed, meaning that the current criterion crucial for meeting demands is, basically and merely, the identification of a suitable location for the provision of services. However, no exact definition of such a suitable location has been established. The social courts have been particularly concerned with the question whether inpatient facilities, such as facilities for the disabled, might also serve as a place for the provision of "home" nursing in addition to, and irrespective of, the rendering of integration assistance services.

This individual issue has led to a fundamental cognitive interest. Due to the various legal ties on the part of those involved, services pertaining to integration assistance are heavily regulated. Type, extent and quality of a service provision are predefined through the legal provisions and through framework contracts applicable at federal state level, as well as through service provision, remuneration and audit agreements made between the responsible social service provider and the social welfare authority. This narrows down the options and choices of the individual resident. According to current jurisdiction, the person in need shall not be entitled to individually decide whether the required home nursing services are to be rendered through an ambulatory service provider or through the

residential care facility where the person lives. The competence of the respective service provider, and therefore also of the respective funding institution, shall rather arise automatically and independently of the resident's requests in compliance with the aforementioned contractual agreements between the respective facility and the social welfare authority.

The legislators have simultaneously begun, and remarkably so, to implement the conventional consumer protection regulations also in the field of inpatient facilities. While in the course of the reform of the federal system any legislation pertaining to care home supervision became the competence of the federal states, with new corresponding regulations fostering, for instance, the publication of quality and audit reports, the federal legislator has, by means of the "Residential Care Contract Act" [*Wohn- und Betreuungsvertragsgesetz (WBVG)*] redrafted the civil law provisions and, in doing so, created an almost classical consumer protection law for care home residents. Pre-contractual information obligations, an entitlement to the adjustment of benefits in the case of altered assistance or care requirements, transparency provisions regarding fee increases, examination for appropriateness of the latter, as well as the right of cancellation are indicative of the guiding concept of the largely self-determined person in need of care.



Dr. Sebastian Weber



The question as to whether such a concept actually exists and to what extent it has, if applicable, already been implemented shall be the subject of further examination with particular focus on comparative law. A look at historically evolved forms of inpatient care, at the fundamental ideas behind the respective service provision and their current further development, in general and under the influence of European law and international law, might be of help in this regard. To be taken into account are, above all, the various forms of inpatient assistance and the respective legal framework in Scandinavia, as well as the integration of such forms into social life.

Organisational and Structural Reforms in Social Benefits Systems

3.4. Social Services and Assistance through the Local Community – Tasks and Functions of the Municipalities in the context of the Europeanisation of the Social State Principle

Sebastian Weber

The guarantee of local and regional autonomy can be understood as a guiding principle of European constitutional law (*Württemberg*, in: *Festschrift Maurer*, 2001, p. 1053). Art. 3 No. 1 of the European Charter of Local Self-Government of 1985 in this sense defines self-government as the right and actual capability of municipal administrative bodies to regulate and design, within the framework of the laws, an essential proportion of public affairs in their own responsibility and for the benefit of their citizens. As has been stressed repeatedly in the scientific literature, the guarantees under constitutional or ordinary law existing in the member states of the European Union and pertaining to the right to self-government of the municipalities did not, at least until the revision of the Lisbon Treaty, stand up to the legislative changes effected by the European Union. More polemically, one could say that the Community turned a blind eye to local affairs. It was subsequently enshrined in Art. 4 II TEU that the European Union is to respect the fundamental political and constitutional structures of the member states "inclusive of regional and local self-government". The principle of subsidiarity, too, has meanwhile come to benefit the municipalities (Art. 5 III TEU).

However, the respective configuration of self-government powers differs greatly in the various member states. Essentially, four models must be distinguished (cf. *Martínez Soria*, in: *Mann/Püttner, Handbuch der kommunalen Wissenschaft und Praxis*, Vol. 1, 3rd ed. 2007): the municipalities in Scandinavia, largely independent from the State, which are merely bound to some general principles and tasks set by the legislator; the model of self-government applied in Germany and Switzerland, according to which the municipalities are subject to national jurisdiction, yet have their own autonomous legislative competence, financial autonomy and universal responsibility for local affairs; the French model where the municipality is embedded in the State structure and is granted autonomy as regards task performance, yet without any constitutional guarantee in this regard vis-à-vis the State; and the British concept of the municipality as a largely dependent administrative entity. Depending on the size of the member state, there may be further levels of self-government entailing different competences (e.g. municipalities, cities, districts or regions).

Throughout Europe, however, independent of its entrenchment in national law, local self-government is particularly characterised by its



New City Hall, Munich.

decentralised and individual, democratically legitimised task performance. The needs and interests of those living within the respective locality are in this way given special consideration, antagonistic positions get to stand in immediate conflict with each other, and joint responsibility for the development of the municipality is often expressed not only through participation in elections and plebiscites, but also through active involvement on the part of its residents. In view of this, the introduction of the right – at least for all EU citizens – to vote in local elections has been applied consistently (Art. 20 II lit. b TFEU).

As regards the actual allocation of municipal tasks, clear differences can be distinguished. In numerous member states, for instance, the municipalities have a general responsibility for local affairs, while in other member states competences are allocated on an enumerative basis. In principle, however, it can be said that throughout the European Union the municipalities also play a significant role in the provision of social services. This concerns, above all, tax-financed social services; it may, however, also include insurance-covered benefits, as is the case with unemployment benefits or long-term care provision.

It is clear that it is not only the classical municipal tasks such as, for instance, construction planning law that are of particular significance for a local community but also, and especially so, issues concerning social welfare and security. It is this area in particular that has in the past years been subject to a remarkable degree of Europeanisation. The ECJ derives from the general right to free movement of European citizens and, from primary law, the prohibition of discrimination on grounds of nationality (Art. 21 in connection with Art. 18 TFEU) a right for every EU citizen to receive tax-financed social benefits also from so-called host member states. The termination of residence of unemployed EU citizens in cases of undue burdening of the social security system of another member state is possible only if the corresponding legal provisions and their application to the individual case comply with the principle of proportionality. However, there is no automatic procedure that would regularly effect the termination of residence in cases where tax-financed social benefits are drawn. If the stay of the EU citizen falls within the scope

of the fundamental freedoms, expulsion is only acceptable on grounds of *ordre public*; the mere fact, however, that tax-financed social benefits are drawn does not justify the termination of residence.

This development is of crucial significance for the performance of tasks on the part of the municipalities, as well as for their funding. What is of interest is not only the actual execution of municipal duties, but also the allocations behind it with a view to the function and role of the municipalities in relation to the local community.

It is against this background that a comparative investigation (Scandinavia, Germany, France, United Kingdom) shall be made of the question which constitutional or, respectively, legal basis obliges municipalities to act in which way in the field of social welfare and security, particularly in the field of disability assistance, child and youth welfare, as well as general social welfare, and how these municipal tasks are fulfilled. In this context, the dynamics set by the various European determinations shall be taken into account. If required, aliens law is to be included in this examination. International agreements existing independently of European Union law shall also be considered. The wider objective of this study shall be the positioning of municipalities and their social function in European constitutional legislation.

3.5. Crime Victim Compensation Law in Europe – A Comparison

Yasemin Körtek and Ulrich Becker

The need for crime victim compensation schemes has been confirmed at the European as well as the international level. In the European Union efforts are currently being made to further develop the compensation schemes for victims of violent crimes. Council Directive 2004/80/EC has hitherto served as a legal basis for the above, yet only with regard to cooperation between member states, and not with regard to the content-related specification of compensation measures. Further guidelines to be observed in the creation of crime victim compensation schemes are the European Convention on the Compensation of Victims of Violent Crimes of 24 November 1983, and Council Directive 2004/80/EC re-



Prof. Dr. Yasemin Körtek



lating to compensation to crime victims. Against this background, the motives and objectives of crime victim compensation law were examined in a comparative study during the reporting period with a view to elaborating the common principles of crime victim compensation law. This aim was fuelled by the more profound question of why and in which cases compensation benefits are granted. Why does the state assume specific responsibility in the case of victim compensation? And how does this responsibility find expression in the guiding principles of compensation law? The study has been initiated both due to the fact that victim compensation law has a very long tradition – it already finds mention in the *Codex Hammurabi* dating from around 1700 B.C. – and that it has, despite this, very rarely been the subject of serious legal study.



The legal comparison covers the victim compensation schemes of Germany (*Körtek*), France (*Kaufmann*), Great Britain as part of the United Kingdom (*Schulte*), Italy (*Hohnerlein*), the Netherlands (*Darimont*), Austria (*Ossio*), Sweden (*Köhler*), Spain (*Reinhard*) and Switzerland (*Wilman*) and examines these systems with regard to similarities as well as differences.

The main focus was on the examination of reasons for the introduction of victim compensation systems, the configuration of these systems, the principles discernible in the respective national system configuration, and – by also looking at the European and international level – the role of the principles of territoriality and personality as criteria for the granting of benefits.

The research members in charge of the different countries first analysed the personal benefit requirements as well as the specific reason(s) for benefits being granted; further-

more, they outlined the scope and type of benefits (e.g. benefits in kind, cash benefits, one-off benefit payments, permanent benefits, compensation for immaterial damages). In a next step, they examined the question as to whether crime victims might, due to certain behaviour on their part such as contributory negligence, be excluded from benefits or be merely entitled to reduced benefit payments; whether compensation for a crime suffered granted to the victim by third parties (damages or other types of insurance benefits) is deducted from state compensation or, if applicable, whether third-party compensation claims may be transferred to the state in cases where such claims cannot be recovered. The final step was to include the procedure governing the granting of state compensation in the study.

The evaluation of the country reports under consideration of the requirements pertaining to European and international law (*Becker/Körtek*) revealed that the state's monopoly on the combating of crime and the state's duty to protect form the basis for the assumption of collective responsibility. These socio-political motives go hand in

hand with the aims of criminal policy. Moreover, crime victim compensation is linked to criminal law: The constituent fact causing the damage for which a crime victim is to be compensated is generally subject to punishment, and the principles of autonomy and subsidiarity of the compensation systems are ultimately connected to some sort of criminal procedure. In German legislation this correlation is less pronounced than in other European legal systems, since here victim compensation as part of social compensation law has been shaped according to the fundamentals of social law. Yet, also the other countries under investigation that are more strongly rooted in criminal policy have, at least to some extent, configured their compensation systems in line with the principles of social law. Ultimately, victim compensation will remain part of a more comprehensive provision system for crime victims. Separate administrative procedures are provided for compensation benefits, the granting of which is often closely connected to other social benefits or services.

All in all, crime victim compensation manifests itself as a part of compensation law that has in Europe become independent and well-established; it is based on the conflicting objectives of the policies of social law and criminal law and is granted in the form of social benefits. The victim protection provided by means of this benefit forms part of the guarantee to social protection. It has meanwhile become an inherent part of the European Union concept of social welfare, despite all differences still existing between the member states with regard to its individual configuration.

The project has been successfully concluded and the research findings, inclusive of the various country reports, have been published (ZIAS, No. 1-2, 2010/2011).

3.6. Raising the Retirement Age: An International Comparison

Hans-Joachim Reinhard

Numerous states have already raised the age limit for the award of pensions under their statutory pension insurance schemes – or are at least intensely deliberating this matter. Apart from demographic developments, the financial crises in some EU member states have further accelerated this social policy debate.

Over one and a half decades ago, the United States was the first to resolve the progressive raising of the statutory retirement age to 67. The process was initiated at a time when the financial situation of the US Social Security Administration could still be described as fairly well-balanced. The two-year increase in the statutory retirement age did not only mean the insured had to work longer; it also entailed significant financial losses on account of attendant alterations to the computation of pensions, say, through longer contribution periods required for a premature claiming of benefits. Astonishingly enough, this change for the worse did not at the time trigger any noteworthy protests on the part of the insured and their lobbies. Given the nature of the US system, that could be explained by the fact that it provides only basic coverage not directed at securing the standard of living, and simultaneously privileges lower income earners through its highly dis-

tributional pension formula so that benefit cuts scarcely affect this income bracket.

In 2007, measures were also adopted in Germany to raise the statutory retirement age to 67 in steps, starting on 1 January 2012. A study funded by the Konrad Adenauer Foundation on behalf of the Instytut Spraw Publicznych (Institute of Public Affairs) in Warsaw set out to investigate German society's reaction to these measures and the political discourse accompanying them. This interest in the German approach was fuelled by similar deliberations in Poland to lift the retirement age, thereby seeking to avoid any political mistakes its western neighbour may have made.

The results of this study were presented to a broad public on the occasion of a conference held in Warsaw at the beginning of December 2010. It was attended by journalists, representatives of the Polish social insurance scheme, members of parliament and senators. Meanwhile, the findings have also been published in the Polish language and made available for debate in Poland. A surprising outcome of the study was that – like in the United States – the German legislation was drafted very quickly and accompanied by relatively few protests. That was all the more astounding as the German statutory pension scheme does not only render basic protection but seeks to secure retirees' previous standard of living. Hence, all insured persons are impacted directly and substantially. Yet as the law was not due to unfold its effects until five years after its enactment and, moreover, contained a clause requiring verification of the necessity of its implementation, many politicians, but also trade unions and social welfare associations, initially assumed that employees would not be impacted to the full extent by the new regulation and would not actually have to work until the age of 67. Instead, the political debate went in the direction of extending existing instruments (e.g. part-time employment prior to retirement) so that hardly anything would change for employees. After it became clear, however, notably to the trade unions and social welfare associations, that existing regulations would not be prolonged and the law would be implemented on schedule as per 1 January 2012, several politicians started to call for a suspension of the reform. Subse-



Prof. Dr. Hans-Joachim Reinhard





Dr. habil. (HDR) Otto Kaufmann

quently, in the autumn of 2010, large-scale rallies were staged in several German cities and flanked by political actions. These provided a reference to topical events at the aforementioned conference; at the same time, participants were able to draw on the experience gained in other countries, such as France and Spain. In each of those countries, the announcement of plans to increase the retirement age triggered mass demonstrations and a general strike, with conflicts in the streets even turning violent.

An ongoing comparative analysis has set out to investigate why public reactions differed so markedly and what may have been behind them. Certainly one explanation for France and Spain is that political strikes there have a certain tradition – also in the form of general strikes that paralyse all of public life – whereas in Germany political dispute over controversial regulations tends to be carried out before the Federal Constitutional Court rather than in the streets. Moreover, in both France and Spain the parameters (particularly, the insurance periods required) for the attainment of "full" pension benefits have been altered. This has made the lowering of financial benefits more conspicuous than in Germany, where the discussion tends to revolve round working until the age of 67 *per se*. What is more, the planned reductions are not a novelty in German law and make the cuts less overt than the prolongation of the insurance period. And in France and Spain, in contrast to Germany, the transition periods are much shorter so that the full effects will be felt in the immediate years ahead, and not in the remote future.

Alongside reflection and assessment from a social policy viewpoint, it is also of interest to look at the descriptive elements of the reforms. Enquiries directed to the Institute (say, by courts) have repeatedly shown that there is a great need for information about foreign pension schemes. The mobility prevalent in the European Union and desired as such is confronting more and more national institutions with foreign social legislation for which they often lack the requisite legal background and language skills. Beyond that and in the light of demographic change, reforms are far from being concluded. Experts in several countries (e.g. Denmark, but also Germany) have meanwhile broached the subject of increasing the retirement age to

69 or even 70. The eminent importance of gaining knowledge about other social security systems has been exemplified by the old-age pension reform in Spain. The Government there had imposed a very tight schedule on those responsible for drafting the pertinent bill. On the basis of its personal contacts, the Institute was able to furnish information on the reforms in Germany and France and hence contribute to the swift implementation of the planned legislation.

3.7. Governance of Occupational Pension Schemes

Otto Kaufmann

Many countries have in recent years effected more or less extensive reforms in order to consolidate their old age pension systems. A conference held in Rennes in 2005 already discussed fundamental questions regarding occupational pensions, as well as occupational pension reforms and their sustainability. The findings have been documented in a publication.

At that time, it was decided to continue and expand on this topical issue by means of legal comparison and to consolidate the analyses in a publication after a further conference. The aim of a conference held in Berlin in 2009 was to examine the essential elements relevant for establishing and controlling occupational pension schemes, i.e. to compare them and analyse them from different perspectives. This key issue received unexpected exposure due to the international financial crisis in 2008. To varying degrees, the financial crisis had a direct impact on the capital-funded occupational pension systems. In some countries, previously decided or already implemented reforms were also complemented by additional measures aiming at the consolidation of occupational pensions.

The conference was organised together with the Western Institute of Law and European Studies (IODE), Hans-Böckler-Stiftung and Friedrich-Ebert-Stiftung with IODE being in charge of the concept and content-related planning (see Report 2008 – 2009, pp. 59-61).

Some statutory old age pension schemes have had to cope with fundamental changes due to the reforms. These reforms were necessary, *inter alia* since demographic develop-

ments and especially the adverse labour market situation with its high rates of unemployment called for an adjustment of the social security systems in general and of the pension systems in particular. In some countries the reforms focused on benefit alterations, but also provided for the establishment of further social security mechanisms. Very often, the reform measures would extend to occupational pensions, too, which exist in various forms on an obligatory or voluntary basis in the different countries. Alongside occupational pensions in a narrower sense, also other forms of supplementary old age security were reformed in a number of countries. In some countries these supplementary pensions were configured on a collective or on an individual basis, as was the case especially in Germany. For these reasons, but also due to deliberations pertaining to management policy, the percentage of occupational pensions and other supplementary old age insurance schemes in the overall provision for old age has increased in some countries. Provision for old age has become – or is becoming – a core aspect of occupational social policy. In this context, we should not forget that in many places occupational pensions had been established earlier than statutory pensions.

The project termed "Governance of Occupational Pensions" was organised as an international conference and was conceived as a follow-up project to the conference of 2005; it included the publication of a book. As to the subject-matter, the conference was designed to build on the findings established in 2005, while allowing for greater specification of the various topics.

The focus was on governance especially with respect to the establishment and, above all, control of occupational pensions under the guiding principle of security of occupational and other pensions. For the financial and economic crisis made obvious what kind of risks pensions may face as regards sustainable security, and how important it is therefore to be able to rely on solid and obligatory

control functions. This is important for various reasons, particularly also because supplementary occupational pensions can counterbalance deficits in statutory old age security and expand its range of benefits. For some reform measures have no other implicitly or decidedly proclaimed goal but to introduce benefit cuts in statutory pensions. Guaranteeing, at least in part, compensation for reduced basic benefits by way of occupational pensions or other forms of supplementary

old age security is only possible, in terms of sustainability, if financial security is ensured. Problems relating to control cannot be limited to one area, but are to be viewed as a whole, because they touch upon all aspects of occupational provision for old age. Against the backdrop of the financial crisis it is appropriate to find out whether the supplementary old age security systems are crisis-proof.

Based on the additional findings obtained during

the conference, experts from science and practice, as well as representatives of the social partners made available their contributions for the purpose of the following publication:

Otto Kaufmann, Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa: garantierte Sicherheit? Governance of Occupational Pensions in Europe: Guaranteed Security? Gouvernance des retraites professionnelles en Europe: Sécurité garantie?*, Springer, Heidelberg, 2011.

In the first part of the publication the "Current Situation of Occupational Pensions" is examined from a comparative approach. In this context, particular consideration is given to different elements such as corporate governance or control mechanisms. In the second part investigations into the financial security of old age pension schemes are conducted which can be realised in various ways, like supplementary old age security itself, but must comprise certain features such as independent supervisory bodies. The third part is devoted to corporate governance and



the social dialogue which often plays an important role in this respect, while the forth and final part focuses on governance elements and the future development of occupational pensions. These major subject areas are illustrated in 19 individual contributions starting out from various approaches as well as different points of view and disciplines.

All contributions focus on the governance of occupational pensions and the exercise of control. The efficiency and the introduction of possible (new) security mechanisms, the governance of the systems and related means of control are often at the discretion of the social partners involved. However, there are also financial control mechanisms provided by the state that constitute a framework and are applied in addition to the measures created by the social partners. In this context, differences can be noted between the various countries. In the light of the internationalisation of financing, international instruments will take on increasing importance, particularly also because a number of shortcomings have become apparent since the financial crisis. In some countries a direct correlation can be observed between the occurrence of the financial crisis and decisions made right afterwards or, respectively, the alteration or suspension of measures adopted before the crisis. The paper entitled "Is International Accounting Standard 19 Providing a More Secure Governance of Occupational Pension Schemes", which raises the question of efficiency, is of topical interest in this respect.

The full scope of the financial crisis with regard to occupational pensions is far from assessable yet, and it will doubtlessly continue to have an impact on various occupational pension schemes. The (financial) security of occupational pensions and the question as to whether and how it will be guaranteed therefore continue to be highly current issues.

3.8. Turkish Social Assistance Law: Basic Protection in Old Age and in the Event of Disability

Yasemin Körtek

On 1 January 2003 the law on a minimum needs-based pension supplement in old age and in the event of reduced earning capacity (GSiG) took effect in Germany. This law was

repealed as of 1 January 2005 and incorporated into Book XII of the German Social Code (§§ 41 et seq. SGB XII). In the area of social assistance, Turkey has with the passage of Act No. 2022 of 1 July 1976 (which grants pensions to Turkish citizens who are over the age of 65 and who are destitute, infirm and without any means of support) adopted a system similar to the German basic protection system. This law provides for cash benefits on a monthly basis to needy persons aged 65 and over, as well as to persons with disabilities.

Constitutional Guidelines

In Article 2 of its Constitution, Turkey commits itself to the principles of the welfare state. Apart from the welfare state principle, the Turkish Constitution establishes in various standards the responsibility of the state for the social protection of the Turkish citizens – such as in Article 61, which provides for state responsibility for groups of persons requiring special social protection. Persons requiring special social protection are, for instance, elderly people and persons with disabilities whose participation in society is to be ensured. Based on this constitutional rule, the legislator takes "measures to guarantee the protection of persons with disabilities and their integration in the life of the community".

The Turkish government fulfils its obligation to protect the above-mentioned groups of persons via social service systems and social assistance, which are both financed from the state budget. Social services and social assistance are governed by a number of statutes that provide for different types of assistance. Alongside the social insurance reforms (provisionally) effected over the recent years, the aim of the Turkish legislator has also been the restructuring of the social services and social assistance. To the present, however, reform efforts have not brought about any changes in the law.

With respect to the social security of elderly people who have reached the age of 65, Act No. 2022 was adopted in 1976 providing for pension payments in the event of need. Following Disability Act No. 5378 of 1 July 2005, the scope of application of Act No. 2022 was extended to include persons with disabilities, introducing social pensions for this group of

persons on the basis of their degree of disability. Caregivers who provide long-term care to underage family members with disabilities may also apply for a social pension.

Social Pensions Relating to the Provisions of Act No. 2022

According to Act No. 2022, two categories of assistance can be applied for: social pensions due to old age and social pensions in the event of disability. The personal scope of application is limited to the extent that only Turkish citizens are covered by this law. Eligibility for benefits is based on means tests carried out by the provincial committees or district councils.

(1) Actual need is a prerequisite for being granted a social pension. The benefits eligibility level is determined by multiplying the indicator defined by the annual budget laws by the monthly adjustment coefficient applied to the salaries of public sector employees.

The means tests carried out by the responsible provincial committees or district councils must prove that the applicants have no permanent monthly income equal to or above the benefits eligibility threshold, i.e. that, in particular, they are not awarded any maintenance payments by persons obliged to provide maintenance, that they are not granted any social insurance benefits, that they have no income from property or assets and do not receive any other benefits from any social assistance scheme except for benefits provided for medical treatment or care payments according to Act No. 2828 (relating to the General Directorate for Social Services and Child Protection).

(2) Social pensions due to old age can be awarded to needy persons who have reached the age of 65. The pension level corresponds to the benefits eligibility level. In 2011, the monthly assistance payments amounted to 100.36 TL (~ 50 €).

(3) Act No. 2022 also provides for social pensions to needy persons with *disabilities*, upon application. The benefits level depends on the degree of the disability. This degree is defined by expert opinions elaborated by health institutions which are appointed by the Ministry of Health. The expert opinions are based on the "administrative regulation regarding

the degree and classification of the disability as well as on the opinions elaborated by the health committees", similar to the German regulation on health care of 10 December 2008 (BGBl. I, p. 2412). As to defining the individual degree of disability, the loss of function due to a specific disability and its everyday implications are of major relevance. The applicants must prove that they have lost part of their bodily functions, with the degree of disability being at least 40%. Persons with disabilities are considered dependent on long-term care once they have reached a degree of disability of 70% and are no longer able to lead their lives without help from others. Finally, close relatives of minors with disabilities may claim a social pension if they actually provide long-term care to the person concerned. Thus, social pensions for persons with disabilities are granted to three groups of persons:

- (a) Persons in need who have reached the age of 18 and who are not able to lead a life without help from others and hence suffer from a degree of disability of at least 70% (their social pension amounts to three times the benefits eligibility level);
- (b) Persons in need who have reached the age of 18 and suffer from a degree of disability between 40% and 69% and have not been able to find a job (their social pension amounts to twice the benefits eligibility level);
- (c) Persons in need who are in charge of a person with disabilities under the age of 18 and who actually provide long-term care to this person (their social pension amounts to twice the benefits eligibility level).

According to the Turkish legislator, it is primarily the family who have to act as advocates in the event of social hardship. Consequently, the government will only assume responsibility in cases where the social hardship cannot be alleviated through family support. According to the legislator, the purpose of social benefits and services arising from Act No. 2022 is not to eliminate existing poverty. If anything, social pensions are suitable to at least mitigate the adverse effects of poverty in old age and in the event of disability. Two – welcome – legislative proposals have recently been presented to the Turkish parliament to raise the social pensions by means of a benefit increase in order to detach them from pay raises in the public sector.





Dr. Edda Blenk-Knocke

The Status of Family and Civil Society in Social Security

3.9. Time for Responsibility in the Life Course – Political and Legal Strategies

Edda Blenk-Knocke

The Project: What is to Follow the Breadwinner Model?

Starting in autumn 2006, the international, interdisciplinary research project entitled "Was kommt nach dem Ernährermodell?" ("What is to Follow the Breadwinner Model?", see also Report 2006 – 2007, p. 57-60 and Report 2008 – 2009, p. 68-75) has been carried out by the Max Planck Institute for Foreign and International Social Law (now Max Planck Institute for Social Law and Social Policy) in collaboration with the Department for Gender Equality based in the German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). During the first two project phases two expert conferences were held. They focused on the problems of changing gender roles and, in a comparative way, on the changing gender role models particularly in family law and social law in Europe, as well as on the different opportunities arising for women and men with a view to independent income security. The findings of these conferences were published in two conference papers which were evaluated and put together by *Eva Maria Hohnerlein* and *Edda Blenk-Knocke*: *BMFSFJ, Eigenverantwortung, private und öffentliche Solidarität – Rollenleitbilder im Familien- und Sozialrecht im europäischen Vergleich*, 2008; *BMFSFJ, Rollenleitbilder und -realitäten in Europa: Rechtliche, ökonomische und kulturelle Dimensionen*, 2009.

During the third and last phase of the project (2009 – 2011) three autonomous, interdisciplinary research groups were established to explore selected topics with the ulterior goal of providing reform options for the policy-making process in the light of gender equality. The research groups concentrated on matrimonial property law ("Ehegüterrecht", head: *Barbara Dauner-Lieb*), female bread-

winners ("Familienernährerinnen", head: *Ute Klammer* and *Christina Klenner*), and support for caregivers ("Unterstützung von Pflegepersonen", head: *Ulrich Becker*). The primary focus of all three research groups was on the situation in Germany.

The project managers at the Institute were responsible for the research group processes which they coordinated, including the organisation and conceptual elaboration of conferences. The findings were completed in summer 2010 in three separate policy papers and were, for the first time, presented to the political and expert community at the German Bundestag in Berlin on 29 November 2010 during a conference dealing with time for responsibility over the life course, entitled "*Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien*".

The Retreat of the Breadwinner Model: The Necessity to Restructure Family Care

In the European countries a large heterogeneity can be observed regarding the individual welfare state arrangements, gender hierarchies and family and social policies. This is due to a number of historical, political, economic, legal and socio-cultural factors. One of the key findings arising from the two comparative European expert conferences organised as part of the project in 2007 and 2008 was that the gender roles of men and women, i.e. the individual patterns regarding the division of paid employment and unpaid family work, have become more diverse during the past decades. New lifestyles have developed, reducing or replacing the male breadwinner model.



German Bundestag, Paul-Löbe-Haus.

Also in Germany the simultaneity of various gender arrangements and gender role models has become a living reality: Empirically and normatively, the traditional male breadwinner model is still present, but has been superseded by the modified breadwinner model, where both partners work in a combination of full-time and part-time employment. With the group of female breadwinners in families growing steadily, new family constellations have developed over the last years, with little being known so far about their life realities.

In the context of gender equality policy, and with regard to the various forms of life, the question arises as to how the responsibility for family care work carried out by women and men over the course of their lifetimes can be given a social and a legal structure, and how the risks can be managed that are associated with accepting certain role models and agreeing to a certain division of responsibilities in the domestic and the professional field. This constitutes a particular challenge to family and social law, in many ways. The aim of politics is not at all to impose a certain way of life on people, but to allow them freedom of choice.

Research Groups

The issues dealt with by the experts of the three research groups between October 2009 and July 2010 are exemplary of the policy approach termed "time for responsibility in the life course". The three research groups devoted their studies to topics involving periods of radical change or changing gender roles during the individual course of life of men and women caused by their taking on family care responsibilities. Although different in content, the topics entirely focus on the changing gender roles and gender role models, as well as on the existing plurality of gender arrangements.

Research Group on Matrimonial Property Law ("Ehegüterrecht")

In Germany, the breadwinner model still occupies a strong position. In 2006, 55.2% of the couples in western Germany followed the traditional male breadwinner or the modified breadwinner model (involving a full-time/part-time employment combination), while this was the case for 36.1% in the eastern part of Germany. It is not disputed that, in

times of high divorce rates, the decision in favour of the traditional division of gender roles constitutes a major security risk for the partner who resigns from gainful employment for the benefit of family care work. The statutory property regime of the "*Zugewinnngemeinschaft*" (community of accrued gains, i.e. separation of property with accrued gains being equalised on termination of the marriage) as applied in Germany, however, reduces risks of this sort only to a limited extent.

The research group on matrimonial property law focused on the question as to when spouses are ready to assume mutual responsibility, how long this responsibility lasts, and what legal framework would be suitable to reinforce the sharing of this responsibility. Another point at issue was the right time for spouses to assume mutual responsibility with respect to matrimonial property rights, i.e. at a time when the partners feel generally ready to assume responsibility for *joint decisions made in favour of family care which involve risks that must be compensated for*. Currently, the institutional framework makes it easy to burden only one of the partners with disadvantages.

Under the aspects of gender equality, matrimonial property law especially requires modernisation with respect to the traditional family constellation, focusing on greater equal sharing during marriage by introducing, among other things, true freedom of choice regarding the matrimonial property regime and fair compensation for the duration of the marriage. This would reflect the empirical finding that spouses are much more likely to decide on a fair financial compensation during marriage than in the event of divorce (cf. *Borgstedt*, Partnerschaft und Ehe – Entscheidungen im Lebensverlauf, in: BMFSFJ, Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien, 2011, p. 45).

The property regimes prevailing in Germany, such as the community of accrued gains, the matrimonial separation of goods and, henceforth, also the French-German matrimonial property regime regarding a modified community of accrued gains as a new optional system, are regimes that are characterised by the separation of property. Couples who wish to have matrimonial community of property



as well as risk compensation for family care work during marriage can only resort to the general community of property, which in its present form has long been outdated. To allow for true freedom of choice, the research group has suggested introducing a modernised form of the community of property acquired during marriage as an optional matrimonial property regime which is more oriented towards a concept of legal community and allows for the joint acquisition of property already during marriage. This does in no way mean that the new optional regime of a modernised community of property acquired during marriage ("*Errungenschaftsgemeinschaft*") is to replace the property regime of the community of accrued gains ("*Zugewinnsgemeinschaft*") – but rather that it may be considered as an alternative to the latter.

During the conference it was pointed out that marriage in Germany is especially protected with a view to taking on responsibility for family care work. Yet, it has to be acknowledged that at present different family structures exist. Consequently, the question is how legal protection can also be granted to non-marital partnerships or single-parent families in order to give them "time for responsibility", i.e. for carrying out family work. For the risk associated with family care work must also be equally shared and compensated for within these family constellations.

Research Group on Female Breadwinners ("*Familienernährerinnen*")

This research group dealt with the new but steadily growing role constellation where women represent the sole or, respectively, main breadwinners in their families. The proportion of sole or, respectively, main female breadwinners in multi-person households amounted to 18% (in 2007).

In this case, the change is that the women must – often unintentionally – take on the role of the breadwinner. That means that they are entirely responsible for the economic support of their families through gainful employment without prior preparation for such a role, while their partners, at the same time, often have to cope with the failure in their role as breadwinner, such as in the case of unemployment. It cannot be assumed that the female breadwinner model is an equivalent

to the male breadwinner model. Female breadwinners care for their families under different circumstances than male breadwinners do.

The group of female breadwinners is heterogeneous. It consists of women living in a partner relationship with or without children, and of single mothers. Female breadwinners often belong to the low income bracket or are in precarious employment. In general, their income is much lower than that of male breadwinners. However, there are also female breadwinners in dual career couples who earn a higher income than their partners. With the allocation of housework and family care work usually still following traditional patterns, female breadwinners bear a double responsibility and a huge double burden, with a high potential for health risks.

German labour market policy and social policy are in no way prepared for the new constellation of female breadwinners. They are often, and in completely contradictory ways, oriented towards the traditional male breadwinner model or towards the dual earner model. That is why a political and legal framework must be created at various levels to support women as breadwinners.

Hence, the authors of the policy paper, *Ute Klammer*, *Christina Klenner* and *Svenja Pfahl*, have presented strategies for action in a variety of different fields like labour market policy, income structures, social policy and family policy, education policy (extension of role options for boys and girls), child-care infrastructure and transport infrastructure. In addition, they have been dealing with the strengthening of partnership-based role models in companies to support female breadwinners not only in their immediate social environment but also on the municipal and federal level, as well as at the workplace.

Female breadwinners show that traditional employment patterns are gradually changing, but that traditional task sharing in the families proves to be extremely persistent, even in the case of dual career couples.

Granting fathers longer parental leave would, on the one hand, influence traditional task sharing and, on the other hand, send an important signal to employers that also men are not always available in the job.



Prof. Dr. Ulrich Becker, Sibylle Laurischk (Member of the Bundestag, chairperson of the Committee on Family Affairs, Senior Citizens, Women and Youth) and Dr. Edda Blenk-Knocke.

Research Group on Support for Caregivers ("Unterstützung von Pflegepersonen")

The main focus of this working group was on the provision of long-term care provided through family members at home. Depending on the situation, this decision, too, may lead to a radical change in the caregiver's life entailing specific risks for financial autonomy and income security. Both long-term home care provided within the family and professional long-term care are strongly characterised by traditional gender role models.

In German long-term care insurance law, home care is given priority over all other forms of long-term care. This reflects the wishes of the vast majority of the population. Consequently, an adequate institutional and legal framework must be created for those interested in providing long-term family care, i.e. time must be allocated for this kind of care-giving responsibility.

Irrespective of the gender-neutral formulation of principles, the priority of home care implicitly delegates the responsibility for relatives in need of long-term care to women. Considering the entire life course under the aspect of gender equality, the question arises as to what types of risks arise from long-term care-giving within the family – particularly regarding independent income security, the prevention of poverty in old age and personal opportunities in the job market – and how these risks may be minimised. But there is also the question of how men, a group largely

under-represented in this context can be convinced to assume long-term care responsibilities. Without sufficient financial compensation, neither the looming shortage of caregivers, nor the unequal sharing of risks between men and women due to care responsibilities can be coped with.

In their policy paper, *Ulrich Becker* and *Luise Lauerer* developed different options that might improve the situation of non-professional caregivers caring for relatives, for instance the possibility to take leave from work to an extent going beyond current labour law provisions.

To alleviate the financial disadvantages caused through caregiver leave, various solutions are conceivable. They range from tax-financed income replacement for persons in gainful employment (similar to parental allowance), to an increase in care allowance for better financial recognition of long-term care service provision by family members, through to the professionalisation of care provision by relatives, neighbours or friends by means of creating employment relationships liable to social security contributions (remuneration for long-term care services rendered). The configuration of long-term care in Denmark is an example of the latter option.

Furthermore, modifications in health insurance or unemployment insurance schemes may contribute to minimising the financial risks for caregiving relatives. Improving the





entitlement to old age pension on account of caregiver leave following the example of child-rearing periods would raise the chances for appropriate income security in old age. A further option is to improve tax conditions for caregivers.

An important accompanying measure is the provision of personal support to caregivers through information, counselling and assistance with caregiving.

Furthermore, high priority must be given to the preservation of the health of caregivers.

In the area of home care different constellations exist. When appraising the care models, the question therefore arises as to which target group best suits which model. At the conference it was emphasised that there were caregiving models which in the modern work society could quickly run into structural boundaries, as the requirement that family members live nearby is often no longer valid. This applies to both the Act on the Further Development of Long-Term Care [*Pflege-Weiterentwicklungsgesetz*] that took effect on 1 July 2008, and the Home Care Leave Act [*Familienpflegezeitgesetz*] that took effect on 1 January 2012.

On principle, the experts agreed on the fact that, in Germany, outpatient care must finally take precedence over inpatient care. This, however, requires that long-term care insurance must invest more money in outpatient care and that care allowance must, if necessary, be increased.

A New Role Model: Gainfully Employed Persons Assuming Care Responsibility in their Life Course

The findings of the longstanding project work termed "What is to Follow the Breadwinner Model?" were published in the expert report of the expert commission in charge of the First Report on Gender Equality of the Federal Government (2011). They were seminal for the new gender role model formulated by the commission with regard to equal participation in gainful employment and family care. Under the aspects of gender equality, this new role model must be supported in respect of the allocation of gender roles and must be given an adequate structure in terms of social law and family law: Both men and women should have the option to combine gainful employment and family care work. For this to happen, framework conditions should be provided to prevent major disadvantages in the professional career, in income or old-age pensions. Furthermore, incentives shall be provided for both men and women to make use of such an option (cf. *Neue Wege – Gleiche Chancen. Gleichstellung von Männern und Frauen im Lebensverlauf. Gutachten der Sachverständigenkommission an das BMFSFJ für den ersten Gleichstellungsbericht der Bundesregierung*, 2011, p. 209 et seq. and 225 et seq.).

The findings of the research groups and the discussions held at the conference in the German Bundestag on 29 November 2010 are documented in a publication edited by the German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) in collaboration with *Eva Maria Hohnerlein* and *Edda Blenk-Knocke*, entitled "Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien, Berlin 2011".

3.10. New Family Structures and Changing Gender Role Models as a Challenge to Social Law – A Comparative Analysis of the Developments in Europe

Eva Maria Hohnerlein

The forms of cohabitation among couples and the related gender arrangements among partners in Europe have changed. Marriage as a privileged form of long-term partnership

has de facto declined in significance. This has to do with the rising number of divorces and with the fact that more and more couples live together without a marriage certificate. These non-marital partnerships mostly consist of heterosexual couples, sometimes also of homosexual couples with or without children, and sometimes of other partnerships based on mutual solidarity.

In Europe, national legislation has responded to these social developments in different ways. This applies to both the recognition of such partnerships under family law and the consideration of these "parallel relationships" under social law. During the period under review two separate studies dealt with the question of how various European social law regimes have responded to the new family worlds and the pluralisation of gender roles.

A first study focused on the question as to whether partners of the same sex have access to social security benefits for dependent family members traditionally reserved for married couples, and to what extent also non-marital relationships are included in the protection granted by those benefit systems. In Germany, registered partnerships meanwhile have the same social rights as spouses, regarding, for instance, statutory pension insurance, health insurance or long-term care insurance. "Dependent" social protection of marriage partners, mostly women, has increasingly come under scrutiny. Hence, reform has been required for many years to improve social security for women through the extension of independent protection. Paradoxically, dependent social security is in the meantime being extended to registered partners of the same sex. By contrast, heterosexual partners in non-marital relationships remain excluded from any form of dependent social security in Germany.

In the first study, a comparison of several countries in Northern Europe (Denmark, Sweden), Western Europe (The Netherlands, France, the UK and Ireland) as well as Southern Europe (Spain, Italy) showed that these countries – except for Italy – have developed solutions that offer non-marital partners a legal framework to be able to respond to social security deficits due to changing living conditions. Yet, there is no common procedure that would automatically, due to the juridification of certain forms of non-marital cohabitation grant to

couples involved the same rights under social law as 'regular' spouses. The dynamics in the consideration of social security issues regarding non-marital partners follows different patterns depending on the different types of social benefits and services. A main finding of the study is that, in most of the countries under investigation, the concept of derivative social security benefits for dependent partners has not only been extended to cover registered partners of the same sex (hence following the relevant principles of family law) but also non-marital partnerships between men and women. In Sweden, access to survivors' pensions was opened up relatively early to non-marital partnerships between men and women. With "dependent" social security being abolished, an extension of this form to homosexual partnerships became obsolete.

In many countries which had originally followed the tradition of marriage-related social security, "dependent" social protection for survivors was later also extended to concubinage. This even applies to Catholic countries such as Ireland or Spain, whereas Italy with its further centring on marriage constitutes an exception. Cohabitation in Italy remains almost without any social protection. However, the Italian Constitutional Court decided in 2009 with regard to statutory occupational accident insurance that children from non-marital partnerships who are entitled to a half-orphan's pension shall receive this pension at the increased rate for full orphans. In this respect, non-marital partnerships are indirectly taken account of via the benefits entitlements granted to dependent children of the couple.



Dr. Eva Maria Hohnerlein



A second comparative investigation dealt with changing gender role models and the reforms they brought about in old-age social security and survivors' protection. Here, the developments of social law in Germany were compared against reforms in other countries which focus on strengthening independent social security by extending, for instance, the recognition of child-rearing periods with regard to pension legislation (France), abolishing survivors' protection in whole or in part (Sweden, Denmark), or, conversely, by turning survivors' protection into a hybrid system of independent and derived protection (France). In opposition to this development there is a trend towards extending derived social security to concubinage and registered partnerships by including them in survivors' protection. Both studies have been published as articles, one in a periodical and one in a book.

3.11. The Situation of Single-Parent Families: A Comparison

Hans-Joachim Reinhard

The number of single-parent families has been rising steadily for many years in all industrialised countries. While in previous decades the main causes for the absence of a parent was the mother's death in childbirth or the aftermaths of the Second World War, these constellations fortunately have become exceedingly rare, if not to say irrelevant. Today, one-parent families are usually the consequence of divorce or sometimes even the deliberate decision of a parent, mostly the mother, to live without a partner.

To date, the law has failed to respond satisfactorily to this new societal development. In cases where single parenthood is brought on by one parent's death, attempts are made to compensate for at least part of the financial loss through the payment of survivors' benefits. Yet if both parents are still alive, financial arrangements are primarily left to the responsibility of the progenitors. Especially after divorce proceedings, it nevertheless becomes clear that this solution rarely functions well. One parent, typically the father, neglects to meet maintenance obligations, or does so insufficiently. Sometimes, unresolved parental conflicts are argued out by way of maintenance disputes.

Not infrequently the father has started a new family and gives it financial preference. And finally, the maintenance debtor is often entirely unable to meet his commitments adequately owing to a lack of resources or unemployment, even if he is willing to do so. In times of low wages and declining real incomes as well as continued high unemployment, this is by no means the most uncommon case.

As a result, the poverty risk of single-parent families is strikingly increased. Women with children are usually those affected because they traditionally retain parental custody after a separation. Models of joint parental responsibility hardly ever function properly; frequently, they are not even desired by the parents. Moreover, only in the fewest separation proceedings is the parenting duty entrusted to the father. Here again, the classic role model continues to prevail, so that this is not considered a viable option – neither by parents nor courts or the other parties involved in the proceedings, such as child protective services.

In January 2010, a team of researchers based at the University of Barcelona was awarded a contract to conduct a study on the situation of single parents in Spain, with a special focus on the Autonomous Community of Catalonia. The background was that according to the constitutional distribution of competences, Spain's Autonomous Communities possess legislative powers in the field of social law outside social insurance. It was the Government's intent to examine the social circumstances of single parents and, as appropriate, to submit proposals for social legislation to improve their situation in Catalonia and all of Spain.

Apart from depicting the current state of affairs in Catalonia and Spain, an additional aim was to provide an overview of the situation of single parents in several countries of Europe. The Spanish project leader thus approached the Institute's research fellow for Spain (*Reinhard*) asking him to assume this part of the task. In June 2010, an initial workshop was held at the University of Barcelona to discuss the conception of reports. The results were presented in a subsequent workshop early in December 2010. It was also attended by a further researcher of the

Institute (*Hohnerlein*) with longstanding expertise in manifold aspects of the social protection of families.

The findings show that the social circumstances of single parents in most of the countries investigated are unsatisfactory – sometimes even precarious. An exception is the Scandinavian countries where, aside from a few individual cases of shortcomings in single-parent households, overall differences vis-à-vis full families are not very pronounced. In the Mediterranean countries, by contrast, the social protection and above all the financial circumstances of one-parent families are clearly below average, as evidenced by the comparative statistics of international organisations. Germany is located in the lower midfield. A crucial reason for the differences appears to lie in the prevalence of childcare facilities, particularly for children under the age of three.

Scandinavian parents benefit from a broad and affordable offer of childcare services, with reliable and adequate opening hours, whereas this is the big exception in wide parts of the southern countries. Considerable regional differences have been found to exist in Germany, with high costs and insufficient opening hours being a major complaint here. In any case, dependable care facilities for children – also during school time – are decisive to the integration of single parents in the labour market and hence to increasing their financial resources. What is needed is a broad approach towards achieving a positive change in the social situation of one-parent families. For one thing, monetary benefits (e.g. in the form of tax relief for single parents) are instrumental in easing the financial burden, while services (e.g. aid in the enforcement of maintenance decisions) are apt to alleviate the psychological strain on these families. Most importantly, however, the key to a substantial improvement in the living conditions of single parents is to enable them to secure their livelihoods independently (e.g. with the help of sufficient care facilities and family-friendly workplaces).

The study was submitted in January 2011 and published by the Spanish labour ministry (Ministerio de Trabajo e Inmigración, La revisión de la protección de las familias monoparentales por parte de la seguridad social).

3.12. Early Childhood Care and Education in Italy – Instruments, Initiatives and Experience with the Implementation of Social Services for Children

Eva Maria Hohnerlein

In comparative welfare state research, Italy counts among those countries in Europe that have traditionally paid little attention to social policies geared to families with children and that have, accordingly, attributed the responsibility for childcare and education to a large extent to the family, particularly to mothers and grandmothers. However, a closer look offers a different picture: In as early as 1968, for instance, Italy introduced a voluntary pre-school system, which it comprehensively expanded as part of its education system at a relatively early stage. Developments regarding childcare programmes for children under the age of three were a lot more patchy and fragmented. Following on from previous research work, the study during the period under review focused on the examination of those instruments, initiatives and experiences that have in recent years in Italy, too, led to a remarkable quantitative expansion of care services for children under the age of three.

First attempts at establishing crèches as universal social services in the public interest can be found in Law No. 1044 of 1971. In the context of a five-year plan, a minimum of 3,800 municipal crèches, co-funded by the State, were to be established. Further funds were generated by levying additional mandatory social insurance contributions from employers. For many years, these expansion targets were not met. And yet, ever since, a gradual transition has been made from social services providing care to children from poor families in the margins of society (*nido assistenziale*) towards universal childcare services with educational objectives (*nido educativo*) that were to employ sufficiently qualified staff in order to be able to guarantee health care as well as psychological and pedagogical assistance and care. Even though the right of all children (including the disabled) to a place in a crèche as provided by Law No. 1044/71 was sporadically implemented through regional law, the right of children to care and education in their earliest years of life did not find explicit legal recognition at national level until some 25 years later, when



Law No. 285/1997 on child and youth welfare was passed, which contained provisions on the protection and promotion of equal opportunities for all children. This formed the basis for encouraging the expansion of an integrated network of diverse childcare and education facilities for small children (*servizi socio-educativi per la prima infanzia*). Despite various initiatives, availability of day-care facilities for children under the age of three remained insufficient – particularly in the southern regions of Italy. In 2000, the average national coverage rate of childcare services for this age group was still at a mere 7.4% – a far cry from the so-called Barcelona targets: according to the agreements reached at the EU summit in Barcelona in March 2002, member states were invited to provide childcare by 2010 to at least 33% of children under the age of three in the context of the European Employment Strategy.

A major part of the problems involved in the further expansion of the childcare infrastructure is connected with the constitutional reform of 2001 and the shift in legislative powers linked to regionalisation. Childcare services are part of the social services which fall under the provisions of concurrent legislative competence, meaning that pursuant to Italian constitutional law the regions have comprehensive regulatory powers. The State competences are limited to determining those "essential services" in the context of fundamental civil and social rights that shall be guaranteed nationwide. Beyond this determination of the "essential services" the new constitutional scenario also implies the redefinition of financial responsibility between the State and the regions, the introduction of new coordination modalities and instruments, as well as the transfer of functions previously performed exclusively by the State. As a result, various State provisions specifying how regions should make use of State funds distributed via one fund for the expansion of crèches at the workplace were declared unconstitutional, as they encroached too much on regional powers. To date, no specifications have been made at national level as to the definition, scope and function of these "essential services" in the field of social services, even with regard to childcare programmes for small children; instead, purely quantitative targets have so far been developed.

As to these quantitative objectives, the Italian government entered into an agreement with the regions, municipalities and further territorial entities at the end of 2006, creating a National Action Plan (2007 – 2009) for the development of childcare programmes/services for children under the age of three. The main objective was to increase the coverage rate of childcare services from a national average of 11% to 15% and, in doing so, to create 50,000 new places in crèches; in this context, specific targets were set for the southern regions (a minimum of 6%). Moreover, the exact specification of the "essential services" first had to be defined. The agreement contained a significant financial obligation for the State on the one hand and, on the other, a special instrument of implementation that provided for technical support and for the adoption of a monitoring programme, the consequence being that the regions subsequently undertook to submit a regional childcare plan with specific targets for the expansion of the childcare infrastructure. Since 2009, continuous monitoring of the implementation process has been taking place at regional level. As part of this process, the various forms of childcare established under various names on the basis of regional law have, for the first time, been systematised and classified.

On the whole, greater dynamism has since been observed as regards the expansion of early childhood care services; however, the primary focus in this context is on quantitative rather than qualitative aspects. Exemplary of this is the strategy to grant children access to preschool already from the age of 2.5 years, or to create additional day-care places in preschools by means of opening up separate early childhood groups (*"sezioni primaverà"*) for children under the age of three. This indicates that, unlike in Germany, the preferred strategy of expansion is to link childcare services to preschool, while private day-care services provided by childminders in their homes have, so far, only been developed to a limited extent and do not function as a substitute for the lack of public services. Despite all progress, Italy still falls short of the Barcelona targets by some 10%, and many questions remain open regarding quality assurance. As for important indicators like group size, child-to-staff ratio and professional staff competence, the system still lacks uniform standards.

4. Transformation in Threshold Countries

4.1. The Right to Health in Latin America – Appropriate and Effective Access to Health Care Services

Lorena Ossio Bustillos

The research project "Right to Health" poses the following questions: Is there a right to health? What, precisely, does it refer to and how can it be enforced? A guiding premise here is that health constitutes a basic requirement for a decent existence. At the same time, there are doubts at both national and international levels whether a corresponding subjective right to health exists. That follows from the discrepancy in many Latin American countries between the endeavour to achieve the best possible medical care and the medical resources actually available to (large) parts of the population. The matter is compounded by the general difficulties of financing a comprehensive health care system on an enduring basis.

In the 2008 – 2009 period, the project entitled "The Right to Health in Latin America – Appropriate and Effective Access to Health Care Services" was given concrete form (cf. Report 2008 – 2009, pp. 84-87). The ensuing investigations have focused on interaction between the right to collective health and the right to individual health as well as on interaction between the executive administration of health care and the judicial review of subjective rights to health.

The research in this report period spotlighted the countries of Brazil and Colombia, with the situations in these two states forming the subject matter of a comparative law analysis. Such an approach permits one to contrast the two different Latin American legal systems – namely, the federal system of Brazil and the unitary system of Colombia – in regard to their respective judicial and health care structures. Moreover, a review of theoretical propositions also brings into play German legal doctrine as it has been received to a remarkable extent in both countries' teaching and jurisdiction, and thus plays a special role in the legal comparison. According to most of the Latin American constitutions, as opposed to the relevant provisions enshrined in European constitutions, the right to health is not only perceived as a purely objective-legal or programmatic guiding principle but is meant to afford direct, legally enforceable access to health care services.

The extension of the country (NICs) reports beyond the newly industrialised countries of Brazil and Colombia to include the Latin American developing nations of Bolivia, Peru and Ecuador proved necessary because current academic publications centre on the judicial enforcement of the right to health in NICs, and take this line in submitting legal propositions for appropriate and effective access to health services. These studies, however, fail to highlight interactions with other government bodies – that is, the executive and legislative branches, hence other avenues of legal resolution. Also, the aforesaid developing countries have not as yet been scrutinised to



Dr. Lorena Ossio Bustillos



Prof. Dr. Ricardo Perlingeiro Mendes da Silva and Prof. Fábio de Souza Silva (both Universidade Federal Fluminense).



any great extent, but could prove important in tapping additional sources of relevance to the Latin American research venture and thus in contributing further solution approaches.

A two-day German-Brazilian workshop (February 2010), attended by scholars of the Fluminense Federal University, Rio de Janeiro, and the Institute, consisted of three working groups on the following subjects: (1) the right to health from the perspective of jurisdiction in Brazil; (2) the right to health from the perspective of health policy in Brazil; and (3) the specifics of effective legal protection in the health care system.

Subsequent presentations were given by *Ricardo Perlingeiro Mendes da Silva* on "Administrative Jurisdiction and Collective Health", *Túlio Batista Franco* on "Health Policy in Brazil", and *Fábio de Souza Silva* on "The Specifics of Effective Legal Protection in the Health Care System" (consecutive interpreting: *Jan Peter Schmidt* and *Heinz Meditz*).

In summary, the following conclusions were drawn: The growing number of administrative court proceedings has considerable repercussions on health care provision. Most of the court rulings deal with the right of access to health services, their specific scope and their quality, as well as with the enforcement of non-discrimination rules, but also with regulation and supervision in the public health system. The individual assertion of legal claims is thus leading to the increasing

substantiation of a fundamental right to health. This in turn has fuelled political debate in which the judicial development of law in single-case decisions is held to be inadmissible court intervention in the government's legislative and executive competences.

The judicial enforcement of social rights in newly industrialised countries such as Brazil and Colombia was likewise the subject of a European-Latin American colloquium held in May 2010 at the German University of Administrative Sciences in Speyer. It was attended, inter alia, by scholars also from Andina Simón Bolívar University in Ecuador (a transnational institution of the Andean countries). Evidently, Latin America's developing countries – for instance, Ecuador, Bolivia and Venezuela, as distinct from Brazil – have taken an alternative approach by seeking to implement constitutionally enshrined social rights through executive orders.

4.2. The Ibero-American Multilateral Agreement on Social Security

Lorena Ossio Bustillos

The Ibero-American Community (*Comunidad Iberoamericana*) comprises nineteen Spanish- and Portuguese-speaking countries on the American continent, along with Spain and Portugal. The Ibero-American Multilateral Agreement on Social Security (IMASS) was resolved on 10 November 2007 to promote social protection within the Commu-



Prof. Dr. Túlio Batista Franco (Universidade Federal Fluminense), Dr. Heinz Meditz (German University of Administrative Sciences) and Dr. Lorena Ossio Bustillos.

nity, notably by coordinating the national legal systems to enable migrant workers and their dependants to retain their social rights across borders, and hence to accomplish greater mobility within the Community.

This international convention above all addresses the equal treatment of foreign and domestic entitlements as well as the national regulations governing cash benefits for retirement, in the event of disability, for survivors, and in cases of occupational accidents and diseases. The relevant EU legislation (notably EC Regulation 883/2004) served as a substantive model for the elaboration of the Agreement's basic principles, such as the crediting of contribution periods, potential exports of benefits and administrative cooperation. It must be borne in mind, however, that the *Comunidad Iberoamericana* is not an international organisation comparable with the European Union in institutional terms, but merely a political forum with no independent enforcement mechanisms of its own. The Agreement's concrete transposition is thus incumbent upon the individual states. IMASS entered into force on 1 May 2010; yet it will only be applicable in states that have also signed the implementing regulation. Currently, these include Bolivia, Brazil, Chile, Ecuador, Spain, Paraguay and Uruguay.

The Institute's research project focuses on interactions between IMASS and the *per se* economically oriented integration processes in Latin America. The investigation moreover seeks to highlight the social dimension of *Comunidad Andina de Naciones* (CAN, the Andean Community of Nations) and *Merca- do Común del Sur* (MERCOSUR, the Common Southern Market). Particular attention is paid to the individual states' reception of the IMASS regulations, on the one hand, and the free movement rules of the economic communities and their concomitant rights of equality, on the other.

An initial step is to systematise the existing social standards set by the Andean Community and MERCOSUR to enforce the right of free movement. One will then proceed to identify the framework conditions of established institutions, international conventions and their enforcement mechanisms for the development of a "social dimension" in the Latin American integration processes. Allow-

ance must thereby be made for the fact that Community measures in the social sphere come up against highly disparate historically shaped national social systems – a fact which in turn prompts the individual states to place differing expectations on the social dimension of integration in Latin America.

5. Multi-Focus Research

5.1. Emeritus Workplace Hans F. Zacher: The History and Crisis of the Social Market Economy

Hans F. Zacher

The term "social market economy" entered public consciousness in 1948, in connection with the currency reform, which in West Germany replaced the Reichsmark by the Deutsche Mark. West Germany, that was the American, British and French occupation zones (along with the corresponding occupation sectors in Berlin). It was the same part of the German Reich's territorial "legacy" which, soon thereafter in 1949, was to become the Federal Republic of Germany. The term "social market economy" had no tradition when it came into the limelight in the summer of 1948. It made no immediate sense. It was a programme – a notional and a political concept. Its protagonists in academia and politics understood it to mean something like this: The economic processes of production, supply and distribution of goods should quite generally be left to a competitive market economy; however, as the latter does not exclude unreasonable inequality in the conditions of living, if not to say serious shortcomings, the concept also requires the "social" control or supplementation of said processes. That was a renunciation of the practice prevalent at the time (whether on communist-socialist or other ideological grounds, whether by necessity of the war-time economy) to comprehensively place the economic processes of production, supply and distribution in the hands of politics and to control them administratively. And it was a renunciation of the radical liberal assertion that "social" supplements and adjustments were incompatible with market economy.

This emphatic "bidirectional" approach was to show the way out of a long and agonising,



Prof. Dr. Dr. h.c. mult.
Hans F. Zacher



forever recurring uncertainty over an appropriate order of economic conditions. It has proven a royal road – and yet, also an incessant challenge. The landscape through which it leads changes constantly, necessitating ever new adjustments to its course.

Previous History: From the Middle Ages to Modernity

The dawn of the 18th century ended a long-winded transition from the medieval feudal corporative state to the modern polity. It freed the "ordinary people" from the poverty of their living quarters – the home, the farm, and so forth – and led them into the poverty of those left alone, on their own and no longer "socially included" (a phrase that was to be coined later on). And it engendered new opportunities and new risks for those with more power. For two long centuries, Europe sought to master this development with a tempest of new ideas, many of which still support modern thought today. In the second half of the 18th century, the beginnings of the Industrial Revolution radically changed labour and the economy. Then, around 1800, with the American and the French Revolution, with Napoleon's reconfiguration of the European world of states, finalised by the Congress of Vienna, the state in Europe was given a new face. The state, increasingly a constitutional state, became the framework also for the social inclusion of its citizens. Citizenship was invented. Economic activity was placed on the fundament of freedom. And the promise of "equality of all before the law" spread. Now it depended on what someone could contribute and in what form: property, capital or labour – or none of these. There was new and appalling destitution. But the repeatedly proclaimed ideal of human equality also gave way to criticism of the inequality of living conditions: as a "labour issue" and as a "poverty issue". This horizon of criticism received an epithet: "social". The "Social Question" demanded solutions. The state responded in two directions: to the "poverty issue" with poor relief, and to the "labour issue" with preliminary steps towards protective legislation and the "invention" of social insurance. Above and beyond that, circumstances changed through the immense progress of civilisation. Such progress brought in its wake manifold general improvements to living conditions, thus also benefiting the poor. Law played a big part in all of this.

Hence, in the 19th century, an elementary form of complementarity took shape. On the one side: the endless diversity of production, supply and distribution processes. These were as a rule the affair of society, the family and the market; in exceptional cases, however, they were essentially also an affair of the state (e.g. as public services). On the other side: the politically mandated "social" supplementation and adjustment of those processes through "social benefits" and through the pursuit of "more equality" in regulating inherently "unequal" circumstances (such as working conditions).

With that basic paradigm in mind, Europe embarked on the twentieth century. The individual states thereby differed markedly, depending on their level of development. Yet in the close circle of Europe an alternative way forward had also emerged. Comprising numerous variants, it was based on the conviction that even the general assurance of decent living conditions was a direct duty of politics – whether on the part of the state or that of a thoroughly politicised society destined to supersede the state (letting it "die off", as Marxism put it). It was a path that ruled out the notion of a free society and "its" market. This pool of socialist and communist ideas, too, accompanied Europe into the twentieth century.

From the First World War to the Second Post-War Period

The First World War activated the above potential in a twofold way. On the one hand, the crisis of tsarist Russia helped communism achieve a breakthrough there. On the other, at least all the countries involved in the war were forced to more or less alienate the market concept through state control and distribution. The primacy of society and the market ceased to be a matter of course.

After the end of the war, Europe remained afflicted with political and economic unrest. From the most diverse of political corners, social benefits were expanded and unequal relational structures were subject to social adjustments; on no less a scale, politics also took hold of the economy. The question of the "right" economic order remained open. Developments in the Soviet Union were a deterrent example, as was the socialist temptation. From 1939, a wartime economy once again

spread out over Europe, harried by a regime of ruthless exploitation of the German-occupied countries.

After the Second World War, Europe was split up: into the Soviet-dominated East and the "free" West. The "East" was ruled by "socialist" one-party regimes on the basis of centrally planned economies. The "West", too, was guided by the conviction that the world now had to become "more social" than it was before the war. The creation of new social benefit systems was one of the most frequently chosen routes. A more difficult task was to achieve the proper relationship between the autonomy of society and the market economy, on the one hand, and the envisaged social objectives, on the other. Government control and management remained widespread approaches taken to that end, although a shortage of goods was then apt to jeopardise "social" success. In particular, however, many feared the capitalist concentration of economic power, while at the same time seeking ways to give the labour factor more economic sway. Nationalisation and socialisation became the central instruments here. All in all, however, the uncertainty that had prevailed during the interwar period returned.

The Birth of the "Social Market Economy"

That was the experiential world facing the English and French occupying powers as they set out to prepare a currency reform in West Germany in the summer of 1948. Only the American forces were thereby free of any planned-economy or socialist temptations. The thoughts of the West German public and its politicians likewise went in the direction of a "Western" Europe. In any event, economic management techniques appeared indispensable. The shortage of goods was becoming ever more dramatic in the absence of market-based supply incentives. Despite that, the venture of giving societal forces room to develop in a market economy remained alien to the era. Ever since the First World War economy and the Russian Revolu-

tion of 1917 had shattered the naive implicitness with which 19th-century European states and societies had encountered market economy, subsequent experiments had sought to use political instruments to steer economic processes in the direction of political – and not least "social" – goals. This enmeshment clung to all lines of thought.

It was a comparatively small circle of personages who had started to meet in 1938, in diverse contexts and configurations, to reflect on alternatives to the prevailing political system – including reflection on the institutions of a future economic policy. As a rule, they met in Freiburg, thus coining names like "Freiburger Kreis" and "Freiburger Kreise". They maintained contacts with other groups of the resistance. So they were persecuted along with that resistance; some were arrested, some executed. Most of them came from academia, and quite a few from the economic sciences. A common denominator many of them considered essential was their sense of Christian responsibility. Resistance to National Socialist rule was largely an additional service on behalf of individuals, the German people, and also their victims, a service rendered by elite personages, that is to say social, bureaucratic, military, church, academic elites and, in any case, moral elites. As for the concept of "social market economy", it was decisively shaped by scholars – scholars who amidst this political dark age of violence and injustice put their liberty and life at stake to sow the seeds of reason in the soil of the future. What a precious heritage!



Ludwig Erhard, German Federal Minister of Economics from 1949 to 1963 speaks on the topic of "Social Market Economy or Controlled Economy?" Announcement of his speech dating from 1949.



The Freiburg School was the cradle of resolve in opting for market economy. Its circles knew that Europe could not and must not go back behind the Rubicon which the 19th century had crossed, demanding human equality and a critical assessment of unequal living conditions, along with the necessary – that is, social – measures to limit such inequality. The primary medium to that end nonetheless had to be the market and competition because only they could transform the greatest benefit for individuals into the greatest benefit for the general public. Behind that was also a motive of constitutional policy: Politics were to order the economy but not distribute the goods.

The further details were only marginally clarified. That gave defining power to the political reality which the "Bizone/Trizone Administration" (as a government of sorts initially comprising the British and American zones, later also the French zone) placed in the hands of the West German economy under the leadership of its Director of Economics, *Ludwig Erhard*. Immediately after the currency reform, most of the price controls for consumer goods were lifted, followed by further decontrols in the ensuing years. Correspondingly, restrictions on wages were likewise removed in the autumn of 1948, which soon led to the adoption of a Collective Agreement Act. An independent central bank (the "Bank Deutscher Länder", later the "Bundesbank") had already been instituted by the occupation forces prior to the currency reform. It nevertheless took quite a while longer to incorporate the core piece of the "social market economy": a strict competition law. Resistance to it was great. Not until 1957 was the Act against Restraints on Competition adopted. It later came to include other practices, which nevertheless failed to find any comparable basic expression. In particular, the public sector's own economic activities were successively scaled back. The legislator declared the "market-based order" the prerequisite for its political goal of achieving "price stability, a high rate of employment and a stable balance of trade, accompanied by steady and appropriate growth" (1963: Act on the German Council of Economic Experts; 1967: Stability and Growth Act). "Overall control" was to become the main criterion for the admissibility of economic policy intervention, thus making public finance the most important medium.



Ludwig Erhard and his book "Wohlstand für Alle" [Wealth for All], published in 1957.

To be sure, all notions the fathers of the "social market economy" may have had were transcended by the development of the "social" element. The network of social benefits grew ceaselessly in all directions – initially, to compensate mainly for the consequences of the war and its aftermaths, but soon thereafter, to do justice to the development of civilised standards – and was based on entitlement, protected groups of persons, content matter, and not least of all, on absolute and relative financing volumes. Labour relations, too, were developed extensively.

Success, Acceptance and Doubt

The "social market economy" triggered an initial wave of approval immediately after the currency reform. The market-based activation of societal potential had brought an unbelievably swift end to the previous agony of short goods. Prices and wages, on the other hand, had yet to find their proper ratio, just as the labour market had yet to adjust to the new circumstances. From 1951 onwards, economic conditions stabilised on a high level. Growth and full employment instilled a sense of basic trust, which – justifiably so – has had a lingering effect until today.

Since the mid-seventies, developments have remained volatile. In both economic and "social" terms, phases of prosperity and decline have alternated with each other. The premises of "social market economy" have changed time and again. But what is also true: While people increasingly take the benefactions of "social market economy" for granted, its

shortcomings always attract renewed attention. Moreover: The longer people experience the "social" element, the more it changes their behaviour in a manner that impairs the functioning of the market, or the functioning of the "social" element, or even the functioning of the entire system. Most importantly, however: It is accepted that the market functions best if it is well-ordered and if politics do not disrupt the implementation of this order through selective interventions; conversely, if social policy is a priori a political construct, why should it not bring about all the luck the market fails to provide?

Germany and Europe

These disappointments on the inside are contrasted with hopes directed at the "social market economy" from the outside. The states of "free" Western Europe have increasingly taken the course West Germany embarked upon in 1948. The supranational European Community, even back when it was founded as the European Economic Community (1958), has always seen the market as the essential medium, especially for social progress. And it has committed its member states to a market-based and competitive order consistent with the concept of "social market economy".

All that gained new significance with the collapse of the socialist systems in Eastern Europe. German reunification was implemented under the precursor Treaty on Currency, Economic and Social Union, based explicitly on the common denominator of "social market economy". But also the other states within the former Soviet sphere of influence pursued that ideal. And many of them, meanwhile members of the European Union, have accepted the requirements set out in the Treaty on European Union, which has been speaking of a "social market economy" since the Maastricht Treaty.

The World

Indeed, the market economy is no longer what it was in the early stages of "social market economy". For a long time, it was an economy of entrepreneurs whose success in life was interwoven with the success of their enterprises, and it was an economy of enterprises whose existence and success was

bound up with the community and its society. That created singular opportunities for optimising cooperation. These interactions have dissolved – geographically, through Europeanisation and globalisation; and functionally, through such phenomena as the detachment of management interests from the fate of the enterprise, and the severance of finance from the real economy. Many other things have changed along similar lines. One need only think of growing indebtedness – far too many debtors vis-à-vis far too many creditors (many but not all).

Nevertheless, the "social market economy" refers to a delimited society. It requires some degree of coherence and homogeneity in its living conditions – for how can it still succeed in circumstances of dissolving close relations? Are we even aware of what has changed in the hidden requirements of a "social market economy" when banks and their agents unload their losses on the taxpayer? And are we aware of what has changed in the hidden requirements of a "social market economy" when politicians burden our grandchildren and great-grandchildren with the deeds for which they were elected in their own time?

The Challenge

The Germans like to grumble about their "social market economy" – wrongly, but also rightly so. Too many radical changes have not been tackled. Perhaps one must revert to such an elementary solution as the one found in 1948.

5.2. The Marketing of Naming Rights to Sports Facilities in National and International Law

Ulrich Becker

Since a team of the first division of the German Bundesliga, the Hamburg sports club HSV, in 2001 for the first time conferred the naming rights to its stadium to a business company, the commercialisation of naming rights to German sports facilities has rapidly developed. According to *Reinhard Zimmermann*, director at the Max Planck Institute for Foreign and International Private Law, the marketing of sports facilities had very probably not reached its peak in Europe yet. In order to examine in more detail the legal



and economic backgrounds of this comparatively recent form of marketing in Germany, *Zimmermann* and *Ulrich Becker* invited legal practitioners, sports experts and business people to Hamburg to attend the 7th sports law symposium of the Forum on International Sports Law on "The Marketing of Naming Rights to Sports Facilities in National and International Law".

The (mostly temporary) bestowing of naming rights opens up an additional source of finance to the proprietor or operator of a stadium. For sponsors, the use of naming rights may be a promising instrument within their communication and marketing activities. *Maria Walsh*, representative of a sports marketing agency explained that payments effected for the funding of sports facilities were a cost-effective alternative to payments made for TV commercial slots during prime time. Such advertising contracts were of great economic significance in the global market. In 2009 alone, approximately ten billion US dollars had been estimated to have flown into sports clubs or into the hands of operators or proprietors of sports facilities from industrial sponsors, with 75 per cent invested in the United States, the country of origin of this form of marketing. Against payment of millions of dollars, often in the three-digit range, sponsors are entitled to use the name of a sports facility for advertising purposes and may install their corporate logo within stadium range and/or print it on tickets, brochures and merchandising products issued by the sports club.

However, as *Zimmermann* and *Becker* view it, this simple-sounding mutual "deal" involves a series of legal questions. Who owns the rights to the name of a sports facility? Who has the right to commercialise naming rights? Who must, if applicable, give consent to agreements made in this field? And finally: What will the contracting parties have to bear in mind in order to avert disputes at a later stage?

In his presentation, Hamburg attorney *Mirko Wittneben* reported on the legal framework conditions regarding contracts in this field, stating that they typically also included an agreement regarding support granted to the sponsor by the name owner during the new name launch for the stadium. After all, the media could not be obliged to actually use the new name, which is why cooperative support on the part of the contractual partners was of fundamental significance. It must also be kept in mind that the right of the sponsor to advertisement presence during football matches in the Champions or Europa League, the FIFA World Cup or the Olympic Games may be subject to advertising restrictions. As a rule, naming rights contracts are limited to a period of five to 15 years. In principle, such contracts provide for the right to terminate a contract for cause. In order to do so, the contract must state reasonable grounds for a termination, e.g. the opening of insolvency proceedings regarding company assets, or other activities of a party or incidences related to the former that may damage the image of the sponsor or the sports club.



Bernd Röttgermann (managing director of VfL Wolfsburg-Fußball GmbH), Bernd Hoffmann (chairman of the board of Hamburger Sport-Verein e.V.) and Maria Walsh (International Sales Director, SPORT+MARKT).



Dr. Mirko Wittneben (attorney, Hamburg), Prof. Dr. Ulrich Becker and Prof. Dr. Dr. h.c. mult. Reinhard Zimmermann (Max Planck Institute for Comparative and International Private Law, Hamburg).

Business manager of FC St. Pauli, *Michael Meeske*, described how in Germany stadium name changes often met with resistance from fans in cases where the sports facilities in question were particularly rich in tradition. In 2007, for instance, the marketing of naming rights to the Millerntor Stadium was prohibited by FC Pauli's General Meeting. In this case, the risk of identity loss apparently outweighed the prospect of obtaining additional revenues. By contrast, the home ground of Hamburg SV has already changed names three times within a period of 10 years.

Germany leads the way as regards the number of contracts and amount of revenues involved, followed by Great Britain, Spain and the Netherlands. It is the Munich Allianz Arena and the London Emirates Stadium that are in the European lead with annual revenues in the amount of approximately 6 million Euros each. *Simon Cliff*, general counsel of Manchester City Football Club explained that in principle, the marketing of naming rights to sports facilities did not play as great a role in Great Britain as it might seem at first in light of this ranking. However, this resulted less from an oppositional stance to the generally advancing commercialisation of football than from the greater amount of financial resources available to football clubs in the Premier League, i.e. financial means which German clubs did not have at their disposal. Yet, also British football clubs were aware of and interested in the economic potential of marketing naming rights to sports facilities. Manchester City

FC, for instance, taken over by *Abu Dhabi United Group* in 2008, had already started cooperative agreements to market the naming rights to diverse facilities associated with the *Group* to sponsors from Abu Dhabi.

5.3. Doping Control Systems and the Personal Freedom of Athletes

Katharina Liebe

The 8th sports law symposium of the Forum on International Sports Law was held on 12 December 2011. The topic chosen for this symposium was termed "Doping Control Systems and the Personal Freedom of Athletes" and was organised by the MPI for Comparative and International Private Law in Hamburg and the MPI for Social Law and Social Policy.

Over the past two years several athletes have attracted attention through protest actions, disapproving of the more stringent "whereabouts requirements", a measure introduced for professional sportspersons to combat doping in sports. These obligations are based on the revised World Anti-Doping Code of 2009 of the World Anti-Doping Agency (WADA). According to the implementation rules of the code, athletes from various sports have to state their whereabouts three months in advance and specify a 60-minute time slot per day to allow for potential anti-doping controls. In Germany, these rules became legally binding with the implementation of the WADA-Code through the code of the Na-



tional Anti-Doping Agency (NADA) and its implementation rules. The main focus of the legal discussion is especially on the question as to what extent these regulations unjustifiably encroach upon the individual freedom of athletes.

The introductory presentation of *Reinhard Zimmermann*, managing director of the MPI for Comparative and International Private Law, was followed by a keynote address given by *Martin Nolte*, holder of the chair of sports law at the German Sport University Cologne, dealing with the legal problems of doping control systems. *Nolte* first stressed the need to make the anti-doping rules of the National Anti-Doping Code (NADC) compulsory, as well as ad-hoc controls in particular without neglecting the requirements resulting from the right to informational self-determination and from the German Federal Data Protection Act (*Bundesdatenschutzgesetz*, *BDSG*). According to the NADC provisions, three subsequent failures within a time period of 18 months to comply with the requirement to report one's current whereabouts come level with a violation of the anti-doping rules; in these cases, individual athletes are banned from sports events for one year. In the absence of deviating legislative provisions, data acquisition in this respect implies the consent of the athletes. The admissibility of national data treatment follows from Section 4 (1) of the German Federal Data Protection Act (*BDSG*), whereas international data exchange refers to Section 4b (2) and Section 4c (1) *BDSG*.

Due to the monopolistic structures of the sports associations, the "option" of voluntary compliance is partly nonexistent, with athletes not being given any room for decisions regarding the conditions of their participation. This is, however, countered with the argument that the athletes, by declaring their consent to the anti-doping regulations – which apply to all kinds of professional sport – implicitly also accept the underlying obligation to state their whereabouts.

Nolte suggested that the concept of "voluntary" should be interpreted in a way that allows for weighing up, in each individual case, the interests and rights of the athletes on the one hand against those of the associations on the other hand. Hence, the "60-minute time slot" regulation was a major requirement. Yet, one had to keep in mind that it was only a question of one hour per day and that a violation of the anti-doping rules only occurred after three incidents of non-compliance with the obligation to state one's whereabouts. Furthermore, the athletes would always be given the opportunity to explain their failure to report in order to prevent the incident from being counted. An aspect in favour of the present form of ad-hoc controls was also their high effectiveness. After all, anti-doping legislation had to be considered as a sports law in its own right, and this was also the reason why state courts clearly refrained from taking their own judicial decisions. In the final analysis, the voluntary nature of the consent was to be approved of, making current national data procedures admissible.



"The anti-doping regulations are generally accepted by the sporting community", says *Silke Kassner* (whitewater canoeist and athletes' representative with the German Olympic Sports Confederation).

By contrast, the forwarding of obligatory data provided by the athlete to ADAMS, i.e. the Canadian server operated by WADA, was problematic and not compatible with the German BDSG. According to Section 4b (2) BDSG, transmitting personal data to foreign agencies was not permissible if a certain level of data protection could not be guaranteed. And it was especially this level of data protection which could not be taken for granted with the mentioned Canadian data protection programme. Even an exception based on Section 4c (1) BDSG, according to which forwarding data to a foreign country in case of an athlete's consent or of major public interest could be justified, might give rise to doubts.

Christoph Becker, sports editor with *Frankfurter Allgemeine Zeitung/FAZ.NET*, started his comment with the ethical question as to what kind of sport our society really wanted. Furthermore, he pointed out that when weighing the interests and rights, as suggested by *Nolte*, one also had to take into account that the out-of-competition tests aimed at by the obligation to state one's whereabouts were much less effective than in-competition tests: While only one out of 600 out-of-competition tests was positive, the rate with in-competition tests was 1 to 60.

Johannes Caspar, the Hamburg representative for data protection, made clear that any implementation of control procedures would have to be compatible with German Basic Law. The present procedure created a profile of the athletes' "movements within their social environment", which was comparable with criminal investigation. Moreover, *Caspar* also presumed that a voluntary consent on the part of the athletes pursuant to Section 4 (1) BDSG did generally not exist due to the monopolistic status of the sports associations. No justification for the collection and transmission of data could therefore be found by interpreting the term "voluntary consent", but only by referring to Section 4a (1) BDSG, i.e. by enacting a legal order. That is why *Caspar* advocated the adoption of an anti-doping regulation on the part of the legislator which would, of course, have to be in line with the principle of proportionality in terms of substantive law.

Andreas Thiel, legal advisor of Handball-Bundesliga GmbH and former handball player, presented three examples of non-compliance

on the part of athletes with the obligation to state their whereabouts. The selection of cases illustrated for one thing how quickly a failure can occur and, for another thing, that NADA sometimes takes different decisions in very similar cases. *Thiel* also recommended the creation of an anti-doping law, as the present "whereabouts requirements" were disputable with regard to Articles 2 and 12 of the Basic Law.

Silke Kassner, athletes' representative with the German Olympic Sports Confederation (*Deutscher Olympischer Sportbund, DOSB*) and whitewater canoeist, considered an approval on the part of the athletes voluntary only if they knew what they were consenting to. Many sportsmen and sportswomen were, however, not aware of the complexity of regulations – a deficit that would have to be remedied by providing more information. *Kassner* explained how difficult it was for her to state her exact location for out-of-competition tests and for doping control officers to meet her, as her training radius could include several kilometres. This showed how easy it was to unintentionally infringe against the obligation to report one's whereabouts.

According to *Kassner*, the anti-doping regulations were nevertheless generally accepted by the sporting community. However, there was discontent about having to state one's whereabouts where this obligation interfered with the athlete's lifestyle and the general right of personality. In the framework of her activities with the DOSB, *Kassner* was intensely working to communicate to the athletes that they would have to make their criticism known to the public.

During the subsequent discussion chaired by *Ulrich Becker*, several members of the audience called for the creation of an anti-doping law. *Lars Mortsiefer*, member of the board of NADA, reminded that a lot of things had improved since the NADC version of 2007, which regulated data protection in Article 14 (6) only. NADA was also aware that the protection of athletes' data had utmost priority. The athletes might otherwise lose confidence in the doping control systems, and, consequently, the whole system might cease to function. *Martin Nolte* underlined once more that the entire sports business must take the problem of doping seriously, as sport would otherwise lose its image in the eyes of the public.



Katharina Liebe





Iris Meeßen

6. Promotion of Junior Researchers

Doctoral Group: "The Triangular Benefit Delivery Relationship in Social Law"

In general, the state or, respectively, the public funding agencies do not deliver social services or benefits in kind themselves. Rather, third parties are entrusted with these tasks, acting as service providers vis-à-vis the individual beneficiary. The organisation and governance of service provision within this multiple benefit delivery relationship constitute the research subject of the doctoral group.

Law as the essential governing instrument of service provision must answer the questions which ensue from this particular feature of state responsibility, and which have required solutions on the part of social law well before the model of the enabling state was born. The provision of social benefits and services requires both the involvement of suitable service providers and, particularly, quality control and price regulation. If required, service provision and an appropriate, efficient infrastructure must be arranged for in the first place.

In their dissertation projects, the members of the doctoral group founded in October 2007, *Iris Meeßen*, *Magdalena Neueder*, *Michael Schlegelmilch*, *Markus Schön* and *Ilona Vilaclara* focus on the different aspects of service provision in the various social services. All dissertations start out from a comparative legal approach. In addition to investigating into German law, the range of findings on the benefit delivery relationship shall be broadened by looking into the legal systems of Sweden (*Meeßen*), Switzerland (*Neueder*), Spain (*Schlegelmilch*), Austria (*Schön*) and France (*Vilaclara*).

The aim of the doctoral group is to combine the individual perspectives and acquire overarching findings regarding social service provision through third parties. For the sake of German service provision law alone, with the density of regulations and the level of jurisprudential pervasion varying according to the social service sector, there is need for research in this regard.

The doctoral group was able to present first findings of its cooperation in a joint publication together with *Ulrich Becker* (*Becker, Meeßen, Neueder, Schön, Schlegelmilch, Vilaclara*: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht, part 1 (VSSR), Vol. 29 (2011), No. 5, pp. 323-359; parts 2 and 3 will be published in 2012). For one thing, as the essence of a fundamental review of German service provision law, the structures provided by the law will be outlined (involvement of service providers, quality assurance and financing). For another thing, legal principles can be identified which govern service provision law as a result of overriding normative requirements (security, efficiency, transparency, cooperation and individualisation). These structures and principles elaborated for German law can also be found in the legal systems of the other countries in question. The regular meetings held by the doctoral group since its foundation as well as one workshop in December 2009, attended also by *Stephan Rixen* (University of Bayreuth) and *Thorsten Kingreen* (University of Regensburg), were conducive to the publication. Currently, the members of the doctoral group are completing their dissertations.

6.1. Further Education as Social Law – Normative Framework and Social Benefit Structures in the Provision of Further Education Programmes in Sweden and Germany

Iris Meeßen

In politics, the importance of being able to boast a good education has been repeatedly emphasised, and scholars of the social sciences and law have prognosticated that the law governing education, too, will develop further. Little attention has hitherto been dedicated to further education. Its increasing significance is justified in the light of technological, economic, demographic and socio-cultural developments that exact lifelong learning from employees and workers.

Gainful activity is a precondition for participation in economic life and a criterion relevant for many regulations pertaining to social law. Continuing vocational training thus contributes to a special degree to the establishment of equal opportunities for all. The de-

liberate promotion of further education programmes by means of benefits in kind and cash benefits granted by the state makes sense in cases where a structural or individual deficit is to be compensated in order to guarantee equal opportunities. A deficit on the part of the benefit recipient exists if the latter is, either due to current or imminent unemployment, or due to lack of financial means and/or personal interest, in a specific situation of need that might be alleviated through further education in the form of vocational training measures.

The promoted further education programmes in this context are largely provided by third parties, much like many other social services. For this purpose, an actual framework and certain legal structures are essential, and these are often competitive structures, given the fact that the system of further education has evolved historically. It is not necessarily so that the educational measure granted by means of a specific service is received by the participant to the extent intended. The study focuses on the way the state ensures the proper delivery of measures in line with their purpose if provided by third parties.

Such constellations effectively result in a triangular benefit delivery relationship, with three (main) actors being involved in the respective measure. The promotion of further education programmes by means of benefits in kind and cash benefits in the context of individual and third party promotion is illustrated in a uniform benefit delivery relationship model, since all these benefits relate to their common objective of promoting further education programmes in terms of social law. In order to fulfil this objective, the various legal instruments must also and always be geared at this socio-legal purpose in the execution of the benefit delivery. To determine whether this is the case, the two legal systems shall be compared. It is the normative framework of further education programmes at the international and the respective national level on the one hand, and the elaboration of steering instruments and forms of action in the context of political steering on the other that shall be used as a common analytical framework.

Taking thus an overall look at the regulatory instruments, both countries divide their executive competencies into further education

for the promotion of employment and further education within the wider framework of educational policy. Fact is that Swedish law is characterised by a different legal culture, meaning that the degree of regulation is lower than in Germany. The retention of norms must therefore also be seen as a steering tool; a comprehensive legal superimposition as is common in Germany is not mandatory. However, unlike in Germany, in Sweden it is not the participant but the employment agency involved in promoting employment that is charged with the potential risk of choosing an ineffectual education measure or with the problem that the participant might lack the ability to make a choice. Clearly, greater emphasis is in this case placed on social law aspects. Moreover, Sweden has much more intensively than Germany incorporated its further education programmes in an overall education system, meaning that the number of legal references between the two areas of competence is much greater.

6.2. Occupational Participation of Persons with Disabilities in Germany and in Switzerland – A Contribution to the Doctrinal Understanding Regarding the Provision of Social Benefits by Third Parties

Magdalena Neueder

The dissertation is to contribute to the understanding of the legal system in regard to German service provision law. For one thing, it reviews the largely untapped field of service provision in German Social Code Book IX (SGB IX) by putting it into the context of general issues regarding the involvement of third parties in the provision of social benefits, thus describing this field in a comprehensive and systematic way. For another thing, it explores the particularities of service provision for persons with disabilities with a view to the right to self-determination and the plurality of benefits systems. Beyond this independent aim of providing a systematisation, i.e. of identifying principles and institutions in specific legal matters that can be distinguished especially in terms of their objectives, the dissertation seeks to draw conclusions within the meaning of legal doctrine for the delivery of benefits under social law in Social Code Book IX.



Magdalena Neueder





Michael Schlegelmilch

Reflections on the judicial system are promoted by comparative studies, and thus the matter is approached within the framework of comparative law. Different legal regulations reacting to the same task posed by the realities of life are compared, and the principles that are to be filtered out in this regard are utilised as auxiliaries for the systematisation and organisation of the German legal system. In this process, the functionally comparable legal norms are identified by way of putting them into relation with the social circumstances, i.e. the lack of integration into the labour market or the impending loss of a job on the one hand, and disability on the other. Thus, first, state measures are examined regarding the occupational participation of persons with disabilities and their disability-specific requirements. This issue is linked to the question concerning the involvement of a third party in the provision of social services for the occupational participation of persons with disabilities. In this regard, an analysis is made of the question as to how the law copes with tasks created by facilitating the involvement of third parties in the fulfilment of public tasks. The next step discusses the actual service provision in regard to the occupational participation of persons with disabilities.

Switzerland serves as an appropriate country for comparison in this context. On the one hand, due to the common roots in administrative law, similar organisational principles concerning the involvement of third parties can be easily identified, and on the other hand it can be assumed that the differences that are to be expected will yield findings relevant for German principles pertaining to service provision law. Moreover, since the inclusion of an anti-discrimination norm in the Swiss Constitution and the commencement of the Act on Equality for People with Disabilities (BehiG) in 2002, an increasingly important role has also been played by issues regarding disability policy. In view of the constantly rising expenses for disability pensions on the part of disability insurers, the focus is, above all, on occupational integration and thus on the implementation of the principle termed 'integration before pension' [*Eingliederung vor Rente*].

In a conclusion the dissertation discloses, by way of analysis, the principles of social ben-

efits law in German Social Code Book IX by comparing the principles of rehabilitation law to those of service provision through third parties, as well as by elaborating the conflicting principles and seeking to find a solution for them. In addition to that the principles pointed out will be subjected to legal comparison. The findings obtained shall contribute to the doctrinal understanding of the social benefits law of Social Code Book IX.

6.3. State Pricing for Reimbursable Pharmaceuticals and Legal Limits – A Comparison of the Legal Situation in Germany and Spain

Michael Schlegelmilch

The regulations regarding remuneration for services rendered are one of the core instruments of the state or, respectively, the funding institutions to control service provision. The remuneration systems created by these regulations should be designed in a way to offer service providers incentives to render needs-based and economically efficient benefits and services. But also a regulated remuneration for benefits and services with prices not being determined by supply and demand but by state regulation does not always produce best results, as expenditure development in the area of public health care shows. Especially pharmaceuticals have for years been considered to be one of the cost drivers in German statutory health insurance, with the structure of the drug portfolio and the prices related thereto being one of the main reasons for the disproportionate additional costs. Due to this development, which is not limited to Germany, national legislators and social benefit institutions have been attempting to cut costs through various price regulation measures with respect to pharmaceuticals.

The aim of the study is to systematically describe the pricing instruments used in the supply of pharmaceuticals through pharmacies in the German statutory health insurance and the Spanish health care system and to evaluate them from a legal point of view. Pricing on the basis of service provision law should be seen as the generic term for all legal instruments which serve to influence the invoicing amount and its components (relevant price percentages of the pharmaceutical entrepreneurs, wholesale traders and phar-

macists) paid to the pharmacies by the service providers. Within the framework of the investigation the instruments shall be classified according to the different price regulation techniques and put in direct relation to the systematics of price regulation and the remuneration schemes for services rendered, which are part of the service provision law structures elaborated by the doctoral group. At the same time, the legal limitations of pricing will be explored. The fundamental rights held by the providers of social benefits and services, as well as Community law, shall serve as a benchmark in this respect.

The Spanish legal system is suited for a comparison with German service provision law not only because of its diverging approach in price regulation. For, in Spain, the manufacturers' selling prices, on which price calculation is based, are subject to mandatory regulation and predefined for all recoverable pharmaceuticals as soon as the products are authorised for marketing. It is also worth taking a closer look at the special requirements that are to be imposed on the governance of the Spanish health care service operating at regional state level. After analysing the problem in the general part of the dissertation, the legal situation in Germany and Spain will be highlighted and compared.

The classification of the different instruments and subsequent comparative legal analysis provide an overall picture of the possible ways of pricing regulation under service provision law. Notable in this context is the fact that the social law-specific regulations regarding remuneration for services and benefits rendered mainly serve the financial stability of the social benefits systems. Instruments regulating the market price are, by contrast, aimed more at the maintenance of an extensive supply infrastructure. This finding reflects a particularity of drug supply, as the latter can also be covered by private health care (private health insurance, self-paying patients) for which the state takes responsibility, too, by regulating certain framework conditions. It has to be noted that across the different legal systems, procedures for defining individual, substantive criteria for pricing calculation based especially on pharmaco-economic assessment are increasingly used in the area of reimbursement regulation which, after all, enable the social

benefit institutions to determine to which amount a certain pharmaceutical product is going to be financed. At the same time, pricing regulation, which has so far rather been subject to mandatory regulation, is being extended to include competitive elements. Thus, efficiency reserves are to be exhausted through discounts granted to the benefit institutions by individual pharmaceutical entrepreneurs. This complexity of service provision law in the context of drug supply, and especially the extent to which the interactions between the different actors and the interdependencies with certain forms of private social security are concerned, makes this branch of social security a worthwhile topic of social law research.

6.4. Individual Cooperation for Young People – Service Provision Law in the Area of Child and Youth Services in Germany and Austria

Markus Schön

Both Section 1 Para. 1 of the new Austrian Federal Child and Youth Welfare Act (*B-KJHG 2010*) and Section 1 Para. 1 of German Social Code Book VIII grant children and young persons a right to be supported in their development and education in order to cultivate an independent and socially competent personality. This is to be understood less in terms of an individual and subjective legal position on the part of the young individual, but rather as a central programmatic proposal and objective of child and youth welfare in general. Both laws also show strong similarities in the institutional configuration regarding the provision of youth welfare services.

Neither Germany nor Austria regards the participation of non-governmental service providers in the provision of child and youth welfare services as a new phenomenon. For in both countries, the Church, welfare associations and other civil society groups in the 18th and 19th century increasingly began to attend to the "neglected youth" – the latter issue also forming part of the social question of the 19th century. This means that youth welfare services had been provided long before they were assigned to municipalities and other public entities on a statutory basis at the beginning of the 20th century.



Doctorates

Supervision:
Ulrich BECKER

2010: Dongmei LIU: "Soziale Sicherheit in der V. R. China", Ludwig Maximilian University, Munich.

2010: Quirin VERGHO: "Soziale Sicherheit in Portugal und ihre verfassungsrechtlichen Grundlagen", Ludwig Maximilian University, Munich.

2011: Nikola FRIEDRICH: "Mediation in der Sozialgerichtsbarkeit", Ludwig Maximilian University, Munich.

2011: Viktória FÜLÖP: "Der Einfluss des Verfassungsrechts und des internationalen Rechts auf die Ausgestaltung der sozialen Sicherheit in Ungarn", Ludwig Maximilian University, Munich.

2011: Martin LANDAUER: "Die staatliche Verantwortung für die stationäre Langzeitpflege in England und Deutschland – eine rechtsvergleichende Analyse von Steuerungsinstrumenten im Gewährleistungsstaat", Ludwig Maximilian University, Munich.

2011: Janire MIMENTZA: "Die sozialrechtliche Stellung von Ausländern mit unrechtmäßigem Aufenthaltsstatus – Deutschland und Spanien im Vergleich", Ludwig Maximilian University, Munich.

Professorships

2011: Dr. Yasemin KÖRTEK accepted a professorship of law (with focus on social law) at Mannheim University of Applied Labour Studies of the German Federal Employment Agency (HdBA).

What is relatively new is the fact that, since the 1990s, both countries have also authorised the provision of services through private-sector providers. It is particularly in the field of child daycare that private providers have become more prominent, with the operation of daycare facilities having evolved into a competitive market in recent years. This is due, inter alia, to the fact that especially in Germany the expansion of child daycare facilities, initiated at federal level and executed at *Länder* level, has recently been advanced considerably. Some federal states (*Länder*), e.g. Bavaria, also resort to commercial providers in this context, granting them the same financial subsidies for the construction and operation of the respective facilities that are granted to non-commercial providers traditionally involved in this field of work. In other federal states, however, the latter still enjoy certain financing privileges due to their tax law oriented non-profit status (Sections 52 et seq. AO). In this context, the Administrative Court of Aachen has declared the exclusion of private commercial child daycare providers from financial subsidy, as defined in the "Early Childhood Education Act" [*Kinderbildungsgesetz*] of North Rhine-Westphalia, to be incompatible with the principle of equality enshrined in the German Basic Law, and will thus bring the matter before the Constitutional Court in accordance with Art. 100 of the Basic Law.

A certain dualism in the provision of youth welfare services has arisen from this dynamic legal tension between non-profit and private commercial service providers under child and youth welfare law, thus enforcing greater competition. For this reason the provisions set by European commercial and competition law must be observed.

Since in Austria, too, commercial providers play a role in the child and youth welfare market – if to a lesser extent – the dissertation is to provide a legal comparison focusing on the procurement and provision relationship between the public entity and the non-profit or, respectively, commercial service provider(s), with special consideration given to contracting and financing. In this context, the sensitive legal situation governing the outlined dualism between non-profit and commercial providers shall be scrutinised for

explanations as to how existent inequalities may be justified. For this purpose, the normative guidelines of both Austrian and German national constitutional law, as well as of European commercial and competition law, shall be taken into account. It has been reasoned, for instance, that financial advantages granted to non-profit actors are an investment adding greater value to the common good – at least this is what a public entity anticipates in contracting these actors.

The legal comparison may further reveal interesting differences in the doctrines of the general administrative law of Germany and Austria. For even though child and youth welfare programmes in the two countries show great similarities with regard to the objectives and scope of services, as well as in their institutional configuration of service provision, their legal constitution is very different due to the entirely dissimilar evolution of general administrative law in each country. While in Germany allocation is generally based on the content and subject of the respective legal relationship, Austria has instituted the so-called private sector administration which, on principle, assigns every (socio-)economic interaction between public entities and private providers to private law, even if – as opposed to purely fiscal administration – publicly commissioned (social) services are provided. Contracts under public law have up to date not been subjected to any positive-legal standardisation in Austrian general administrative law, a fact attributable also to the highly formalistic instrument of legal protection against administrative action. Even though, at first glance, there appear to be great similarities between the two countries, the differences concerning the details of legal doctrine starkly stand out.

6.5. Price Control Mechanisms in the Provision of Medical Devices – A Comparison of Laws in Germany and France

Ilona Vilaclara

Medical devices represent a relatively small part of the services covered by statutory health insurance. The share of the total expenditure in Germany and France accounts for about 3%. In absolute terms, however, this means an annual expenditure of nearly five billion Euros in Germany and 3.6 billion

Euros in France. As a result of an aging society and of technical progress, expenditures are steadily increasing, while financial resources remain limited; it is thus essential to prevent cost explosion through governmental regulation. Yet, the measures taken in Germany and France in this respect vary to a great extent.

In 2007, the Act to Strengthen Competition in Statutory Health Insurance (GKV-WSG) brought about a major change in the system governing medical devices provision in Germany in order to strengthen contract competition and price competition. The current approval procedure for service providers was abolished and replaced by a contract-based system. Sickness funds in Germany can now call for tenders and conclude selective contracts with the best bidders. As this sort of tendering procedure was a novelty in the German health care system and was difficult to apply, new amendments were adopted two years later through the Act on the Further Development of Organisational Structures in Statutory Health Insurance (GKV-OrgWG).

The most recent changes in German Medical Devices law were taken as an opportunity to describe the steering mechanisms intended for ensuring the financial feasibility of the provision of medical devices in statutory health insurance, and to appraise them by way of a comparative law analysis on the basis of general legal principles. Contrary to the competitively organised and decentralised selective German system, the French health insurance system is characterised by centralised, sovereign and integrative regulations and is suited for a legal comparison. In France, the reimbursement tariffs for medical devices are included in an official list of refundable medical products and services or, in the case of innovative products, are negotiated between a central, ministerial committee, i.e. the Healthcare Products Pricing Committee (*Comité Economique des Produits de Santé, CEPS*), and the manufacturer or trader of a product, and are subsequently fixed by ministerial order. However, also the French system has been exposed to criticism, as the recent report of the French State Audit Office on social security shows (*Rapport sur la sécurité sociale 2011*) which criticises the cost regulation system for its lack of transparency and efficiency.



Ilona Vilaclara





Vera Hansen

The comparison of these contrasting systems shall provide information on the question as to which legal steering instruments are utilised in order to influence the costs of the respective medical devices, and examine these instruments for compliance with the general legal principles.

Doctoral Group: "Social Security and Long-Term Care Dependency"

In July 2010, a new doctoral group was set up. Its members *Vera Hansen*, *Luise Lauerer*, *Carlos Schneider* and *Marko Urban* have been working on the subject of "Social Security and Long-Term Care Dependency." The research focus of this group is put on a specific social situation which is examined from a legal perspective. For this purpose, the doctoral candidates have been dedicating their attention to the aspect of social security and long-term care dependency in the context of chronic disease and disability (*Hansen*), to social security for caregivers (*Lauerer*), to quality assurance in home care (*Urban*) and to the coordination of social services for the provision of long-term care (*Schneider*). Three doctoral candidates draw comparisons between Germany and one other country respectively, namely the Netherlands (*Hansen*), Austria (*Urban*) and Spain (*Schneider*); one study focusing on a more specific issue is aimed at a broadly conceived legal comparison between Germany and several other countries (*Lauerer*).

The members of the doctoral group initiated their work in July 2010 during a retreat of several days on the island of Frauenchiemsee, where the dissertation topics were determined. The doctoral candidates have since attended one to two meetings a month in order to discuss the progress of their research. The introductory meetings were used to discuss the principles of social benefits law and the methodology of legal comparison. Regular follow-ups provided opportunity for the discussion of questions related to the individual dissertation topics, as well for the review of progress made. Common problems such as the practical implementation of the methodology of legal comparison were also discussed.

One doctoral candidate (*Hansen*) was invited to present her research questions and discuss them in plenary within the framework of the

Young Researchers' Workshop, which was part of the Annual Conference of the European Institute of Social Security dedicated to the topic of "Changing Social Security" and held in Ljubljana in September 2011.

6.6. Social Security and Long-Term Care Dependency in Germany and the Netherlands – A Legal Comparison

Vera Hansen

Changes in demography and in traditional gender role models, in family structures as well as in the labour market have caused a decline in the number of people available for the provision of long-term care to an ever-growing number of people dependent on the latter. Social protection against long-term care dependency is therefore one of the greatest challenges that the social policies of the EU member states must address today.

It has proven difficult, however, to dovetail the complex social situation regarding long-term care dependency with the traditional social security systems, since the latter might not provide for the wide range of benefits and services required on a permanent basis in this context. Long-term care dependency can be insured against in terms of a social risk in its own right or as one aspect of disease or disability. The dissertation shall therefore, first and foremost, give a better understanding of the emergence and scope of long-term care dependency as a social need, as well as of its relation to chronic disease and disability. Since social needs of this sort always arise from permanent physical, cognitive or psychological impairments, overlaps are common. The social situations of long-term care dependency, chronic disease and disability often co-occur or merge, and are thus not always differentiable in practice.

The aim of this legal comparison is therefore to outline structural problems and potential solutions with a view to social protection in the event of long-term care dependency. For this purpose, it shall contrast one needs-oriented with one risk-oriented social security system. The comparison of the German and Dutch social security systems is particularly interesting in view of their dissimilar origins and the vast conceptual differences. The Netherlands have – apart from a social insur-

ance scheme providing coverage for acute diseases – since 1968 had a uniform social insurance system that provides coverage for exceptional medical expenses. This includes assistance with activities of daily living both in the event of long-term care dependency and chronic disease or disability. Long-term care dependency is thus covered as an aspect of disease and includes any form of care required. In addition, potential requirements for participation in society are met by means of a tax-financed system at the municipal level. By contrast, Germany has developed a fragmented system with coverage provided through health insurance (Social Code Book V), long-term care insurance (Social Code Book XI) and entitlements to rehabilitation and to participation on behalf of persons with disabilities (coordinated through Social Code Book IX). Long-term care dependency has, since 1995, been insured against in terms of a social risk in its own right, i.e. separately from the social risks of disease and disability.

The change in perspective gained by means of legal comparison facilitates a new critical look at the divided structure of the German social security system. While the Dutch system is organised according to specific needs, the German system differentiates between specific social risks. In the latter, the needs for long-term care, treatment or participation are assessed separately according to the different areas of social legislation, even though in practice these needs often co-occur in one patient.

This disparity of social security systems shall also serve to provide further findings. These shall outline the reasons for which social security systems are structured according to either specific needs or social risks, thus showing the normative guidelines, the values and the institutional framework conditions that initiate these conditions.

6.7. Coordination of Social Services for the Provision of Long-Term Care – A Comparison of the Legal Situation in Germany and Spain

Carlos Schneider

Long-term care dependency is often a result of chronic disease or disability, and persons affected are usually dependent on both health care and social services. In order to

guarantee those in need of assistance a decent minimum standard of living as well as to prevent unequal living conditions a wide range of social services must be offered. The particular difficulty regarding this social situation arises not primarily from the dependency as such but from the fact that the person in need is dependent on help provided through others over an extended period of time. Long-term care dependency in this context becomes a "social" risk especially in cases where those affected are not sufficiently insured against this risk, where assistance cannot, or only to a very limited extent, be provided through family members or where such provision would aggravate the social situation of the respective family caregiver.

This problem has prompted a complex configuration of services in line with social law and with the social objectives pursued. This raises a number of questions: How do the different benefits and services correlate? Is there some form of coordination or is the system selected rather a convergence of different security systems? Who is in charge of establishing a coordination procedure and why? What is the role of interested parties or of persons dependent on long-term care?

The dissertation deals with the coordination of services that might be available to persons dependent on long-term care, as well as with the provision of long-term care services in the event of long-term illness and general provision through social assistance. The key focus of the study is on the analysis of the way in which the various public authorities fulfil the objectives of the welfare state. In this context, the administrations of the State, the regions and the local authorities shall be given particular attention. Of special interest are those principles and instruments that are used as interfaces between the central government, the regions and the municipalities in order to ensure local availability of services and benefits. The provision of the different social services required by the condition of the long-term care patient is linked to a variety of factors relating to the social context and environment of the patient that must be observed. This might, for instance, include the statutory provisions regarding local long-term care facilities in Germany or the responsibility of the State and the regions to enable coordinated and cooperatively provided services.



Carlos Schneider





Marko Urban

Spain serves as a benchmark for comparison due to the likeness of its organisational structure with the German structure in that it also extends to three levels: the State, the regions and the local authorities. It is between these three public administrative levels that competence issues may arise, thus necessitating some form of coordination. This is particularly true for health care services and social assistance, with the former being mainly provided by the State and the latter by the regions. Since, as mentioned before, illness and social background are frequently connected, long-term care services also require coordination. Prior to the enactment of Law No. 39/2006 on the Promotion of Personal Autonomy and Care of Dependent Persons, the Spanish government had already addressed the coordination issue in keeping with Art. 15 of Law No. 16/2003 on Cohesion and Quality in the National Health System. The so-called social and health care services are defined as one combined service instead of two types of social services under separate terms. However, this definition has partly changed with the passage of Law No. 39/2006. The consequences arising thereof have opened up room for further investigation.

The aim of this legal comparison is to elaborate the elements governing institutional coordination of long-term care services.

6.8. Quality Assurance in Home Care in Germany and Austria

Marko Urban

Present demographic trends show a rise in the number of persons dependent on long-term care and a decline in the number of those who may play a part in the financing of social security coverage against the risk of long-term care dependency. This necessarily means that social security expenditures related to long-term care will increase, while revenues will decrease. Long-term care services provided at home have, due to their generally being more cost-effective, recently been gaining momentum also from a financial perspective; this is particularly true of the so-called non-professional (informal) care provided primarily by partners, relatives or other persons close to the person dependent on long-term care. In Germany, non-pro-

fessional care – preferred by most patients over other forms – also remains the most frequently rendered form of long-term care.

Everybody wants "good care". But what exactly is "good care"? And how can it be provided despite limited financial means? Many of these questions are yet to be answered. The focus of the project will therefore be on quality assurance in non-professional care services, an aspect that is often neglected in legal studies. Potential solution strategies centring on quality assurance in non-professional care shall be identified by means of two comparisons: the first comparison is to assess quality assurance in professional and non-professional care within Germany; the second is to compare the legal situations in Germany and Austria by taking under review the exact same conditions, i.e. long-term care provision at home.

The theoretical framework to be developed in the general part of the study will be laid out according to the concept of what is known in economics as the quality cycle, as well as to findings obtained in the legal discussion on governance. The objective of this theoretical framework is to systematise the legal instruments used for quality assurance in Germany and Austria so as to facilitate the two aforementioned comparisons.

The next task will be to analyse the entire German law on quality assurance in the context of professional and non-professional home care by means of the framework developed in the general part of the study. Differences between professional and non-professional long-term care are to be expected in this context due to the various ways in which home care can be provided. Professional long-term care is provided in the form of benefits-in-kind, with quality assurance being exercised essentially within the legal relationship between the social benefit institution and the respective service provider (care service). No equivalent of this legal relationship can (to date) be found in non-professional care. Despite these structural differences existing between professional and non-professional care, possible solutions applicable to quality assurance in non-professional care can be expected to be obtained from the far more comprehensive and more differentiated instruments used for quality assurance in professional care.

The legal comparison will start with an examination of the Austrian legal system with regard to provisions pertaining to quality assurance in home care; relevant norms shall be systematised with the aid of the framework elaborated in the general part. A systematisation of this sort is feasible due to the pre-legal nature of the elaborated framework, with the latter having been developed unconstrained by national legislation.

The next step will be to compare the Austrian system with the German one. Intriguing solutions are likely to be identified particularly in the Austrian system. Care allowances in Austria are mainly granted on the basis of cash benefits under Austrian federal law [*Bundespflegegeldgesetz*]. Irrespective of whether the person in need of care chooses professional or non-professional care services, Austrian law does not provide for a legal relationship between the social benefit institution and the service provider. Nevertheless, the system is bound to provide some sort of solution regarding quality assurance, since the provision of long-term care services in Austria, too, is based on the responsibility of the state to enable the delivery of benefits and services. Since the legal structure of service provision in Austria is the same as that of service provision in non-professional care in Germany, it is quite likely that quality assurance solutions might be transferred to the system of non-professional care in Germany.

Individual Dissertation Projects

6.9. Social Security Contributions

Kyung A Choi

In the context of a comparative law analysis of Germany and (South) Korea the dissertation focuses on the issue as to how a financial redistribution among insurees may be effected through the configuration of social security contributions paid into pension and health insurance, and whether such a redistribution complies with the protection of the claim to social security benefits; this issue is to be examined with a view to the increased life expectancy of insurees and the financial performance capacity of insurance institutions. A comparison of the legal systems of Germany and Korea is especially appropriate, since the social insurance systems of

both countries are facing similar challenges and since German social insurance had been taken as a model for the establishment of the Korean social insurance system.

First, the investigation seeks to find out to what extent current contributions to social insurance differ from taxes, despite the increase in the number of contributors and a disproportion in the "relationship of equivalence" (i.e. the balance between contributions paid and benefits and services rendered in return). Next, the dissertation looks into the possibility of financial redistribution via social insurance contributions. In particular, analysis shall be made of the meaning of redistribution in relation to the objective and the specific nature of social insurance contributions. Moreover, it is to be examined whether social insurance contributions can be used to achieve this affirmative redistribution.

This question finally leads to the constitutional limits of such redistribution. The legislator enjoys wide discretionary powers regarding the implementation of the welfare state principle. This is why the right to determine the extent to which contributors are to be included in the process, as well as to define the "relationship of equivalence" between contributions and services rendered is treated as part of this discretionary power; however, there are constitutional limits. If the "relationship of equivalence" went completely out of proportion or if social insurance contributions were used for comprehensive redistribution, the limits of discretionary power might be exceeded.

This dissertation shall formulate such limits notably by drawing on the principle of equal treatment and guaranteed property rights. In this connection, the calculation method for health insurance contributions may, for instance, constitute a problem with respect to the principle of equal treatment. Due to the principle of benefits in kind and services, the individual equivalence ratio decreases and a substantial redistribution becomes possible. If high wage earners were indeed overcharged in this context, the question would arise whether such a system infringes the principle of equal treatment or whether it can be justified by the prerogative of group equivalence and the principle of solidarity.



Kyung A Choi



14 – 16 July 2010

Doctoral group introductory seminar on "Social Security and Long-Term Care Dependency"

Abtei Frauenwörth, Frauenchiemsee

Luise Lauerer: Presentation of the dissertation project

Ulrich Becker: Academic working methods

Ulrich Becker: Methodology of legal comparison

Iris Meeßen, Magdalena Neueder: Experience and guidance report from the doctoral group on the "Triangular Benefit Delivery Relationship in Social Law"

The introductory seminar concentrated on the basic dissertation requirements, the precise definition of the topics, the discussion of countries suitable for legal comparison as well as the methodology of legal comparison.

In the chapter focusing on the protection of the claim to social security benefits, the specific nature of social security contributions shall be ascertained in relation to the restriction of benefit payments. First it is to be examined whether restricted benefit payments, stipulated by law in Korea, can conflict with the purpose of the contribution if the income of the person claiming the benefit exceeds a certain limit. As social insurance, in the main, aims at a general and abstract protection, the service provider has to provide the pension benefits when retirement age is reached without taking into consideration the beneficiary's personal situation. If such a consideration was legitimate, social insurance could converge with public welfare and social insurance contributions with tax payments.

According to the Korean Government Employees' Pension Act, the pension is reduced if a (former) government employee has received at least one custodial sentence during his period in office. However, reductions can only be effected for the part of the pension contributed to by the state. In this respect, the legitimacy of the measure is to be assessed accordingly. The nature of an employer's normal contribution (i.e. third party's contribution) to pension insurance should serve as an element of comparison. In this regard, the question arises whether an employer's contribution receives less constitutional protection because it is regarded as an independent contribution or whether it is assigned to the employee as being part of the employer's responsibility to provide social welfare, or as part of the employee's remuneration. In this connection, the difference between government employees and other

employees is to be considered in regard to both the particularity of their employment and the contractual employment relationship with their employer. German civil service pensions, which are completely financed from taxes, might in addition serve as a basis for the assessment of contributions payable by the Korean state into the pensions of government employees, since these pensions in Korea are also financed from taxes.

6.10. Quality Assurance, Pricing and Rationing – Cost-Benefit Assessment of Health Technologies in the German Statutory Health Insurance and the English National Health Service

Nikola Wilman

The need for health care services is continually growing, whether due to the fact that society is ageing and, therefore, morbidity is rising, or whether due to the dynamics of innovation in medicine and pharmaceuticals and increasingly efficient health care. However, in the future, too, the resources of the public health systems will remain limited. In view of this shortage of resources every society must make fundamental decisions regarding the question as to which funds it intends to make available to the system of public health care and how these funds are to be used within the system.

It seems obvious and reasonable to calculate both the benefit and the cost-benefit ratios of medical measures, as well as to exclude those measures that have little or no additional use, or little additional use in relation to the costs, from publicly funded health care. In many

national health systems (e.g. in Australia, Canada, Sweden, Austria, Great Britain) the (cost-)benefit assessment is meanwhile conducted on a regular basis by the relevant institutions in terms of a systematic assessment of health technologies (so-called Health Technology Assessment, HTA).

The findings of the assessment shall serve to assist the political decision-making process in a variety of situations, be it related to the addition or exclusion of benefits or services from the benefits catalogue, to pricing or to the drafting of treatment recommendations. Despite general agreement on the advantage of such a health technology assessment, vast differences exist in the various countries as to its type and respective application. The German legislator, too, has adopted the criteria of reasonableness and cost efficiency, albeit with a certain time lag. Statutory benefit assessment of pharmaceuticals was introduced in 2004. In addition, the cost-benefit assessment of pharmaceuticals through the German Institute for Quality and Efficiency in Health Care (IQWiG) has become mandatory as of 1 April 2007. However, the German Law for Reforming the Market for Pharmaceuticals (AMNOG, 2010) prompted new regulations regarding the role and scope of benefit assessments and cost-benefit assessments, with the introduction of early benefit assessment of newly marketed pharmaceuticals as a new price regulation tool being of major significance.

The Law further stipulates that the assessment of medical benefit is to be conducted in accordance with the internationally recognised standards of evidence-based medicine, and that economic evaluation must be made in line with the relevant internationally recognised standards, in particular those of health economics. This explicit reference thus extends the discussion on the methodology and procedure of assessment beyond national borders and suggests recourse to the often long-standing experience gained by other countries regarding the systematic assessment of health technologies. One of the most renowned HTA institutions abroad is the National Institute for Health and Clinical Excellence (NICE). Since 1999 it has, on behalf of the National Health Service (NHS), been involved in the cross-sector assessment of new and already existing health

technologies and in the elaboration of relevant guidelines based on the respective assessment result.

It is against this background that the dissertation shall, based on a comparison with the health technology assessment system of the English NHS, analyse the role of evidence-based and health economic evaluation of medical measures in the SHI with particular regard to the assessment of benefits and cost efficiency, and evaluate this role from a legal perspective. The focus shall be on the following research issues:

- (1) To what extent are health economic evaluations and their focus on benefit maximisation compatible with public health care and with the fundamental principles of our legal system pertaining to individual rights?
- (2) As regards methodology and procedure, how is benefit assessment or, respectively, cost-benefit assessment implemented in the SHI and in the English NHS? In this context, the various assessment institutions, objectives and objects, procedures, as well as assessment methodology shall be analysed by direct comparison of the two health systems.
- (3) To what extent are benefit assessments or, respectively, cost-benefit assessments of medical measures in the SHI limited by constitutional and social benefits law?
- (4) To what extent are specific aspects of the assessment methodology and assessment procedure compatible with constitutional law and with social security entitlements on the part of insureds?

6.11. State Responsibility for Inpatient Long-Term Care Services in England and Germany – A Comparative Legal Analysis of Governing Instruments in the Enabling State

Martin Landauer

The "enabling" state has become a fashionable concept in the current political, legal and social science debate. The assumption is that closer cooperation with the private sector will allow the post-modern state to fulfil its role more effectively. But even though this form of interaction between the state and the private



*Dr. Martin Landauer, M.Jur.
(Oxon)*





Daniela Schweigler

sector has been practised for a long time particularly with respect to welfare state tasks – one need only recall social services run by private or non-profit funding institutions – social law still undeservedly receives too little attention in the ongoing administrative (or in more modern terms: governance) discussion.

This deficit is taken as an opportunity for this dissertation to examine, from a comparative law perspective on inpatient long-term care in England and Germany, issues arising from the disparities between the respective funding agency and the responsible party (i.e. the state) on the one hand and the service providers (particularly private nursing home operators) on the other. The study analyses the instruments and mechanisms public authorities use to exert influence on inpatient long-term care and, by intermediary of this regulatory impact, to assume responsibility for enabling the delivery of benefits and services in this social benefits sector. Based on the underlying legal mechanisms, the dissertation systematises the – broadly conceived – state regulation, thereby combining the social law analysis of the instruments used in inpatient long-term care with the "regulatory", general administrative law doctrine.

The first focus is on the ways to access inpatient long-term care services, i.e. through the relevant social benefits regimes as well as through other, more general infrastructure measures concerning the availability of facilities and nursing staff. The next part refers to those governmental instruments that are used to create a regulatory impact on service provision for the purpose of quality assurance. The study thus not only looks into the bilateral relationship between the state and the service providers, but also analyses those measures which may have an impact on the service providers via third parties. An example of this is the creation of a right of choice regarding the different facilities and the granting of information with respect to selection decisions; these means focus on the person in need of long-term care as the "consumer" of care services, but ultimately also aim to assure the quality of long-term care in the individual facilities.

To begin with, a detailed description of these measures is provided with relevance to the English legal system, to be followed by an "asymmetric" legal comparison to the instru-

ments applied in Germany. The focus of the dissertation is on the identification, description, analysis and classification of the different regulatory instruments. For one thing, this demonstrates that in the area of inpatient long-term care, and with regard to this particular social sector, it is certainly justified to speak of the English and German governments taking over responsibility for enabling the delivery of benefits and services. For another thing, the study also shows the limitations of the concept of the "enabling state and its responsibility" by describing not only the similarities but also the differences in the way the two states exert governmental influence, with the term neither indicating the use of specific instruments to meet this form of state responsibility nor addressing the issue of clear allocation of responsibilities between the state and the private sector.

The comparison of the legal systems finally shows that – although steering and governance research have been actively looking for more modern, responsive forms of regulation – the regulatory system still focuses on traditional command & control instruments at least in the field of inpatient long-term care. The concepts regarding the allocation of responsibilities between the state and the private sector that have been developed in response to the often stated failure of governmental control, and in this context particularly the positioning of the state as the bearer of responsibility for enabling the delivery of benefits and services, do not necessarily involve a primary or even sole use of non-mandatory regulatory (e.g. persuasive, self-regulating or competition-based) techniques. The finding of the study is – for both the German and the English system of inpatient long-term care – that these instruments are only used as a supplementation to the regulatory forms rooted in imperative command & control.

6.12. The Right to Hear a Specific Physician (Section 109 SGG) – Dogmatic Classification of a Controversial Procedural Instrument with regard to Social Court Practice

Daniela Schweigler

According to Section 109 of the German Social Court Act (SGG), claimants in social court proceedings have the right to request

the court to have a specific physician testify as expert witness. This regulation conflicts to a certain extent with the inquisitorial principle of social court proceedings, a fact that has repeatedly been subject to sharp criticism and led to the request to delete the regulation entirely. Supporters, however, regard this right of request as an important contribution to the promotion of equal treatment in proceedings and to the peaceful settlement between parties.

The aim of this dissertation is to find a new dogmatic and empirical basis for the somewhat stagnant discussion on the right of request according to Section 109 SGG. One part of the study, which deals with legal doctrine, examines in a systematic way which purposes are pursued by this right of request. This also includes the question as to how the determined purposes are interrelated and how they correlate with general principles, particularly with the inquisitorial maxim. The doctrinal analysis also comments on the genesis and the historical context of the creation, in the year 1911, of Section 1681 of the Social Insurance Code of the German Reich (RVO) in its function as the predecessor provision to Section 109 SGG. It illustrates that the normative and institutional framework conditions embedding Section 1681 RVO differ fundamentally from the social court proceedings of today. Against this background it shall be examined to what extent the original legislative considerations are still applicable in the system of the separation of powers pertaining to the Basic Law.

An empirical study of the application and impact of the right of request in practice is to provide the discussion with new findings on the actual legal situation. It shall be evaluated whether and to what extent the expert opinion of the physician designated by the claimant is suited for influencing the proceedings and for improving the pacification function. Particular investigation in this context shall be made into the premise that the active inclusion of the claimant in the proceedings would promote the overall acceptance of the proceedings. In 2010, questionnaires were for this purpose sent to judges and claimants' representatives throughout Germany with the aim of obtaining information on specific proceedings concluded at first instance. After sorting and processing the returned question-

naires, data relating to a total of 368 proceedings were analysed. The statistical evaluation was followed by an interpretation of the empirical findings and of their comparison with the expectations related to the contents of Section 109 SGG.

Accordingly, the right of request pursuant to Section 109 SGG apparently has an impact on the progress and outcome of a major proportion of cases in social court practice. This discovery conflicts with the predominant view propounded in the literature that Section 109 SGG could, due to the inquisitorial principle, be dispensed with in the clarification of the matter. Conversely, the impact of pacification often ascribed to the right of request could not be established in the manner expected. In the light of such divergences between the theory of legal doctrine and socio-legal reality, the dissertation finally addresses the question of whether and in which context the working conditions of law can and should be included in the statutory interpretation.

6.13. Social Security in the People's Republic of China

Dongmei Liu

Sixty years of social security in China show that the most important developments in this field to date have mainly been brought about by changes in the economic system. Two major turning points were the establishment of common socialist property and planned economy in the 1950s as well as the economic transformation which has been the primary task of the state since the end of the 1970s. Together with common socialist property, security systems were built up which were subject to state and collective responsibility, and full-time employment policy was implemented. The mixed property system and the socialist market economy – both legitimised due to constitutional changes in the 1980s and the 1990s – currently constitute the major elements of the present economic system. In this context, an attempt has been made to introduce social security systems that are under the joint responsibility of the state, society and the individual.

During the first decade of the 21st century, a new trend has become apparent with one of the major state tasks being the improvement



Dr. Dongmei Liu





Dafni Diliagka

of the state system alongside economic development. Creating the concept of a "harmonic society" in the year 2006 was a milestone in this move. The systems of social security, which in former times were mainly deemed necessary in respect of economic reforms, are now referred to as a main element of the state system. That is why the setting up of social security systems must comply with the basic principles of the state and cannot solely orient itself towards economic development. This also raises the legitimate question as to what direction the reform is to take.

Yet, after 30 years of ongoing discussion, no definite agreement has been reached on the fundamental issue of the system structure, i.e. on what principles and basic models should be included in the social security system. However, the interaction of social, economic and cultural constraints, together with existing institutions, political decisions as well as societal demands, are gradually producing a new form of social security. The constitutional legitimacy of both the mixed property scheme and market economy has laid the foundations for society and the individual to assume responsibility for social security. Currently, a new trend can be noted emphasising a more socialist point of view compared to the model system planned in the 1990s. Even if the configuration of social security is not yet mature, some key elements have gradually become consolidated.

(1) A system covering all citizens

Every citizen is to enjoy basic living conditions and basic medical care – that is what *Hu Jintao*, General Secretary of the Communist Party of China (CPC) and State President of the People's Republic said in his report at the XVIIth National Congress of the CPC on 15 October 2007. This political slogan reflects the socialist ideas of equality and justice which form the theoretical basis of the system structure together with the influence of the Chinese ideal of the "great commonalities". Common socialist property is the guarantee of this basis.

(2) The major role of the state regarding social security

As a centralised state, China has a long tradition of "state responsibility" in the field of social security. With the organising principle of democratic centralism, the People's Re-

public has developed a powerful government system that has long played an important role in public life. By contrast, the development of public self-government is limited. The state will probably continue to take on the main responsibility for the configuration, the administration and the financing of social security in the future.

(3) Introduction of individual self-responsibility
The promotion of the self-responsibility of citizens is being stepped up according to the market economy conditions.

The further development of social security and social benefits law in China is influenced by many factors such as history and tradition, the political and economic systems, national development strategies as well as international impacts. As one of the basic systems of the state, social security can no longer be evaluated according to the standards of 1994 which, in the main, served the purpose of developing a market economy. Further, social security is to do more than just contribute to social stability or remove social disparities. As a state institution epitomising "joint prosperity" and social equality – the basic objectives of Chinese socialism – social security, together with other state institutions, takes on the important task of reflecting the common values of the state.

6.14. Greek Pension Insurance in the context of the Greek Constitution and International Law

Dafni Diliagka

In view of the current financial and economic crisis, of the country's ageing society and the decrease in the number of working people, i.e. issues which put increasing strain on the financing of the entire social security system, Greece has, like most European countries, had to reform its statutory pension system. The key focus of this dissertation funded by the MaxNetAging Research School is on the examination of the legal aspects related to the reformed Greek pension system. This system is to be analysed with regard to the influences of international and European pension policies and to its compatibility with the Greek Constitution and international law.

Since 2009, Greece has been hit by an unprecedented financial crisis. For this reason,

it has concluded an agreement with the eurozone countries and the International Monetary Fund to receive financial support amounting to several billion Euros. A prerequisite for the release of fund tranches is for Greece to effect a range of austerity measures targeted at the reduction of the budget deficit. Greece has been asked to effect, among other measures, a reform of the pension system for civil servants and non-government workers. It is questionable, however, whether certain provisions regarding the reformed pension system comply with constitutional or international law.

The dissertation is divided into three parts. The first part looks at the background of the Greek pension scheme. Above all, the most significant internal and external causes for the pension reform shall be examined, i.e. demographic change, international and European guidelines regarding the reconfiguration of the pension system and the financial crisis in Greece. Furthermore, the implementation mechanisms of the IMF and the European Union shall be explained, since they have had a major impact on Greece's decisions made with regard to social policies and social law in the pension reform process.

The second part outlines and analyses the new legislation pertaining to the Greek pension system. The Greek parliament passed the new Greek law on social security (Law No. 3863 of 2010 concerning the New Social Security System, applicable to the private sector and self-employed persons) on 15 July 2010, and its amendment on 21 July 2010 (Law No. 3865 of 2010 concerning the Reform of the Public Pension System, applicable to civil servants). According to these laws, the eligibility rules for access to social benefits on behalf of retirees and surviving dependants have been tightened and wage replacement rates have been reduced. What is more, Greece has effected the introduction of a statutory minimum pension which is to guarantee financial security, as well as an automatic correction system which is to adjust the statutory age of retirement according to increasing life expectancy.

The third part is to deal with the legality of the pension reforms. Many regulations and effects pertaining to the new provisions for old age give rise to legal concerns. Particular

investigation is to be made of the question whether the new regulations are consistent with both the Greek Constitution and with international standards such as the European Convention on Human Rights (ECHR) and the European Social Charter. The risk of poverty in old age, reduced replacement rates, restricted eligibility to receive pension benefits and the abolition of special rights for working mothers might conflict with some fundamental human rights, e.g. with the right to human dignity, the right to own property, the protection of marriage and family, as well as with the protection of legitimate expectation and with the principle of legal certainty. In this context, it shall also be examined whether the need to master the present debt crisis may qualify as a separate specific ground for justification.



II. Munich Center for the Economics of Aging (MEA)





Prof. Axel Börsch-Supan, Ph.D.,
Director

1. Overview

Axel Börsch-Supan

1.1. MEA and its Origins

The accelerating demographic change with its socio-political and economic challenges is one of the most incisive trends in the decades ahead. This is by no means a new insight. Yet the status of aging-related research in Germany and Europe lags far behind the work already done on this subject in the United States. This holds especially for empirical analyses. And it bears a certain irony as Europe, especially Germany, is aging more profoundly and faster than the US.

To advance the state of the art in this area, MEA – originally named "Mannheim Research Institute for the Economics of Aging" – was founded in July 2001 as a joint venture between the state of Baden-Wuerttemberg (represented by the University of Mannheim) and the German Insurance Association (GDV). Its key mission is to anticipate and analyze the micro- and macroeconomic effects of demographic change, and to help in channeling them in a positive direction.

With the call of its founder and director, *Prof. Axel Börsch-Supan*, to the Max Planck Society in 2011, MEA – now renamed "Munich Center for the Economics of Aging" – has become the second department of the MPI for Social Law and Social Policy. The Center's research activities, along with the infrastructure projects SHARE and SAVE described below, are being continued under the umbrella of the Max Planck Society. Collaboration with the Department of Foreign and International Social Law will serve to strengthen the Institute's internationally comparative research agenda.

1.2. Scientific Background

Demographic change is expected to induce profound macroeconomic structural change that will impact all central markets in the aging economies – i.e. the markets for labor, goods and services, and capital.

- Demographic change will have a massive impact on the mode of production in Ger-

many, given that by 2030 about 20% fewer employees will have to generate the output approximately needed to meet today's level of consumption. Notably, this projection already includes a significant increase in age-specific labor force participation. Even with a dependency on imported goods, this can only be accomplished through significantly higher productivity, which in turn can only be reached through higher physical and human capital intensity. Wages will rise, while returns on capital may well fall. Although these trends are generally agreed upon in qualitative terms, their size, and the design of optimal adjustment strategies remain controversial.

- Demographic change will substantially alter the structures of consumption: more services and more products will be in demand to cater for the needs of the elderly. Such shifts in demand give rise to a structural transformation of production and will result in frictions, for example temporary unemployment, especially if the present low level of sectoral mobility and inflexible labor laws persist. Here again, the quantitative effects are not clear. On the one hand, there is the hope that demographic change will solve the problem of unemployment due to the scarcity of labor supply. On the other hand, large-scale frictional unemployment may evolve because an increasing skill bias will lead to a dual labor market characterized by a shortage of highly qualified professionals and a surplus of low-qualified workers without jobs – hence a distinct aggravation of a phenomenon already witnessed today.
- The effects of demographic change on labor markets are thus uncertain not only in quantitative but also in qualitative terms. E.g. we do not fully understand the interdependencies between age and qualification structures. Higher rates of employment among older persons – a renewed target of the most recent labor market and pension reforms all across Europe, – can only be achieved if both employee health and occupational qualifications ensure sufficient labor productivity. Many of the multiple interactions between labor market, pension, health

and education policies, which are usually – but falsely – analyzed in isolation, are not even rudimentarily understood.

Demographic change will also transform international economic relations. Capital will flow from countries with relatively old populations to those with relatively young ones to take advantage of the higher returns on investment attainable there. Even if the entire world were to age gradually, the large relative age disparities between countries will induce substantial capital movements. This insight is of crucial importance to Germany as its proportion of senior citizens is already today among the largest in the world. These cross-border capital flows must be financed via the balance of payments. Hence, it is likely that Germany will change from the world export champion to a net importer. Higher imports, incidentally, will in general equilibrium go hand in hand with the scarcity of labor at essentially stable levels of consumption. Once again, we know very little about the quantitative dimensions; they depend on the speed at which capital and commodity markets are globalized, notably on barriers to direct investment in the newly industrialized and developing nations, especially China and India.

Demographic change, besides impacting the volume of international capital flows, also plays a role in the temporal structure of these flows. Future aging could thus strengthen present-day capital exports, followed by re-patriation later on when older citizens turn their foreign retirement assets into domestic consumption.

It is necessary to anticipate and quantify these developments, not the least in order to mitigate or entirely avoid hardships and transitional problems. Although these issues have appeared on the "radar screens" of governments and international organizations over the past decade, sufficiently detailed data and suitable models are still lacking for a quantitative and, in numerous dimensions, a mere qualitative assessment of these changes. Designing the required analytic tools constitutes MEA's first task, and providing the substantive analyses the second.

MEA Seminar

The MEA Seminar is the MEA's research and doctoral seminar. National and international lectures on research questions in the field of the "Economics of Aging" are given on a weekly basis. In addition, the doctoral candidates are given the opportunity to present their theses to a wider public and discuss them.

Prof. Dr. Hilke BROCKMANN, Jacobs University: "Inequalities of Happiness: A Gold Standard for Social Policies?" (6 October 2011).

Fabrizio MAZZONNA, Ph.D.: "Can we Trust Older People's Statements on their Childhood Circumstances? Evidence from SHARELIFE" (12 October 2011).

Julie KORBMACHER: "Linking Survey and Administrative Data: Learning More about the Role of the Interviewer" (26 October 2011).

Christian HUNKLER: "Discrimination in Access to Dual Education? From the Employer's Point of View" (2 November 2011).

Thorsten KNEIP: "The Interplay of Norms and Incentives in Explaining Marital Stability: Testing the 'Model of Frame-Selection'" (20 November 2011).

Till STOWASSER, Ludwig Maximilian University, Munich: "Disentangling the SES Gradient in Health: The Role of Early Childhood" (16 November 2011).

Dr. Francesco CINNIRELLA, Ifo Institute: "Birth-Spacing as a Preventive Check Mechanism in Pre-Industrial England" (23 November 2011).

Bettina LAMLA: "The Wealth Effect in Germany: Evidence from the SAVE Study" (30 November 2011).

Johannes RAUSCH: "PENSIM" (7 December 2011).

Prof. Dr. Frauke KREUTER, Ludwig Maximilian University, Munich: "Motivated Underreporting: Asking Filter Questions in Social Surveys" (21 December 2011).



1.3. Department Structure and Thematic Priorities

Against this background, MEA constructs models to forecast such multi-layered trends during the aging process. The models are largely formulated in mathematical terms and then calibrated with German, European and global data, thus giving them some realism. They primarily serve to analyze the dependency of long-term economic and social developments on parameters set, or yet to be set, by social, labor market, pension, health and education policies. Subsequently, MEA uses these models to make empirically validated recommendations for social and economic policy action.

Accordingly, MEA's typical work comprises four steps. The first step is to design a model using components from economics and its neighboring sciences, notably sociology and epidemiology. These models are based on presumed modes of behavior on the one hand; on the other, they make sure that the given regulatory framework of social law and the various economic budget constraints are adhered to. At this stage, the models are still abstract and generic, and thus applicable to different historical circumstances.

The second step consists in "feeding" these models with a concrete environment, e.g., the specific situation in Germany. This is where empirically based behavioral parameters come into play – for instance, older persons' willingness to work, in technical terms the elasticity of labor supply – coupled with the concrete layout of the social, labor and other regulatory framework – for instance, early retirement incentives and similar rules in place on the transition path until the final introduction of a later retirement age in 2029.

Doctorates

Supervision:
Axel BÖRSCH-SUPAN

2011: Kai Eberhard KRUK: "Essays in Empirical Health Economics", University of Mannheim.

2011: Stefan LISTL: "Essays on the Economics of Oral Health and Health Care", University of Mannheim.

In the third step, the models are applied to prospective policy options – for instance, an even later retirement age, additional efforts to promote further education and training, or improved preventative health measures for older employees to enhance their productivity. The models then show, for example, how such measures could affect the employment of older individuals. These hypothetical constructs focus on the formulation of "if-then" statements, i.e., they are not unconditional forecasts.

Methodology and findings are – in a fourth step – cast into scientific publications and, appropriately edited for a non-scientific audience, into policy recommendations.

As its name suggests, the Center's core analytical work is geared to economics. Interdisciplinary collaboration, however, with empirical sociology as well as epidemiology has grown extensively since MEA was first founded. Cooperation with the social law department will add to MEA's institutional modelling. In addition, MEA also undertakes methodological research to accompany its various data collection efforts. This diversity of scientific tasks is reflected in MEA's structure. The first sub-department "Economics of Aging", headed by *Dr. Matthias Weiss*, is dedicated to analytical research in economics. The second sub-department is devoted to the "Survey of Health, Ageing and Retirement in Europe (SHARE)", managed by *Dr. Martina Brandt* and *Dr. Frederic Malter*. This venture collects European data on demographic change, and analyzes these data under economic, sociological, and health-policy aspects.

Economics of Aging

The sub-department "Economics of Aging" has three research units:

- Old-Age Provision and Social Policy (headed by *Dr. Martin Gasche*)
- Macroeconomic Implications of an Aging Society (headed by *Dr. Michela Coppola*)
- Health Economics (headed by *Dr. Tabea Bucher-Koenen*)

The research unit "Old-Age Provision and Social Policy" analyzes the effects of the aging process on the funding and organization of pension, health and long-term care insurance schemes. While it includes international

comparisons, the main focus is the multi-pillar social security and pension system introduced over the past few years in Germany. A detailed simulation model is used as a tool to model the German statutory retirement insurance system (MEA-PENSIM). Mathematical-theoretical approaches are also taken to assess the impact of pension policy measures.

The research unit "Macroeconomic Implications of an Aging Society" constructs macroeconomic models that project the overall economic implications of demographic change for labor, capital and commodity markets, and compiles the microeconomic foundations for "feeding" these macroeconomic models. The work centers on the consequences of demographic change for growth, capital accumulation and returns on investment, international capital movements, consumer demand and productivity.

Serving as microeconomic input for these macroeconomic models, German and international data are used to analyze how and why households save. One application is to determine the extent to which existing social security systems can be augmented by supplemental individual and permealional funded pensions. A longitudinal household database has been constructed to collect information on savings decisions and their economic, psycho-social, and health context (SAVE-Panel). Since savings behavior in Germany has not been explored in any great depth, with only little data available, research here has many methodological aspects.

Secondly, a collaborative project involving three large enterprises based in the automotive, the chemical and the insurance industry assembles and exploits process data in order to shed light on the relation between age and productivity. This is an important input to macro-economic models since alongside the volume of gainful employment, future aggregate productivity will be the decisive factor for economic growth and the way in which our standard of living progresses.

The research unit "Health Economics" adds health and life expectancy to the abstract figures of modern economics. Key economic decisions taken by individuals, such as labor force participation and savings behavior, depend on their health status – just as, vice-

versa, people's economic and social status will influence their health and longevity. This correlation is based on numerous – partly self-reinforcing, partly countervailing – mechanisms such as the effect of education on health behavior; the potentially rationing effect of the health care system and its financing; the design of the workplace with a view to occupational health and ergonomics; and the effect of serious illness on performance ability, often already experienced by school children. Measuring and identifying the importance of these mechanisms in each individual case with its life circumstances constitutes a difficult empirical task.

The SHARE Project Family

The second sub-department is dedicated to the creation and analysis of a pan-European interdisciplinary panel dataset of persons aged 50 and over. On a two-year cycle, the survey collects data on these persons' economic situation (earnings, expenses and assets), physical and mental state of health, measured by a large set of subjective and objective indicators including biomarkers, as well as their familial and social networks, thereby also monitoring intergenerational transfers. This research venture is financed by third-party funds and coordinates several large-scale projects under the umbrella term "SHARE" (Survey of Health, Ageing and Retirement in Europe). Projects are funded by the European Commission, the German Federal Ministry of Research and Education, and the US American National Institute on Aging. The survey is harmonized with the U.S. Health and Retirement Study (HRS), the English Longitudinal Study on Ageing (ELSA) and several Asian studies.

Based on an external evaluation and business consulting, the sub-department has been organized in five research units:

- SHARE – Administration
(headed by *Kathrin Axt*)
- SHARE – Communications
(headed by *Dr. Martina Brandt*)
- SHARE – Operations
(headed by *Dr. Frederic Malter*)
- SHARE – Data Base Management
(headed by *Stephanie Stuck*)
- SHARE – Enhancements
(headed by *Barbara Schaan*)





1.3. Map of countries participating in SHARE (Waves 1-3).

Since 2002, SHARE has been collecting empirical data for socio-scientific research in the broad sense – that is, encompassing the economic sciences and related medical fields. Along with demographic data, the questionnaires gather information on the economic and social situation of individual households, labor force participation, volunteer work, as well as social and familial networks, along with very specific details on the respondents' physical, functional, subjective and mental health status. The central objective is to conduct internationally comparable research toward a better understanding of the effects and side-effects of individual and population aging in Europe, and the welfare state's reactions to it. In 2012, after its fourth wave, SHARE includes 19 participating European countries and data of about 62.000 respondents.

The activities of the central coordination for SHARE at MEA include the scientific design of the study; the progressive development and adaptation of the survey and its instruments in line with scientifically relevant insights gained from previous waves and from new research on policy developments. The Munich-based SHARE staff members are initially responsible for designing and setting up the national samples of a wave, and then accompany the technical implementation of the survey in all participating countries.

Starting in March 2011, pursuant to Council Regulation (EC) 723/2009, SHARE has become a legal entity in its own right as a "European Research Infrastructure Consortium (ERIC)" – in short, SHARE-ERIC. Its administration is currently sited at the Univer-

sity of Tilburg, Netherlands. According to the ERIC statutes and at the request of the European Commission, the Consortium's headquarters will be transferred to the Munich MPI for Social Law and Social Policy in the summer of 2012.

The individual EU projects (at present: SHARE-M4, CHANCES and DASISH) do not only finance design and coordination but also scientific exchanges. They increasingly spawn transnational research in a variety of fields (e.g. health economics, old-age pension systems, intergenerational transfers, and methodology studies); researchers of the central office in Munich play a leading or coordinating role in these activities.

Upon conclusion of each wave of data collection, the data and first analytical findings are published, along with assessments of the meta- and para-data (e.g. household-specific response rates or key stroke files) for the further development of substantive and methodological research with SHARE.

In their substantive scientific investigations, SHARE staff members address life science and health research issues, build up a reporting scheme called "Work and Lifestyles", and analyze disintegration processes and/or the strengthening of integrative potential in modern aging societies. International comparative studies naturally play a central role in these endeavors. SHARE is part of the European data system under the Open Method of Coordination that aims to identify and compare the many dimensions of aging societies in Europe. The main focus here is on the triangle of older people's health, social and economic circumstances, from which measures of successful social policy can be derived on a consistent and internationally comparable basis. SHARE is presently used by researchers of the European Commission to devise pertinent indicators on behalf of the Economic Policy Committee and the Social Protection Committee. In its methodological research, MEA conducts experiments in the German SHARE survey to learn which measures most efficiently enhance respondents' willingness to participate. Moreover, in a pilot project sponsored by the Volkswagen Foundation, the linking of medical-biological and socio-economic surveys, process data, and biomarkers are being

tested. This is to be followed by a study commissioned by the German National Pension Insurance with the goal of analyzing the linked data with respect to retirement behavior and living standards after retirement.

1.4. Scientific Advice on Policy Issues

Since it was launched ten years ago, MEA has become well-established as a nationally and internationally renowned competence center for issues relating to population aging from the perspectives of economics and economic policy. This has given rise to numerous inquiries for scientific advice on policy matters in Germany (member and chair of the Scientific Advisory Board at the Federal Ministry of Economic Affairs; advisory support to the Federal President as well as the Federal Ministers of Finance, of Health and Social Affairs, and of the Interior), advisory support to the Minister of Economics and Finance of the Republic of Italy, the Minister of Finance of the Republic of France, the Ministry of Finance of Finland, the Greek Central Bank, the United States Secretary for Health and Human Resources, the U.S. Special Senate Committee on Aging, the OECD, and the World Bank, among others.

MEA, through several expert reports, provides input to *Axel Börsch-Supan* in his function as one of the nine members of the Expert Council on Demography (*Expertenrat Demografie*), instituted by the German Federal Government in the summer of 2010. This body meets at the Federal Ministry of the Interior in order to analyze the ramifications of demographic change from the points of view of different scientific disciplines. In April 2012, the Council is due to publish a report on behalf of the Federal Government on demographic change and its consequences for the economy and society. The models of global aging processes developed by the MEA research unit "Macroeconomic Implications of an Aging Society" provide the groundwork for *Axel Börsch-Supan* as a member of the commission on "Long-Term Implications of Aging for the U.S. Economy", installed by the U.S. Senate and based at the U.S. National Academies of Science. In the following, we provide a more detailed introduction to the individual research areas, along with descriptions of the research projects conducted by the staff members of MEA.

2. Old-Age Provision and Social Policy

The research unit "Old-Age Provision and Social Policy" investigates the implications of aging for the organization and financial sustainability of pension, health and long-term care insurance schemes, thereby drawing sociopolitical conclusions. Existing social security schemes are analyzed and reform proposals are assessed or drafted, and thus contribute to policy advice. Analyses are supported by simulation models, with the MEA Pension Simulator (MEA-PENSIM) taking central stage here. PENSIM examines reform measures in old-age provision schemes with a view to their impact on the financial situation of statutory pension insurance and the level of retirement provision.

2.1. The German Pension System in an International Comparison

Axel Börsch-Supan

MEA regularly receives inquiries from at home and abroad, requesting information on the economically relevant institutional features of the German pension system. In responding to these queries, MEA continually processes, systematizes and supplements the findings of its research work, and thus provides a comprehensive survey of pension reform activities in Germany. In particular, MEA seeks to make the complex details of reforms to the Riester plan [privately funded pension scheme subsidized by the government] and sustainability measures accessible to English-speaking scholars, and compares these with the reforms undertaken in other countries, notably Italy, Sweden and the United Kingdom.

2.2. International Social Security Project: Incentive Effects on Early Retirement

Axel Börsch-Supan

The project under the auspices of the National Bureau of Economic Research, (NBER) based in Cambridge, Massachusetts, is a long-term international research program led by *Prof. Dr. Jon Gruber* (Massachusetts Institute of Technology) and *Prof. David Wise, Ph.D.* (Harvard University), with the aim of scrutinizing interaction between social secu-



rity schemes and retirement behavior. Researchers from altogether 12 western industrialized countries (nine EU states, United States, Canada and Japan) are involved in the study, with MEA representing Germany. One of the venture's central objectives is to present comparable surveys for each of the participating countries.

Early retirement is a well-known and costly phenomenon in all these countries. Thus, findings obtained in the initial phase of this project have shown that early retirement incentives are indeed laid out in the German pension insurance system. The second phase seeks to estimate the extent to which such incentives affect the supply of older manpower. To that end, we use a variety of specifications and incentive variables. The results of these estimates are applied in the third phase to simulate the ramifications of stylized reforms for the German statutory pension insurance budget. We thereby ascertain the "mechanic effect" resulting from changes to fiscal variables at unchanged employment histories. At the same time, we quantify the "behavioral effect" arising from adjustments to the labor supply. The fourth phase inquires how early retirement affects the well-being of older persons, while the fifth highlights the effect of early retirement on the younger generation's job market opportunities. Finally, the ongoing sixth project phase is dedicated to the special incentive effects of disability pensions.

2.3. Country Studies

Axel Börsch-Supan

MEA often receives requests from other countries to evaluate the pension schemes in place there, and to submit and discuss proposals for their reform. The countries investigated include, for example, Greece (advice to the National Bank and the Ministry of Social Affairs) and Finland (advice to the Ministry of Finance).

2.4. Politico-Economic Analysis of Pension Reform Options

Axel Börsch-Supan

Pension reforms constitute difficult political undertakings because they deeply impact the socio-political balance between contrib-

utions and beneficiaries, between the young and the old, the rich and the poor, employees and the self-employed, and so forth. Counterbalancing burdens in the near future with reductions in the remote future presents a particular challenge. This international project set out to explore how citizens view diverse reform options. In the first part, *Axel Börsch-Supan*, *Prof. Dr. Tito Boeri* and *Prof. Dr. Guido Tabellini* (both from Università Bocconi, Milan) conducted a transnational survey on the subject in spring 2000, posing identical questions in Germany, Italy, France and Spain. The findings revealed that respondents were thoroughly prepared to accept reforms, but displayed an alarmingly high information deficit as to the limits and prospects of the different reform options.

In order to examine the influence of the pension reform meanwhile adopted in Germany, the survey was repeated several times in this country as well as in Italy. The recent questionnaires employed novel survey techniques that permit a more precise assessment of citizens' personal preferences for the individual reform options. This study has been continued as a subproject of SFB 884 (Political Economy of Reforms) at the University of Mannheim.

2.5. Maintaining Social, Economic and Political Stability in Times of Demographic Change

Axel Börsch-Supan

The above project is sponsored as a subproject by the MacArthur Foundation under the "Aging Societies Network" (subproject: "Social Cohesion" in collaboration with *Prof. Lisa Berkman, Ph.D.*, Harvard University, and *Prof. James Jackson, Ph.D.*, University of Michigan). It spotlights the individual, social, political and economic adjustments required to strengthen intergenerational solidarity in the wake of demographic change and to avoid generation conflicts. With the help of international comparisons, MEA tests economic hypotheses about potential losses of social cohesion on account of demographic change. These premises refer to politico-economic aspects, intergenerational networks, economic consequences and behavioral changes. One question is whether today's sense of responsibility vis-à-vis other generations has waned

and, if so, what institutions (general statutory requirements, taxation and transfer schemes, or financial markets) might have brought this about. In conjunction with the analysis of fiscal transfers and non-monetary assistance between generations, a special focus is on whether state interventions tend to encourage or stifle private intergenerational support.

2.6. Raising of the Statutory Retirement Age to 67

Martin Gasche in collaboration with
Tabea Bucher-Koenen and *Sebastian Kluth*

In the spring of 2011, the German Federal Government was called upon to submit the Report under Section 154(4) SGB VI (Book VI of the German Social Code), requiring the Government's appraisal of whether raising the age limit for regular retirement was still tenable in due consideration of labor market developments as well as the economic and social circumstances of older employees. This report has reintroduced the topic of "retirement at 67" to both the public and the academic discourse. In March 2011, the German Bundestag invited *Axel Börsch-Supan* to deliver an expert opinion on the subject of retirement at 67; he was represented at the public hearing by *Martin Gasche*.

The "Old-Age Provision and Social Policy" research unit took part in the scholarly discussion, thereby listing ten misunderstandings in connection with retirement at 67 (cf. MEA Discussion Paper No. 209-10). Based on these findings, along with some elaborations, members of the research unit published an essay in the journal *Wirtschaftsdienst*, querying whether "retirement at 67" in fact constituted a pension reduction program. They showed that this depended on the point of view taken. If one considered only the monthly pension payments, the insured themselves could avoid pension cuts by actually retiring at the age of 67 – that is, by prolonging gainful employment.

Conversely, if one regarded the sum paid over the entire term of pension receipt, the insureds' behavior as well as their sex, earnings and previously acquired pension claims proved relevant. Another criterion was the scope of higher pension adjustments necessitated by "retirement at 67" measures.

Not all insured persons must reckon with a reduction of their total pension sum; for several, it could even turn out to be higher. The average pension sum, however, is likely to decline. It follows that the statutory insurance scheme can hope for lower expenditures as a result of the "retirement at 67" reform. Even so, given the aforesaid interactions, such expenditure cuts and their potential contribution-reducing effect will prove to be relatively moderate.

The overall perception, which takes account of both contribution and pension payments, is that the very young age cohorts will not be impacted: lower pension sums and lower contribution sums will just about balance out. Once more, the burden will fall on the middle age cohorts, which nevertheless largely contributed to the demographic problem on account of low child birth rates in their time. The – sole – beneficiaries of the "retirement at 67" agenda are yet again the pensioners with vested rights who, as of 2013, will enjoy higher monthly benefits throughout the entire remaining pension term, thus raising the implicit return on their pension insurance contributions.

2.7. Analysis and Assessment of Old-Age Pension Policy Measures

Martin Gasche in collaboration
with *Sebastian Kluth*

Reform measures and proposals are analyzed and assessed with the help of a wide array of MEA instruments (e.g. MEA-PENSIM, see Project 2.10.; and MEA-GKV-SIM, see project 2.14.). In 2011, the following subprojects were carried out within this framework: (1) What is the best pension adjustment formula? (2) Phased retirement through flexibilized partial pensions.

(1) What is the best pension adjustment formula?

The current pension adjustment formula has repeatedly been criticized from various sides. It is alleged to be too complicated, intransparent and incomprehensible. For this reason, an investigation was launched to find out the best possible pension adjustment formula based on specific criteria. The following appraisal factors were applied: simplicity, reliability and transparency, contribution-rate



*Dr. Martin Gasche, Head of
Research Unit Social Policy*



and pension-level stability, structural and cyclical system stability, efficiency, as well as intergenerational equality of treatment.

The above-mentioned MEA analysis instruments were used to verify these factors: the pension simulation model (contribution-rate and pension-level stability as well as structural and cyclical system stability), the model for the calculation of implicit tax rates (efficiency), and the model for the calculation of implicit returns (intergenerational equality of treatment).

It was found that the current pension adjustment formula mostly achieves a compromise between these partially opposing aims. Thus, the formula provides for retirees' participation in productivity growth, maintains a balance between contribution-rate and pension-level stabilization, keeps intergenerational inequality within bounds, and ensures that the taxation implicit in pension insurance contributions – that is, the portion of contribution payments not reflected in pension benefits – does not increase disproportionately with time. In addition, the prevailing adjustment formula serves to stabilize the system in the face of demographic changes as well as cyclical fluctuations.

Other pension adjustment formulas display distinctly less favorable features. For instance, adjustments geared to wage developments or to the rate of inflation lead to a steadily declining pension level, which in turn generates a considerable measure of intergenerational inequality. Also an adjustment formula comprising a demographic factor would – for as long as life expectancy continues to rise – entail a constant deterioration of the pension level. If, by contrast, pensions were to be adjusted purely to gross wages, the pension level would indeed remain stable but, in the long range, would ultimately result in a contribution rate of over 30%. Wage adjustment or a combination of adjustments to wage and inflation cannot achieve any stabilization in pension levels and contribution rates, even if retiree quotients were to remain unchanged over time. The systems would be instable in demographic terms.

The current pension adjustment formula is thus better than its reputation. Yet nearly the same results as with the status quo formula

could be accomplished with simpler theorems – such as wage adjustment cum contribution-rate factor, or wage adjustment cum sustainability factor. To ensure "intergenerational fairness", the sustainability factor would have to equalize the demographic burden resulting from the increasing number of pensioners in relation to the number of contributors by splitting it fifty-fifty between these two groups.

In summary, it can be stated that the best pension adjustment formula merely ought to comprise a wage factor in combination with a (fair intergenerational) sustainability factor. The wage factor could in turn be simplified if it only embodied the development of wages subject to mandatory insurance. Such a straightforward yet fair, in intergenerational terms, pension adjustment rule could be conveyed to the public much more easily than the present one, and would serve to reinforce general acceptance of the pension insurance scheme. A detailed account of this study was published as MEA Discussion Paper No. 241-11; moreover, a considerably abridged and – with a view to the analysis of cyclical stability – extended version has been accepted by the *Zeitschrift für Wirtschaftspolitik* following peer review.

(2) Phased retirement through flexibilized partial pensions

Among politicians, there is a degree of consensus that phased retirement should be facilitated – that is, employees should be enabled to withdraw from employment gradually through a progressive reduction of working hours, with the attendant loss of earnings compensated by a wage supplement.

The best-known example of phased retirement is part-time employment prior to retirement. Under this model, employees reduce their working time to 50%, while the employer assumes an additional payment of at least 20% of the part-time wage as a supplement. Before 2010 and under certain conditions, the German Federal Employment Agency covered the 20% augmentation. The variant in which working hours are actually scaled back to 50% throughout the entire transition period is only seldom claimed. A much preferred alternative is the so-called block model whereby employees continue to work full-time for the first half of the transition period and then cut back to 0% for the second half.

Another much less known phased retirement option is the so-called partial pension. Here, employees likewise reduce their working hours but receive a partial pension comprising two-thirds, a half or one-third of their old-age pension. Their earnings in addition to the partial pension must not exceed specific limits. This semi-retirement model is seldom if ever used, although it exhibits advantages over the part-time employment concept.

This project sought to outline the different phased retirement options (early retirement, partial pension plus additional earnings, and part-time employment prior to retirement), then to compare them by means of diverse criteria, and ultimately to elaborate an appropriate reform proposal.

Part-time employment prior to retirement, the partial pension, and early retirement were compared using the following criteria: gross income in the transition period, net income in the transition period (each assuming maximum additional earnings and a reduction of working hours to 50%), income after attainment of the age limit, as well as net present value both of pension incomes over the entire pension term and of total incomes.

All in all, the comparison of the different phased retirement options shows that part-time employment prior to retirement does not present any great advantage from the point of view of the insured. This scheme's popularity, contrasted with the "wallflower existence" of partial pensions, is thus not to be explained from this angle. Rather, the part-time employment alternative is doubtless preferred because it can be structured as a block model and thus also does justice to employer interests, for example in facilitating manpower organization. For this reason, the block model is often offered as the sole variant of part-time employment prior to retirement. In addition, part-time employment arrangements are more attractive because they can already commence at the age of 55, whereas the partial pension cannot be claimed until early retirement is likewise permissible.

As for income *in the transition period*, the partial pension model proves superior to the other gradual retirement options, in both

gross and net terms. *After retirement*, the part-time employment scheme fares somewhat better than the partial pension model. Viewed over the *entire period*, there are scarcely any pension income differences between the given options. Only when taking additional account of earned income does part-time employment display slight advantages.

The partial pension's disadvantage nevertheless lies in the complicated provisions governing caps on additional earnings and rigid partial pension levels. The latter entail marginal tax rates of far over 100% as soon as additional earnings exceed the cap specified for a particular level. This detracts from any incentive to increase work in the transition period prior to full retirement. MEA has therefore drafted a reform proposal for a "flexible partial pension". Under this model, the partial pension's disincentives are eliminated by removing its benefit levels and by introducing a "tariff" that guarantees a constant "pension withdrawal rate", meaning that a certain percentage of additional earnings is always left to the insured. Such a regulation is simple and calculable. In this way, partial pensions would gain more appeal, rendering part-time work prior to retirement obsolete, at least from the insured's point of view. A truly smooth transition to retirement could thus be achieved.

Compared with this evolutionary approach toward flexibilizing the partial pension, a more radical step would be to drastically raise or abolish caps on additional earnings prior to normal retirement, while scaling up pension reductions for early retirement to an incentive-neutral level. Such a measure would likewise foster genuine phased retirement, while making it possible to extend employment offers to early retirees in the absence of fixed caps on additional earnings.

In the fall of 2011, the German Federal Ministry of Labor and Social Affairs submitted a proposal for a so-called combi pension which, just like the above recommendation for a flexible partial pension, amounts to a reform of the partial pension. Hence, our project remains up to speed. The study was published as MEA Discussion Paper No. 243-11; a slightly modified version has been accepted for publication by the journal *Sozialer Fortschritt*.



2.8. Analyzing Public Knowledge about the Riester Subsidy

Martin Gasche in collaboration with Michela Coppola

The prevalence of the Riester pension plan, a privately funded retirement scheme subsidized by the German government, has gained enormous momentum. Thus, in 2003, some 8% of households had taken out a Riester contract. By 2009, the quota had risen to nearly 40%. The Riester plan is particularly widespread among households with children; over 56% of two-child households have concluded a Riester contract; households with three and more children exhibit a prevalence rate of almost 70%. Yet a source of worry continues to be the plan's minor popularity among low-income households. Even here, however, the prevalence rate swelled by almost 7 percentage points from 2008 to 2009, to now 25%.

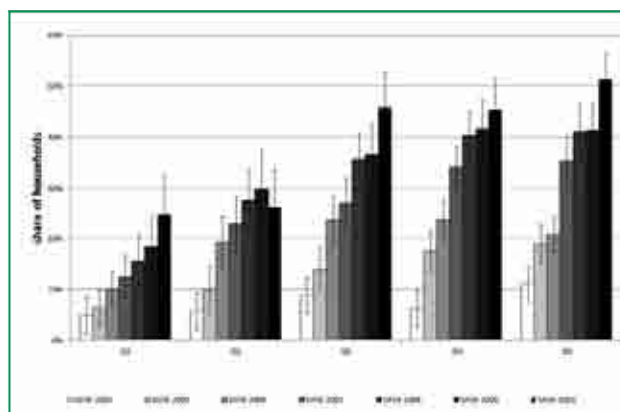
Apart from the regular measurement of the Riester plan's popularity with the help of our SAVE data (see Project 4.4.), an additional analysis focused on public knowledge about the Riester subsidy program. The SAVE questions addressing this specific aspect were thus evaluated accordingly. The one query was whether respondents knew they were eligible for the Riester subsidy; the other was whether Riester contract holders were able to size up the subsidy amount.

The evaluation of responses on eligibility revealed that approximately 49% of those questioned considered themselves eligible and 51% ineligible. In actual fact, however, 73% qualified for the subsidy, whereas a mere 27% had never done so. It follows that people frequently tend to be wrong in their estimation of entitlement. That became all the more evident upon considering those who had objectively been eligible at least once in the preceding six years. Of these households, nearly 38% claimed never to have been eligible for the subsidy. A closer look at the self-assessment data revealed that 92% of those who thought themselves eligible did in

fact qualify. By contrast, only 46% of those who reported never to have been entitled were correct in their appraisal. An astonishing 54% were wrong. That is, they believed themselves ineligible, but actually did qualify, or had qualified at one time. Hence, eligibility is grossly underestimated.

This false estimation is indeed encountered in all income groups, but is especially pronounced in the lowest income bracket – that is, the one in which the Riester plan is the least widespread. At 41%, the error rate in the bottom income quintile is the highest. Far fewer households belonging to the other salary groups, namely about 23%, are likely to be wrong about their eligibility. These findings hold true in the multivariate analysis, thus indicating that the reason for the Riester plan's lesser popularity among low-income earners is attributable to their lack of information about eligibility for the subsidy.

Surprising results were obtained upon evaluating responses to the question about the subsidy amount. Thus, 57% of the households in possession of a Riester contract were unable to appraise the size of their subsidy. Some 18% replied that the subsidy was small and came to less than 25% of the amount saved. This group was in any case wrong in their estimation. Only 24% of the households correctly assessed the subsidized portion, stating that the quota was "high" (50% and more) or "medium" (between 25% and 50%). This lack of knowledge was equally pronounced across all income brackets and educational levels. Merely households with children displayed a



2.8. Share of households with Riester contracts by income quintiles: The rate of contracts concluded is highest among high income households, yet Riester plans have also gained popularity among lower income households.

significantly higher degree of knowledgeability about the scope of Riester subsidization. The problematic aspect of such ignorance is that it negatively impacts the scheme's acceptance, often entailing careless decisions to deactivate or terminate Riester contracts. Frequent misjudgments of the subsidy amount could be an indication that the pertinent provisions are too complicated.

The above analyses clearly show that more information about the Riester subsidy, as well as simplification of the provisions governing eligibility, would further heighten the scheme's dissemination and acceptance. Such rather simple measures ought to be considered before increasing subsidization or targeting other reforms. This study was published as MEA Discussion Paper No. 244-11; a slightly abridged version appeared in the journal *Wirtschaftsdienst*, Issue 11, 2011.

2.9. Correct Actuarial Calculation of Pension Reductions

Martin Gasche

The level of correct pension reductions for early retirement has often been a matter of contention among scientists, depending on whether actuarial calculations are based on the perspective of the individual or that of the pension insurance scheme. The two methods thereby applied have been termed the incentive-neutral and the budget-neutral approach. From the standpoint of the insured person, reductions are incentive-neutral if early retirement and regular retirement render the same net annuity value. From the standpoint of the pension insurance scheme, retirement age is irrelevant as long as contribution rate development remains unchanged (budget-neutral approach).

The project aimed to conceive and apply new approaches for the computation of correct benefit reductions, and to compare these approaches, setting the reductions thus obtained in opposition to the currently applicable 3.6% rate of reduction. In addition, the various determinants of correct reductions were elaborated.

The correct level of reductions for early retirement was initially calculated with the help of three "net present value (NPV)-based" approaches – (i) incentive-neutral,

(ii) budget-neutral and, as a novelty, (iii) yield-neutral. It was found that all of them ultimately differed not in their mode of calculation but only in respect of the discount rate used. Another finding was that the incentive neutrality of the first approach ensued if the implicit taxation of contributions equaled the implicit tax on early retirement pensions. Hence, incentive neutrality was accomplished through the creation of two disparate distortive taxes, rendering this approach problematical. Correct reductions were moreover calculated also for cases in which the relevant alternative to early retirement was not the ongoing pursuit of a gainful occupation but unemployment and inactivity. The NPV approaches were subsequently contrasted with the utility-oriented approach, where results are highly dependent on the imputed utility function and parameter values. All in all, the currently valid statutory reductions are too low when applying the NPV approaches.

Correct reductions are subject to numerous determinants. Thus, life expectancy is of considerable significance as it determines the duration of pension payments, hence the timeframe throughout which reductions can be distributed. Dependence on life expectancy also explains the disparities between correct reductions for men and women, as well as among birth cohorts. Of equal importance is the discount rate as it determines how heavily future pension payments are weighted. Accordingly, correct reductions decline in proportion to

longer life expectancies,
younger birth cohorts,
lower imputed discount rates,
larger gaps between actual and regular retirement age,
higher wage increase rates and/or pension adjustment rates, and
prolonging effects of survivors' pensions on the duration of pension payments.

Consequently, if uniform reductions are applied to all birth cohorts, to men and women, and to every early retirement age, this will always be a mistake.

The amount of reductions also depends on the relevant alternatives available for the period between potential early retirement and





Johannes Rausch, Researcher
(Social Policy)

the statutory, i.e. normal, retirement age. The standard approach used for the calculation of reductions presumes sustained employment subject to social insurance contributions as the relevant alternative. Yet that need not be the case. If the relevant alternative before reaching normal retirement age is unemployment or inactivity, incentive-neutral reductions will be much lower. If an early retiree achieves additional earnings in the phase prior to normal retirement, the correct reductions must be higher.

Analogous to reductions, pension credits can likewise be calculated; they are awarded if the insured extend their gainful occupation beyond the statutory age limit, thus delaying retirement. The condition for the computation of incentive-neutral credits, mirroring that for reductions, is that the taxation of contribution payments must just equal the subsidy paid to the late retiree. Here again, the statutory credits currently set at 6% are as a rule too low. To remove the incentive for regular retirement as per the statutory age limit, the rates would have to be about 7% to 8%.

In sum, the findings suggest that statutory pension reductions and, where applicable, pension credits should be increased. This holds true all the more if the planned introduction of the "combi pension" is to be flanked by drastically raised limits on early retirees' additional earnings. Beyond augmenting reductions, another meaningful step would be to distinguish according to retirement age and birth cohorts. The study is due to be published as a MEA Discussion Paper, and is subsequently to be submitted to a refereed journal.

2.10. The Pension Simulation Program MEA-PENSIM

Johannes Rausch in collaboration
with Martin Gasche

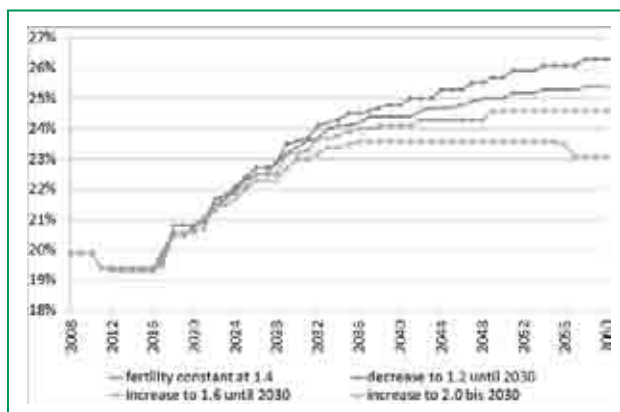
To be able to analyze the future course of the German pension insurance system, along with the effects of actual and/or prospective reforms, one requires a simulation model capable of imaging the system in line with its decisive determinants. In the process, a variety of potential demographic and economic developments must be taken into account.

MEA-PENSIM is a pension simulation program that is continually being advanced. It depicts the pay-as-you-go public pillar of the German pension insurance scheme as well as selected aspects of private funded retirement arrangements, and can thus be regarded as a simulation model for the entire multi-pillar system of old-age provision in Germany.

MEA-PENSIM strives for realistic projections into the future of the German pension insurance system. It thereby focuses primarily on issues relating to the prospective effects of demographic change on contribution rates and the level of pension benefits. How serious are the consequences of a declining pension level – based on diverse reform scenarios – likely to be for retirees? Can the supplementary, government-sponsored Riester plan close the expected gap in statutory old-age provision? What share of retirees' pension income will eventually be provided by supplementary retirement arrangements?

With the aid of versatile model calculations, the simulation program moreover estimates

the impact of various pension-policy measures against the backdrop of differing assumptions about demographic and economic developments, and subsequently drafts appropriate reform proposals. Important questions here target the system's long-range stability, or the extent to which changes on the labor market are able to offset the repercussions of demographic change.



2.10. Example of a PENSIM simulation: Prospective effects of different fertility trends on pension contribution rates.

In 2011, substantial progress was made in the reconfiguration and re-conception of MEA-PENSIM. Thus, the module for the calculation of average cohort-specific personal earning points was conceived. Under the point system for the conversion of pension entitlements, annually acquired earning points are computed with a view to age, sex and regional income profiles. Proceeding therefrom, the average number of earning points is determined for the retirees of a specific cohort.

The computation of retirees, i.e. the number of persons entering retirement, was likewise revised. Now the differing behaviors of population groups accessing their statutory pensions (civil servants, compulsorily insured persons, or the self-employed) are also taken into account.

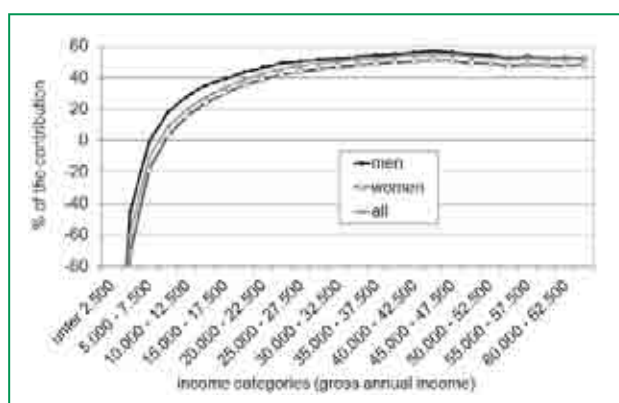
And finally, a module that factors in private old-age provision (Riester pension module) was integrated at the end of 2011.

The simulation model is documented in a MEA-PENSIM manual. Due to be published is a MEA Discussion Paper containing a description of the MEA-PENSIM model, along with an investigation of the effects of various assumptions regarding population and labor market projections as well as wage developments on both the contribution rate and the pension level in the statutory scheme. The second part of the Discussion Paper will serve as the groundwork for an essay on the determinants of the statutory pension insurance contribution rate.

2.11. Implicit Taxation in the German Social Insurance System

Martin Gasche

The proportion of social insurance contributions not reflected in corresponding benefits can be regarded as an implicit tax. Fundamentally, two concepts are distinguished: the "life-cycle-related implicit tax", whereby contributions paid and benefits received throughout an insured person's entire life are compared, and the "period-based implicit tax", whereby the contributions and benefits or acquired claims of a specific period are



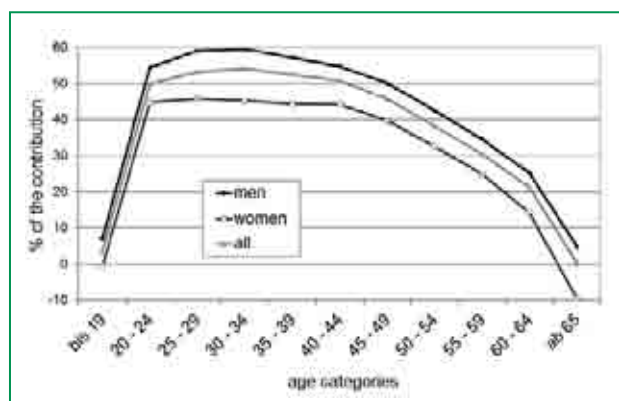
2.11a. Income-specific implicit taxation in the German Social Insurance System in 2009: Contributions increase with income.

compared. The life-cycle-related implicit tax is used, for example, to analyze the intergenerational distributive effects of reforms, whereas the period-based implicit tax is a measure for the social-insurance-induced tax wedge between marginal product of work and net wage, hence for distortions caused by the social insurance system.

The project started out by calculating period-based implicit taxes for the German systems of Statutory Health Insurance (GKV), Social Long-Term Care Insurance (SPV) and Statutory Pension Insurance (GRV), based on specific age cohorts, income brackets, men and women, and east and west Germany. The results were then aggregated to produce an overview of age-specific, income-specific and gender-specific implicit tax rates for the entire social insurance system. Subsequently, age- and income-specific "wage tax rates" were derived for the entire levy system by adding together the implicit tax inherent in the social insurance system and the explicit wage tax imposed by the income tax system. Finally, the effects of social reforms, such as the introduction of the "Swiss Model" to GRV or lump-sum contributions to GKV, were illuminated with regard to their level and structure of implicit taxation. An abridged version of MEA Discussion Paper No. 190-09 was published in the refereed journal *Jahrbuch für Wirtschaftswissenschaften* in 2009.

The model for the computation of implicit tax rates is to be brought up-to-date on a regular basis, and used for the assessment of reform proposals and measures. It was last updated in 2011 and applied to a comparison of various pension adjustment formulas.





2.11b. Age-specific implicit taxation in the German Social Insurance System in 2009: 20 – 50-year-olds pay the most.

The implicit tax rates for contributories were computed and compared for the years 2010, 2030 and 2050. A long-range plan is to calculate life-cycle-related implicit taxes for all social insurance branches.

2.12. Redistributive Flows in the German Social Insurance System

Martin Gasche

The German social insurance system is characterized by large redistributive flows. Aside from the redistribution typical of pay-as-you-go schemes, such as financial flows from compulsorily insured employees to pensioners, numerous other redistributive flows arise, for example, from income-related contribution assessment, or from the contribution-free co-insurance of children and non-employed spouses under statutory health and long-term care insurance. The individual social insurance branches moreover comprise a host of special provisions that generate interpersonal and intergenerational redistributive effects. The manifold triggers of such effects are accountable for a great lack of transparency in overall redistribution within the social insurance system.

The project set out to make the various redistributive flows more transparent and to quantify them. To that end, the contributions paid by specific insured groups (employees, the unemployed, pensioners and children), age cohorts, income groups, and by men and women were compared with the benefits they receive, in order to determine a "net contribution" flow from one group to another, or profiting one group rather than another.

The first step was to analyze the group of compulsorily insured employees as the main source of redistributive flows. This group's net contributions – under each of the social insurance branches and separated according to age, sex and income – to other groups such as pensioners, children and the unemployed were ascertained, along with the interpersonal flows within the group itself (cf. MEA Discussion Paper No. 189-09).

The second step focused on the group of statutory pension recipients (cf. MEA Discussion Paper No. 203-10). Prospective steps are to include all other insured groups in the analysis, thus ultimately creating a "redistribution balance sheet" for the whole German social insurance system. That would heighten the transparency of social-insurance-induced redistribution and provide a point of departure for future reforms.

2.13. Contribution Determinants in German Statutory Health Insurance and Social Long-Term Care Insurance

Martin Gasche

Contribution rates in the German systems of Statutory Health Insurance (GKV) and Social Long-Term Care Insurance (SPV) have risen in the past, with further increases expected in the future. This project's goal is to dissect contribution developments within these two social insurance branches into a demography effect, an expenditure effect and an income effect.

It has been shown that the chief "driving forces" behind previous contribution rate developments were rate increases, triggered primarily by the expenditure effect. Yet it is also necessary to differentiate prospective rises in contribution rates according to their determinants. Thus the demography effect is projected to become significant for the development of GKV contribution rates between 2025 and 2040. Nevertheless, this effect is likely to be far less salient than one might think. One reason is that demographic change does not only produce financial bur-

dens for GKV, but also provides relief because the number of children co-insured free of charge is on the decline.

2.14. Statutory Health Insurance Simulation Model (MEA-GKV-SIM)

Martin Gasche

A simulation model has been developed for both the short-term appraisal and the long-term projection of expenditures and receipts, as well as contribution rates and surcharges in German Statutory Health Insurance (GKV). Given that GKV and Social Long-Term Care Insurance (SPV) are scarcely distinguishable as regards insured groups and, by and large, contribution assessment, the model can also be applied to SPV projections after making the necessary adjustments on the expenditure side.

2.15. Analysis and Assessment of Policy Measures in the German Health and Long-Term Care Insurance Sectors

Martin Gasche

Reform measures and proposals in these sectors are analyzed and assessed with the help of numerous MEA instruments (e.g. MEA-PENSIM, MEA-GKV-SIM, or the implicit return and implicit tax models). Thus, for instance, MEA-GKV-Sim was used to evaluate the German Statutory Health Insurance Funding Act (GKV-Finanzierungsgesetz) of 2010. This law allows health insurance funds to impose lump-sum contribution surcharges without limitation. The concomitant reform of social compensation on behalf of low-income earners sought to repair two constructional defects of the former system. For one thing, by calculating the amount of social compensation on the basis of the average contribution surcharge, an incentive has been created for low-income earners to switch to a less costly health insurance fund. For another, the announced external financing of social compensation through the over-arching "health fund" avoids competitive distortions potentially resulting from intra-fund compensation under the previous system. If the standard contribution rate is fixed at 15.5% and future spending increases are covered by contribution surcharges, the share of these surcharges in the funding of total ex-

penditure is projected to rise by 2030 to 14% under the baseline scenario and 25% under the realistic scenario. The volume of social compensation paid to pensioners and compulsorily insured employees is likely to be relatively low until 2015; however, by 2030, it is anticipated to grow to 15 billion under the baseline scenario and 41 billion under the realistic scenario. Together with the general federal subsidy, the federal government's current 8% funding proportion is expected to climb to 9% (baseline scenario) and correspondingly 18% (realistic scenario) by 2030.

Compared with the former purely income-oriented contribution system without lump-sum surcharges, low-income earners now bear a somewhat greater burden, whereas higher earners have been relieved – yet only if the actual surcharge corresponds to the average surcharge. If a sickness fund with a lower contribution surcharge is chosen, rate progressions are partially reversed and low-income earners may likewise profit from reductions, which will be all the greater, the lower their income.

2.16. Poverty among the Elderly in Germany

Martin Gasche in collaboration with Bettina Lamla

There is currently some discussion in Germany about the impending rise in poverty among the elderly. Pointers in that direction are the recent growth of the low-wage sector, increased interruptions in employment biographies – for example, on account of the 2001 and 2004 reforms to pension insurance periods and consequent reductions in the pension level – unemployment, as well as new forms of gainful occupation such as mini-jobs or self-employment that fail to generate pension claims under the statutory scheme.

Such evidence speaks for a rising number of recipients of the old-age pension supplement, hence for poverty among the elderly to the extent that it is defined along these lines. A reliable quantification of this fact is nonetheless still outstanding. It is impeded by the lack of information not only about individuals' previous earnings, retirement provisions and savings behavior, but also about the projected future earnings of individuals and



*Bettina Lamla, Researcher
(Macroeconomic Implications)*



their partners as well as their future behaviors (such as workforce participation, retirement decisions, or utilization of the splitting option in the case of survivors' benefits). Furthermore, these figures will depend on prospective macroeconomic developments, which, for example, decisively impact the level of earnings and the probability of unemployment.

Despite the fact that the extent of future old-age poverty is not certain, numerous and, in part, very far-reaching proposals have been made to combat this impending vulnerability. The objective of this project is thus to reduce the dearth of knowledge by estimating prospective old-age incomes. To begin with, statutory pension insurance incomes are determined, for example, for a variety of birth cohorts or employment biographies. This provides an initial clue whether the above evidence for growing poverty among older people is relevant, and how uninterrupted employment biographies in fact influence the statutory pension level.

Even so, the future number of claimants of the pension supplement cannot readily be inferred from these data alone, as this figure is reliant on additional information concerning other forms of retirement income. The criterion of need, which must be fulfilled in order for retirees to be eligible for the pension supplement, moreover depends not only on their incomes and assets, but also on the overall financial situation of the partner (spouse) living in the same household.

With the support of additional data sources and in-depth analyses, the endeavor is thus to specify future retirement incomes as precisely as possible, and to define neediness accordingly, in order to deliver a precise statement on the expected increase in poverty among the elderly – that is, the number of claimants of the pension supplement.

On the basis of the 2011 SAVE survey (see Project 4.4.) and with the help of links to administrative databases at the Institute for Employment Research (IAB), this information can be obtained at household level.

A fundamental evaluation of the German "Law governing the needs-based pension supplement in old age and in the event of reduced earning capacity" (*Gesetz über eine bedarfsorientierte Grundsicherung im Alter*

und bei Erwerbsminderung) has yet to be embarked upon. The law's overriding intent is to avoid "shamefaced" or hidden poverty. Under the present regulation, households must in principle use up their entire financial means before they can apply for the pension supplement. Persons or households who plan to bequeath part of their property or who mainly possess illiquid assets may be inclined to refrain from applying for the benefit in order to protect their assets or avoid battles with red tape. These persons or households thus live below the basic security threshold and, by definition, are therefore poor. Should that be confirmed by the analysis, it will have major implications for the law's potential amendment.

The present SAVE study continues to deal with how households regard their future in terms of potential neediness. People who have not yet retired and are still in gainful employment can in principle make sufficient provisions for old age if they consider their previous efforts inadequate.

Do households have realistic expectations for their old-age incomes? In two survey waves (2010 and 2011), respondents were asked to estimate their statutory old-age pensions. With the help of administrative data links, the correctness of their statements can be verified. Another important item of investigation is the effect of anticipated old-age poverty on the working population's savings behavior. Further, respondent data can help identify a potential moral hazard problem on the part of the government.

At what point in time, after reaching the age of 65, retirees will require means-tested pension supplements remains a debatable point. Thus it is highly unlikely that needy persons will be able to forego basic assistance through their own efforts once they have retired. As they are then no longer in a position to build up any assets, they can only rely on intra-familial transfers. The average duration of government payment of the supplement can be assessed with the help of respondents' subjective expectations of life.

In the fall of 2011, the German Federal Ministry of Labor and Social Affairs (BMAS) launched the "Government Dialog on Pensions" (*Regierungsdialog Rente*). In that con-

text and in seeking to combat an impending rise in poverty among the elderly, the BMAS, along with other actors, proposed the "combination pension" and a two-year prolongation of the non-contributory supplementary period for pensions on behalf of persons with reduced earning capacity. The MEA research unit "Old-Age Provision and Social Policy" is to accompany this reform process.

2.17. Financial Literacy and Retirement Planning

Tabea Bucher-Koenen

Financial knowledge is an important tool for making financial decisions. Our objective is threefold. First, we study financial literacy in Germany on the basis of SAVE – a panel representative of households in Germany. We are able to compare financial literacy internationally because the questions measuring financial literacy in the American HRS (Health and Retirement Study) have been added to SAVE. Second, the unique setup of German reunification allows us to compare financial literacy across two German regions with different economic structures and with households with differing experience in this regard. Third, we examine the relationship between financial literacy and retirement planning. In this section we use data from SAVE 2009 to examine financial literacy and retirement planning in Germany. In order to investigate the nexus of causality between financial literacy and financial decisions we have developed an instrumental variable (IV) strategy.

Our findings indicate that knowledge of basic financial concepts (interest compounding, inflation, and risk diversification) is lacking among women, the less educated, and those living in eastern Germany. In particular, those with low education and low income in East Germany have even less financial literacy compared to their West German counterparts. Moreover, we find a positive impact of financial knowledge on retirement planning. Households with low levels of financial knowledge are less likely to plan for retirement.

This project is part of an international cooperation coordinated by the Center for Pensions and Welfare Policies (CERP) in Turin,

Italy. Financial Support was given by the Network for Studies on Pensions, Aging and Retirement (Netspar) through the theme grant "Financial Literacy: Evidence and Implications for Retirement Planning, Saving Behavior, and Financial Education Programs". Prof. Annamaria Lusardi, Ph.D. (George Washington University, Washington, USA) is co-author and coordinator of the theme grant. Researchers from eight countries participated in the project. The results were published in a special issue of the Journal of Pension Economics and Finance in October 2011.

2.18. Financial Literacy and Private Pension Provision

Tabea Bucher-Koenen

The objective of this project is to determine the relationship between financial literacy and savings behavior for retirement. State-subsidized Riester pensions prove to be particularly beneficial for individuals with a lower income and for families with children. Lower income groups including single mothers have been identified to be at risk of low financial literacy. Thus, the central question arising is: Is the Riester scheme successful at targeting individuals at risk of low financial literacy and low retirement savings in order for them to provide privately for their old age income?

Hypotheses regarding the relationship between financial literacy and private old age provision and Riester savings in particular have been developed on the basis of existing literature. In the empirical part of the paper, the relation between financial knowledge and ownership of state-subsidized Riester and other non-subsidized private old age savings contracts is analyzed. The analysis is based on SAVE 2009.

Financial literacy is positively related to private pension saving behavior.

This is true for standard private pensions as well as state-subsidized Riester contracts. Levels of private pension coverage are particularly low among individuals in the lowest income quartile, even though it is they that would profit most from the state subsidies. At the same time they show the lowest levels of financial literacy.



*Dr. Tabea Bucher-Koenen,
Head of Research Unit Health
Economics*



2.19. Instant Gratification and Self Control in an Experiment with Children and Teenagers

Tabea Bucher-Koenen

We observe school children's preferences over time in a food choice experiment slightly modified from that of Read and van Leeuwen (*Organizational Behavior and Human Decision Processes*, 1998). We examine the behavior of individuals aged between 6 and 18 in order to evaluate how time-related preferences evolve with age. In contrast to existing literature dealing with changing discount rates over the life cycle we do not ask for preferences between hypothetical payoffs but offer tangible choices in the form of Smarties (small sugar-coated chocolate sweets) and apples. The pupils are to choose between the healthy and the unhealthy food item on two consecutive days.

On the first day they are to state their preference regarding the following day's consumption, while on the second day they may pick a food item for immediate consumption. We find that most of the 6- to 7-year-olds consistently choose chocolate for both future and immediate consumption. With pupils aged 8 to 12 an increase in time-inconsistent behavior – pupils naively planning to consume an apple the next day and then choosing chocolate for immediate consumption – can be observed. From age 14 on, a larger share of pupils is sophisticated in the sense that they plan to and actually do consume an apple in most cases. In accordance with the literature, we observe that girls change their minds more often.

This project is conducted in cooperation with Dr. Carsten Schmidt (University of Mannheim) and financed through Collaborative Research Center 504 on "Rationality Concepts, Decision Behavior, and Economic Modeling" of the German Research Foundation (DFG). It is about to be concluded, with findings to be submitted for publication.

2.20. Who Lost the Most? Financial Literacy, Cognitive Abilities and the Financial Crisis

Tabea Bucher-Koenen

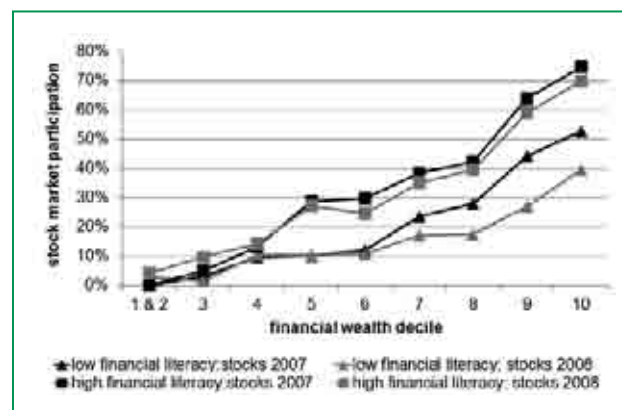
This project set out to investigate in what way and to what extent the 2007/2008 financial crisis impacted private households, as well as to analyze how the crisis influenced their decision-making behavior.

In particular, the following questions were posed:

- (1) Do persons with a lower level of financial literacy and lower cognitive abilities suffer crisis-related financial losses more frequently?
- (2) Are persons with a lower level of financial literacy and lower cognitive abilities impacted more in cases where losses are expressed as a percentage of assets?
- (3) Do persons with a lower level of financial literacy and lower cognitive abilities tend to realize their losses by selling?

The survey based on SAVE data, a representative panel of German households (see project 4.4.), showed that persons with a lower

level of financial literacy invested less often in the stock market and therefore less often reported crisis-related losses. Nevertheless, the probability of selling assets that had fallen in value was greater in the case of financially less literate persons. The reactive behavior of persons with low financial literacy levels could have substantial long-range consequences, particularly with a view to the increasing demands on personal responsibility in old-age provision.



2.20. Proportion of households participating in the stock market, by income class: Households with a higher income invest more often in the stock market and therefore report greater crisis-related losses.

The project was conducted in collaboration with *Michael Ziegelmeyer* (former member of MEA, University of Mannheim; now with the Banque Centrale du Luxembourg), and has largely been concluded. Its findings were summarized in a paper that has been submitted for publication.

2.21. Riester Pensions and Life Expectancy

Tabea Bucher-Koenen in collaboration with *Sebastian Kluth*

This project worked with SAVE data to examine whether purchasers of Riester contracts and other kinds of private old-age insurance differ systematically in terms of life expectancy from households with no such private retirement arrangements. Previous studies on the correlation between life expectancy and private old-age provision indicate that this insurance market is characterized by adverse selection.

Particularly persons with high life expectancy tend to purchase private pension insurance products. Insurers respond accordingly by adjusting the underlying life expectancy for the calculation of pension payments. Hence, the key question is whether this procedure is also justified for Riester contracts, given that the government's subsidization of these pension plans makes them attractive for a different circle of persons. Provisional findings so far indicate that adverse selection is also prevalent in the market for state-subsidised Riester pensions.

2.22. Do Smarter Consumers Get Better Advice? An Analytical Framework and Evidence from German Private Pension Schemes

Tabea Bucher-Koenen

The prevailing theoretical and empirical literature regards expert advice as a substitute for consumer informedness: better informed customers tend not to follow the advice given to them; however, advice-givers fail to take this into account. With the aid of a simple analytical model, we have demonstrated that advisers have an incentive to enhance the quality of their advice in proportion to their estimation of customer informedness.

The model also suggests an identification strategy, namely to focus on consumers with poor signals (i.e. low education level) but high-level financial literacy, and vice versa.

These hypotheses were verified with the help of SAVE panel data and a two-stage approach. First, we sought to show that persons with greater financial literacy make more frequent use of financial advisory services but, on average, are less inclined to follow the advice given. Secondly, we went on to analyze the data available for the market of subsidized private pension insurance plans in Germany. These data were ideal for our purposes because they permitted us to determine whether consumers take out policies with the corporate groups of their financial advisers. We found that advisers exert very much influence here – in doing so, both dependent and independent financial consultants prompt their customers to opt for policies offering higher commissions. Finally, we were able to confirm that financially literate persons are less amenable to such influence. This project has been conducted in collaboration with *Dr. Johannes Koenen* (University of Bonn), and is currently being introduced and revised at a number of conferences.

2.23. How Financially Literate are Women? Perspectives on the Gender Gap

Tabea Bucher-Koenen

Levels of financial literacy are low in many developed countries. One group that shows consistently low levels of financial literacy across countries is women. Because of lower incomes during their working lives, interrupted employment histories, and longer life expectancies, women are increasingly at risk of not having enough resources to support themselves in retirement. In this project we document gender differences in financial literacy in several countries, including the United States, the Netherlands, and Germany. When asked to answer questions measuring knowledge of basic financial concepts, women are not only less likely to answer correctly, but they are also more likely to indicate that they "do not know" the answer to the financial literacy questions. This is an important finding as financial literacy has been linked to economic behavior, including retirement planning and wealth accumulation. In addition to





Sebastian Kluth, Researcher
(Social Policy)



Marlene Haupt, Researcher
(Social Policy)

providing information about the respondents' demonstrated financial knowledge, we offer data on the respondents' self-assessed knowledge. We have found significant gender differences in self-assessed knowledge as well; women give themselves lower scores than men and the mismatch between actual and self-assessed knowledge also differs between women and men.

We investigate reasons for the gender differences in financial literacy. We discuss the role of specialization within the family, the traditional roles of women in society, and the effect of framing and confidence in financial knowledge. As individuals are increasingly being put in charge of their financial well-being before and after retirement, it is critically important to enhance women's financial knowledge to equip them with the tools that are needed to make informed saving decisions. Several studies show that financial education programs can be an effective way to promote financial well-being among women.

This project is conducted in cooperation with *Prof. Annamaria Lusardi, Ph.D.* (George Washington University, Washington, USA), *Prof. Dr. Rob Alessie* (University of Groningen, Netherlands) and *Maarten van Rooij, Ph.D.* (De Nederlandsche Bank, Netherlands) and funded by Netspar.

2.24. Personal Preferences and Retirement Behavior

Sebastian Kluth

This project uses SAVE data to explore the extent to which the retirement behaviors of various socio-economic groups are attributable to their personal preferences for early or delayed retirement as reflected in pension reductions and credits. To that end, the 2011 SAVE respondents were asked what percentage of their pensions they would forego if, in return, they were allowed to retire a year earlier, or, conversely, what increased percentage of pension benefit the government would have to offer to prompt them to work a year longer. Previous research has shown that individual discount rates vary considerably but nevertheless display patterns specific to different types of households. Also, inquiries on the timing of retirement have revealed that particularly the earners of low and high incomes tend to retire late.

With the help of SAVE data, the survey queries how personal preferences for pension credits or reductions fit into this picture, and which socio-economic groups exhibit conspicuous patterns here. These groups are then asked what compensation could induce them to alter their retirement behavior. The relevant 2011 SAVE data will be available for assessment toward the middle of 2012, so that initial results can be expected by the end of 2012.

2.25. Individualized Supply of Retirement Planning Information in Sweden

Marlene Haupt

The sweeping reforms to old age security schemes over the past 10 to 15 years were responses to changing social, political, economic and demographic parameters. In many European countries, these reforms were even paradigmatic in nature, meaning they were no longer inbuilt but entailed an overhaul of the entire old-age pension system. In the process, governments mostly adhered to the three-pillar model outlined by the World Bank in 1994, comprising statutory, i.e. public, occupational and private retirement planning.

Consequently, the progressive extensions to multi-pillar systems have resulted in heightened information requirements on the parts of all actors, depending on the degree and reach of revisions. This applies equally to system administration, including the legislator and social insurance institutions, as well as to the insured, namely present and future beneficiaries. Higher demands are thus placed on system administration owing to additional tasks such as the introduction of information systems and changed infrastructures (notably the expansion of Internet offers). On the other hand, insured persons experience a greater need for information, especially because of the altered structures and more complex organization of old age provision systems, flanked by wide-ranging personal decision options and obligations with regard to occupational and/or private supplementary insurance.

It follows that the supply of comprehensive information concerning individualized benefits and claims under the respective pillars and schemes often forms a major part of the reform process. All the while, European states

have adopted differing strategies in tackling these issues, with the social democratic regimes in Scandinavia playing a pioneering role here. The Swedish example, in particular, is often cited as commendable in this context. It involves a mix of information instruments, comprising the statutory pension insurance letter (*orange kuvertet*) and communications of the occupational pension facilities, as well as the Internet portal minpension.se.

This project, launched at the University of Koblenz-Landau and continued at the Max Planck Institute for Social Law and Social Policy, aims to analyze the Swedish model of retirement planning information, and to assess the possibilities and limits of applying it to the German system. Profiting from Swedish experiences and problems, these findings can eventually contribute to the discourse about introducing a similar information model for cross-pillar old age provision in Germany.

3. Health Economics

The research unit "Health Economics" investigates interactions between economics and economic decisions on the one hand, and morbidity and mortality on the other. These interactions have scarcely been explored, yet they raise fundamental questions, such as the following: How do health and life expectancy correlate with income level and education? How often are retirement decisions made for health reasons, how often for economic reasons? What does that signify for public and private old-age provision schemes? In what direction is the annuity market in particular expected to develop? To what extent is morbidity-based adverse selection likely to increase? In how far are the morbidity criteria applied to selection on annuity markets in fact indicative of mortality?

3.1. Health and Retirement Behavior

Axel Börsch-Supan

This externally funded project (U.S. National Institute of Aging, NIA, via the RAND Corporation, Santa Monica, California) seeks to analyze the determinants of retirement behavior in Germany, Italy, the Netherlands and the United States. In contrast to

previous work on the subject matter, the aim is not only to illuminate the economic incentives for individual retirement decisions but to encompass a wide-ranging circle of determinants. Major variables that have so far largely been ignored or assessed in isolation include state of health, workplace conditions as well as the worker's familial and social environment. Alongside the principal goal of attaining comprehensive insight into retirement processes, the project also analyzes mistakes made in previous econometric studies due to the omission of potential determinants of retirement decisions.

3.2. Pensions for Reduced Earning Capacity and Health Status

Axel Börsch-Supan

The prevalence of pensions for reduced earning capacity fluctuates considerably within Europe. In Scandinavian countries, the rate is over 15% for persons aged 50 to 64; in Germany, it is 5%; in Greece, it is below 3%. This project examines the extent to which these differences are attributable to demography, health status, or incentive structures in social insurance schemes. It is based on SHARE data and is laid out long-term. The findings of initial project phases show that the health status within a country's labor force has a bearing on the probability of workers receiving a pension for reduced earning capacity; this influence nevertheless vanishes almost completely in the international comparison.

3.3. The Influence of Group Structures on the Sickness Absence Rate

Matthias Weiss

The sickness absence rate is higher than average among older employees. This project endeavors to find the reasons for this correlation. Though many studies have been devoted to the determinants of sickness leave in companies, an entirely neglected factor so far has been how employee group structures influence sickness-related absenteeism. The data collected from the truck assembly plant of Mercedes-Benz in Wörth (see project 3.9.) are especially well-suited for this inquiry as they contain information on who worked with whom in a team on a particular day. Thus, for



*Dr. Matthias Weiss,
Academic Coordinator*





Fabrizio Mazzonna, Ph.D., Senior Researcher (Health Economics)

instance, we can calculate from day to day how many years a worker is older than the average of his or her teammates. Also other personal characteristics (seniority, education and training, nationality or gender) can be correlated with the group average for each day. We can therefore query, say, whether older employees are sick more frequently if they work together with much younger colleagues.

3.4. Aging, Cognitive Abilities and Retirement

Fabrizio Mazzonna

In this project we examine the question of human capital depreciation at older ages by analyzing the age-related decline in cognitive abilities in conjunction with retirement. In particular, we want to address the question of whether retirement leads to cognitive decline. Following the standard human capital approach we predict a decline in cognitive abilities after retirement due to the fact that individuals have no longer any market incentives motivating them to invest in their cognitive abilities once they have retired. This theoretical prediction has been confirmed by our empirical analysis that uses data from the Survey on Health, Aging and Retirement in Europe (SHARE).

An implication of our result is that incentives to early retirement and mandatory retirement rules cause important losses of human capital.

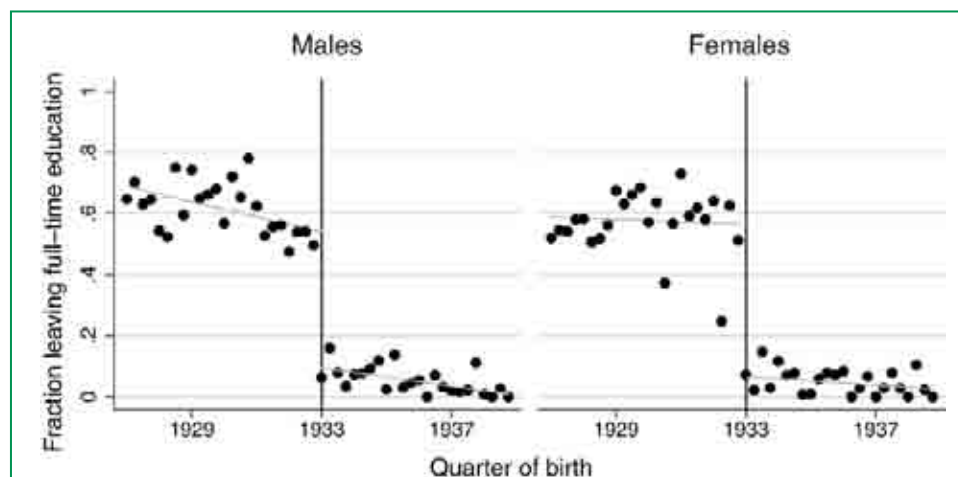
3.5. Education and Cognitive Abilities

Fabrizio Mazzonna

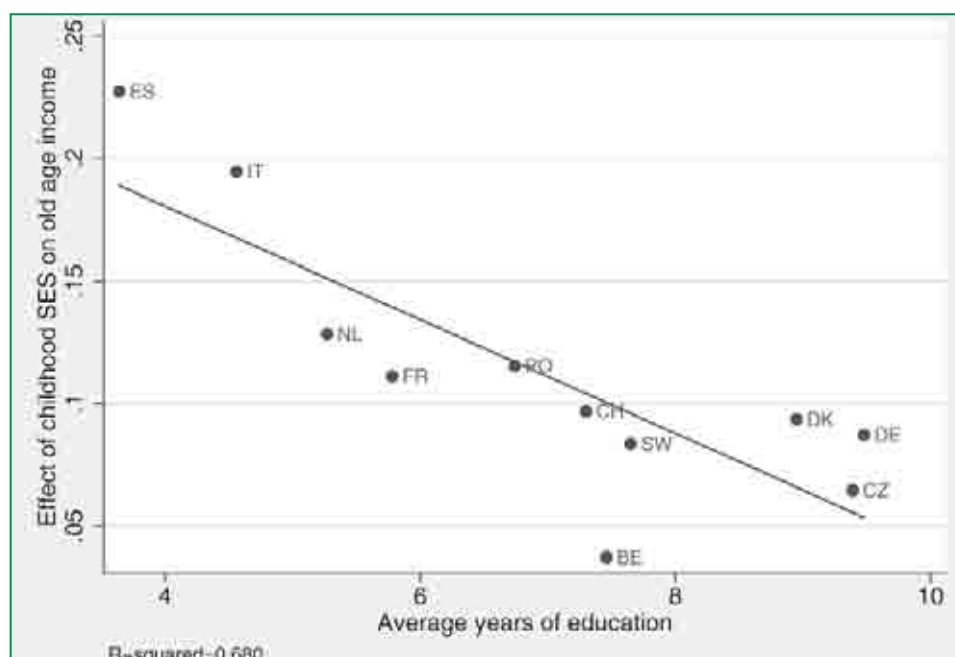
The large correlation between cognitive abilities at older ages and education is well documented in the literature. However, this association needs to be interpreted with caution because of its potential reverse causality and indirect effects of unobserved factors. This project tries to disentangle this association by looking at the effect of the increase in schooling that took place in England as a result of the 1947 reform, which raised the compulsory school leaving age from 14 to 15. The reform affected a very large proportion of the population aged 14 that year, decreasing by around 50% the proportion of people who left full-time education before age 15 in comparison with the previous year.

Causal effects of the extra year of education are estimated by comparing the cognitive outcomes of individuals who reached age 14 just before the reform was implemented to the cognitive outcomes of similar individuals who reached age 14 just after. The specific cognitive outcomes analyzed are memory and verbal fluency, both measured every two years over the period 2002-08 in a large sample of older adults in England.

The possible explanations for the existence of such a causal effect of early-life education on late-life cognitive function are also discussed. Taking their evidence on cognitive function together with the evidence on the causal effects of education on other outcomes from other



3.5. Proportion of pupils who have left full-time education before the age of 15: Significant decrease starting with the 1933 birth cohort (graduation year: 1947).



3.6. Effect of childhood SES on old age income: extra years of full-time education compensate for the long-lasting effect related to childhood SES.

studies, we argue that the extra year of schooling raises an individual's labor market opportunities, which, in turn, has positive effects on his or her cognitive abilities. To this end, the stronger effect for men than for women is consistent with the labor market patterns over the second half of the twentieth century, which show markedly lower lifetime female labor force participation rates for these cohorts.

3.6. The Long-Lasting Effects of Parental Socio-Economic Background

Fabrizio Mazzonna

This project investigates how and to what extent disparities in family socio-economic status (SES) during childhood may have long-lasting effects on old age health, income and cognition. This is accomplished by exploiting the variability of these effects across 11 European countries using the third wave of SHARE, which collects retrospective information on the respondents' family background during their childhood. The analysis reveals large differences in old age health, income and cognition among individuals who grew up in poor or, respectively, better-off families.

However, we observe large differences in this gap among the 11 European countries. Our analysis seems to suggest that cross-country

differences may be largely explained by the different historical efforts of the various European countries to increase the educational attainment of the whole population.

3.7. Older People's Statements on their Childhood Circumstances

Fabrizio Mazzonna

Early life events are important to social scientists in predicting an individual's outcome in adulthood. However, one needs to have detailed data on the lives of individuals from birth to adulthood. Unfortunately, prospective surveys like nationally representative cohort studies involving long-term observation of individuals are expensive and available for a limited number of countries only (e.g. US, UK).

The alternative is to collect retrospective information where individuals provide subjective assessments on their health status and living conditions in childhood, as well as on their experiences regarding health, education, employment, life satisfaction, etc. However, there is wide skepticism about the ability of old age respondents to recall with good accuracy events which happened decades ago.

This project seeks to provide evidence about the quality of retrospective assessments of in-





Helmut Farbmacher, Senior
Researcher (Health Economics)

dividuals aged 50+ regarding their childhood histories in the 3rd wave of the Survey of Health, Ageing and Retirement in Europe (SHARE). Thanks to the cross-country dimension of SHARE, we can use external data (i.e. per capita income, average years of schooling and war episodes) at country level to provide some external validity on variables related to socio-economic status during childhood, hunger and financial hardship episodes.

3.8. Practice Fee and Consultation Behavior

Helmut Farbmacher

One goal of the 2004 health reform in Germany was to create financial incentives for the insured to alter their behavior in consulting physicians. A key instrument here was the introduction of the so-called practice fee (quarterly flat-rate co-pay for office visits). This project sets out to determine how that measure has altered insured persons' behavior. A fee accounting dataset of the sickness fund *Allgemeine Ortskrankenkasse* (AOK) in Hesse is used for this purpose, enabling us to monitor insurant behavior before and after the reform.

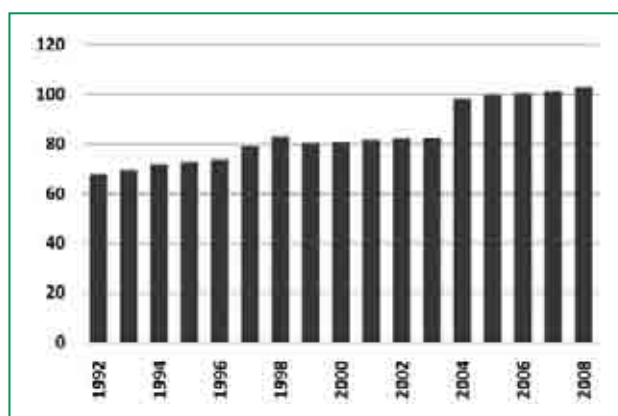
Presuming that insured persons may have responded differently to the reform – depending on individual necessity for seeking medical advice – we have devised a bivariate probit model with several latent classes. It shows that healthier insured persons react more intensively to the reform than persons who tend to be sick more often. Further, we apply a unique identification strategy to gauge the practice fee's causal effect, utilizing the exogenous variation that arises in the level of out-of-pocket payments, given that the fee must be paid only once per calendar quarter. This strategy enables us to sever the practice fee's effect from other parts of the reform (e.g. the concurrent rise in patient co-pays for medications). Overall, the health reform has generated a five-percentage-point decline in the probability of insured persons consulting a doctor at least once. Thanks to the identification strategy, we know that not less than half of this outcome was caused by the practice fee.

Collaboration partners in this project are Prof. Dr. Joachim Winter (Ludwig Maximilian University of Munich), Dr. Amelie Wuppermann (Johannes Gutenberg University of Mainz) as well as Dr. Ingrid Schubert and Peter Ihle (PMV Research Group, University of Cologne).

3.9. Extensions to the Hurdle Model

Helmut Farbmacher

Hurdle models are frequently used in empirical health economics to flexibilize count data modeling. Consultation rates, for instance, can be regarded as a two-tier process here: before the first visit to the doctor, solely the patient makes the decision to seek consultation; subsequently, also the physician influences the number of additional consultations. In most empirical studies, the hurdle model is based on two different variants of negative binomial regression. We aim to develop a more general model comprising both variants as a special case. Suitable parametric restrictions will thus also permit us to test the appropriateness of common variants.



3.8. Price index development in the German health care system: Significant rise in the year 2004 (source: Federal Statistical Office of Germany).

3.10. Long-Range Effects of Workload and Maternity on Health in Old Age

Helmut Farbmacher, Axel Börsch-Supan and Tabea Bucher-Koenen in collaboration with Lisa Berkman, Harvard University

Numerous studies in empirical health economics are devoted to the search for critical periods in human life that are of particular significance to health and well-being. For women, such a critical phase may be the time prior

to and after childbirth, especially if stress factors from working life aggravate the situation. The objective of this project is to highlight the specific long-range effects of the double load of parenting and work on health in old age.

A special challenge in this context is to identify causal effects. One criterion used is the variation in statutory maternity periods among European countries and the changes wrought by previous reforms, thereby employing data from the SHARE study, a Europe-wide survey of older people (see above). These data furnish information about early life events as well as present health conditions.

3.11. Education and Health

Eberhard Kruk

The subject matter of this project centers on the causal relations between health and education. The first part looks at the effects of health on the school readiness and cognitive development of children starting school, whereas the second explores how education affects adult health.

The findings obtained thus far are of a highly heterogeneous nature. They fail to suggest that education invariably impacts people's health status in a favorable way, showing rather that effects tend to vary from one educational reform to another. For example, an additional school year in Great Britain has no significant impact on physical stress levels (measured by biomarkers).

3.12. Health Inequality in Childhood

Eberhard Kruk

Within this project framework, we seek to improve our understanding of health inequality. It is a well-known fact that income-related health inequality is already very pronounced in childhood – that is, children of affluent households are healthier on average than those of poor households. A number of studies have moreover found that this form of inequality increases as children grow older. In our study, we thus investigate and describe the mechanisms underlying such inequality.

A subproject uses British panel data to survey whether higher parental income is able,

on the one hand, to reduce the number of health impairments suffered by children and, on the other, to cushion the blow of health shocks. These two mechanisms must be distinguished in order to better understand health inequality in childhood and to devise policy measures to lessen such inequality. Early findings suggest that both factors contribute to mounting health inequality with increasing age. Incidences of certain diseases as well as the negative long-term effects of individual ailments correlate with parental income.

3.13. Social Determinants of Mental Illnesses

Eberhard Kruk

Recent decades have witnessed a considerable increase in the diagnoses of mental illnesses. The most frequently diagnosed conditions include depression in the elderly and attention-deficit/hyperactivity disorder (ADHD) in children. This project looks into social causes underlying these illnesses.

The previous literature has, for example, brought to light correlations between human environmental conditions and mental health. To date, however, the causal mechanisms behind such correlations often remain less well-understood. We in our projects therefore focus on the elaboration of causal agents in seeking to explain psychological disorders.

One subproject deals with the correlation between fertility and the probability of developing depression in old age, thereby drawing upon SHARE data for the analysis. The key novelty here is the use of instrumental variables to determine the number of children, making it possible to identify causal effects. Initial results indicate that large numbers of children had do not correlate with a lower probability of depression in advanced age. Under certain circumstances, additional children even heighten the risk of mental illness.

A second subproject poses the question whether changes in familial surroundings increase the likelihood that children will develop ADHD symptoms. The data for this investigation stem from the U.S. National Longitudinal Survey of the Youth. With the





Liudmila Antonova, Guest

help of econometric procedures, it is possible to distinguish between time-constant effects (e.g. genetic disposition) and time-based variables. Initial findings show that the events surveyed (father leaving the household and birth of a sibling) significantly raise ADHD probability.

3.14. Health Shocks and Joint Retirement Decisions

Liudmila Antonova

The study is aimed to investigate the causal effect of one spouse experiencing a health shock, a new restriction in his or her *activities of daily living* (ADL) or the onset of a disability on the retirement decisions of both spouses. We will study the subsample of married individuals in the SHARE data set and will use second and third waves to obtain information about changes in their health and retirement status, as well as about other socio-economic and demographic variables.

While the result that declines in health condition cause earlier retirement is recognized in the literature, the cross-spouse effect is potentially ambiguous. On one side, the "leisure complementarity effect" might come into play, with spouses trying to retire at the same time in order to be able to enjoy their leisure time together. On the other side, some scholars have found evidence of the added-worker effect, where spousal employment acts as a type of insurance for the other spouse's income. Thus, health shocks experienced by one spouse or retirement of the latter could prompt the other spouse to retire later.

The study has the advantage of combining the two recent trends of literature: considering retirement decisions in the family context and using health shocks and new ADL restrictions and disabilities as a measure of health status. By studying the joint retirement decisions of spouses we are able to estimate the full effect of health changes on retirement decisions, the latter of which may be influenced not only by one's own poor health, but also by the poor health of the spouse.

At the same time, by using health shocks as a variable accounting for a person's health status, we avoid the potential bias of using self-reported health information and eliminate person-specific association between individual characteristics and labor market outcomes.

In countries with an aging population it is important to understand the relationship between health dynamics and retirement decisions in order to evaluate the effectiveness of social programs designed to prevent or cure diseases.

3.15. Education-Related Inequalities in Dental Service Utilization by Europeans Aged 50+

Stefan Listl

The purpose of this study is to describe education-related inequalities in dental service utilization by the elderly populations residing in different European countries. The analysis relies on data from the Survey of Health, Ageing, and Retirement in Europe (SHARE Wave 2) which contains information on the utilization of dental services by individuals aged 50+ from 14 different countries (Poland, Spain, Italy, Ireland, the Netherlands, Belgium, Greece, the Czech Republic, Austria, France, Denmark, Switzerland, Germany, and Sweden).

Education levels are classified according to the International Standard Classification of Education (ISCED). Inequalities in dental attendance, preventive and/or operative dental treatment are assessed by means of concentration indices (CI). Disproportionate concentration of dental service utilization is identified among the better educated elderly populations in 13 out of 14 countries. Austria was the only country for which there was no evidence of significant inequalities.

By and large, these findings suggest that education plays an essential role for dental service utilization by elderly populations residing in Europe. This project is conducted in cooperation with Dr. George Tsakos (University College London) and financed via a post-doctoral fellowship of the Medical Faculty of the University of Heidelberg.

4. Macroeconomic Implications of an Aging Society

Population aging and demographic change have numerous macroeconomic implications for capital, labor and consumer markets. A top priority of this research unit is to analyze the microeconomic foundations of these processes. It thereby focuses on the savings behavior of households – with a specific view to retirement provision, its distribution and influencing variables. Of particular interest are relations between the three pillars of old-age provision (i.e. public, occupational and private) as well as the influence of personal employment histories on retirement planning. Furthermore, the team is entrusted with the design and implementation of the study called SAVE (Sparen und AltersVorsorgE), a panel survey following a representative sample of German households, thus providing an ideal database for empirical research into the above subjects.

Labor market issues are likewise investigated; here, lifelong developments in labor productivity and the attendant consequences for an aging society form an additional priority area of research. To that end, two extensive studies on mixed-age teams are currently being conducted in a large industrial concern and a large insurance company.

4.1. Demographic Change, Human Capital, Pension Reforms and Welfare

Axel Börsch-Supan in collaboration with *Edgar Vogel*

This project spotlights the macroeconomic effects of aging in a model based on endogenous human capital and open economies. The main emphasis is on the correlation between the incentive effects of diverse pension insurance adjustment mechanisms on human capital accumulation, and the resultant adjustment dynamics within a general equilibrium model. The study has been expanded by the important premise that human capital tends to be static, whereas physical capital is internationally mobile. The project seeks to quantify this distinction. It is to be further extended by the subject "health capital" under the EU project "ProLong".

4.2. Subjective Retirement Expectations in SAVE

Michela Coppola in collaboration with *Christina Wilke* (Hamburgisches WeltWirtschaftsInstitut)

This project's goal is to survey the subjective retirement expectations of German households with the aid of the above SAVE study, and to elucidate what factors influence the timing of retirement arrangements. A further endeavor is to isolate the effects of previous pension reforms on anticipated retiring age, and thus to appraise the efficacy of various incentives. Differences in the ability of specific groups to adapt and how quickly they do so are likewise illuminated.

The analysis drew on SAVE data (waves 2005 to 2009), paying particular attention to potential distortions caused by losses of panel respondents from one survey wave to the next (panel attrition) and by nonresponse to the question of anticipated retiring age (item nonresponse). The results show that the 2007 increase in the statutory pension age limit has indeed prolonged younger generations' expectations for entry into retirement by around two years, although the average anticipated retiring age is still below the statutory limit. The analysis moreover indicates that better-trained employees expect to retire later. As was the case before the reform, women plan to retire earlier than men.

4.3. The Income and Asset Situation of German Baby Boomers

Michela Coppola

The financial circumstances and pension prospects of so-called baby boomers (i.e. persons belonging to the post-war generation characterized by high birth rates) have in recent years been a cause of worry in the United States, and have thus roused a great deal of attention there. In Germany, by contrast, these issues have only seldom been addressed so far.

Based on the above SAVE study on saving and old-age provision in Germany, the project examines the present income and asset situation of the baby-boomer generation, the aim being to obtain preliminary insights into this generation's retirement arrangements for the



Dr. Michela Coppola, Head of Research Unit Macroeconomic Implications



future. It has been found that in comparison to other cohorts, German baby boomer households are relatively well off in terms of both their incomes and their assets. Despite more frequent spells of unemployment, their average disposable net income per month corresponds to that of other cohorts at the same age. In addition, these households have accumulated larger monetary assets than the previous generation.

The income situation expected after retirement, however, is less favorable for the baby boomer generation, especially as the anticipated early age of retirement could entail marked pension cuts. To what extent such potential reductions can be cushioned by private assets remains an open question. At any rate, for a large majority of these households, hitherto accrued net assets do not appear high enough. Yet the message that government pensions alone will no longer suffice in future to sustain their habitual standard of living has evidently reached the baby boomers themselves. To mitigate this generation's old-age poverty risk, steps must be taken to extend their working lives and to reinforce their skills and work capacity through further training.

4.4. Saving and Old-Age Provision in Germany (SAVE)

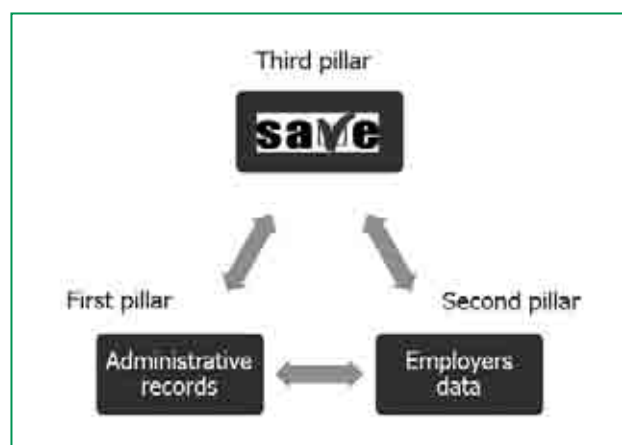
Axel Börsch-Supan (Principal Investigator)
in collaboration with *Michela Coppola* and *Bettina Lamla*

A major acknowledgement of previous research projects on savings formation in Germany has been that the available data (such as those obtained from the income and consumption sample (EVS), the debit & credit questionnaire "Soll und Haben", or the socio-economic panel (SOEP)) set narrow limits to findings because of considerable gaps in the scope and breadth of such surveys. The SAVE study was first conducted in June 2001 in cooperation with TNS Infratest; its representative household sample marks a first step in the closing of these gaps.

Under SAVE, some 2,500 households are surveyed annually in Germany. The comprehensive questionnaire includes highly detailed queries concerning their financial standing and savings behavior, flanked by a series of socio-economic, behavioral and socio-psychological inquiries. Numerous questions on savings behavior can only be analyzed longitudinally, notably those regarding changes to households and their income circumstances, as well as savings and consumer behavior. For this reason, MEA is constructing a panel on the basis of the SAVE survey; necessary tasks include the preparation of questionnaires, the processing of data, and the development of a procedure for the imputation of missing responses, as well as appraisals of the SAVE dataset within the scope of various research endeavors.

A new concept was created for wave 2011 in collaboration with the Institute for Employment Research (IAB) of the German Federal Employment Agency; *Stefan Bender* is in charge on the part of IAB. SAVE is used as the point of departure for building up a novel linked dataset targeted exclusively at the analysis of old-age provision and security. Survey preparations and the clarification of pertinent data protection aspects were completed in fall 2011; data collection is currently in the hands of TNS Infratest.

The new dataset is to permit the linking of SAVE data not only with administrative data from IAB (and perhaps the German Pension Insurance Scheme), but also with the data of a prospective employer survey. The latter link is to be established via the SAVE re-



4.4. SAVE data is interlinked with administrative records of the IAB Institute for Employment Research and with employer data.

spondents' social insurance numbers recorded in the 2011 wave. This threefold nexus (household, administrative and employer data) will for the first time furnish an inclusive and up-to-date picture of the old-age provision situation in Germany. The SAVE dataset will thus be used to analyze content-related questions (e.g. whether poverty among the elderly is likely to rise in future or, put differently, whether claims to the old-age pension supplement are likely to increase) as well as methodological aspects (e.g. the degree of variance between respondent statements and the corresponding administrative data, and the extent to which such variance correlates with personal characteristics).

4.5. Decision Areas and Risk Preferences

Michela Coppola

This project inspects how far risk preferences can be distinguished according to decision areas. While economists model risk preferences by means of individual parameters (e.g. curvature of the utility function), and hence suggest that risk preference is a singular and stable construct, psychologists consider this point highly debatable.

Using a *confirmatory factor analysis* the SAVE data show that the area in which decisions are made affects subjective risk preferences, although the correlation between preferences in the different areas is higher. Separate analyses based on age groups moreover confirm that risk structures are not uniform for younger and older respondents. In particular, correlation between risk preferences may be greater among younger respondents in some decision areas, but greater among older respondents in others.

4.6. Risk Preferences and Savings Behavior of German Baby Boomers: A SAVE Data Analysis

Michela Coppola

This research undertaking entitled "Subproject 2 – Loss Aversion and Savings Behavior in Aging German Baby Boomers: Analyses of the German SAVE Survey" forms part of the project "Behavioral and Neurobiological Foundations of Risk Preferences in American and German Baby Boomers" sponsored by

the Volkswagen Foundation. Project collaborators are the Institute for the Study of Labor (IZA) (*Prof. Dr. Armin Falk; Dr. Thomas Dohmen; David Huffman, Ph.D.; Dr. Uwe Sunde*; "Subproject 1 – The Economic Importance of Preferences in an Aging Society: Analyses of the German Social Economic Panel Survey Data"); the Max Planck Institute for Human Development and the Berlin Neuroimaging Center (*Hauke Heekeren, M.D., Ph.D.; Prof. Dr. Ulman Lindenberger; Prof. Shu-Chen Li, Ph.D.*; "Subproject 3 – Neural Basis of Risk Processing and Investment Behavior in Aging American and German Baby Boomers"); as well as Stanford University (*Prof. Dr. Brian Knutson; Prof. Dr. Laura Carstensen*; likewise Subproject 3).

The savings behavior of baby boomers constitutes a key element in discerning the economic effects of an aging society. The above venture uses a multimodal research approach in its investigation of age-related differences in risk-laden decision areas. Numerous empirical studies already suggest that risk preferences are dependent on age. Now, additional criteria such as financial standing, gender or level of education are to be appraised with the help of SAVE data.

Imaging studies conducted by the Berlin project group provide insights into the neuronal foundations underlying age-linked variations in risk processing. Concurrently, significant SAVE questions (regarding socio-demographic issues as well as financial circumstances, risk preferences and motives for saving) permit a comparison of sample representativeness. In taking this approach, German baby boomers are contrasted with younger adults in respect of their risk-seeking behavior and their corresponding neuronal correlates.

4.7. Age and Labor Productivity in Truck Assembly

Matthias Weiss in collaboration with *Axel Börsch-Supan*

Demographic change will bring in its wake a massive aging of manpower over the next 20 years. Against this background, we have set out to explore correlations between worker age and labor productivity. For this, we use a unique dataset that correlates records of er-



rors made in truck assembly at the Mercedes-Benz plant in Wörth with pertinent details of the workers' personnel files. We monitor 100 teams with 3,800 assemblers on approximately 1,000 work days. In contrast to the existing literature, the size and abundance of the dataset enables us to solve methodological problems that typically arise in this type of study (such as selection bias or endogeneity of age composition). Initial findings suggest that labor productivity in truck assembly does not decline until the age of 60.



4.8. Are Mixed-Age Teams Better?

Matthias Weiss

Mixed-age teams have been demanded time and again as an option for the productive employment of older manpower. Empirical research on the productivity effects of mixing ages is nevertheless missing so far, and so this project aims to help close this gap. The advantages of heterogeneity (in terms of age, but also education, nationality, seniority and gender) are obvious: heterogeneous groups meld the strengths of different employees and can thus profit from complementarities. The downsides are somewhat subtler: heterogeneity in work teams is apt to impede communication and lessen group cohesion.

Which of these aspects predominate constitutes an empirical question. To solve it, we use the data obtained for the above project, "Age and Labor Productivity in Truck Assembly", conducted at the Mercedes-Benz Plant in Wörth.

4.9. Age and Labor Productivity in the Insurance Industry

Matthias Weiss in collaboration with Axel Börsch-Supan

This project likewise employs empirical methods to investigate correlations between employee age and labor productivity. The *modus operandi* corresponds to that used in the study "Age and Labor Productivity in Truck Assembly", but is applied to the service industry instead. To that end, we approached a large insurance company for the collection of data appropriate to the subsequent statistical analysis.

To measure productivity, day-to-day performance indicators are determined for in-house task groups – for example, the number of new policies entered into the system, the number of claims processed, or the number of phone calls made. These indicators are then linked up with personnel data. The project is currently in the data collection and processing phase.

5. Survey of Health, Ageing and Retirement in Europe (SHARE)

How do people age in the countries of the European Union? Answering this question is one of the objectives of the international survey "50+ in Europe" – a project coordinated by *Axel Börsch-Supan*. The Survey of Health, Ageing and Retirement in Europe (SHARE) – thus the official project designation – was first conducted in 2004 in 11 European countries using a representative population sample of people aged 50 and over. The second survey wave, from fall 2006 to spring 2007, involved 30,000 respondents in altogether 14 European countries and Israel. The third wave of data collection on retrospective life histories (SHARELIFE) took place in 13 European countries in 2008/2009. The data collected thus far as well as initial research findings were presented on 24 November 2010 on the occasion of an official ceremony hosted by the European Union in Brussels. The fourth survey wave is currently in progress.



5a. Robert-Jan Smits (Director at DG Research, European Commission), Prof. Axel Börsch-Supan, Ph.D. and Dr. Martina Brandt (left to right): Presentation of first findings in Brussels on 24 November 2010.

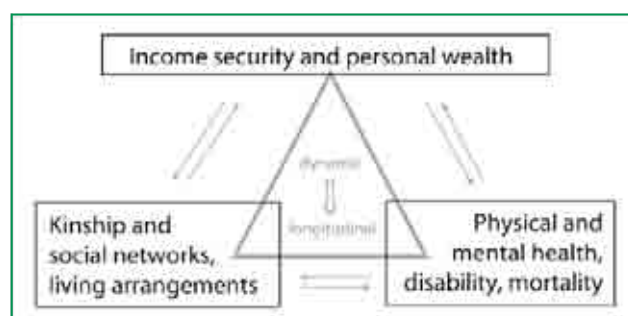
Some 60,000 participants are meanwhile being surveyed at two-year intervals, permitting scientists to monitor changes in the economic, health and social circumstances of senior citizens in Europe. This sheds light on how these persons cope with incisive events in the course of their lives, such as retirement or widowhood, or how altered institutional frameworks (e.g. in health care or pension schemes) impact the quality of life of older Europeans.

The information collected under the "50+ in Europe" research venture is meanwhile used by over 2,000 scholars around the globe. Three comprehensive summary volumes have been published in English, along with a host of articles in academic journals documenting the extensive scientific data analyses. Only thus is it possible to support scientifically verified decision-making within the realms of national and European policy, and to target opportunities created by demographic change.

5.1. SHARE Survey Management

Axel Börsch-Supan (PI) in collaboration with Martina Brandt, Kathrin Axt, Yvonne Berrens, Johanna Bristle, Christin Czaplicki, Christine Diemand, Christian Hunkler, Thorsten Kneip, Julie Korbmacher, Markus Kotte, Ulrich Krieger, Frederic Malter, Sabine Massoth, Theresa Mutter, Gregor Sand, Barbara Schaan, Eva Schneider, Morten Schuth, Stephanie Stuck and Sabrina Zuber

This undertaking strives to firmly establish the Survey of Health, Ageing and Retirement in Europe (SHARE), conducted for the first time in 2004 – 2005, and repeated in subsequent waves of data collection in 2006 – 2007, 2008 – 2009 and 2010 – 2011, as a long-term European research infrastructure at the free disposal of academics, with a strong German base funded by the Federal Ministry of Education and Research (BMBF). Further plans are to extend the survey by fifth, sixth and seventh waves under SHARE-ERIC Phase II.



5b. Interplay between economic, health, and social factors in shaping older people's living conditions.

With meanwhile over 60,000 respondents aged 50+, SHARE already now furnishes a worldwide unique database on the living conditions of older people in currently 20 European countries (including Israel). Additional accessions to SHARE and enlargements of the country samples are in preparation. SHARE is distinguished by its thematic diversity and





Christine Diemand, German
SHARE Country Operator



Markus Berger, SHARE Public
Relations



Yvonne Berrens, Program
Administrator



Gregor Sand, SHARE Operations



Sabrina Zuber, SHARE Data Base
Management

multi-disciplinary approach, as well as by its assurance of strict cross-national comparability and its longitudinal perspective. This is deemed the only way to obtain a full picture of the aging process as both an individual and a societal phenomenon.

Here is a list of the individual research themes:

- *Gainful employment and retirement*

The inquiry seeks to determine what factors (notably health and pension insurance reforms) impact the retirement decisions and life situations of older people. To that end, it is necessary to monitor individuals over a space of time before and after they retire.

- *Informal work, productive aging and employment histories*

The prime intent here is to explore how volunteer work changes over time – particularly in relation to "critical" life events.

- *Intergenerational relationships*

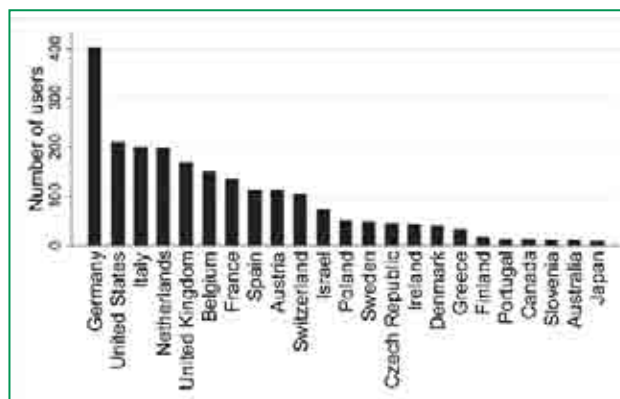
Along with a differentiated investigation into determinants for the division of eldercare work between the family and the welfare state, the life course perspective is yet again in the foreground here. The main objective is to look at how familial ties develop in the course of time and what overall conditions foster stable relationships between generations.

- *Social determinants of health inequality*

Also and especially in Germany, health and mortality are crucially dependent on socioeconomic status (income, education). Many of the reasons are known, but not their weight nor, in numerous cases, their effective direction. This research field expects to receive major stimuli from accessing the retrospective data of SHARELIFE, as well as from the collection of additional biometric data under the fourth SHARE wave and the externally funded CHANCES project (see 5.3.).

- *Methodological accompanying research*

The main priority areas here are "validation", "age effects in response behavior",



5.1a. Number of registered SHARE users by countries.

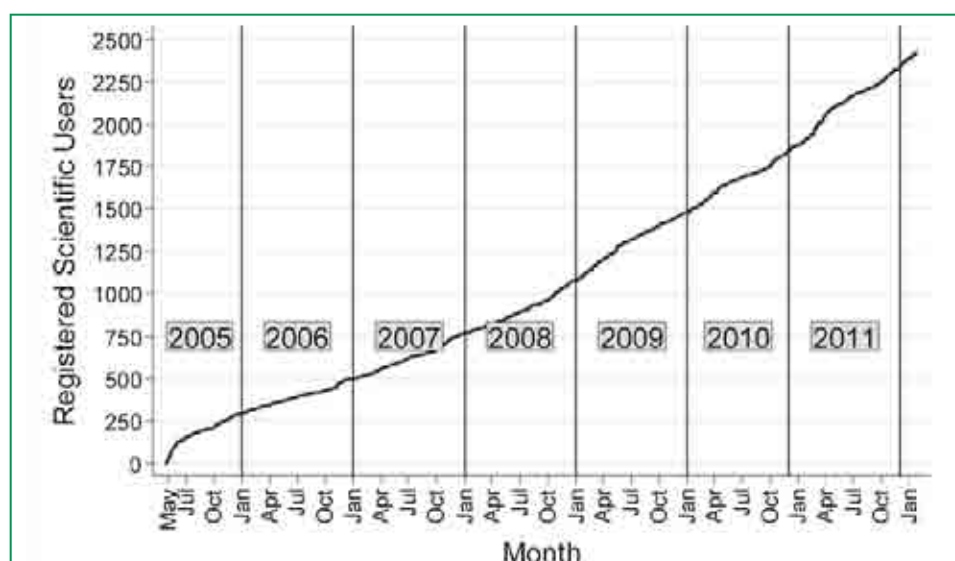
"incentive schemes and interviewer effects", as well as "methodological aspects of linking survey data with official statistics and biomarkers".

5.2. Multinational Advancement of Research Infrastructures on Aging

Axel Börsch-Supan (PI) with Frederic Malter, Martina Brandt, Christine Diemand, Christian Hunkler, Marie-Louise Kemperman, Thorsten Kneip, Markus Kotte, Ulrich Krieger, Sabine Massoth, Gregor Sand, Barbara Schaan, Eva Schneider, Morten Schuth, Stephanie Stuck, Sabrina Zuber.

The project is designed to follow seamlessly the 7th FP-funded SHARE-LEAP project, which delivered a re-designed survey instrument for the fourth wave in autumn 2010. Beginning there, this project will fund all key supranational tasks in the years 2011 through 2014. These tasks include control and dissemination of waves 4 and 5, and preparation of innovations for waves 5 and 6. The entire project is divided into 16 work packages and distributed across 13 participating research centers all over Europe which make up part of the entire SHARE research infrastructure.

The project aims at intensifying and extending the network of scientists involved with SHARE by organizing conferences for SHARE designers and SHARE users to foster the culture of cooperation between designers and users. The SHARE consortium will develop standards and procedures within the network to make more efficient use of the research infrastructure. We will offer training programs for users and support their



5.1b. Development index of the number of registered SHARE users.

multinational usage of SHARE data by a more efficient centralized data management that provides detailed synopses and concordances across member countries. We will co-ordinate this work with our sister surveys in the UK, US, China, India, Japan, Korea and Thailand, providing a platform for global access to data on aging.

We will support the scientific community and their access to the wealth of SHARE data by free web-based access to data, paradata and all support information from two archives. We will push the state-of-the-art in interdisciplinary panel design further in two dimensions, namely methodology and substance.

In terms of methodology, we will exploit the internal information on response behavior from the earlier waves to design more targeted survey methods in the waves covered by this project. Moreover, we will develop multi-mode survey techniques adapted to the age classes represented in our sample in order to save money and reduce respondent burden. In terms of substance, we will develop innovative questionnaire modules on biomarkers, physical health, social networks, pension claims, time use and nutrition. We will develop income concepts that are harmonized across countries, thereby taking account of the different tax and social insurance systems, and provide anchors to the income concepts used in EU-SILC. These supranational tasks, while difficult to finance

decentrally, are necessary to remain at the frontier of empirical science and to strengthen the genuine European character of SHARE.

We aim at addressing the following research questions through this project:

(1) Researchers do not have sufficient data to study the many complex interactions between health, gender, economic and socio-psychological status: Why do the rich live so much longer than the poor? Why are women less healthy but live longer than men? How will this change in the future with the change in gender roles and labour force participation? Since data linking mortality to wealth is largely lacking, we do not know if pensions redistribute from the poor who live shorter to the wealthier who live longer.

(2) Researchers do not have data on savings behavior and labor market participation in order to assess whether current pension and labor market reforms that will reduce the generosity of the welfare state will be successful. Will people save enough on their own to make up for the resulting pension income gap? What will happen to other forms of savings, e.g. owner-occupied housing, and how will housing prices and markets be affected?

(3) Researchers do not have sufficient longitudinal data about labor force participation of older men and women and the process of re-



Kathrin Axt, Head of SHARE Administration



Markus Kotte, SHARE Data Base Management



Dr. Frederic Maltz, Assistant SHARE Coordinator (Operations)





Morten Schuth, SHARE Data
Base Management



Stephanie Stuck, Head of SHARE
Data Base Management

tirement. While we have some information from household and labor surveys, we do not have health and social inclusion data going with it, supposedly major determinants of the retirement process. We do not have the longitudinal data necessary to understand whether a certain extent of labor force participation fosters active and healthy aging. How is partial retirement related to job conditions, in particular chronic work stress?

(4) Disability insurance has turned out to be a costly social programme. Uptake rates vary dramatically across EU member states. Is this due to the generosity of disability insurance, or variations in actual health? Researchers do not have the medical data to measure disability rates comparably and reliably to answer these questions. Researchers also lack the longitudinal data necessary to investigate the side effects of changes in pension and unemployment insurance benefits on disability claims.

(5) Researchers do not have sufficient data to assess the impact of social policies (such as long-term care insurance) on potential family support, a major resource in old age. In particular, researchers lack internationally comparable data about time and money transfers between generations (including taking in parents), and how such transfers are distributed between the sexes, in order to understand to which extent this is displaced or encouraged by state support. How will bequests react to changes in the public inter-

generational redistribution through pensions, health and long-term care insurance? In which regions of the EU will social exclusion be a major problem for older adults? How is exclusion related to the economic status of older people, and what are its social, psychological and health effects?

5.3. CHANCES – Consortium on Health and Ageing: Network of Cohorts in Europe and the United States

Barbara Schaan in collaboration
with Axel Börsch-Supan (PI)

CHANCES is the acronym for a large-scale collaborative project funded by the European Commission within the Seventh Framework Program, and coordinated by the Hellenic Health Foundation. The Survey of Health, Ageing and Retirement in Europe (SHARE), coordinated by MEA, constitutes one of 14 subprojects involved in CHANCES.

CHANCES aims to combine and integrate completed or ongoing health studies and surveys in order to verify age-induced (or age-correlative) health characteristics and determinants, and to portray their socio-economic implications. Fourteen studies, including the MEA-based SHARE project, participate in CHANCES, thus covering 18 EU member states, four associated states and three additional countries. All these different studies and population surveys combined amount to an integrative approach for the investigation



5.2. SHARE ERIC council meeting held at the Max Planck Institute for Social Law and Social Policy on 17 December 2011.

of health status in aging populations. CHANCES thereby addresses five main types of health-related characteristics:

Incidence of chronic conditions, disabilities and mortality
Prevalence of chronic conditions and disabilities
Health-related determinants of chronic conditions and disabilities
Age-related determinants of chronic conditions, disabilities and mortality
Social and economic implications of chronic conditions, disabilities and mortality in the elderly

The following age sets are analyzed: 50 – 59, 60 – 69, and 70+. Health-related determinants comprise (i) socio-economic factors (e.g. education and income), (ii) environmental factors, (iii) lifestyle factors, and (iv) nutrition as well as biomarkers and genetic factors.

The prime focus is on four main categories of chronic conditions and disabilities: (i) cancer, (ii) cognitive functions and Alzheimer's disease, (iii) diabetes and cardiovascular diseases, and (iv) fractures and osteoporosis.

But also information about other diseases and disabilities (e.g. eye diseases or chronic respiratory ailments) is collected within the CHANCES framework, provided it is available in the individual studies and survey projects that contribute to the consortium.

Among its other goals, CHANCES has set its sights on the development of a harmonized health module that can be applied to other population surveys. In addition, the consortium is to generate a unique resource for other health studies and determinants of health in old age.

CHANCES cooperation partners:

- Hellenic Health Foundation, Athens, Greece (*Dr. Paolo Boffetta, coordinator*)
- University of Athens, Greece (*Dr. Antonia Trichopoulou*)
- University of Umeå, Sweden (*Dr. Sture Eriksson*)
- Rijksinstituut voor Volksgezondheid en Milieu (RIVM), Bilthoven, Netherlands (*Dr. Eugene Jansen*)

- Wageningen Agricultural University, Wageningen, Netherlands (*Prof. Dr. Elen Kampman*)
- German Cancer Research Center, Heidelberg (*Prof. Dr. Herman Brenner*)
- Danish Cancer Society, Copenhagen, Denmark (*Anne Tjønneland, Ph.D.*)
- Erasmus University, Rotterdam, Netherlands (*Cornelia van Duijn, Ph.D.*)
- Munich Center for the Economics of Aging – Max Planck Institute for Social Law and Social Policy (*Prof. Axel Börsch-Supan, Ph.D.*)
- Queen's University of Belfast, United Kingdom (*Prof. Frank Kee*)
- National Institute for Health and Welfare, Helsinki, Finland (*Prof. Kari Kuulasmaa, Ph.D.*)
- International Agency for Research on Cancer, Lyon, France (*Dr. Mazda Jenab*)
- Brigham and Women's Hospital, Boston, Massachusetts, United States (*Prof. Francine Grodstein*)
- University College of London, United Kingdom (*Prof. Martin Bobak*)
- University of Tromsø, Norway (*Prof. Inger Njølstad*)
- National Institutes of Health, Bethesda, Maryland, United States (*Yikyung Park*)

5.4. New Perspectives of Research on Aging: Linking SHARE with Administrative Data and Biomarkers

Barbara Schaaf in collaboration with *Axel Börsch-Supan* (PI), *Christin Czaplicki* and *Julie Korbmacher*

The project, funded by the Volkswagen Foundation within the scope of its call for proposals on "Individual and Societal Perspectives of Aging", utilizes the existing data infrastructure supplied by the Survey of Health, Ageing and Retirement in Europe (SHARE). Its goal is to create a database for interdisciplinary research on aging in Germany by way of the following two subprojects:

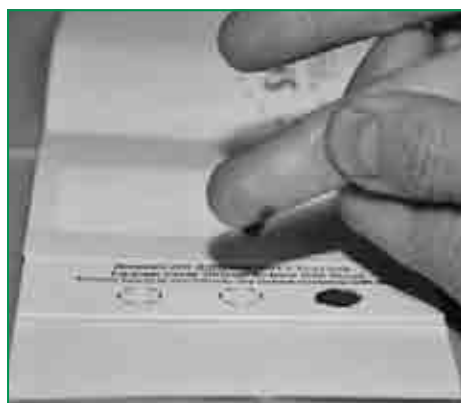
(1) *Linking SHARE survey data with administrative process data of the German Statutory Pension Insurance Scheme (SHARE-RV)*

The third wave data collected for the German SHARE project and the official process data of the German Statutory Pension Insurance Scheme were linked up via the social insurance numbers already recorded in the Ger-



Barbara Schaaf, Head of SHARE Enhancements, Biomarker Project





5.4a. Dried blood spot testing.

man subsample of SHARE. The linking of these data, along with any data cleansing work, was done at the Munich Center for the Economics of Aging. This preliminary study was due to be published at the end of 2011.

In the fourth wave of SHARE data collection, the data linkage was repeated as numerous respondents had been added to a refresher sample. This subproject's extension in the fourth wave is funded by the Old-Age Security Research Network (*Forschungsnetzwerk Alterssicherung*). The correlation of respondents' current subjective circumstances and life histories with the objective information processed by the Statutory Pension Scheme is to render a full picture of occupational biographies and life courses of older and very old citizens in Germany. This complex dataset is analyzed both under methodological aspects and with a view to a variety of subject-specific issues, for example transition to retirement and old-age security.

(2) Survey of innovative biomarkers

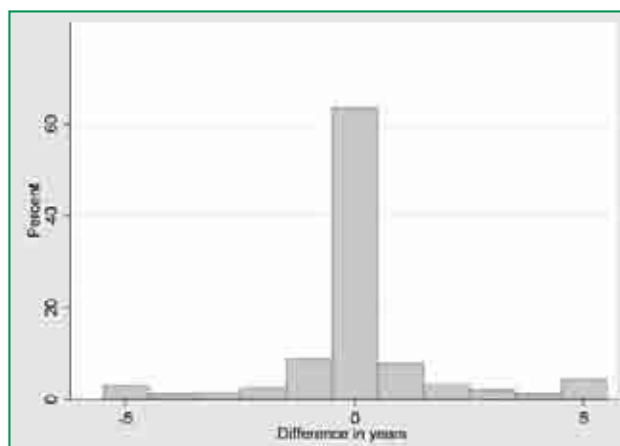
Alongside the biomarkers already incorporated in the standard questionnaire (grip strength and lung strength), the German sub-investigation of the fourth SHARE wave, serving as a pilot study for SHARE as a whole, set out to survey additional innovative biomarkers, measured by well-trained interviewers. These new biomarkers include waist-to-height ratio, three blood pressure readings, and so-called dried

blood spots for the measurement of three indicators (HbA1c, cholesterol, and c-reactive protein); they allow an objective assessment of health status unbiased by respondents' personal perceptions.

The project started off with the need to identify suppliers of materials for the measurement of the biomarkers; these materials were then tested. A suitable manufacturer of test sets for dried blood spots was located in the United States.

As the interviewers of the German survey institutes were not familiar with the measurement of micro-invasive biomarkers and lacked the basic medical skills needed to that end, their intensive training was indispensable. Thus, one SHARE staff member attended an interviewer training course offered under the Health and Retirement Study (HRS) in the United States. The know-how acquired there flowed into the concept for interviewer training in Germany. A pretest interview with about 100 respondents took place in summer 2010. Based on its results, the interview materials were revised and optimized. The main survey was launched in spring 2011 and completed in late fall of the same year.

The combination of survey data from different waves with administrative process data from German Statutory Pension Insurance and objectively measured biomarkers permits an extensive, interdisciplinary view of the complex interdependencies between the biological-medical and socio-economic dimensions of aging (both individual and societal).



5.4b. Retirement age indicated by SHARE and deviation from official pension insurance data: 81% of indications differ from official data by up to 1 year.

The following cooperation partners participate in the project:

- Prof. Dr. Hermann Brenner (German Cancer Research Association (DKFZ), Heidelberg, Div. of Clinical Epidemiology and Aging Research)
- Tatjana Mika (Research Data Center, Statutory Pension Insurance, Berlin)
- Prof. Dr. Karsten Hank (Chair for Sociology at the Faculty of Management, Economics and Social Sciences, University of Cologne)
- Prof. Dr. Hendrik Jürges (Chair for Health Economics and Management at Schumpeter School of Business and Economics, University of Wuppertal)
- Prof. Steffen Reinhold, Ph.D. (Junior Professor for Empirical Economics, University of Mannheim)
- Mathis Schröder, Ph.D. (German Institute for Economic Research (DIW Berlin), Data Collection and Survey Statistics of the German Socio-Economic Panel Study (SOEP))

5.5. Intergenerational Relationships in Europe

Martina Brandt

This project scrutinizes intergenerational transfers within the SHARE Europe framework, focusing on the interplay between family and welfare state. Thus, for example, it examines correlations between state support and gender differences in the provision of familial assistance to older parents. Here, the SHARE-based findings show that across Europe daughters render only somewhat more sporadic, but very much more intensive help to parents than sons do. At the same time, the legal obligation to provide such familial care and cash-for-care schemes are associated with a much greater probability of daughterly caregiving, whereas this does not apply to sons. Social services, by contrast, promote gender equality in the familial aid supplied by adult children. Welfare state structures thus clearly impact gender (in)equality with regard to family care and assistance.

Collaborative ties exist with the Zurich Research Group Labour, Generation, Stratification (AGES), led by Prof. Dr. Marc Szydlik; and with the chair of Prof. Dr. Karsten Hank at the University of Cologne.

5.6. Life Courses in Europe: Early Life Events and Later Life Outcomes

Martina Brandt

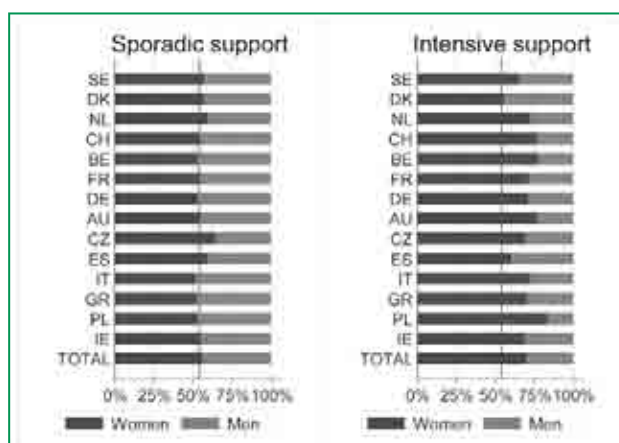
This project is based on the retrospective survey SHARELIFE, which in 2008/09 collected data on the life histories of Europeans aged 50 and over. The planned analyses deal with childhood circumstances and their impact on family developments, occupational careers, and health status in the later course of life. A further aim is to examine life course patterns along the dimensions of family, work and health, taking due account of how contextual conditions in Europe influence such patterns.

The first subproject on "successful aging" explores how early life events come to bear on later well-being, health and social commitment, thereby showing that living conditions in childhood (including socio-economic background, health or school performance) persist throughout life and significantly influence the entire aging process. Government interventions to promote healthy and active aging must thus set in as early as possible – at best, during childhood.

The second part illuminates the so-called scarring effects of unemployment. Here again, findings show that early unemployment



Dr. Martina Brandt, Assistant
SHARE Coordinator (Research)



5.5. Level of family support provided by men and women:
There is very little difference as regards sporadic support, while
intensive support is mostly provided by women.





Julie Korbmacher, SHARE
Researcher (Record Linkage
Project)



Thorsten Kneip, SHARE Data
Base Management

ment entails more frequent jobless spells over the entire course of later life, regardless of an individual's personality traits and his or her social environment. This no doubt has repercussions on family life and marriage stability – a further aspect to be investigated in the near future.

Cooperation took place with the chair of Prof. Dr. Karsten Hank, University of Cologne; Dr. Michal Myck, Ceneo Poland; and Dr. Peter Haan, DIW Berlin.

5.7. SHARE Research Data Center

Martina Brandt in collaboration with Christian Hunkler, Axel Börsch-Supan (PI), Stephanie Stuck and Sabrina Zuber

The project on "research data repositories" pursues the following goals: (1) simplifying and improving the usability of SHARE data, and (2) providing additional data toward the professionalization and expansion of the research data center of the Survey of Health, Ageing and Retirement in Europe (SHARE)

5.8. Measuring and Explaining Interviewer Effects

Julie Korbmacher in collaboration with Ulrich Krieger

Interviewer-administered surveys, such as personal or telephone surveys, may generate interviewer effects in different areas. Interviewers are apt to differ not only in the respondent numbers they reach, but in the specific content-related measurement results they achieve. Thus, frequent deviations occur in the rounding of results or in item nonresponse rates. Although many studies report interviewer effects, only few are able to explain them. One reason is that information about interviewers is usually confined to a small set of demographic variables.

This project has set out to better understand and explain interviewer effects with the help of a questionnaire for interviewers participating in the Survey of Health, Ageing and Retirement in Europe (SHARE). The questionnaire was prepared in collaboration with researchers from the International Workshop on Household Survey Nonresponse, and seeks to assess interviewer traits that are presumed to influence the behaviour of re-

spondents. It was implemented in the fourth wave of the German SHARE study and is to be linked with the survey data.

5.9. Methodological Perspectives on Linking Survey Data and Administrative Data

Julie Korbmacher

The linking of survey data and administrative data is gaining ever more significance in empirical social research, with two types of procedures distinguished here. One is referred to as statistical matching, whereby the subjects of a survey are linked with analogous cases in administrative records. Alternatively, respondents are requested for consent to the linking of their data. Both modes display pros and cons. While statistical matching does not require respondent consent, it must accept that administrative facts stem from merely statistically similar individuals. Direct matching need not deal with this problem, but is often unable to link all the necessary data because respondents denied their consent.

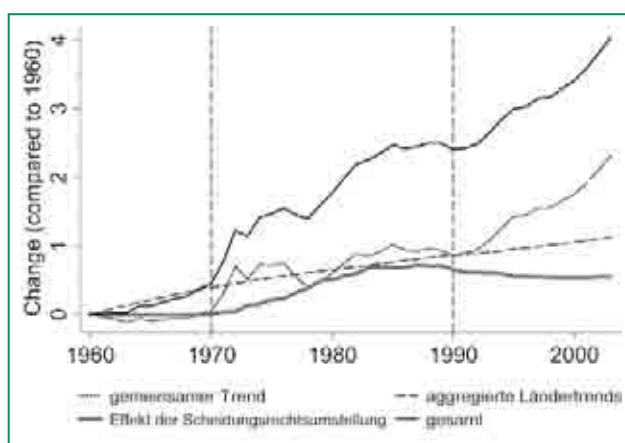
In the third wave of the Survey of Health, Ageing and Retirement in Europe (SHARE), respondents were asked in a German pilot study to consent to the linking of their survey data with the administrative records of the German Pension Fund Scheme. Accordingly, the data of respondents who gave their consent can be matched directly via their social insurance numbers. The intent is to embark on a more precise analysis of the methodological aspects relevant to such data linkage, with a special focus on respondent's decisions to consent to the linkage.

5.10. The Effects of Unilateral Divorce Laws in Europe

Thorsten Kneip in collaboration with Steffen Reinhold

Divorce laws in Europe have been subject to crucial revisions in past decades. The theoretically most interesting one was doubtless the introduction of unilateral divorce in the 1970s and early 1980s. As a result, a spouse seeking divorce is no longer reliant on the other's agreement.

This project deals with a variety of questions that have not as yet been resolved in the previous research on correlations between unilateral divorce legislation and familial processes. For example: Has the introduction of unilateral divorce laws had sustained effects on divorce rates in Europe? If so, how are these effects mediated, and in what ways have the new laws impacted trends in marriage patterns, women's employment and fertility? Has the introduction of unilateral divorce laws had lasting effects on child development? And are these effects attributable to a higher probability of parental divorce, or rather the result of altered parental bargaining positions in intact marriages? Alongside aggregate data, the data collected in the retrospective survey SHARELIFE are used to answer these questions.



5.10. Divorce rate decomposition (divorces/1000 married couples): The change in divorce law serves as an explanation for a substantial part of the rise in the divorce rate.

Initial findings show that the introduction of unilateral divorce laws has led to a sustained and marked increase in divorce rates and risks in Europe. Direct effects are partially obscured by the sharp rise in marital age as a consequence of the new legislation – and hence, ex ante, by entry into more stable marriages. Female labor participation has likewise increased, while the probability of family formation has declined, the latter being fully ascribed to the later age of marriage. As for children who have grown up under unilateral divorce laws, negative effects are found on education investments and health in advanced age.

5.11. Ethnic Discrimination in the German Housing Market

Christian Hunkler

In this project, we use a self-executed telephone audit in a field experiment to look into ethnic discrimination in the housing market of a southern German metropolitan area. Randomly assigned testers were instructed to phone landlords who had advertised apartments for rent (N=1613). While other studies primarily measure the incidence or scope of discrimination, we set out to identify the mechanisms that lead to such bias. In order to distinguish between information- and preference-based discrimination, two factors in addition to the test callers' nationality were varied experimentally: (1) whether Turkish minority callers spoke with or without an accent, and (2) whether test callers signaled straightaway that they had a secure job. The project is currently in the evaluation phase.

With the aid of fixed-effects regression models to control for unobserved heterogeneity regarding apartments and landlords, we seek to appraise whether Turkish callers face discrimination. Our analyses so far indicate that Turkish callers are not discriminated against in general; however, callers with a Turkish accent encounter considerable drawbacks.

Conversely, if callers with accents indicate right at the outset that they are relocating because of a new job, this near-completely offsets their disadvantages. All in all, the effect pattern suggests so-called statistical discrimination: job signals compensate for negative biases against callers with accents. A second interpretative option for these findings is that landlords are specifically prejudiced against the first generation of migrants who are often incapable of speaking accent-free German. The remaining analyses chiefly concern the co-surveyed or subsequently encoded attributes of landlords and housing offers.

The project is conducted in collaboration with Andreas Horr and Prof. Dr. Clemens Kroneberg, both from the University of Mannheim.



Christian Hunkler, SHARE Data Base Management





Ulrich Krieger, SHARE
Researcher (Non Response Project)



Christin Czaplicki, SHARE
Researcher (Record Linkage
Project)

5.12. Attrition of Alteri Respondents in a Multi-Actor Survey

Ulrich Krieger

Besides target respondents, surveys increasingly include persons from their social context – partners, household members or friends (so-called Alteri). Alteri respondents also occasion nonresponses and attrition since not all those approached actually participate. This project examines the reasons for non-participation in an effort to provide data users with assistance for their analyses. The data basis is the German Family Panel study "pairfam" (Panel Analysis of Intimate Relationships and Family Dynamics). The investigation is conducted in collaboration with the survey methodology team of the pairfam project (Mannheim Center for European Social Research (MZES) and Ludwig Maximilian University of Munich).

5.13. Respondent Incentives, Interviewer Training and Respondent Behavior

Ulrich Krieger in collaboration
with Axel Börsch-Supan (PI)

This project, funded by the German Research Foundation (DFG) under Priority Program 1292 on "Survey Methodology", focuses on the effects of monetary incentives offered to respondents for personal interviews (SHARE Germany, Wave 4). Experimental studies, above all in the United States, have shown that incentives bestowed in advance and unconditionally serve to raise survey participation rates.

In our project, this practice was applied for the first time to a large-scale study in Germany. Randomly selected households were sent cash amounts of 40, 20 or 10 Euros together with an advance letter. The respondents were informed that they could keep the sum as a gift regardless whether they took part in the survey or not. The effects of the respective incentives on recipient's willingness to participate are the subject of our evaluation.

A further item addresses the feasibility and outcome of an ultra-short questionnaire for respondents who decline to participate in the main survey (PEDASKI procedure).

This project is conducted in collaboration with Mathis Schröder, Ph.D., German Institute for Economic Research (DIW Berlin).

5.14. Interviewer Effects on Attrition in the Fourth Wave of the German SHARE Study

Ulrich Krieger

In this project, the data collected via the questionnaire drafted in project 5.8. (measuring and explaining interviewer effects) are examined. Interviewers play a highly significant role in personal interviews. Their experience and face-to-face contacts with respondents are particularly important in panel surveys. To examine how interviewer capability, attitude and expectations affect surveys, wave four of the German SHARE study also included a questionnaire for interviewers. The link of interviewer statements with respondent data will deliver insights into how greatly interviewers influence respondent participation.

5.15. Compatibility of Caregiving and Career – An Analytical Life Course Perspective

Christin Czaplicki

Demographic changes such as the growing age gap between generations are increasingly shifting the care of aged parents to the middle or late phases of their children's working lives. At the same time, a social policy measure in the wake of these demographic shifts in age structure seeks to prolong individual working lifetimes through the "retirement at 67" agenda. This entails a risk for persons in the midst of active employment – and often just finished with child-raising – of having to cope with an additional family-work compatibility problem resulting from the care dependency of their parents in conjunction with their personal careers.

In investigating these compatibility problems and developing suitable coping models, it must be borne in mind that an adult child's decision to assume caregiving tasks should not be viewed in isolation from his or her previous life history. This project thus aims to analyze individual family and work biographies in three steps. The first looks at personal history prior to the caregiving phase, taking account of individual resources, in order to identify patterns in employment biographies. The second assesses the caregiving phase per se, focusing on care duration and compatibility. The third step highlights

the stage of life directly after the caregiving activity and is of equal importance, for it reveals the consequences of such activity for individuals' subsequent occupational and health profiles.

5.16. Social Determinants of Depression in Later Life

Barbara Schaan

Depression has developed into a widespread disease. Estimates are that by the year 2020, it will have become the second most common cause of illness in industrialized states – combined with enormous costs for the national economy. (Projections of costs incurred by mental illness range from 3% to 4% of gross domestic product (GDP), based primarily on productivity losses.) The European Commission has recently taken on this problem and declared the promotion of mental health a crucial factor for the realization of its strategic goals.

The precise causes of depression are still not clear without ambiguity, but studies in the past few years have repeatedly confirmed diagnostic findings of a distinct negative correlation between socio-economic status and depression.

This (publication-based) doctoral project uses the longitudinal SHARE dataset to examine diverse sociological determinants of depression among the elderly. It thereby focuses on critical life events as well as long-term factors. An additional objective is to align existing theoretical explanatory approaches with the "social production function theory" established by *Siegwart Lindenberger*.

The first chapter of the thesis inquires whether men or women suffer more frequently from depressive symptoms following death of the spouse. Studies to date have produced highly contradictory findings here. The longitudinal SHARE dataset makes it possible to view the same respondents before and after the decease of their life partners (instead of having to compare different individuals as in the case of cross-sectional data). The outcomes show that there does not appear to be a significant distinction between men and women with regard to increased depressive symptoms in widowhood. Another finding is that persons who cared

for the deceased spouse in life report a smaller rise in the number of depressive symptoms than persons who did not. Persons who led a happy marriage cite a greater number of additional symptoms than persons whose marriage did not go so well.

The second chapter of the thesis analyzes the long-term effects of education on the number of depressive symptoms in old age. Here again, gender differences are explored, along with the moderating role of retirement within the correlation between education and emotional well-being. The findings suggest that especially for women, education has an important function in maintaining psychological health. The analyses also show that more educated persons state an increase in depressive symptoms following retirement, whereas persons with a low education level report a decline.

Finally, the third chapter – building on the findings of the second – deals with the effects of retirement on emotional well-being, thereby specifically addressing characteristics of previous work.

The (doctoral) project involves the preparation of three manuscripts for publication in international academic journals. Two have been completed and are currently undergoing review; work on the third has begun (as at 11/2011).

5.17. Marriage Stability

Christian Hunkler in collaboration
with *Thorsten Kneip*

Economic approaches in theory-led research on increased divorce rates place particular emphasis on changes in marriage-related benefits over the course of the relationship. Conversely, cultural-normative approaches focus on differences or changes in moral values.

Using the data of the German family panel study "pairfam" (Panel Analysis of Intimate Relationships and Family Dynamics), this project examines to what extent the frame selection model can theoretically integrate the above-described discrepancy. According to this model, relationships are deemed stable if they are embedded in a sturdy "frame", thus forming a steadfast "institution" sup-





ported by well-internalized norms. If this frame is disrupted, however, incentive variables can influence relationship stability.

Initial findings are available on the basis of self-collected preliminary study data on marriages as well as non-marital relationships. They show that the framing of the relationship as an institution and the concurrent internalization of indissoluble norms is crucial to the stability of marital relationships. Within such marriage frames, cost-benefit considerations recede into the background and the explanatory force of rational choice theory diminishes. This is reflected in the interaction of norms with marital benefits; the latter cease to influence stability if the norms are sufficiently entrenched.

This mechanism does not, however, work for non-marital relationships, even if the partners embrace firmly established norms. According to the frame selection model, the reason is that here the validity of norms and routines is conditional – that is, they apply only if they are accessible within the frame of the currently valid relationship. Yet the necessary links with norms governing indissolubility are obviously absent in the potential relationship models of non-married couples. The often transitory character of such unions – as expressed, say, by the term "trial marriages" – suggests this. Hence, to analyze the stability of premarital relationships, utilitarian approaches would seem to suffice. The general absence of the indissoluble partnership frame in non-marital unions neverthe-

less does not cogently signify a higher degree of instability compared with marriages. Rather, the stability of the former depends on the quality of the relationship.

Whereas non-marital partnerships break if they are of low quality, sturdily framed marriages remain intact despite the spouses' dissatisfaction with the relationship. To be sure, even marriages entrenched in a robust framework are not necessarily immune to every crisis. Where problems such as infidelity or physical violence

are perceived as significant impairments to the relationship frame, this may lead to re-framing in the form of an intensified drive for separation – despite previous sturdy framing. Norm entrenchment need not automatically suffer as a result, but compliance therewith is no longer deemed imperative in the present relationship as the link to the now redefined frame has ceased to exist.

The next project step will be to replicate the analyses conducted in the preliminary study using the pairfam main data.

5.18. Ethnic Inequality Based on Discrimination

Christian Hunkler

Both the theoretical and the empirical significance of diverse discrimination mechanisms forms this project's subject matter in seeking to explain ethnic inequalities, particularly as regards access to apprenticeship places under the German dual vocational education and training system. To that end, cooperation with the vocational training alliance of a large company in southern Germany has furnished outstanding data material.

Using the alliance's edited applicant data, potential self-selection processes can be identified at the outset; this is followed by the second step of verifying the diverse discrimination mechanisms. The customary problems of proving cases of discrimination are largely resolved through the use of corporate data. Besides submitting their school-

leaving certificates and attested grades, the majority of applicants were extensively tested on several dimensions (language and arithmetic skills, concentration and visual thinking capacity, etc.).

A highly interesting aspect is that for the first time, the decision-making base is systematically available from the viewpoints of the relevant actors, i.e. employers or their representatives. Justice can moreover be done to the problem of self-selection bias encountered in specific formal training fields, since the data at hand comprises not only successful applicants and their preferences but all submitted applications.

The address data of all applicants provides additional valuable analysis potential. Thus, links with population data (at county level) make it possible to model regional self-selection effects as well. Aside from the central empirical interest in reviewing discrimination theories more explicitly, research issues relating to the geographical mobility of different ethnic groups can therefore also be expounded.

The initial analyses show that despite comprehensive data on educational qualifications, performance tests, temporal aspects of the application process, and further influencing factors, differences in accession rates between German and Turkish applicants for apprenticeship places cannot be fully explained. The next step is to evaluate geographical mobility as well as self-selection bias with regard to specific fields of formal training.

5.19. Ethnic Differences in Access to Vocational Training: Discrimination?

Christian Hunkler

The project renders an overview of whether young people with an immigrant background encounter disadvantages in accessing vocational training places, notably within Germany's dual education system, thereby pinpointing the potential causes along empirically sound lines. Besides distinguishing social, migration-related and/or ethnic mechanisms, the aim is to explore possible forms of discrimination by the actors involved in apprentice selection procedures.

Under the German dual vocational education and training system, access to apprenticeship places is regarded as the initial phase of labor market entry. Even so, the dual system is normally ascribed to Secondary Sector II – that is, to the educational system. Yet school performance, choice behavior or teacher recommendations alone do not play the pivotal role; rather, companies are largely autonomous, within certain statutory bounds, in deciding whom they assign to particular training vacancies. The notion of discrimination in this context bundles a highly disparate assortment of mechanisms. For a proper assessment, it is therefore essential to itemize the diverse concepts of discrimination, particularly the empirical strategies used to verify them. This is to clarify why in many cases the inference of empirically evidenced discrimination cannot readily be confirmed.

A further focus is on the possible effects of the so-called transition system on behalf of young applicants who have not found a training place. The following questions arise here: Through what measures can gaps in achievement be closed, thus heightening chances for obtaining a regular apprenticeship place? Does the necessity of attending such measures generate a negative signal effect for the training company? If so, does that effect relativize the transition system's prospective positive effects?

The overview consists of five parts. The first sets out to depict general theoretical reflections on the possible causes of unequal treatment in the assignment of apprenticeship places, thereby stressing discriminatory mechanisms. The second part describes the selection criteria and gives a detailed account of the literature sources deemed relevant. Subsequently, choice studies from other European countries are presented in the third part. Part four involves three digressions: a brief summary of specific aspects cited in the report of the Expert Council of German Foundations on Integration and Migration; a descriptive comparison of transitions to vocational training between 2000 and 2006; as well as a short forecast of the effects of vocational training on labor market entry. The fifth part sums up the major, conclusive results in a final overview of empirically evidenced causes for the lower participation rate of migrants in the German dual education system.



The number of empirically validated coherences underlying access to vocational training – and, specifically, to dual education – turns out to be rather small. It seems certain that, at least based on the study variables momentarily available, the disadvantages of youths with an immigrant background cannot be fully explained. In cases where gender-specific models are calculated, or where gender is taken as an independent variable, unaccountable differences are largely found only for young men with a migratory background. The same appears to hold true when controlling for migration generation. Where second-generation migrants can be distinguished from adolescents who were already of school age when they immigrated to Germany, pronounced differences are mostly encountered only for the latter. A few studies differentiate according to country of origin: in part, they show that youths of Turkish descent significantly less often embark on vocational training.

Apart from that, most studies note the positive effects on access to vocational training resulting from school-leaving certificates and grades, sometimes also from indicators of social origin, and, if available, from language and network indicators. Nevertheless, these effects are less consistent and in some studies partially negative. This seems to depend on whether an analysis sample comprises total school-leavers or merely those who (usually in retrospect) report having sought an apprenticeship place. As for vocational training aspirations, findings indicate that these are apt to change drastically within a mere year.

Some authors suspect discrimination if the given variables do not suffice in accounting for disparities between migrants and natives. A clear picture emerges here: the accuracy of findings depends decisively on the extent to which the discussed mechanisms can be detailed by means of available data. With the exception of the Swiss TREE and Hamburg ULME projects, none of the studies is able to operationalize the capabilities of trainee applicants with the help of anything but their school-leaving certificates, school grades and school types.

So far, datasets based on more objective achievement tests, such as those used for reviewing school decisions, do not exist in the German-wide studies. Nor are regional and

aspiration-based career matching processes evaluated in the very most cases, or it is not possible to do so adequately. Thus, one is merely left to conclude that discrimination cannot be ruled out as an explanation for unaccountable differences, but that is about all.

Indications for statistical discrimination can be found in several studies. Identical signals are seemingly interpreted differently by companies depending on applicants' ethnic origins – in particular, migrants appear to profit less from better grades or school-leaving certificates. Hence, it remains an open question whether and to what extent employers apply correct statistical "beliefs", discriminate against applicants "unwittingly" or deliberately, or whether migrants with better grades consciously decide against vocational training.

Only little can be said about the importance of the transition system, but not because this criterion is not recorded or analyzed. In light of the aforementioned questions about heightening applicant opportunities through prevocational measures and the potential signal effects of thus placing them "on hold", the problem tends rather to be a statistical one. It is obviously not a random process that induces young people to switch to the transition system after leaving school. Moreover, these prevocational programs permit them to catch up on formal secondary school qualifications. To compare adolescents with and without "on-hold" episodes is therefore not very meaningful. A further difficulty is that (fortunately) there are scarcely any subjects available for comparison – that is to say, only very few youths obtain no apprenticeship place and then do not continue school or acquire further training in the transition system. At any rate and in net terms, the transition system is not found to have any negative effects. Nonetheless, based on mostly descriptive data, the Expert Council of German Foundations on Integration and Migration concedes only little effectiveness to this system.

5.20. International Cooperation: The "SHARE Family"

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Research Areas

1. Economics

Area Coordinator

Prof. Guglielmo Weber, Ph.D. (Università degli Studi di Padova, Dipartimento di Scienze Economiche, Padova, Italy)

Members of the Research Area

Prof. Agar Brugiavini, Ph.D. (Università Ca' Foscari Venezia, Dipartimento di Scienze Economiche, Venezia, Italy)

Anne Laferrère (Institut National de la Statistique et des Etudes Economiques (INSEE), Paris, France)

2. Health

Karen Andersen-Ranberg, MD, Ph.D. (University of Southern Denmark, Institute of Public Health, Odense, Denmark)

3. Health Care

Prof. Dr. Hendrik Jürges (Bergisches Kompetenzzentrum für Gesundheitsmanagement und Public Health, Schumpeter School of Business and Economics, Bergische Universität Wuppertal, BKG – University of Wuppertal, Germany)

4. Social Networks

Area Coordinator

Prof. Howard Litwin, Ph.D. (The Hebrew University of Jerusalem, Paul Baerwald School of Social Work, Jerusalem, Israel)

Members of the Research Area

Prof. Toni Antonucci, Ph.D. (University of Michigan, Institute for Social Research, Ann Arbor, MI, USA)

Prof. Dr. Karsten Hank (University of Cologne, Research Institute for Sociology (FIS), Köln, Germany)



Prof. Dr. Martin Kohli (European University Institute, Department of Political and Social Sciences, San Domenico di Fiesole, Italy)

Prof. Edward O. Laumann, Ph.D. (University of Chicago, Department of Sociology, Chicago, USA)

Prof. Dr. Theo van Tilburg (Vrije Universiteit Amsterdam, Faculty of Social Sciences, Amsterdam, Netherlands)

Dr. Sharon Shiovitz-Ezra (The Hebrew University of Jerusalem, Paul Baerwald School of Social Work, Jerusalem, Israel)

Dr. Jim Ogg (Unité de Recherche sur le Vieillissement (Ageing Research Department), Caisse Nationale d'Assurance Vieillesse, Paris, France)

SHARE-Programming

Prof. Dr. Marcel Das (CentERdata, Tilburg University, Tilburg, Netherlands)

SHARE Country Teams

Austria

Prof. Dr. Rudolf Winter-Ebmer, Mag. Michael Radhuber (Johannes Kepler Universität Linz, Department of Economics, Linz, Austria)

Prof. Dr. Alexia Fürnkranz-Prskawetz, Dr. Isabella Buber-Ennser (Vienna Institute of Demography (VID), Austrian Academy of Sciences, Vienna, Austria)

Belgium

Prof. Karel Van den Bosch, Ph.D., Aaron van den Heede, Joris Ghysels, Ph.D. (Universiteit Antwerpen, Centre for Social Policy Herman Deleeck, Antwerpen, Belgium)

Prof. Sergio Perelman, Ph.D., Jérôme Schoenmaeckers (CREPP, Université de Liège, Liège, Belgium)

Czech Republic

Radim Bohacek, Ph.D. (Center for Economic Research & Graduate Education – Economics Institute (CERGE-EI), Praha, Czech Republic)

Denmark

Karen Andersen-Ranberg, MD, Ph.D., Prof. Kaare Christensen, Dr. MSc., Ph.D., Prof. Jørgen T. Lauridsen, Ph.D. (University of Southern Denmark, Institute of Public Health, Odense, Denmark)

Estonia

Luule Sakkeus, Ph.D. (Estonian Institute for Population Studies, Tallinn University, Tallinn, Estonia)

France

Anne Laferrère, Pascal Godefroy (Institut National de la Statistique et des Etudes Economiques (INSEE), Paris, France)

Nicolas Sirven, Ph.D., Nicolas Briant (IRDES, Paris, France)

Greece

Prof. Antigone Lyberaki, Ph.D., Prof. Platon Tinios, Ph.D., George Papadoudis, Ph.D., Thomas Georgiadis, Anna Vougiouka (Panteion University of Political and Social Sciences, Regional Development Institute, Athens, Greece)

Hungary

Prof. Gábor Kézdi, Ph.D. (Department of Economics, Central European University, Budapest, Hungary)

Ireland

Dr. Liam Delaney, Eimear Breheny (UCD Geary Institute, University College Dublin, Dublin, Ireland)

Israel

Prof. Howard Litwin, Ph.D., Marina Motse-nok (The Hebrew University, Israel Gerontological Data Center, Jerusalem, Israel)

Italy

Prof. Guglielmo Weber, Ph.D., Elisabetta Trevisan (Università degli Studi di Padova, Dipartimento di Scienze, Padova, Italy)

Prof. Agar Brugiavini, Ph.D. (Università Ca' Foscari di Venezia Department of Economics, Venezia, Italy)

Luxembourg

Uwe Warner (CEPS/INSTEAD, Centre d'Etudes de Populations, de Pauvreté et de Politiques Socio-Economiques / International Network for Studies in Technology, Environment, Alternatives, Development, Difference, Luxembourg)

Netherlands

Prof. Frank van der Duyn Schouten, Ph.D., Dr. Johannes Binswanger (Netspar, Universiteit van Tilburg, Tilburg, Netherlands)

Poland

Dr. Michal Myck (Centre for Economic Analysis, CenEA, Szczecin, Poland)

Portugal

Prof. Dr. Pedro Pita Barros (Faculdade de Economia Travessa Estevao Pinto, Universidade Nova de Lisboa, Lisboa, Portugal)

Alice Delerue Matos, Ph.D. (Centro de Investigacao em Ciencias Sociais, Universidade do Minho, Campus de Gualtar, Braga, Portugal)

Slovenia

Boris Majcen, Vladimir Lavrač, Saša Mašič (Institute for Economic Research (IER), Ljubljana, Slovenia)

Spain

Prof. Pedro Mira, Ph.D., Raquel Vegas, Ph.D. (Centro de Estudios Monetarios y Financieros (CEMFI), Madrid, Spain)

Sweden

Prof. Per Johansson, Ph.D. (IFAU – Institute for Labour Market Policy Evaluation, Uppsala, Sweden)

Daniel Hallberg, Ph.D. (Swedish Social Insurance Inspectorate, Stockholm, Sweden)

Switzerland

Prof. Alberto Holly, Ph.D. (Université de Lausanne, Institut d'Economie et Management de la Santé (IEMS), Lausanne-Dorigny, Switzerland)

Dr. Peter Farago, Dr. Boris Wernli (FORS, Université de Lausanne, Lausanne, Switzerland)



III. Max Planck Fellow Group: Inclusion and Disability





Prof. Dr. Elisabeth Wacker

1. Introduction

Elisabeth Wacker

The research of the Max Planck Fellow Group, instated on 1 March 2010, is dedicated to social policy and social law transformations and their implications for the social benefit systems and life situations of persons with disabilities. In keeping with the general mission of the Max Planck Fellow Programme, close collaboration between the Institute and the Technical University of Dortmund is an intended aim as is the promotion of young scholars. Hence, the Fellow Group's eight junior researchers (some of whom are staff members, others scholarship holders) are bound up with the research and academic development plans of the Department of Rehabilitation Sociology based at the Dortmund Faculty of Rehabilitation Sciences. The Group's five-year research agenda was launched in the summer of 2010. *Viviane Schachler*, an intern of the University of Kassel (Master's degree course "Social Work and Life Course" [*Soziale Arbeit und Lebenslauf*]), began her four-month stay here as a visiting student early in November 2011.

Under its abbreviated designation "Inclusion and Disability" [*Inklusion bei Behinderung*], the Group draws on the well-established tradition of the Institute, which has long been engaged in research on the life situations of population groups classified as having a disability (cf. "participation of persons with disabilities in society": Report 2001 – 2003, p. 8). On the one hand, the Institute considers country-specific societal, economic and cultural contexts essential to understanding law and its ongoing development; on the other, it is devoted to the overall progress of social law (cf. Report 2004 – 2005, p. 6). The Fellow Group's research activities are allied accordingly, the aim being to trace the development of rehabilitation and health care from national and international perspectives under the guiding concept of preventative structures, measures and effects.

Nearly 10 per cent of the world's population is held to be affected or threatened by some form of disability. The World Report on Disability, jointly compiled for the first time by the World Health Organisation and the World Bank in 2011, even cites up to 15 per cent. In any case, an appreciable number of

population groups can expect to profit from research on inclusion and on systemic changes to rehabilitation. Yet not only the quality of life, but also the future of social systems and how they interact with legal norms when implemented in practice, are key themes for in-depth investigation.

The beginning of the millennium set the stage for current events and guiding cognitive interests in these research priorities:

- The Ad Hoc Committee instituted in 2001 by the United Nations General Assembly submitted the draft Convention on the Rights of Persons with Disabilities (UN CRPD) in 2006. This international treaty entered into force in Germany a good two years later as the "Law concerning the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities, as well as the Optional Protocol of 13 December 2006 to the United Nations Convention on the Rights of Persons with Disabilities". Its provisions with regard to the living conditions of citizens with disabilities are currently being implemented by the Federal Government and other institutions by way of a National Action Plan, and are to be observed and evaluated by a "monitoring agency" established in accordance with Article 33(2) UN CRPD and based at the German Institute for Human Rights. Additional "controlling bodies" are the many support associations and groups, benefit providers and funders, as well as an independent Scientific Advisory Board of the Government.
- With its approval of the International Classification of Functioning, Disability and Health (ICF), the WHO-led World Health Assembly in 2001 concluded its revision of the previous disability classification scheme (International Classification of Impairments, Disabilities and Handicaps, or ICIDH). The new transnational, unifying framework has adopted a definition of disability which in abandoning the "deficit description" is characterised by the description of functional capabilities, attentiveness to the social constructs of disability as well as the observance of environmental factors relevant to the individual concerned.

Lastly, the Ninth Book of the German Social Code (SGB IX), with its main focus on the rehabilitation and participation of persons with disabilities in Germany, came into force in the middle of 2001. Since then, the Code has been developed further in specific regard to the present UN CRPD and ICF provisions, i.e. with a view to how self-determination and equal participation can be (better) achieved for the aforesaid group of persons, and how inequalities (in the sense of inequity in opportunities) in the benefit system and community life can be balanced out.

It is in this setting that the interdisciplinary Fellow Group (diversity/gender studies, political science, law, rehabilitation sciences, sociology and social work) has embarked on the investigation of basic issues of inclusion (Latin *inclusio*, i.e. sustained possibility of "social participation" as an individual) and exclusion (Latin *exclusio*, i.e. sustained and involuntary "debarment") insofar as these issues impact persons with disabilities as individuals and as a group, and treat them less favourably in society, thus "devaluing" (discriminating against) them on account of their

differentness (heterogeneity). The Group examines theories, concepts and benefit classifications, and explores the changeability of social structures from an effect-oriented perspective. The question is whether and how inequality can be eliminated and support needs covered, without yielding to pressure to conform (integration according to normality standards). Moreover, an "enhanced sense of belonging" (UN CRPD) must be regarded as a prime aim of social policy, coupled with societal respect for all forms of disability.

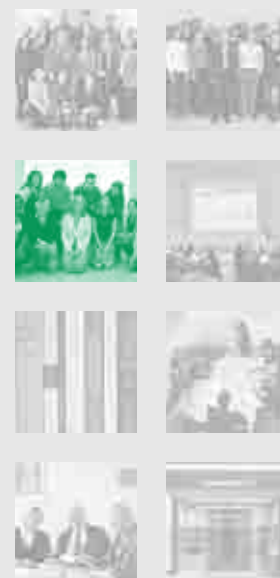
These basic issues have been systematically specified in a matrix model designed to give the junior researchers a structure with which to align their subject matter. Four thematic priorities have thereby been combined with two cross-sectional themes.

In addition, national and international experts were invited to the Institute for the discussion of transdisciplinary research questions, with in-depth analyses conducted in workshops and an expert forum (cf. IV.).

Collaboration with Pwani University College (PUC) occasioned the international confer-



The Max Planck Fellow Group: Dr. Minou Banafsche, Melanie Biewald, Christian Rahausen, Luisa Demant, Prof. Dr. Elisabeth Wacker, Laura Dobusch, Corina Hoffmann, Dominik Baldin, Isabella Bertmann and Hellen Modiba (left to right).



Thematic Priorities	Social Participation Basic issues of inclusion and exclusion	New Forms of Regulation Effects of switching from the benefit-in-kind to the cash-benefit principle	New Frameworks and Roles Social services between enhanced professionalisation and resource efficiency	Societies in Transition Potential of and limits to national and international social models in countries of the Global South
Cross-sectional Themes				
Demographic Change	1 2 6	5 4	3 7	
Dealing with Differentness				

The matrix model combines four thematic priorities with two cross-sectional themes: (1) Dominik Baldin: *Persons with Disabilities and a Migration Background – Inclusion and Exclusion of a Forgotten Social Group*; (2) Dr. Minou Banafsche: *The German Basic Law in Light of the UN Disability Rights Convention*; (3) Isabella Bertmann: *Social Security and Persons with Disabilities in "Developing Countries"*; (4) Melanie Biewald: *Seeking Competence: Concepts and Standards for Good Employees in the Focus of Social Service Provision*; (5) Luisa Demant: *Counseling for Families of Children with Disabilities – Importance for and Impact on Beneficiaries*; (6) Laura Dobusch: *Consolidation, Flexibilisation or Erosion of Standard Biographies? – The Contribution of Diversity Management to Social Inclusion*; (7) Corina Hoffmann: *Diffusion and Inclusion: Implementation of the UN Convention on the Rights of Persons with Disabilities in East Africa* (cf. III.2.1. to 2.7.).

ence "Impact of Social Change: UN Convention on the Rights of Persons with Disabilities (UN CRPD) as a Trigger", held in Kilifi, Kenya (16 – 17 June 2011). This South-East African conference, the first of its kind, convened on a high academic level and was attended by some 80 researchers from several African countries (Kenya, South Africa, Malawi, Zimbabwe; including experts in their own cause). It was accompanied by the workshop entitled "Capacity Building. Higher Education and Corporate Social Responsibility"

(15 and 18 – 25 June 2011), in which the Fellow Group and researchers of Pwani University College participated and rendered their active support.

The "Inclusion and Disability" Research Group makes a contribution towards transporting the topic of "disability in society" from the fringes to the centre of scholarly interest by means of a transdisciplinary discourse between social law and social science. To that end, preparations are also underway



Participants of the International Conference "Impact of Social Change: UN Convention on the Rights of Persons with Disabilities as a Trigger", Pwani University College, Kilifi, Kenya, 16 – 17 June 2011.

for a joint symposium to be hosted together with the Institute's Department of Social Law that will address the topic of "Inclusion and Social Space – Disability Law and Disability Policy within the Community".

The Fellow Group's members took part or collaborated in a variety of conferences and colloquia, including the fields of rehabilitation sciences, sociology and disability studies, in both international and national settings; for example, European symposia in Copenhagen (2010), Lancaster (2010), Geneva (2011), The Hague (2011) and Reykjavík (2011), and domestic forums in Frankfurt (2010), Stuttgart (2010), Berlin (2010 and 2011) and Bochum (2011). In August 2010, the Group moreover deliberated the subject of "Sickness, Disability and Work" with experts of the Paris-based OECD Directorate for Employment, Labour and Social Affairs in order to reflect on mutual points of contact.

2. Projects

2.1. Persons with Disabilities and a Migrant Background – Inclusion and Exclusion of a Forgotten Social Group

Dominik Baldin

This study addresses the classic question or, respectively, the classic conflict associated with sociological research, namely the relationship between individuals, groups and so-

ciety (which is no longer to be defined as a national society). Emphasis will be placed on the societal position of persons with individual impairments, individual habitus (Bourdieu) and, where appropriate, personal migration experience within the structures of the immigration society. Societal structures are, for instance, expressed in constitutional rights, which are no longer exclusively based on national law (e.g. in the form of the UN Convention on the Rights of Persons with Disabilities, CRPD). They are also present in social power relations, generally accepted standards and values, as well as participation opportunities and conversely, barriers to participation. Depending on the theoretical point of view both lists could be continually extended.

To look more closely at this tense relationship and the resultant mechanisms of inclusion and exclusion, the concepts of social environment [*Sozialraum*] and of the life-world [*Lebenswelt*] as developed by sociology shall be interconnected and combined with the closely related network research. This shall be accompanied by a theoretical discussion on the different versions of cosmopolitan theory and the findings from intersectionality research.

Researcher Judy Gummich has described the groundwork regarding the intersection of disability and migrant backgrounds – minimal even from an interdisciplinary point of view – as black holes in the universe of realities. On the one hand, this indicates the urgent need for research concerning this sub-

ject. On the other, it highlights the necessity of narrowing down the research focus over the course of the study so as to be able to proceed in a sufficiently explorative way. Under these circumstances it also appears appropriate to take a qualitative approach.

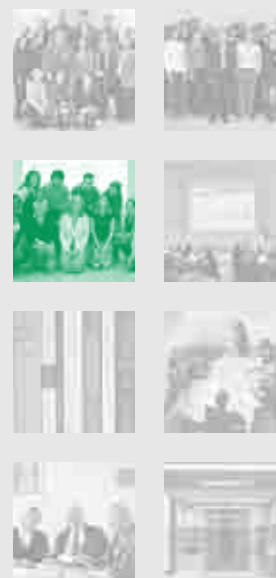
This will be done with respect to a specific social environment, the metropolitan area of the "Ruhrgebiet". In cooperation with the City of Dortmund, a multifaceted operationalisation of the issue of "life situation and lifeworld of persons with disabilities and a mi-



Dominik Baldin



Prof. Mohammed Rajab (Principal of Pwani University College), Prof. Dr. Elisabeth Wacker, Prof. Justice Onesimus Mutungi (Chancellor of Kenyatta University), and Prof. Justin Irina (Chairman of the Pwani University Council) (left to right), Kilifi, Kenya, 16 June 2011.





Dr. Minou Banafsche

grant background" will be developed. With respect to accessing a person's lifeworld, a close relation to the social subsystem of "work" is emphasised whilst maintaining sight of other dimensions of people's everyday life. Particular importance is placed on the question of how a disability was acquired during a person's lifetime in conjunction with their migration experience, and what impact this has had on the person's attitude towards disability issues. In terms of methodology, interviews shall focus on retrospective process and impact. "Changes in conditions" during a person's life will be used as a benchmark to obtain valid data regarding specific exclusion mechanisms in the structure of society.

An initial point of contact for this study will be support facilities for persons with disabilities in urban quarters of Dortmund that assist a high percentage of people with a migrant background. Subsequently, interview partners shall be identified by adopting the "snowball principle", whereby people who are acquainted with those involved in the study, and who likewise belong to this key population, will be contacted. The qualitative orientation of this study and the consequent lack of intention to draw conclusions from inductive statistics for the key population justify this methodology.

With respect to the theoretical approach, the concept of this transdisciplinary field study is positioned between sociology and the rehabilitation sciences. As far as possible, interesting findings that go beyond the scope of this study should be put up for discussion in research journals related to this subject.

2.2. The German Basic Law in Light of the UN Disability Rights Convention

Minou Banafsche

The "Law on the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities and on the Optional Protocol of 13 December 2006 to the UN Convention on the Rights of Persons with Disabilities" of 21 December 2008 has given validity to the UN Convention on the Rights of Persons with Disabilities (CRPD) on a national level in the form of a simple federal law pursuant to Art. 59, Para. 2, Sent. 1, Basic Law. The UN CRPD came into effect on 26 March 2009 in Germany.

The Federal Republic is thus committed according to Art. 4, Para. 1, Sent. 2, UN CRPD "to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention" (lit. a) and "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities" (lit. b). Therefore, the responsibility lies with the legislature, the executive and the judiciary. In Germany this extends to both the Federation and the *Länder* (cf. Art. 26 and 27 of the Vienna Convention on the Law of Treaties, as well as Art. 4, Para. 5, UN CRPD). Conflicts arising between existing simple federal legislation and the UN CRPD must be removed. In addition to the necessary modifications that will have to be made by the legislator to convention-breaching regulations, the principle of "lex posterior derogat legi priori" could be given consideration, a principle forcing the administration and the courts to apply "more recent" legislation – in this case the UN CRPD. However, this will only be required if international law interpretations as an expression of the principle of openness to international law as enshrined in the German legal system can no longer be realised within the boundaries – applicable also to constitutional interpretation – of the norm wording and the clear intention of the legislator. A specific form of interpretation pertaining to international law is the one based on human rights. This interpretation has its foundation in Art. 1, Para. 2, Basic Law, whereby the German people acknowledge "inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world".

The situation becomes more complex in the case of an interpretation pertaining to international law or, respectively, human rights if it is not simple statutes that are questioned but constitutional law itself, i.e. if the framework for the guarantee of human rights provided for in the UN CRPD goes beyond the one offered under the fundamental rights of the Basic Law. This becomes especially relevant within the scope of economic, social and cultural rights. Evidently, the principle of openness to international law also applies to constitutional law. Thus, the German Federal Constitutional Court [*Bundesverfas-*

sungsgericht] states in its constant jurisdiction that the fundamental rights enshrined in the Basic Law must be interpreted in accordance with the openness to international law. Although international treaties like the UN CRPD, as simple federal law, are subordinate to the Basic Law, they impact the interpretation of fundamental rights and the rule of law principles enshrined in the Basic Law insofar as they serve as an aid for interpretation when it comes to defining the latter to the extent that this does not limit or derogate from the protection of the fundamental rights provided by the Basic Law. The latter case refers to Art. 4, Para. 4, UN CRPD. However, this does not affect the formal order of precedence and the Federal Constitutional Court articulates that the German Constitution has the "last word". The Court has stated that criteria pertaining to fundamental rights also determine the interpretation and implementation of international treaties, which, pursuant to Art. 59, Para. 2, Basic Law, become legally binding by an act of assent. International treaties that require the interpretation and application by national courts are to be interpreted in light of the Basic Law. National constitutional law and international law are therefore interdependent. This arises from the principle of precedence of the Basic Law over simple federal law as specified in Art. 20, Para. 3, Basic Law, on the one hand and, on the other, from the thematic orientation of the Basic Law towards human rights as expressed in Art. 2, Para. 1, Basic Law.

In response to this and to the resulting uncertainties whether to be able to contribute most fully to the efficacy of the human rights incorporated in the UN CRPD in the event that the fundamental rights enshrined in the Basic Law should remain behind the former, the question arises whether there is a possibility of overcoming the disparity between the orders of precedence by awarding human rights a constitutional status and, if so, how to define this possibility.

Refused by the legislator and the major part of the scientific community, but nevertheless worth discussing, is the approach of upgrading the order of precedence given to the human rights of the UN CRPD on the basis of Art. 1, Para. 2, Basic Law. Moreover, it is also worth considering the incorporation of the

rights enshrined in the UN CRPD as, for instance, contained in Art. 25, Basic Law, which requires that "the general rules of international law shall be an integral part of federal law, and shall take precedence over the laws and directly create rights and duties for the inhabitants of the federal territory". The same holds true for Art. 140, Basic Law, whereby "the provisions of Art. 136, 137, 138, 139 and 141 of the German Constitution of 11 August 1919 shall be an integral part of this Basic Law". In fact, the Basic Law only allows for a de facto incorporation in certain cases – which might conversely allow the conclusion that such incorporation is not intended in other cases. As a converse conclusion is not imperative, one must be allowed to think about an incorporation of human rights as laid out above. Finally, it is to be investigated whether the upgrading of the order of precedence of the UN CRPD might not be possible via the primacy of Community law, due to Germany's dual international treaty obligations as a direct party to the convention on the one hand and, on the other, as a member state of the European Union, which has ratified the UN CRPD for its part. The research subject outlined above, moreover, focuses on whether – in view of the UN CRPD, particularly Art. 1, Subpara. 2, which determines who is defined as a person with disabilities – the national definition of disability as enshrined in Art. 2, Para. 1, Social Code Book IX requires further development or modification.

2.3. Social Security and Persons with Disabilities in "Developing Countries"

Isabella Bertmann

All over the world persons with disabilities often live below the poverty line. Disability and poverty form a complex structure of interwoven conditions, such as social exclusion and stigmatisation. Both can be a cause and consequence of insufficient or lack of protection against sickness or unemployment. This is especially true for people living in the so-called developing countries.

In recent years, the debate addressing persons with disabilities in international and development projects has intensified. Although the topic of social security now also has a greater presence on the international stage,



Isabella Bertmann





Melanie Biewald

there is hardly any reliable data available that allows for a combination of the two issues. That is why the topic of social security for persons with disabilities in "developing countries" shall be the subject of this study.

The focus will be on South Africa, where resources are expected to be available for evaluation (experience and impact analysis): South Africa has a comparatively differentiated, well-developed social security system. Structures have been built up with regard to the so-called "Disability Movement", and there are special welfare benefits available for persons with disabilities ("Disability Grant"). The study concerning persons with disabilities within this social security system is based on research relating to existing studies as well as theoretical discussions including existing legislation and official documents. This refers to both the South African social security system in general and the socio-political situation of persons with disabilities.

The study shall approach the illustration of this complex issue from two levels. Both levels shall be compared in order to comprehensively delineate the reality and the effects of social protection for persons with disabilities. First of all, the intentions and actions of South African social policy must be examined with respect to the social inclusion of persons with disabilities. The criteria of this study will incorporate the focus according to which persons with disabilities are given consideration, and the question as to the respective understanding of "disability" and "inclusion".

Secondly, the extent to which social policy achievements and endeavours impact on the reality must be investigated. Here the main questions are: what impacts are associated with social security mechanisms? And, what positive or negative changes in the living conditions of people result from receiving social services? Therefore, the group receiving the South African "Disability Grant" shall be examined. What is important in this respect is not so much the question of reducing monetary poverty (i.e. of the amount of the available grant), but rather the opportunities and chances social services open up for individuals with disabilities. The "Capability Approach" taken from Amartya Sen's welfare economics shall serve as a theoretical basis for the analytical framework in this context.

The current focus is on generating empirical data in South Africa during research trips. For this purpose both expert interviews and conversations have been scheduled with persons with disabilities, their families and officials of Disabled People's Organisations (DPOs). These will be evaluated according to social research methods in order to conclude the study.

To provide more comprehensive data on the impact social security has on persons with disabilities living in "developing countries" and to place the findings from South Africa in a wider context, data from other countries (e.g. Brazil) will be used for comparison. It will also be of interest to investigate whether and to what extent the South African social security system might provide a role model for other so-called developing or threshold countries regarding the inclusion of persons with disabilities.

2.4. Seeking Competence: Concepts and Standards for Good Employees in the Focus of Social Service Provision

Melanie Biewald

A diversified support system is available for people with disabilities. Its efficiency (material quality and personnel skills) has a substantial impact on the condition and quality of life of those who utilise it. This research paper focuses on the relevant elements regarding the development of services that suit the new principles of self-determination and inclusion.

The fact that people utilising social services are increasingly given authority through new steering mechanisms like direct payments, requires the service providers to adopt new approaches (such as service orientation and inclusive support) and competencies (like counselling and assistance instead of welfare). In order to facilitate participation the full commitment and deployment of expertise on the part of professionals will be required more than ever. This, in combination with new concepts (e.g. social environment orientation) and actors (e.g. families and persons showing civic commitment), urgently calls for a reflection on new staff requirements and for a specification of required competencies. At the same time, cost pres-

asures on service providers (facilities for the disabled) are rising, making it necessary to broaden the focus from mere demand fulfilment to economic goals. This is necessary to remain efficient and competitive.

These controversial challenges require multiple balancing acts that are centred on the staff. Employees play a key role in providing personalised support services, whilst reducing the steadily increasing costs of social services. On a daily basis they often have to cope with precarious employment conditions involving low income, segmented contracts, job cuts and outsourcing. Many service providers believe that this is the only way to defy the pressure to rationalise. However, this increases the risk of negatively influencing the quality of service. After all, "human resources" are the most significant element in the provision of personalised social services. A lack of qualified and committed staff will lead to a loss of quality. Personnel related savings could be a kneejerk reaction causing negative side effects, such as a decline in productivity, high fluctuation rates and burnout among those who remain in the profession.

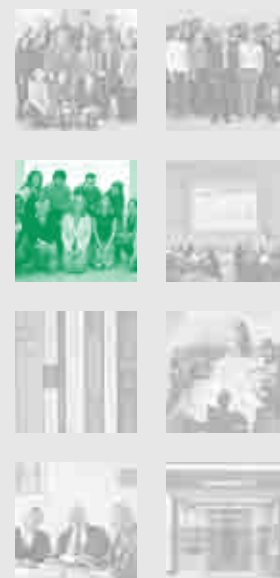
For a good twenty years, and increasingly over the past ten years, social organisations have begun to introduce management techniques in order to run facilities and services more efficiently. Topics such as controller-ship, leadership and marketing are no longer "foreign matter". There is an abundance of management literature that is specifically geared to the third sector. A small thematic part thereof is dedicated to the issue of "personnel". However, as a rule the emphasis is on personnel management. Literature on personnel development and staff support is rare. For the most part, no reference whatsoever is made to current challenges and the transformation of the third sector, or even to current challenges that workers face: their task is to strengthen the capacities of people in need of support, work in a professional manner and gain satisfaction from their vocation.

This is a paradox, since personnel counts as the most crucial variable in the successful provision of social services – more crucial even than in any other economic sector. This is why an investigation shall be made into the sort of knowledge and techniques from

the field of personnel management in commercial enterprises that might be transferrable to the social sector and into how these techniques might be applied in a meaningful way. So far the pertinent "economic knowledge" does as little justice to the special nature of the organisational form and its specific, diverse staff structure, as to the requirements brought about by the changes in the care provider environment (due to individualised service provision) and in social benefit systems (due to inclusion benefits and demographic change). Requirements of this sort have an impact on the employment situation in the respective facilities (staff structure, age, level of competence, health, job satisfaction etc). Any measures pertaining to the recruitment, management, competence and training of personnel must take this fact into account.

Through content analysis and field study, best case scenarios shall examine which competencies and personal skills "qualified" staff supporting disabled people must have or acquire in order to address these new challenges. It shall be determined what "good" support, in terms of user orientation, may mean in the future and which changes to prerequisite qualifications will be necessary. At the same time the study shall find ways in which staff potential can be tapped, developed and preserved, while also looking at the question of how the individual interests of the latter can be safeguarded (e.g. in terms of respecting performance limits and facilitating self care, thus maintaining job satisfaction) in light of changing work requirements. Options regarding further training are also part of staff care in this context. For this purpose, staff diversity (motivation, qualification, personality, efficiency, gender, personal situation) must be taken into account and assessed against the background of their significance for the successful provision of the respective social service.

The first research phase has established the theoretical access points (based on the social psychology of prerequisite social service training) and the changing conditions of the scope of tasks evaluated (in compliance with parameters pertaining to organisational sociology). The next phase will comprise the field research analysis of the staffing and skills profile.





Luisa Demant

2.5. Counselling for Families of Children with Disabilities – Importance for and Impact on Beneficiaries

Luisa Demant

Nowadays people are increasingly reassessing their decisions and duties due to individualised living conditions and a decline in universally valid norms and action-orientated processes. This dynamic societal change has heightened the significance of counselling concerning daily task performance. There is a wide range of services dealing with questions relating to "disability and rehabilitation". They are often administrated and financed by rehabilitation providers within the framework of joint service units [*Gemeinsame Servicestellen*], as enshrined in Social Code Book IX, Art. 22 et seq. A key role in the counselling of families with a disabled child is largely played by early intervention and counselling service units with extensive coverage, whose configuration is regulated by the federal states. Welfare organisations, as well as associations from the self help sector, provide counsel on various issues throughout the country. Likewise, the "call for more counselling" is still very audible around and amidst social services.

Since there are no uniform quality standards with regard to counselling, anybody may, on principle and regardless of profession, offer counselling services. For this reason there are various additional private counselling services that are provided and executed by psychologists, psychotherapists, supervisors, social workers and social pedagogues.

Counselling as a research topic has, so far, received little attention. To date, there is neither a scientifically substantiated "classification of problems" in regard to which individuals seek advice, nor has the significance of counselling for coping strategies been examined or its impact – beyond the monetary perspective, i.e. the fact that "good advice" may not come cheap, but at a price – been systematically evaluated. It remains an open question as to which forms of intervention in counselling (one-to-one talks, information, networking etc.) will turn out viable in particular contexts and in relation to particular issues. This is despite an abundance of practical knowledge and experience reports, as well as manuals on counselling techniques (guidebooks).

Over the past 20 years, the issue of how to provide support to families with a disabled child has been emphasised as a relevant research topic in the fields of curative and special needs education. Research in this context is for the most part directly related to measures (integration benefits/services or family support services) that have yielded a range of studies. However, there seems to be no question, and it has been a regular finding of these studies, that families with a disabled child are also in need of counselling in their various and often challenging life situations.

Furthermore, the user perspective has recently gained importance. Studies analysing the use of family support services show that families with a disabled child largely feel insufficiently educated on their entitlement to benefits and possibilities despite the existence of a great number of counselling centres in close proximity. Even the possibility to obtain useful information does not necessarily lead to a more frequent use of family support services; conversely, however, families who make use of such services are generally better informed as regards their entitlement to benefits and support options. Is it therefore the formalised counselling centres that have a positive impact on the living conditions of families? Is this where the relevant competence can be found that meets the needs of families requiring support? Or is it rather the "peer support" approach that is to be given preference, i.e. semiformal or informal contacts with the consulting competence primarily on the part of those affected?

It is these fundamental issues that shall be systematically assessed and evaluated in this research paper in the context of the new socio-political settings. An analysis shall be made of the extent to which counselling services contribute to better inclusion in life of disabled persons or, respectively, of families with a disabled child or a child at risk of disability. This is aided by a screening and monitoring procedure: various counselling services (e.g. services focusing on medical-therapeutic, social, psychological and pedagogical support, or on assistance related to the benefits system or coping strategies) shall be examined with regard to their institutional background in order to assess the way and extent to which counselling corresponds with a usable or effective result for respective cli-

ents. For methodological purposes reference may to some extent be made to recent interaction research in medicine. Issues relating to value-based "guidance" shall, however, not be "neutralised" in this context; it must be examined whether good and neutral counselling is feasible or whether it can (or must) at least reveal its guiding interests. For it is presumed that counselling does not only communicate information but that it also influences decisions and individual paths through life. The method used shall focus on a user-oriented approach that is to provide a new scientific basis to the many competing agents offering counselling services.

2.6. Consolidation, Flexibilisation or Erosion of Standard Biographies? The Contribution of Diversity Management to Social Inclusion

Laura Dobusch

This dissertation considers the current paradigm of equality and the resulting requirements for inclusion and mechanisms of exclusion in organisations. Within organisations the generation of equality wavers between the manifest "principle of efficiency" and latent practices of "homosociality". The profiteers of these homosocial organisational practices are mostly members of a dominant group who, for the purpose of this specific analysis (Germany and Austria), may be defined as white, ethnic German males, who are heterosexual and without disabilities. They represent a homogeneous ideal.

This study focuses on an extensive examination of the organisational practices of generating equality or reducing inequality, adopted under the topic of "Diversity Management" (DiM).

The implementation of Diversity Management is increasing in German organisations. However, it still remains a relatively new phenomenon in comparison to the situation in the US. Similarly, the present scientific discourse around DiM tends to be a dualistic one: on the one hand there is an emphasis on empiricism via a case-by-case approach with a view to economic exploitability, and on the other hand there is a predominance of theory, whereby DiM is analysed in the context of a criticism expressed against profit-oriented exploitation logic. The result is an often ahis-

torical, one-dimensional approach to empirical research, as well as a theoretical "pigeonholing" of DiM. In addition, DiM appears particularly relevant to the significance of homosociality with regard to an increased chance of inclusion: the question is to what extent a conscious construction of identity takes place among decision makers, alongside flexible parameters with a view to incoherencies in and derogations from the "standard biography", and whether this may have a positive effect on the permeability of the different organisations.

The investigation of the practical application of Diversity Management is based on the "inequality" categories of disability and gender, which form the central units of analysis. The reasons for this are varied: in principle, gender equality practices have been gaining ground for decades and yet concepts like disability mainstreaming are still in their infancy in Germany. Contrary to gender, the category of disability is hardly considered in DiM research. It is thus beyond doubt that there is a need for investigation. Moreover, the categories of gender and disability are located at opposite ends of the poles of economic exploitability logic. While women, in terms of unexploited human resources, have in recent years become the focus of staff policies, persons with disabilities are frequently regarded as a burden rather than a benefit to organisations.

The central question of the study is: "Under what conditions can Diversity Management in organisations contribute to social inclusion?" Priority is given to internal control modes within organisations rather than diversity-related product development, product marketing or customer orientation. Difficulties are to be expected regarding the implementation of the issue, as an increase in the chance of inclusion will hardly be discernable in direct response to actions taken. Conversely, this will be identified indirectly by looking at the extent to which the focus from the "homogeneous ideal" of the dominant culture within an organisation is shifting towards alternative, anti-normalist conceptions of identity and career biography. In this respect greater legitimacy will be applied to the latter. Can we refer to some sort of erosion, flexibilisation or even consolidation of these norms?



Laura Dobusch





Corina Hoffmann

The research structure provides for comparative field studies of three or four organisations. An important selection criterion for the units of investigation is the practical experience at hand gained from extensive application of the inequality categories of disability and/or gender in DiM. The focal survey method concentrates on episodic interviews with different members of the relevant organisations (e.g. the human resources staff, employees and DiM target groups). The material collected will be backed up by a document analysis centring on textual discourse fragments (fundamental papers, guidelines, development plans) and key figures concerning the financial and employment structures of the organisations. With information collected at various levels of the organisations, this diversity of data shall allow for a multi-level analysis and adequate implementation of the latter. At the same time this will serve as a basis for methodological triangulation. The empirical phase of this study is currently underway (as of September 2011).

2.7. Diffusion and Inclusion: The Implementation of the UN Convention on the Rights of Persons with Disabilities in East Africa

Corina Hoffmann

The complex of themes relating to universal human rights has been resounding for decades in terms of a variety of agreements, treaties and regulations as well as conventions. Similar to the long absence of an explicit determination and affirmation of the rights of women and children, the rights of persons with disabilities, too, have long been neglected. The adoption of the UN Convention on the Rights of Persons with Disabilities (also known as UN Disability Rights Convention (UN CRPD)) in December 2006 has remedied this shortcoming at the international level. However, in this context the term "disability" has not specifically been defined. The convention is regarded as an integral part of a movement that has effected a change from the so-called medical model to the social model. While the medical model of disability (as defined in the *International Classification of Impairments, Disabilities, and Handicaps* (ICIDH) of the WHO, 1980) characterises disability primarily as a pathological disorder and deviation from the norm

of human nature, the social model of disability (as defined in the *International Classification of Functioning, Disability and Health* (ICF) of the WHO, 2001) focuses on the construction of disability by means of an interdependence between various parameters. Disability is thus regarded less in terms of an individual deficiency or deviation from a constructed norm as such, but rather as a problem created within and by society. To this effect, many manifestations of human diversity are turned into a form of disability only on account of exterior and artificial barriers.

The assertive request of the UN CRPD to guarantee persons with disabilities inclusion and equal, active participation in all aspects of life, living and society is, in such concise form, fundamentally new – thus denoting the so-called paradigmatic change.

From a theory-based perspective this dissertation will focus on the phenomenon of the UN CRPD in terms of its being an innovation, with the aim of subsequently examining its implementation. It shall first look at the question whether, or to what extent, the convention can be regarded as an innovation, and how this new setting is embraced within and between the societies of three select countries: How is the UN CRPD implemented? With regard to implementation, do the respective countries revert to experience gained by the others? Do they in this process apply methods along the lines of policy transfer, imitation or even enforcement? What roles do diffusion processes play in the adoption and implementation? Information on these issues shall be provided by a comparative country analysis.

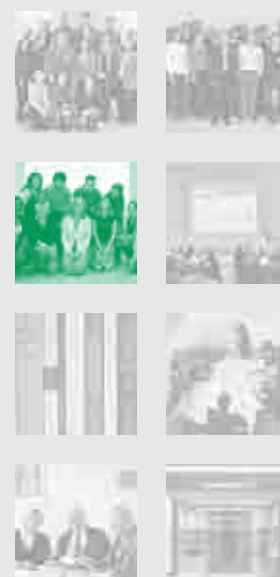
While diffusion theory has long prevailed in ethnology and the economic sciences, it is considered a relatively new research approach in political science, particularly due to the deepening of European integration and increasing worldwide globalisation. Diffusion in this context is defined as the dissemination of, for instance, political innovations as a result of contact between societies. Among other things, social change can be characterised by innovation and modernisation, and is effected by the introduction of new developments into social systems. Diffusion theory therefore tries to clarify, from different perspectives, the way in which new develop-

ments spread within and between societies, ascribing innovation a central role in the explanation of social change. An innovation may be any idea, process or object, insofar as a social group subjectively perceives it as "new". Furthermore, political diffusion theory acknowledges the fact that countries are no isolated actors, but maintain interdependent relationships with one another. In this respect the term "social group" may also refer to an entire society. Since the term "political diffusion" is conceptually closely linked to the terms of "political transfer" and "political convergence" and occasionally even used as a synonym for the latter, a clear analytical distinction will be necessary.

To date very few studies exist on the implementation of UN CRPD since it has only recently been introduced. In many cases the research field on persons with disabilities is still strongly shaped and influenced by activists and lobbies. Moreover, the focal research point of European and North American scientists is exclusively directed at EU and OECD countries. Studies from an African or Asian perspective are largely inaccessible. In general, there is a distinct lack of systematic comparative analyses, particularly with regard to countries and regions outside Europe and the OECD.

In June 2011 a conference held in Kilifi, Kenya, with participants from Kenya, Germany, South Africa, Malawi and Zimbabwe, showed that African studies are also predominantly focused on national issues. By shifting the focus on Kenya, Tanzania and Uganda, and therefore comparing the three main countries of the politically relatively stable region of East Africa, the research paper seeks to help close this gap.

With theoretical preparatory work complete and first field contacts established, the current centre of attention is the determination of the exact research method. It is expected to be a mix of methods of explorative character consisting of secondary analyses and primary data acquisition.



IV. Events Organised by the Institute



1. A Social Event! Ceremony on the Occasion of the Establishment of the Second Department at the Max Planck Institute for Social Law and Social Policy

Michael Schlegelmilch

The boxes are almost unpacked. The Munich Center for the Economics of Aging (MEA) has started work in Munich, and the former Max Planck Institute for Foreign and International Social Law has been renamed into Max Planck Institute for Social Law and Social Policy. The official signal which had still not been given for the start of a new era in the history of the Institute was given by the two directors, *Ulrich Becker* and *Axel Börsch-Supan* on 14 November 2011 in the form of an official ceremony. Among the 130 guests who gathered at the Siemens Forum were the former Institute directors, representatives of the Max Planck Society, members of the scientific advisory board and board of trustees, companions from ministries and associations, as well as active and former staff.

In his welcome speech, *Ludwig Kronthaler*, secretary general of the Max Planck Society, wished the Institute all the best. He praised the Institute as a veritable kaleidoscope whose crystals were unrivalled anywhere in the world, with the second department further adding to this by its precious socioscopes.

Wolfgang Schön, vice president of the Max Planck Society, looked back on the relationship between legal and economic research in the Social Science Section of the Max Planck Society. He recalled that, after foundation of the section in 1953, the focus had first and foremost been on the legal institutes and that it had taken until 1964 before an economist became director of an interdisciplinary institute for the first time. In 1993, the first institute of economic science was founded, namely the Max Planck Institute of Economics. *Wolfgang Schön* ascribed this development, on the one hand, to the principle of subsidiarity adhered to by the Max

Planck Society. He said that, on the other hand, economists and jurists had not entered into a closer relationship until the creation of the *law and economics* movement in the 1970s. According to *Wolfgang Schön*, the new Institute for Social Law and Social Policy gave evidence of the continuing trend towards interdisciplinary work. He emphasised that work concepts, as far as a proper division of labour between economists and jurists was concerned, should not be entirely segmented from each other and that, rather, the economists would need the jurists as profound connoisseurs of a myriad of legal situations and history of law. Reversely, economists might also help widen legal views.

The two directors of the Max Planck Institute for Social Law and Social Policy subsequently presented their research perspectives to the audience.

Axel Börsch-Supan first introduced the research activities of MEA. Against the background of an aging society the new department was looking for answers to the question as to what impact social law had on people and their current and future behaviour. In addition to the economic analyses in the field of social policy, health care and the macro implications, MEA also focused on data collection. If one wanted to understand one's own welfare state, a comparison had to be drawn with other social states, said *Axel Börsch-Supan*. He thanked the Max Planck Society that it was possible to integrate MEA and its staff as an existing institution into our Max Planck Institute. In the shared future, which was to allow for the continuation of already existing projects, the research questions to be dealt with would always have two dimensions, one referring to social law and one referring to social policy.

In the following lecture, *Ulrich Becker* outlined the research perspectives from the social law perspective and delineated the basic principles of the future collaboration between the two departments. He referred to the points of contact between the disciplines but also made clear that there would be no master plan for joint research. Rather, the curiosity for and the shared interest in joint research topics should form the basis for a fresh impetus. To *Ulrich Becker*, law in this case could be both demander and provider. He said that, in the effort to elaborate the



Prof. Dr. Ulrich Becker and Prof. Axel Börsch-Supan, Ph.D. with speakers and guests: Prof. Dr. Udo Steiner (University of Regensburg), Prof. Dr. Dr. h.c. mult. Hans F. Zacher, Prof. Dr. Franz Ruland (Chair of the German Social Advisory Council), Prof. Dr. Elisabeth Wacker, Dr. Ludwig Kronthaler (secretary general of the Max Planck Society, Munich), Prof. Dr. Wolfgang Wiegand (University of Regensburg), Prof. Dr. Dr. h.c. Wolfgang Schön (vice president of the Max Planck Society, Munich) and Prof. Dr. Moris Lehner (Ludwig Maximilian University, Munich) (left to right, top to bottom).

particularities of social law mainly by legal comparison, extralegal findings would be needed; these could now be accessed through new and direct channels at the Institute. Furthermore, the second department would be able to support social law in its empirical analyses. Social law would in turn be able to offer help regarding the elaboration of empirical models. *Ulrich Becker* summed up that social law and social policy should be mutually supportive in their future research. He invited the attendants to grant the extended Institute their continued favour and critical attention.

In the next two lectures *Franz Ruland* and *Wolfgang Wiegand* commented on the relationship between social law and social policy from a prominent perspective from outside the Institute. *Ulrich Becker* had previously thanked them both for their advice and support during the enlargement process.

Franz Ruland started his contribution with a critical remark saying that social law and social policy showed too little interaction through discussions or reading of each other's findings, even though both disciplines belonged together. Social policy was the greater whole of social law, while social law was "writ clear" social policy. He referred to the process of social legislation continually (re-)establishing itself. During this process, social policy and social law performed essential tasks for both the development of solutions and the assessment of the newly created law and its framework conditions. In this context, he referred to the lectures of *Ulrich Becker* and *Axel Börsch-Supan*. Social security was subject to security and certainty, to continuity and to a sufficient level of information on the part of those involved. This also meant that social security schemes must be adaptable. In this complex field of tension between continuity and flexibility, social pol-



icy and law respectively make their contribution to a fairer social order. *Franz Ruland* said that he hoped for impulses to be given from both departments in this respect.

In a second external perspective *Wolfgang Wiegard* first gave an insight into the enlargement process of the Institute before turning to the subject of interdisciplinarity. According to his long-standing experience, e.g. as a member of the German Council of Economic Experts (GCEE), economic policy advice was dependent on social policy research. And social policy research in turn was dependent on the law. In this context, *Wiegard* referred to the shortcomings of the concept developed by the Commission on "Modern Services in the Labour Market". Even if, due to the international state finance crisis, social policy was currently taking a back seat, there was a connection between social policy and the sovereign debt crisis. Finally, *Wolfgang Wiegard* ventured to prognosticate that, once the current crisis had been overcome, the focus would be on social policy again. The new Max Planck Institute for Social Law and Social Policy would then play a major initiatory role.

The ceremony provided a first impression of the future research conducted by the Max Planck Institute for Social Law and Social Policy. A reception following this "Social Event" gave Institute staff and other invited guests the opportunity to get to know one another and discuss the above-mentioned perspectives.

2. Symposia, Conferences and Workshops

2.1. Foreign and International Social Law

4 – 5 February 2010:

German-Brazilian Workshop: "**Schutz und gerichtliche Durchsetzbarkeit des Rechts auf Gesundheit in Brasilien**" [Protection and Legal Enforceability of the Right to Health in Brazil], Max Planck Institute for Foreign and International Social Law, Munich.

Ulrich Becker: Welcome Address

I. Research Groups

1. "Das Recht auf Gesundheit aus der Sicht der Gerichtsbarkeit in Brasilien" [The Right to Health from the Perspective of Brazilian Case Law]

Ricardo Perlingeiro Mendes da Silva, Ulrich Becker, Jan Peter Schmidt, Lorena Ossio Bustillos

2. "Das Recht auf Gesundheit aus der Sicht der Gesundheitspolitik in Brasilien" [The Right to Health from the Perspective of Brazilian Health Care Policy]

Túlio Batista Franco, Heinz Meditz, Hans-Joachim Reinhard, Eva Maria Hohnerlein

3. "Die Besonderheiten des effektiven Rechtsschutzes im Gesundheitswesen" [The Particularities of Effective Legal Protection in Health Care]

Fábio de Souza Silva, Heinz Meditz, Lorena Ossio Bustillos, Nikola Wilman

II. Lectures

Ricardo Perlingeiro Mendes da Silva: Verwaltungsgerichtsbarkeit und kollektive Gesundheit [Administrative Jurisdiction and Collective Health]

Túlio Batista Franco: Gesundheitspolitik in Brasilien [Health Care Policy in Brazil]

Fábio de Souza Silva: Die Besonderheiten des effektiven Rechtsschutzes im Gesundheitswesen [The Particularities of Effective Legal Protection in Health Care]

23 March 2010:

Workshop: "**Wettbewerbsrecht in der Gesetzlichen Krankenversicherung**" [Competition Law in Statutory Health Insurance], Max Planck Institute for Foreign and International Social Law, Munich.

4 May 2010:

Workshop: "**Frauen als Ernährerinnen der Familie: Politische und rechtliche Herausforderungen**" [Female Breadwinners: Political and Legal Challenges], in cooperation with the University of Duisburg-Essen and Hans-Böckler-Stiftung, Essen.

Ute Klammer, Christina Klenner: Keynote Speech: Frauen als Familienernährerinnen [Female Breadwinners]

20 May 2010:

Conference: "**Im Zweifel auf Privatrezept? Sozial- und haftungsrechtliche Aspekte des Off-Label-Use**" [Reimbursement of Off-Label Drugs from the Perspective of Social Law and Liability Law], Max Planck Institute for Foreign and International Social Law, Munich.

Ulrich Becker: Welcome and Introduction to the Topic

Dirk Jäger: Medizinische Notwendigkeit und Grenzen des Off-Label-Use in der ärztlichen Praxis [Medical Necessity and Limitations to Off-Label Use in Medical Practice]

Nikola Wilman: Off-Label-Use in den USA [Off-Label Use in the USA]

Hans-Jürgen Kretschmer: Aktuelle Rechtsprechung zum Off-Label-Use [Current Jurisdiction on Off-Label Use]

Sabine Richard: Off-Label-Use aus Sicht der Kostenträger [Off-Label Use from the Perspective of Third-Party Payers]

Barbara Sickmüller: Off-Label-Use aus Sicht der Pharmaindustrie [Off-Label Use from the Perspective of the Pharmaceutical Industry]

Ute Walter: Haftung des verordnenden Arztes [Liability of the Prescribing Physician]

Jens Göben: Haftung des pharmazeutischen Unternehmers [Liability of the Pharmaceutical Entrepreneur]

22 June 2010:

Conference: "**EU-Beihilfenrecht und die Finanzierung sozialer Dienstleistungen auf kommunaler Ebene**" [EU State Aid Law and Financing of Social Services at Municipal Level], in cooperation with the City of Munich, DGB-Haus, Munich.

Friedrich Graffe: Welcome and Introduction

Ulrich Becker: Allgemeine beihilfenrechtliche Vorgaben für die Erbringung sozialer Dienstleistungen in der Kommune [General State Aid Provisions and the Provision of Social Services in the Municipalities]

Stephan Rixen: Kommunale Finanzierungsverantwortung für soziale Dienstleistungen und Beihilfenverbote Sozial-, Kinder- und Jugendhilfe und sonstige soziale Dienstleistungen unter dem Vorbehalt des Wirtschaftsrechts? [The Municipalities' Financial Responsibility Regarding the Provision of Social Services and the Prohibition of State Aid – Are Social Assistance, Child and Youth Welfare and Other Social Services subject to the Effects of Commercial Law?]

Markus Schön: Chair of Discussion

Anja Schwarz, Michael Müller, Klaus-Hannes Schäch, Christian Holzleitner:

Comments: Hat das EU-Beihilfenrecht Auswirkungen auf die Finanzierung sozialer Dienstleistungen durch die Kommune? [Does EU State Aid Law Impact on the Municipal Financing of Social Services?]

Markus Schön: Chair

Ulrich Becker: Chair of Final Discussion



8 – 9 July 2010:

Doctoral Seminar held by Deutscher Sozialrechtsverband e.V., Max Planck Institute for Foreign and International Social Law, Munich.

10 September 2010:

Alumni Meeting: **"Europäische Integration und Sozialrecht nach dem Inkrafttreten des Vertrags von Lissabon"** [European Integration and Social Law after the Entry into Force of the Lisbon Treaty], Max Planck Institute for Foreign and International Social Law, Munich.

Ulrich Becker: Welcome Address

Bernd Schulte: Europäisches Sozialrecht nach dem Vertrag von Lissabon [European Social Law after the Treaty of Lisbon]

Ulrich Becker: Aktuelle Rechtsprechung des Europäischen Gerichtshofs zum Sozialrecht [Recent Judgments by the European Court of Justice Regarding Social Benefits Law]

Beatrix Karl: Zwischen Hochschul- und Gesundheitstourismus: Unwort oder aussichtsreicher Trend? [Between University Tourism and Health Tourism: Non-Word or Promising Trend?]

29 November 2010:

Conference: **"Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien"** [Time for Responsibility in the Life Course Political and Legal Strategies], Deutscher Bundestag, Paul-Löbe-Haus, Berlin.

Ulrich Becker: Welcome Address

Josef Hecken: Introduction

Panel I: Ehegüterrecht [Matrimonial Property Law]

Silke Borgstedt, Barbara Dauner-Lieb: Input
Sibylle Laurischk, Elisabeth Winkelmeier-Becker, Gerd Brudermüller, Stephan Meder: Comments and Discussion

Birgit Wentzien: Chair

Panel II: Familienernährerinnen [Female Breadwinners]

Ute Klammer, Christina Klenner: Input
Ekin Deligöz, Nadine Schön, Michael Meuser: Comments and Discussion
Birgit Wentzien: Chair

Panel III: Soziale Sicherung von Pflegepersonen [Social Protection of Carers]

Ulrich Becker: Input
Hilde Mattheis, Elisabeth Scharfenberg, Andreas Büscher, Uta Meier-Gräwe, Heinz Rothgang: Comments and Discussion
Birgit Wentzien: Chair

Marianne Heimbach-Steins: Final Presentation: "Zeit für Verantwortung – eine Frage der privaten oder der kollektiven Solidarität?" [Time for Responsibility – A Question of Private or Collective Solidarity?]

6 December 2010:

Symposium: **"Die Vermarktung von Namensrechten an Sportstätten im nationalen und internationalen Recht"** [The Marketing of Naming Rights to Sports Facilities in National and International Law], co-organised with the Max Planck Institute for Comparative and International Private Law and the Forum on International Sports Law, Hamburg.

Reinhard Zimmermann: Welcome Address

Mirko Wittneben: Die Vermarktung von Namensrechten an Sportstätten im nationalen und internationalen Recht [The Marketing of Naming Rights to Sports Facilities in National and International Law]

Maria Walsh, Bernd Hoffmann, Thomas Röttgermann, Michael Meeske, Simon Cliff: Comments

Ulrich Becker: Chair of Discussion

26 – 28 May 2011:

Workshop: **"International Standard Setting and Innovation in Social Security"**, Max Planck Institute for Foreign and International Social Law, Munich.

Ulrich Becker, Frans Pennings: Introduction

I. Different Levels of Standard Setting

Frans Pennings: Chair

Kari Tapiola: Global Standards: The Policy of the ILO

Marius Olivier: Regional Standards I: Case Study on Southern and Eastern Africa

Matti Mikkola: Regional Standards II: Case Study on Europe

II. Material Scope: Uncovered and New Risks

1. Poverty

Barbara Darimont: Chair

Edwin Kaseke: Case Study I: Basic Pension System in South Africa

Lorena Ossio Bustillos: Case study II: Flat Pension System in Bolivia

2. New Risks

Bernd Schulte: Chair

George Mpedi: Case Study I: HIV in Eastern and Southern Africa

Olga Chesalina: Case Study II: HIV in Russia

Katsuaki Matsumoto: Case Study III: Long-Term Care in Japan

Walter Pfeil: Case Study IV: Long-Term Care in Austria

III. Personal Scope: Informal Sector and Migrants

1. Coverage of Workers in the Informal Sector

George Mpedi: Chair

Guillermo Ruiz Moreno: Case Study I: Informal Sector in Mexico

Eberhard Eichenhofer: Case Study II: Informal Sector in Germany

2. Coverage for Migrants

Lorena Ossio Bustillos: Chair

Ockert Duppert/ Marius Olivier: Case Study I: Migrants in South Africa

Barbara Darimont: Case Study II: Migrants in China

Cristina Sánchez-Rodas Navarro: Case Study III: Migrants in Spain

IV. Techniques: New Methods and Tools

1. Privatisation

Ulrich Becker: Chair

Carmelo Mesa-Lago: Case Study I: Privatisation in Chile

Frans Pennings: Case Study II: Privatisation in the Netherlands

2. Stressing Self-Responsibility: Activation and Defined Contributions

Frans Pennings: Chair

Pablo Arellano Ortiz: Case Study I: Defined Contribution Schemes in Chile

Kristina Koldinská: Case Study II: Defined Contribution Schemes in the Czech Republic

20 July 2011:

Expert Workshop "**Individualisierte Gesundheitsversorgung**" [Individualised Health Care] within the framework of the cooperative project of the Federal Ministry of Education and Research (BMBF): "Individualisierte Gesundheitsversorgung: Ethische, ökonomische und rechtliche Implikationen für das deutsche Gesundheitswesen" [Individualised Health Care: Ethical, Economic and Legal Implications for German Health Care], in collaboration with the Institute for Ethics, History and Theory of Medicine at Ludwig Maximilian University Munich, as well as the National Research Center for Environment and Health at Helmholtz Zentrum München.

Georg Marckmann: Welcome Address

Georg Marckmann: Outline of the Cooperative Project

Sebastian Schleidgen: Findings of the Explorative Interview Study

Elisabeth Meyer, Wolf Rogowski: Individualisierte Medizin als Sonderfall der ökonomischen Evaluation? [Individualised Medicine as a Special Case of Economic Evaluation? Findings in Literature]

Simone von Hardenberg, Nikola Wilman: Individualisierte Medizin als Leistung der GKV? [Individualised Medicine – a Benefit to be Provided by the Statutory Health Insurance?]

Georg Marckmann, Wolf Rogowski: Discussion of Appropriate Case Studies

8 September 2011:

Workshop: "**Japanische Perspektiven auf den deutschen Sozialstaat im 'langen' 20. Jahrhundert**" [The Japanese Perspective on the German Welfare State in the "Long" 20th Century] in collaboration with Historisches Kolleg of Ludwig Maximilian University Munich, the Centre of Contemporary History, Potsdam and the Research Group of the Japan Society for the Promotion of Science (Prof. Dr. Osamu Kawagoe, Doshisha University, Kyoto and PD Dr. Hidetaka Tsuji, Hosei University, Tokyo), Max Planck Institute for Social Law and Social Policy, Munich.

I. Familien und Sozialstaat [Families and the Welfare State]

Koichi Shirakawa: Die Familie und der Sozialstaat im Wandel – aus der Debatte der CDU in

der zweiten Hälfte der 70er Jahre [The Family and the Changing Welfare State – The Discussion Held by the CDU in the Second Half of the 70s]

Osamu Kawagoe: Zusammenfassende Vorstellung der Ergebnisse der Modulthemen "Familien und Sozialstaat" [Synoptic Presentation of the Findings of the Module Topics "Families and the Welfare State"]

Ulrich Becker, Eva-Maria Hohnerlein: Comments and Discussion

II. Intermediäre Organisationen im Sozialstaat [Intermediary Organisations in the Welfare State]

Hidetaka Tsuji: Problemstellung: Kontinuitäten und Diskontinuitäten des intermediären Sektors in der Bonner Republik und in der DDR [At Issue: Continuities and Discontinuities of the Intermediary Sector in the Bonn Republic and the GDR]

Hans Günter Hockerts, Winfried Süß: Comments and Discussion

Tomoyo Nakano: Private Wohlfahrtsorganisationen im westdeutschen Sozialstaat – am Beispiel des Caritasverbands in den fünfziger Jahren [Private Welfare Organisations in the West German Welfare State – Exemplified by the German Caritas Association during the 1950s]

Osamu Kawagoe: Gab es in der ehemaligen DDR intermediäre Organisation? Zu den Aktivitäten der Volkssolidarität [Was there some Form of Intermediary Organisation in the Former GDR? About the Activities of Volkssolidarität]

Hans Günter Hockerts, Winfried Süß: Comments and Discussion

III. Genderfrage im Sozialstaat [The Gender Issue in the Welfare State]

Yoshie Mitobe: Der Mythos "Moderne Familie" – vom Kaiserreich bis in die 80er Jahre (Zusammenfassung der Modulergebnisse) [The Myth of the "Modern Family" – from the German Empire to the 1980s (summary of Module Results)]

Kae Ishii: Väter im Sozialstaat: Der politische Entscheidungsprozess des Erziehungsgeldes in Japan und Deutschland von den 1960er zu den 1980er Jahren [Fathers in the Welfare State: The Policy-Making Process regarding Parental Allowance in Japan and Germany between the 1960s and the 1980s]

Nicole Kramer, Christiane Kuller: Comments und Discussion

14 November 2011:

"**Ein Social Event!**" Ceremony on the occasion of the establishment of the second department at the Max Planck Institute for Social Law and Social Policy, Siemens Forum, Munich.

Ludwig Kronthaler: Welcome Address

Wolfgang Schön: Rechts- und wirtschaftswissenschaftliche Forschung in der Max-Planck-Gesellschaft [Legal and Economic Research in the Max Planck Society]

Axel Börsch-Supan: Forschungsperspektiven Sozialpolitik [Social Policy Research Perspectives]



Ulrich Becker: Forschungsperspektiven Sozialrecht [Social Law Research Perspectives]

Franz Ruland: Sozialpolitik aus Sicht des Sozialrechts [Social Policy from the Perspective of Social Law]

Wolfgang Wiegand: Sozialrecht aus Sicht der Sozialpolitik [Social Law from the Perspective of Social Policy]

24 – 25 November 2011:

German-Polish Conference: **"Die Realisierung der Arbeitnehmerfreizügigkeit im Verhältnis zwischen Deutschland und Polen aus arbeits- und sozialrechtlicher Sicht"** [The Implementation of "Freedom of Movement for Workers" in the German-Polish Relationship under Labour and Social Law Aspects], in collaboration with the University of Wrocław, Poland, Max Planck Institute for Social Law and Social Policy, Munich.

Ulrich Becker: Welcome Address

Elżbieta Sobótka: Opening Remarks

Bernd Baron von Maydell: Introduction

I. Basic Issues

Herbert Szurgacz: Historischer Überblick über die rechtliche Lage polnischer Arbeitnehmer in Deutschland [Historical Overview of the Legal Situation of Polish Workers in Germany]

Ulrich Becker: Europarechtliche Vorgaben für die Arbeitnehmerfreizügigkeit [European Legal Guidelines regarding the Free Movement of Workers]

Dagmara Skupień: Rechtliche Instrumente für die Entwicklung eines europäischen Arbeitsmarkts [Legal Instruments for the Development of a European Labour Market]

II. Wirtschaftliche Rahmenbedingungen [Economic Framework Conditions]

Timo Baas: Wirtschaftliche Bedeutung der Freizügigkeit aus deutscher Sicht [Economic Importance of the Right to Free Movement from the German Perspective]

Maciej Zukowski: Wirtschaftliche Bedeutung der Freizügigkeit aus polnischer Sicht [Economic Importance of the Right to Free Movement from the Polish Perspective]

Werner Tegtmeier: Perspektiven eines europäischen Arbeitsmarkts [Perspectives of a European Labour Market]

III. Arbeitsrechtliche Fragen [Labour Law Issues]

Martin Franzen: Zur Anwendung und Durchsetzung nationaler Arbeitsbedingungen [Application and Implementation of National Working Conditions]

Ludwik Florek: Die Lage der entsandten Arbeitnehmer in Polen aus arbeitsrechtlicher Sicht [The Situation of Posted Workers in Poland from a Labour Law Perspective]

IV. Sozialrechtliche Fragen [Social Law Issues]

Richard Giesen: Sozialversicherungsrechtliche Fragen bei der Inanspruchnahme von Freizügigkeit [Social Security Matters regarding the Exercise of the Freedom of Movement]

Krzysztof Ślebzak: Zur Koordinierung der Alters- und Hinterbliebenenrenten [Coordination of Old-Age and Survivors' Pensions]

Daniel Lach: Zur grenzüberschreitenden Erbringung von Gesundheitsleistungen [Cross-Border Health Care Provision]

Marcin Zieleniecki: Auslandstätigkeiten und das Recht auf polnische Überbrückungsrenten [Posting Abroad and the Right to Polish Bridging Pensions]

Stephan Fasshauer: Praktische Fragen der Arbeitnehmerfreizügigkeit aus deutscher Sicht [Practical Issues regarding the Free Movement of Workers from a German Perspective]

Bogdan Borecki: Praktische Fragen der Arbeitnehmerfreizügigkeit aus polnischer Sicht [Practical Issues regarding the Free Movement of Workers from a Polish Perspective]

Eva-Marie Höffer: Schaffung grenzüberschreitender Versorgungsstrukturen in der Unfallversicherung [Creating Cross-Border Medical Care Structures for Accident Insurance]

Renata Babińska-Gorecka, Karolina Stopka: Familienleistungen bei grenzüberschreitenden Sachverhalten [Family Benefits in a Cross-Border Context]

Concluding Discussion

12 December 2011:

Symposium: **"Dopingkontrollsysteme und Freiheitsrechte der Sportler"** [Doping Control Systems and the Personal Freedom of Athletes], co-organised with the Max Planck Institute for Comparative and International Private Law and the Forum on International Sports Law, Hamburg.

Reinhard Zimmermann: Welcome Address

Martin Nolte: Dopingkontrollsysteme und Freiheitsrechte der Sportler [Doping Control Systems and the Personal Freedom of Athletes]

Christoph Becker, Johannes Caspar, Andreas Thiel, Silke Kassner: Comments

Ulrich Becker: Chair of Discussion

2.2. Munich Center for the Economics of Aging (MEA)

24 – 25 August 2011:

"Strategy Workshop Health", Max Planck Institute for Social Law and Social Policy, Munich.

1 – 3 September 2011:

"SHARE User Conference", Estonian Institute for Population Studies, Tallinn University, Estonia.

28 – 30 November 2011:

"SHARE Wave 5 Meeting", Central European University, Budapest, Hungary.

19 December 2011:

"SHARE-ERIC Council Meeting", Max Planck Institute for Social Law and Social Policy, Munich.

2.3. Max Planck Fellow Group

14 – 15 September 2010:

Workshop: **"Inklusion bei Behinderung – Annäherung an das Thema"** [Inclusion and Disability – Subject Approach], Max Planck Institute for Foreign and International Social Law, Munich.

Elisabeth Wacker: Wie bitte geht's zur Inklusion? Eine transdisziplinäre Zielbestimmung [How do we Reach Inclusion? A Transdisciplinary Objective]

Minou Banafsche: Das Sozialgesetzbuch – im Schnelldurchlauf [The Social Code in a Nutshell]

Melanie Biewald: Sozialstaat und Wohlfahrtswesen [Welfare State and Welfare Systems]

Inke Grauenhorst: Behinderungsbegriff und die ICF [The Definition of Disability and the ICF]

Luisa Demant & Dominik Baldin: Inklusion/Exklusion aus soziologischer Perspektive [Inclusion and Exclusion from a Sociological Point of View]

Stefanie Frings: Die Begriffe Teilhabe und Partizipation – am Beispiel Community Care und Community-Based Rehabilitation [The Concepts of Inclusion and Participation – Exemplified by Community Care and Community-Based Rehabilitation]

Luisa Demant & Dominik Baldin: Empirische Sozialforschung. Grundlagen und Methoden [Empirical Social Research. Principles and Methods]

Christan Rahausen: Eingliederungshilfe, Leicht- und Schwerbehinderung, Pflege. Aus statistischer Perspektive [Integration Assistance, Minor and Major Disabilities, Long-Term Care. A Statistical Perspective]

Laura Dobusch & Dominik Baldin: Diversity Management – Umgang mit Verschiedenheit. Disability Mainstreaming [Diversity Management – Dealing with Diversity. Disability Mainstreaming]

Isabella Bertmann & Corina Hoffmann: UN-Konvention über die Rechte von Menschen mit Behinderungen. Ein politikwissenschaftlicher Zugang [UN Convention on the Rights of Persons with Disabilities. A Political Science Approach]

13 – 15 January 2011:

Workshop: **"Inklusion bei Behinderung als Wissenschaftsthema"** [Inclusion and Disability as an Academic Topic], Reichenau, Switzerland.

Elisabeth Wacker: Chair

Dominik Baldin: Menschen mit Behinderung und Bastelbiografien – Exklusivität der Exkludierten? [Persons with Disabilities and "Patchwork Biographies" – Exclusivity of the Excluded?]

Minou Banafsche: Die menschenrechtliche Dimension des Grundgesetzes am Beispiel des Art. 24 UN-Behindertenrechtskonvention [The Human Rights Dimension of the Basic Law Exemplified by Art. 24 of the UN Disability Rights Convention]

Isabella Bertmann: Sozial ver(un)sichert? Wirklichkeit und Wirkung sozialer Sicherheit

für Menschen mit Behinderung in Ländern des Globalen Südens [Social (In)security? Reality and Impact of Social Security on Persons with Disabilities in Countries of the Global South]

Melanie Biewald: Sag mir, wer die Guten sind! Konzepte und Maßstäbe für gute Mitarbeiterinnen und Mitarbeiter im Brennpunkt sozialer Dienstleistung [Seeking Competence: Concepts and Standards for Good Employees in the Focus of Social Service Provision]

Luisa Demant: Beratung als Beitrag zur Teilhabe an der Gesellschaft für Familien mit einem behinderten Kind am Beispiel der gemeinsamen Servicestellen für Rehabilitation [Counselling as a Contribution to the Social Inclusion of Families with a Disabled Child, Exemplified by Joint Service Units for Rehabilitation]

Laura Dobusch: Verfestigung, Ausweitung oder Erosion der Norm? Zum Beitrag des Diversity Management zu sozialer Inklusion [Consolidation, Extension or Erosion of Standards? The Contribution of Diversity Management to Social Inclusion]

Stefanie Frings: Humankapitalbildung, Sicherung des Arbeitskräftevolumens und Ganzheitlichkeit von Bildung als Elemente des Rehabilitationssystems? Am Beispiel der Berufsbildungswerke und in der Ambivalenz pädagogisch-ökonomischer Anforderungen [Human Capital Accumulation, Assurance of Manpower and Holistic Education as Elements of the Rehabilitation System? Based on the Example of Vocational Training Centres and the Ambivalence of Pedagogic-Economic Requirements]

Inke Grauenhorst: Teilhabe nach Plan und Ziel [Inclusion: Plans and Objectives]

Corina Hoffmann: Diffusion und Teilhabe bei Behinderung: Interkulturelle Zusammenarbeit am Beispiel der Umsetzung der UN-Behindertenrechtskonvention im Globalen Süden [Diffusion and Inclusion in the Case of Disability: Intercultural Cooperation exemplified by the Implementation of the UN Convention on the Rights of Persons with Disabilities in the Global South]

Rainer Wetzler: Soziale Beratung und Teilhabe [Social Counselling and Inclusion]

Elisabeth Wacker: Wissenschaftsthema Behinderung [The Academic Topic of Disability]

Reinhilde Stöppler: Bedeutung, Perspektiven und Probleme der Inklusion bei Menschen mit geistiger Behinderung [Significance, Perspectives and Problems regarding the Inclusion of Persons with Intellectual Disabilities]

Reinhilde Stöppler: Mobilität als Inklusionsfaktor [Mobility as a Factor of Inclusion]

8 April 2011:

"Zusammenkunft des ExpertInnen-Beirats"

[Meeting of the Board of Experts], Max Planck Institute for Foreign and International Social Law, Munich.

Elisabeth Wacker: Welcome and Presentation of the Research Project

Gudrun Wansing, Reinhard Wiesner: Introduction of the Board of Experts

Minou Banafsche: Die menschenrechtliche Dimension des Grundgesetzes – am Beispiel des Art. 24 UN-Behindertenrechtskonvention



[The Human Rights Dimension of the Basic Law – Exemplified by Art. 24 of the UN Disability Rights Convention]

Dominik Baldin: Behinderung und Migration [Disability and Migration]

Isabella Bertmann: Soziale Sicherung und Teilhabe von Menschen mit Behinderung in Ländern des Globalen Südens [Social Security and Participation of Persons with Disabilities in Countries of the Global South]

Melanie Biewald: Sag mir, wer die Guten sind! Konzepte und Maßstäbe für gute Mitarbeiterinnen und Mitarbeiter im Brennpunkt sozialer Dienstleistung [Seeking Competence: Concepts and Standards for Good Employees in the Focus of Social Service Provision]

Luisa Demant: Beratung als Beitrag zur Teilhabe der Gesellschaft für Familien mit einem behinderten Kind am Beispiel der gemeinsamen Servicestellen für Rehabilitation [Counselling as a Contribution to the Social Inclusion of Families with a Disabled Child, Exemplified by Joint Service Units for Rehabilitation]

Laura Dobusch: Verfestigung, Ausweitung oder Erosion der Norm? Zum Beitrag des Diversity Management zu sozialer Inklusion [Consolidation, Extension or Erosion of Standards? The Contribution of Diversity Management to Social Inclusion]

Corina Hoffmann: Diffusion und Teilhabe bei Behinderung: interkulturelle Zusammenarbeit am Beispiel der Umsetzung der UN-Behindertenrechtskonvention im Globalen Süden [Diffusion and Inclusion in the Case of Disability: Intercultural Cooperation Exemplified by the Implementation of the UN Convention on the Rights of Persons with Disabilities in the Global South]

Christian Rahausen: Ein nicht-parametrischer Effizienzvergleich von Berufsbildungswerken – Anpassungsmöglichkeiten an den demografischen Wandel [A Non-Parametric Efficiency Comparison of Vocational Training Centres – Possibilities of Adaptation to Demographic Change]

Simone Schüller: Einführung in die berufliche Rehabilitation [Introduction to Vocational Rehabilitation]

Luisa Demant: Beratung als Beitrag zur Teilhabe an der Gesellschaft für Familien mit einem behinderten Kind [Counselling as a Contribution to the Social Inclusion of Families with a Disabled Child]

Isabella Bertmann: Soziale Sicherung und Teilhabe von Menschen mit Behinderung in Ländern des Globalen Südens [Social Security and Participation of Persons with Disabilities in Countries of the Global South]

Minou Banafsche: Die menschenrechtliche Dimension des Grundgesetzes – am Beispiel der UN-Behindertenrechtskonvention [The Human Rights Dimension of the Basic Law – Exemplified by the UN Disability Rights Convention]

Dominik Baldin: Menschen mit Behinderung und Migrationshintergrund: Inklusion und Exklusion einer vergessenen Gesellschaftsgruppe in Deutschland [Persons with Disabilities and a Migrant Background – Inclusion and Exclusion of a Forgotten Social Group in Germany]

Hong-Lin Chang: Das Campus-Leben von Studierenden mit Behinderung – ein Vergleich zwischen Deutschland und Taiwan [Campus Life of Students with Disabilities – A Comparison between Germany and Taiwan]

Stefanie Frings: BEST-Quality: A Comparison of European Quality Systems in Social Services

Melanie Biewald: Yes, We Can! Personal Budget at the Workplace

Inke Grauenhorst: Lebensqualität und Teilhabe von Menschen mit psychischen Beeinträchtigungen im intensiv betreuten Wohnen [Quality of Life and Social Inclusion of Persons with Mental Impairments in Supervised and Assisted Living]

Christian Rahausen: Ein nicht-parametrischer Effizienzvergleich von Berufsbildungswerken – Anpassungsmöglichkeiten an den demografischen Wandel [A Non-Parametric Efficiency Comparison of Vocational Training Centres – Possibilities of Adaptation to Demographic Change]

12 – 13 May 2011:

Workshop **"Inklusion bei Behinderung – die Leistungssysteme"** [Inclusion and Disability – The Benefit Systems], in cooperation with the Department of Rehabilitation Sciences, academic field of rehabilitation sociology of TU Dortmund University.

Elisabeth Wacker: Chair: Soziale Sicherung und ihre Systematik [Social Benefit Systems and their Systematics]

Corina Hoffmann: Diffusion und Teilhabe bei Behinderung: interkulturelle Zusammenarbeit am Beispiel der Umsetzung der UN-Behindertenrechtskonvention im Globalen Süden [Diffusion and Inclusion in the Case of Disability: Intercultural Cooperation Exemplified by the Implementation of the UN Convention on the Rights of Persons with Disabilities in the Global South]

Laura Dobusch: Verfestigung, Ausweitung oder Erosion der Norm? Zum Beitrag von Diversity Management zu sozialer Inklusion [Consolidation, Extension or Erosion of Standards? The Contribution of Diversity Management to Social Inclusion]

15 and 18 – 25 June 2011:

Workshop: **"Capacity Building. Higher Education and Corporate Social Responsibility"**, Pwani University College (PUC), Kilifi, Kenya.

Gabriel Katana: Welcome – Capacity Building in Higher Education

Melanie Biewald: A Change in Quality Management by Exchanging Experience – Benchmarking as a New Management Tool

Stefanie Frings: Umoja ni nguvu, utengano ni udhaifu! Best Quality (as Best Practise) – Corporate Responsibility in Europe as a Benchmark for Africa?

Minou Banafsche: The UN Convention on the Rights of Persons with Disabilities – Development, Contents, Goals

Dominik Baldin: Lifelong Learning

Isabella Bertmann & Laura Dobusch: Disability Mainstreaming in Academic Contexts

Corina Hoffmann: Intercultural Understanding

Kathrin Schmidt: Didactics in Higher Education – How to Maximize Student Participation and Learning

Luisa Demant: Empowerment

Elisabeth Wacker: Results and Joint Understandings

16 – 17 June 2011:

Conference: **"Impact of Social Change. UN Convention on the Rights of Persons with Disabilities (UN CRPD) as a Trigger"**, in cooperation with Pwani University College (PUC), Kilifi, Kenya.

Onesimus Mutungi: New Kenyan Constitution and the Rights of Persons with Disabilities
David Chakuchichi: Impact of the Disability Advocacy Programme on Inclusive Education in Zimbabwe. Challenges and Opportunities for the Convention of the Rights of Persons with Disabilities

Tsitsi Chataika: Aligning Inclusive Development with the United Nations Convention on the Rights of Persons with Disabilities: Insights from the A-PODD Project

Boniface Massah: An Exploration of the Involvement of Persons with Disabilities in Poverty Reduction Strategies in Malawi

Theresa Lorenzo: Aspiring to Inclusive Development of Youth with Disabilities in South Africa

Peter Bukhala: UN Convention on the Rights of Persons with Disabilities (CRPD): Wishful Thinking or Reality in Africa – The Case of Kenyatta University, Kenya

Robert Maneno: Communication Disorders in Primary Schools: Implications for Appropriate Assessment Tools and Classroom Practice in Inclusive Settings in Kenya

John Mugo: The Role of Research Evidence in Realizing Rights of Persons with Disabilities in Kenya: Are "Minor" Disabilities Escaping our Focus?

Michael Ndurumo: Influence of the UN Convention on the Rights of Persons with Disabilities in Kenya: Are "Minor" Disabilities Escaping our Focus?

Joseph Gona: Challenges of Accessing Rehabilitation Services in Kilifi, Kenya: Can the UN CRPD be a Solution?

Elisabeth Wacker: Results and Outlook – Impact of Social Change

Hilfebedarf. Ein ressourcenorientierter Ansatz [Findings Acquired in Planning Processes regarding the Social Inclusion of Persons with Intellectual Impairments and a High Degree of Social Assistance Needs. A Resource-Oriented Approach]

Isabella Bertmann: Amartya Sen's "Capability Approach": Theoretischer Rahmen und Anwendungsmöglichkeiten [Amartya Sen's "Capability Approach": Theoretical Framework and Application Options]

Laura Dobusch: Dispositivanalyse und Grounded Theory – theoretische Grundlagen und praktische Umsetzung [Dispositif Analysis and Grounded Theory – Theoretical Principles and Practical Implementation]

Luisa Demant: Die Theorie der Lebenswelt des Alltags und lebensweltorientierte Soziale Arbeit [Theory of the Everyday Lifeworld and Lifeworld-Oriented Social Work]

Melanie Biewald: Die Quadratur des Kreises – lässt sich der Terminus "Gute Mitarbeiterinnen und Mitarbeiter" unter Berücksichtigung der Anbieter-, Beschäftigten- und Nutzerperspektive definieren? [Squaring the Circle – Can the Term "Good Employee" be Defined, taking into account the Perspective of Employers, Employees and Users?]

Minou Banafsch: Die Beschäftigungssituation von Menschen mit Behinderungen gemäß der Bewertung des 5. Staatenberichts der BRD zum UN-Sozialpakt durch die Vereinten Nationen [Employment Situation of Persons with Disabilities According to the Evaluation of the 5th Periodic Report Submitted by the Federal Republic of Germany on the UN Social Responsibility Pact Concluded by the United Nations]

Stefanie Frings: Bildungsfunktionen aus Sicht der Systemtheorie und deren Auswirkungen auf der Systemintegrations- und Sozialintegrationsebene [The Functions of Education from the Perspective of Systems Theory and their Impacts at System Integration and Social Integration Level]

Elisabeth Wacker: Ausblick – Teilhabe und die Lebenswelt [Prospects – Participation and Lebenswelt approach]

6 – 7 October 2011:

Workshop: **"Inklusion bei Behinderung – Forschung mit Methode"** [Inclusion in the Case of Disability – Research with a Method], in cooperation with the Department of Rehabilitation Sciences of the TU Dortmund University, Max Planck Institute for Social Law and Social Policy, Munich.

Elisabeth Wacker: Welcome Address

Corina Hoffmann: Politik: Transfer – Konvergenz – Diffusion [Policy: Transfer – Convergence – Diffusion]

Dominik Baldin: Migrationstheorien [Theories of Migration]

Inke Grauenhorst: Erkenntnisse aus der Teilhabepanung mit Menschen mit intellektuellen Beeinträchtigungen und hohem sozialen



3. Guest Lectures

26 May 2010

Dr. Grant **DUNCAN**, Massey University, Auckland, New Zealand: "Recent Developments in Social Security in New Zealand".

24 June 2010

Prof. Dr. Flavia **PIOVESAN**, Pontificia Universidade Católica de São Paulo, Brazil: "Protection of Social Rights – Perspectives of Global and Regional Systems".

6 July 2010

Prof. Dr. Ingo **SARLET**, Pontificia Universidade Católica do Rio Grande do Sul (PUCRS), Porto Alegre/RS, Brazil: "Recht auf Gesundheit in Brasilien: Entwicklungen und Herausforderungen" [The Right to Health in Brazil: Developments and Challenges].

21 July 2010

Dr. Nuria **PUMAR BELTRÁN**, University of Barcelona, Spain: "Der Schutz der Alleinerziehenden in der spanischen Sozialversicherung aus europäischer Perspektive" [The Protection of Single Parents in Spanish Social Insurance from a European Perspective].

24 September 2010

Maarten **JANSSENS**, Katholieke Universiteit Leuven, Belgium: "The Scope of Policymaking of Private Care Organisations".

10 November 2010

Prof. Dr. Grega **STRBAN**, University of Ljubljana, Slovenia: "Reform der Rentenversicherung und andere Neuigkeiten im slowenischen Sozialrecht" [Pension Insurance Reform and Other New Developments in Slovenian Social Benefits Law].

18 January 2011

Prof. Dr. Ming-Cheng **KUO**, National Chengchi University, Taipei, Taiwan, R.O.C.: "Der Auf- und Ausbau des taiwanesischen Sozialstaates" [Structure and Development of the Taiwanese Welfare State].

17 March 2011

Prof. Dr. Ockert **DUPPER**, Stellenbosch University, South Africa: "Social Protection for Migrants: A View from the South".

30 May 2011

Prof. Dr. Carmelo **MESA-LAGO**, University of Pittsburgh, USA: "The Challenges of Health Care Social Insurance in Latin America and the Caribbean in the Current Decade".

14 July 2011

Prof. Terry **CARNEY**, Ph.D., University of Sydney, Australia: "Conditional Income Transfers & Choice in Social Services: A 'New Convergence' or Just More Conditions & More Markets?".

19 July 2011

Prof. Dr. Peter **HERRMANN**, University College Cork, Ireland: "Menschenrechte: Gesetz und Wirtschaft" [Human Rights: Law and Economy].

26 October 2011

Prof. Dr. Grega **STRBAN**, University of Ljubljana, Slovenia: "Die Koordinierung der Pflegeleistungen in der EU" [The Coordination of Long-Term Care Services in the EU].

4. Visitors and Delegations

16 July 2010

Meeting hosted for a delegation of ten administrative law judges from the Georgian Republic in the framework of the programme: "Rechts- und Justiz-reformberatung im Südkaukasus", organised by Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), chaired by Mikheil Chinchaladze (Deputy Chairman of the Supreme Court of the Georgian Republic).

Support: *Peter A. Köhler, Hans-Joachim Reinhard.*

25 September 2010

Visit of Prof. Mohamed Rajab (Principal of Pwani University College (PUC), Kenya) and Prof. Gabriel Katana (Deputy Principal, PUC) for a meeting on *Disability Mainstreaming* in Kenya in preparation of the South-East African conference entitled "Impact of Social Change: UN Convention on the Rights of Persons with Disabilities as a Trigger" held in Kilifi, Kenya, 16 – 17 June 2011.

Support: *Elisabeth Wacker and the Max Planck Fellow Group.*

27 September 2010

Meeting for Prof. Chen Su and Prof. Xie Zengyi, Law Institute of the Chinese Academy of Social Sciences (CASS), Beijing, P. R. China.

Support: *Barbara Darimont.*

17 October 2011

Meeting for a delegation of the "Institute of Labour Science and Social Affairs (ILSSA)", Hanoi, Socialist Republic of Vietnam, co-funded by Hanns-Seidel-Stiftung e.V., Munich.

Support: *Barbara Darimont, Ulrich Becker, Hans-Joachim Reinhard.*

17 November 2011

Meeting hosted for a visiting group of students enrolled in the "Higher Diploma in Social Policy" study programme at the School of Applied Social Studies, University College Cork, Ireland.

Support: *Eva Maria Hohnerlein, Peter Herrmann, Michael Schlegelmilch.*

12 December 2011

Visit of Prof. Noriko Iwai (Osaka University of Commerce), Junko Yasuda (Nomura Research Institute, NRI) and Eisuke Ishizaka (NRI) in preparation of the Japanese Panel.

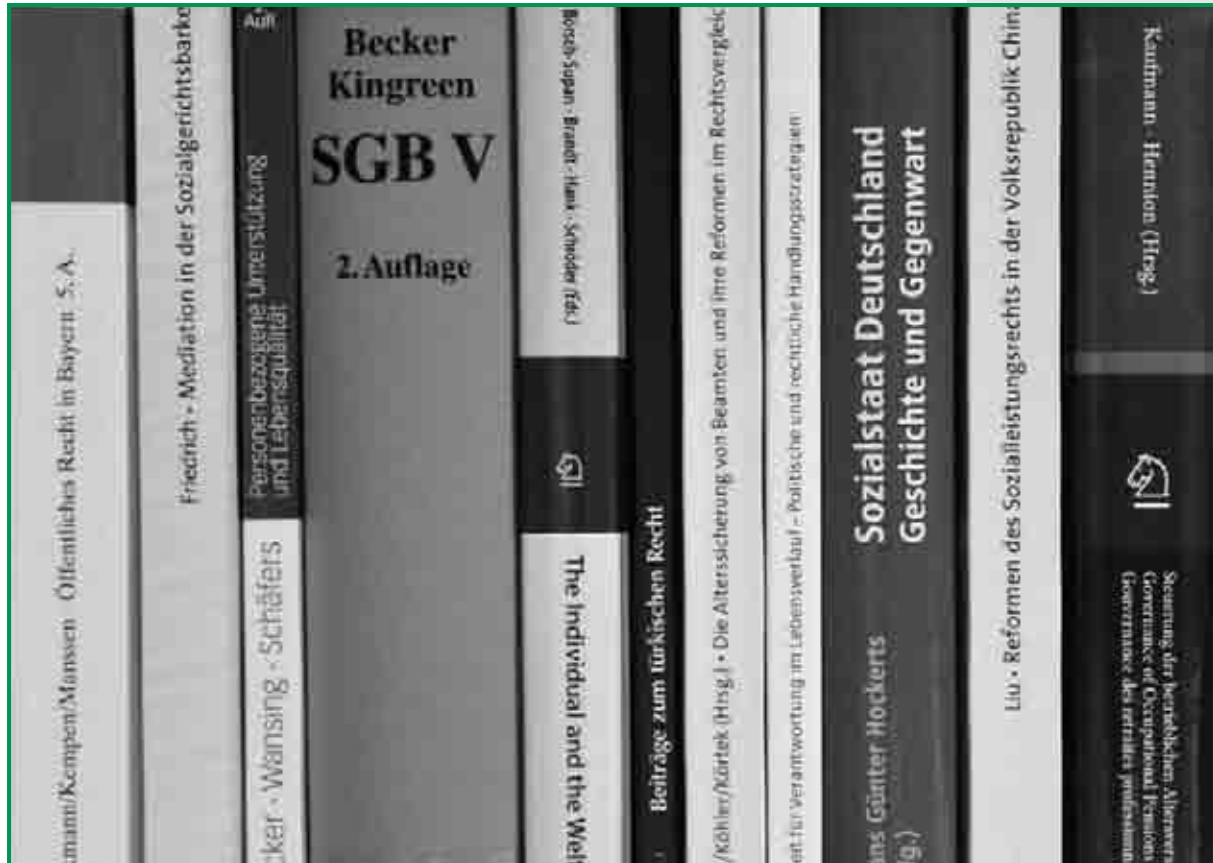
Support: *Martina Brandt, Frederic Malter.*



Delegation of the "Institute of Labour Science and Social Affairs (ILSSA)" headed by Dr. Nguyen Thi Lan Huong (in the middle), Hanoi, Socialist Republic of Vietnam.



V. Publications



1. Publications of the Institute

Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht [Publication series of the Max Planck Institute for Foreign and International Social Law]. Ed.: Max Planck Institute for Foreign and International Social Law. Baden-Baden 1984 – 2011.

- *Vol. 48:* Becker, Ulrich; Ross, Friso; Sichert, Markus (eds.): Wahlmöglichkeiten und Wettbewerb in der Krankenhausversorgung. Steuerungsinstrumente in Deutschland, den Niederlanden, der Schweiz und den USA im Rechtsvergleich. Baden-Baden 2010.
- *Vol. 49:* Becker, Ulrich (ed.): Rechtsdogmatik und Rechtsvergleich im Sozialrecht I. Baden-Baden 2010.
- *Vol. 50:* Becker, Ulrich; Köhler, Peter A.; Körtek, Yasemin (eds.): Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010.
- *Vol. 51:* Verghe, Quirin: Soziale Sicherheit in Portugal und ihre verfassungsrechtlichen Grundlagen. Baden-Baden 2010.
- *Vol. 52:* Liu, Dongmei: Reformen des Sozialleistungsrechts in der Volksrepublik China. Unter besonderer Berücksichtigung der Rolle der Verfassung und des Einflusses internationaler Organisationen. Baden-Baden 2011.

Studien aus dem Max-Planck-Institut für Sozialrecht und Sozialpolitik [Publication series of the Max Planck Institute for Social Law and Social Policy]. Ed.: Max Planck Institute for Social Law and Social Policy. Baden-Baden 2011 –

- *Vol. 53:* Friedrich, Nikola: Mediation in der Sozialgerichtsbarkeit. Baden-Baden 2011.

MPISoc Working Papers. Ed.: Max-Planck-Institut für Sozialrecht und Sozialpolitik. Munich 2005 –

Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) Ed.: Max Planck Institute for Social Law and Social Policy and Institute for Labour Law and Industrial Relations in the European Community (IAAEG). Heidelberg 1987 –

Vol. 24/25. No. 1-3. 2010/2011.

MEA Discussion Papers. Ed.: Munich Center for the Economics of Aging at the Max Planck Institute for Social Law and Social Policy. Munich 2011 –

- *148-2007:* Börsch-Supan, Axel and Matthias Weiss: "Productivity and Age: Evidence from Work Teams at the Assembly Line", (full version, January 2011).

- *244-2011:* Coppola, Michela and Martin Gasche: "Die Riester-Förderung – das unbekannte Wesen".
- *245-2011:* Mazzonna, Fabrizio: "The Long-Lasting Effects of Family Background: A European Cross-Country Comparison".
- *246-2011:* Vogel, Edgar, Alexander Ludwig and Axel Börsch-Supan: "Aging and Pension Reform in a Two-Region World: The Role of Human Capital".
- *247-2011:* Vogel, Edgar: "Human Capital and the Demographic Transition: Why Schooling Became Optimal".
- *248-2011:* Kneip, Thorsten, Gerrit Bauer and Steffen Reinhold: "Direct and Indirect Effects of Unilateral Divorce Law on Marital Stability".
- *249-2011:* Kruk, Kai Eberhard: "The Effect of Children on Depression in Old Age".
- *250-2011:* Bucher-Koenen, Tabea: "Financial Literacy, Riester Pensions, and Other Private Old Age Provision in Germany".
- *251-2011:* Bucher-Koenen, Tabea and Carsten Schmidt: "Time (In)consistent Food Choice of Children and Teenagers".

MEA Policy Briefs. Ed.: Munich Center for the Economics of Aging at the Max Planck Institute for Social Law and Social Policy. Munich 2011 –

MEA Studies. Ed.: Munich Center for the Economics of Aging at the Max Planck Institute for Social Law and Social Policy. Munich 2011 –

2. Publications by the Institute Staff

2.1. Foreign and International Social Law

Ulrich BECKER

— 20 Years after the Fall of the Wall. On the Transformation of Social Security Systems in Central and Eastern Europe [20 let po pádu Berlínské zdi. O transformaci systémů sociálního zabezpečení ve střední a východní Evropě]. In: Kristina Koldinská/Martin Štefko (eds.), *Reflections on 20 Years of Social Reform in Central and Eastern Europe*. Prague 2010, pp. 40-55.

— Cultural Background of Social Security in Germany. The Influence of Values and of the Constitution on Social Security. In: *Journal of Renmin University of China* (2010) 1, pp. 30-34.

— Editorial: Sozialrecht – zu neuen Ufern?! Wohin führt der Koalitionsvertrag? In: *Neue Zeitschrift für Sozialrecht (NZS)* 19 (2010) 1, p. 1.

— Funktionen und Steuerung von Wahlmöglichkeiten und Wettbewerb im Gesundheitswesen. In: Ulrich Becker/Friso Ross/Markus Sichert (eds.), *Wahlmöglichkeiten und Wettbewerb in der Krankenhausversorgung. Steuerungsinstrumente in Deutschland, den Niederlanden, der Schweiz und den USA im Rechtsvergleich*. Baden-Baden 2010, pp. 11-53.

— Das gegliederte System der sozialen Sicherung. Bietet die Rechtsvergleichung eine Anleitung zur Vereinfachung? In: *Nachrichtendienst des Deutschen Vereins für Öffentliche und Private Fürsorge* 90 (2010) 12, pp. 510-516.

— Introduction to the General Principles of Social Security Law in Europe. In: Ulrich Becker/Danny Pieters/Friso Ross/Paul Schoukens (eds.), *Security. A General Principle of Social Security Law in Europe*. Groningen 2010, pp. 1-20.

— Laudatio anlässlich der Verleihung des FNA-Forschungspreises 2009 an Dr. Jörg Adam am 3.12.2009 in Berlin. In: *Deutsche Rentenversicherung* 65 (2010) 1, pp. 1-4.

— Rechtsdogmatik und Rechtsvergleich im Sozialrecht. In: Ulrich Becker (ed.), *Rechtsdogmatik und Rechtsvergleich im Sozialrecht I*. Baden-Baden 2010, pp. 11-59.

— Sozialrecht und Sozialrechtswissenschaft. In: *Zeitschrift für öffentliches Recht* 65 (2010), pp. 607-652.

— Der Sozialstaat in der Europäischen Union. In: Ulrich Becker/Hans Günter Hockerts/Klaus Tenfelde (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart*. Original version and unabridged textbook. Bonn 2010, pp. 313-335.

— Standards und Prinzipien des europäischen Sozialrechts. In: *Sozialrecht in Europa, Schriftenreihe des Deutschen Sozialrechtsverbandes (SDSRV)* 59, Berlin 2010, pp. 89-115.

— Verfassungsrechtliche Vorgaben für Sozialversicherungsreformen. In: *Zeitschrift für die gesamte Versicherungswissenschaft (ZVersWiss)* 99 (2010) 5, pp. 585-606.

— Ziel und Anlage der Untersuchung. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010, pp. 11-24.

— 德国社会保障制度的文化背景 [Cultural Background of Social Security in Germany. The Influence of Values and of the Constitution on Social Security]. In: *Journal of Renmin University of China* (2010) 1, pp. 30-34.

—; Hardenberg, Simone von: Country Report on Germany. In: Ulrich Becker/Danny Pieters/Friso Ross/Paul Schoukens (eds.), *Security. A General Principle of Social Security Law in Europe*. Groningen 2010, pp. 97-146.

—; Hockerts, Hans Günter; Tenfelde, Klaus: Einleitung. In: Ulrich Becker/Hans Günter Hockerts/Klaus Tenfelde (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart*. Original version and unabridged textbook. Bonn 2010, pp. 7-13.

—; Kingreen, Thorsten: Der Krankenkassenwettbewerb zwischen Sozial- und Wettbewerbsrecht. Zur geplanten Ausdehnung der Anwendung des GWB auf das Handeln der Krankenkassen. In: *Neue Zeitschrift für Sozialrecht (NZS)* 19 (2010) 8, pp. 417-423.

—; Kingreen, Thorsten: Einführung. In: Ulrich Becker/Thorsten Kingreen (eds.), *SGB V. Recht des öffentlichen Gesundheitswesens*. 16th ed. Munich 2010, pp. VII-XXXIII.

— (ed.) *Rechtsdogmatik und Rechtsvergleich im Sozialrecht I*. Baden-Baden 2010.

—; Hockerts, Hans Günter; Tenfelde, Klaus (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart*. Original version and unabridged textbook. Bonn 2010.

—; Kingreen, Thorsten (eds.), *SGB V. Gesetzliche Krankenversicherung. Kommentar*. 2nd ed. Munich 2010.

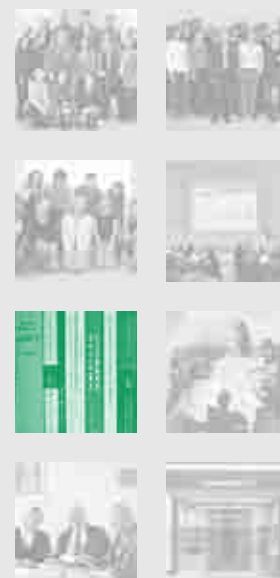
—; Kingreen, Thorsten (eds.), *SGB V. Recht des öffentlichen Gesundheitswesens*. 16th ed. Munich 2010.

—; Köhler, Peter A.; Körtek, Yasemin (eds.): *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010.

—; Pieters, Danny; Ross, Friso; Schoukens, Paul (eds.): *Security. A General Principle of Social Security Law in Europe*. Groningen 2010.

—; Ross, Friso; Sichert, Markus (eds.): *Wahlmöglichkeiten und Wettbewerb in der Krankenhausversorgung. Steuerungsinstrumente in Deutschland, den Niederlanden, der Schweiz und den USA im Rechtsvergleich*. Baden-Baden 2010.

—; Schwarze, Jürgen (eds.): *Gemeinwohlverantwortung im Binnenmarkt*. Tübingen 2010.



— §§ 39, 107-110, 112-118, 120-122, 135a, 137-137c, 306, 307, 318 SGB V. In: Ulrich Becker/Thorsten Kingreen (eds.), SGB V. Gesetzliche Krankenversicherung. Kommentar. 2nd ed. Munich 2010.

— Art. 16 und 16a GG. In: Hermann von Mangoldt/Friedrich Klein/Christian Starck (eds.), Kommentar zum Grundgesetz. 6th ed. Munich 2010.

—; Kingreen, Thorsten: §§ 1, 11, 69 SGB V. In: Ulrich Becker/Thorsten Kingreen (eds.), SGB V. Gesetzliche Krankenversicherung. Kommentar. 2nd ed. Munich 2010.

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— 20 let po pádu Berlínské zdi: O transformaci systémů sociálního zabezpečení ve střední a východní Evropě [20 Years after the Fall of the Wall. On the Transformation of Social Security Systems]. In: Kristina Koldinská/Martin Štefko (eds.), Sociální reformy ve střední Evropě. Cesta k novému modelu sociálního státu? [Reflections on 20 Years of Social Reform in Central and Eastern Europe]. Prague 2011, pp. 39-53.

— Bayerisches Kommunalrecht. In: Ulrich Becker/Dirk Heckmann/Bernhard Kempen/Gerrit Manssen (eds.), Öffentliches Recht in Bayern. Verfassungsrecht, Kommunalrecht, Polizei- und Sicherheitsrecht, Öffentliches Baurecht. 5th ed. Munich 2011, pp. 73-237.

— Die Erbringung sozialer Dienstleistungen in der Europäischen Union. Zu den Einwirkungen des Unionsrechts auf das deutsche Leistungserbringungsrecht. In: Zdzisława Kubota/Tadeusza Kuczyńskiego (editorial resp.), Z zagadnień prawa pracy i prawa socjalnego. Księga jubileuszowa Profesora Herberta Szurgacza [Issues regarding labour law and social security law. Festschrift in honour of Herbert Szurgacz]. Warsaw 2011, pp. 385-405.

— Die offene Methode der Koordinierung im Bereich Alterssicherung. Eine Zwischenbilanz aus der Sicht der Wissenschaft. In: Deutsche Rentenversicherung Bund (ed.), Renten in Europa. Die offene Methode der Koordinierung im Bereich Alterssicherung. Berlin 2011, pp. 19-28.

— Der Sozialstaat in der Europäischen Union. The Welfare State within the European Union. In: Jahresbericht der Max-Planck-Gesellschaft 2011. (Online at http://www.mpg.de/1220784/Europaeische_Union).

— Staatsangehörigkeit und Aufenthalt als Anknüpfungspunkte für die Gewährung sozialer Rechte in der Europäischen Union. Thesen zur abgestuften territorialen Verantwortung der Mitgliedstaaten für den sozialen Schutz von Unionsbürgern. In: Peter-Christian Müller-Graff/Stefanie Schmahl/Vassilios Skouris (eds.), Europäisches Recht zwischen Bewährung und Wandel. Festschrift für Dieter H. Scheuing. Baden-Baden 2011, pp. 480-492.

— 欧盟中的社会福利国家 [Social Welfare States in the European Union]. In: Social Law Review (2011), pp. 262-280.

—; Körtek, Yasemin: Opferentschädigungsrecht in Europa. Ausgestaltung, Prinzipien und Zielsetzung im Vergleich. In: Zeitschrift für ausländisches und

internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 169-206.

—; Lauerer, Luise: Zur Unterstützung von Pflegepersonen. Reformnotwendigkeiten und -optionen. In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 121-160.

—; Meeßen, Iris; Neueder, Magdalena; Schlegelmilch, Michael; Schön, Markus; Vilaclara, Ilona: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: Vierteljahresschrift für Sozialrecht (VSSR) 29 (2011) 5, pp. 323-359.

—; Heckmann, Dirk; Kempen, Bernhard; Manssen, Gerrit (eds.): Öffentliches Recht in Bayern. Verfassungsrecht, Kommunalrecht, Polizei- und Sicherheitsrecht, Öffentliches Baurecht. 5th ed. Munich 2011.

Edda BLENK-KNOCKE

— Panel discussion on "Ehegüterrecht". In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 49-54.

— Panel discussion on "Familienernährerinnen". In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 116-120.

— Panel discussion on "Unterstützung von Pflegepersonen". In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 161-166.

—; Hohnerlein, Eva Maria: Einführung. In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 7-14.

—; Hohnerlein, Eva Maria (editorial resp.): Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011.

Olga CHESALINA

— Die Altersversorgung von Beamten in der Russischen Föderation. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010, pp. 133-159.

Barbara DARIMONT

— A Comparison of Healthcare Models for Migrant Workers in Chinese Cities. In: Bettina Gransow (ed.), Migrants and Health in Urban China. Berlin 2010, pp. 111-123.

—; Liu, Dongmei: Das Recht der sozialen Hilfe und des Wohngeldes. In: Zeitschrift für chinesisches Recht 17 (2010) 4, pp. 338-348.

— Opferentschädigung als subsidiäre staatliche Leistung in den Niederlanden. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 86-98.

— Das Sozialversicherungsgesetz der VR China. In: Zeitschrift für chinesisches Recht 18 (2011) 4, pp. 266-274.

Tineke DIJKHOFF

— International Social Security Standards in the European Union. The Cases of the Czech Republic and Estonia. Antwerp 2011.

— Kabinet lapt kritiek IAO aan zijn laars. In: Publiekrecht & Politiek. (Online at <http://www.publiekrechtropolitiek.nl/kabinet-lapt-kritiek-iao-aan-zijn-laars/>).

— Zavádění soukromých prvků do národních systémů sociálního zabezpečení a role mezinárodních standardů [The Introduction of Private Elements in National Social Security and the Role of international Standards]. In: Kristina Koldinská/Martin Štefko (eds.), Sociální reformy ve střední Evropě. Cesta k novému modelu sociálního státu? [Reflections on 20 Years of Social Reform in Central and Eastern Europe]. Prague 2011, pp. 157-175.

Nikola FRIEDRICH

— Mediation in der Sozialgerichtsbarkeit. Baden-Baden 2011.

Simone VON HARDENBERG

Becker, Ulrich; —: Country Report on Germany. In: Ulrich Becker/Danny Pieters/Friso Ross/Paul Schoukens (eds.), Security. A General Principle of Social Security Law in Europe. Groningen 2010, pp. 97-146.

Eva Maria HOHNERLEIN

— Die Alterssicherung von Beamten in Italien. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010, pp. 87-111.

— Betriebliche Altersvorsorge in Italien. Das System freiwilliger Zusatzrenten wurde ausgebaut. In: Soziale Sicherheit 59 (2010) 1, pp. 30-34.

— Discussion report entitled "Die Familie im Sozialrecht". In: Ulrich Becker (ed.), Rechtsdogmatik und Rechtsvergleich im Sozialrecht I. Baden-Baden 2010, pp. 415-416.

— Sistema de indicadores y mecanismos de vigilancia en la Unión Europea. In: Víctor Abramovich/Laura Pautassi (eds.), La medición de derechos en las políticas sociales. Ciudad Autónoma de Buenos Aires 2010, pp. 197-231.

— Review of "Luca Nogler: The Concept of 'Subordination' in European and Comparative Law. Trento 2009". In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 23 (2009, published in 2010) 4, pp. 341-342.

— Einkommenssicherheit im Alter. Garantien der betrieblichen Altersvorsorge in Italien. In: Otto Kaufmann/Sylvie Hennion (eds.), Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit? Heidelberg 2011, pp. 229-261.

— La protección social de las familias en Alemania. Situación actual y tendencias. In: Rivista de Derecho Social 55 (2011), pp. 249-262.

— Occupational Old-Age Pensions in Italy. Coverage and Financial Security of Voluntary Funded Supplementary Pensions. In: Otto Kaufmann/Sylvie Hennion (eds.), Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit? Heidelberg 2011, pp. 263-269.

— Opferentschädigung in Italien. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 57-85.

— Sozialrechtliche Leistungen für nichteheliche Lebenspartner in ausgewählten europäischen Ländern. In: Recht der Jugend und des Bildungswesens (RdJB) 59 (2011) 4, pp. 450-465.

— Entry "Europäische Sozialrechtscharta (ESC)". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, pp. 266-267.

— Entry "Europarat". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, pp. 270-271.

— Entry "Internationale Vereinigung für Soziale Sicherheit (IVSS)". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, pp. 466-477.

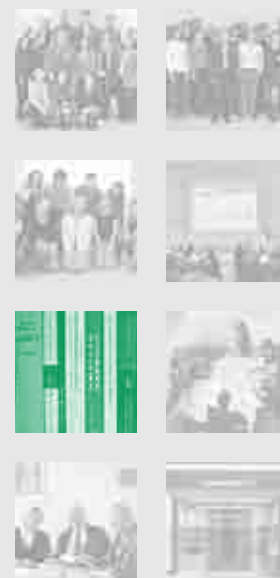
Blenk-Knocke, Edda; —: Einführung. In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 7-14.

Blenk-Knocke, Edda; — (editorial resp.): Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011.

Otto KAUFMANN

— Die Alterssicherung der Beamten in Frankreich. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010, pp. 67-86.

— L'assurance-maladie allemande. In: Les Affiches Moniteur (2010) 12, pp. 1-5.



— L'économie sociale de marché et la protection sociale. Introduction aux débats de la XXXIV^{ème} Rencontre Ipse "Adaptation, continuité ou rupture?". In: Institut de la Protection Sociale Européenne (ed.), *Quel devenir pour la protection sociale complémentaire solidaire dans le marché des assurances de personnes?* Paris 2010, pp. 10-12.

— Européanisation de la retraite complémentaire. The Europeanization of Complementary Retirement. In: *Folio* (2010) 55, pp. 4-5.

— Fransa'da toplu sözleşme sistemi [The collective bargaining system in France]. In: Alpay Hekimler (ed.), *Avrupa birliği üyesi ülkelerde ve Türkiye'de toplu sözleşme sistemleri. Karşılaştırmalı bir perspektif ile* [Collective bargaining systems in the EU member states and in Turkey]. Istanbul 2010, pp. 171-196.

— Rôle et place des partenaires sociaux et de la société civile organisée. In: Institut de la Protection Sociale Européenne (ed.), *Pour une protection sociale durable. De nouvelles voies pour la solidarité*. Paris 2010, pp. 29-30.

— Die Sozialgerichtsbarkeit in Frankreich. In: *Die Sozialgerichtsbarkeit* 57 (2010) 2, pp. 73-77.

Hennion, Sylvie; Casson, Philippe; Cuzacq, Nicolas; del Sol, Marion; Delumeau, Muriel; —: Protection sociale de l'entreprise. Chronique. In: *La semaine juridique (JCP E)* 84 (2010) 24, pp. 42-48.

•

— Die Alterssicherung in Frankreich nach der Reform 2010. In: *Das Recht der Arbeit (DRdA)* 61 (2011) 2, pp. 202-206.

— Die Arbeitnehmervertretung in Leitungsorganen der französischen Unternehmen. In: Günther Löschnigg (ed.), *ArbeitnehmerInnenbeteiligung in Unternehmensorganen im internationalen Vergleich*. Vienna 2011, pp. 109-126.

— Assurances de santé publiques et privées en Allemagne. In: Rémi Pellet (ed.), *Finances publiques et santé*. Paris 2011, pp. 163-183.

— La coexistence de l'assurance sociale et de l'assurance maladie privée en Allemagne. In: *Revue de droit sanitaire et social* 46 (2011) 2, pp. 224-236.

— L'évolution de la protection sociale allemande en temps de crise. Conséquences sur les prestations et le financement. In: Nouri Mzid (ed.), *Regards croisés sur l'évolution des systèmes de sécurité sociale. Nouveaux défis et perspectives*. Sfax 2011, pp. 79-94.

— Financement de gestion. Les systèmes collectifs de protection sociale en Europe sont-ils encore viables? – L'Allemagne. In: *Colloque européen MFP-Europa: Enjeux et avenir des systèmes collectifs de protection sociale en Europe*. 4 March, Paris 2011, pp. 23-27. (Online at <http://www.unilim.fr/prospecteur/fr/europa/activites/journees/MFP/ActesMFP-Europa.pdf>).

— Opferentschädigung in Frankreich. Ein Überblick. In: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)* 24/25 (2010/2011) 1-2, pp. 24-40.

— La personne, l'intérêt général. Quelles prises en compte dans les activités des organismes mutualistes, paritaires et coopératifs? In: Institut de la Protection Sociale Européenne (ed.), *L'individu, le collectif, au cœur des nouvelles solidarités*. Paris 2011, pp. 54-55.

— Die Reform der Alterssicherung in Frankreich. Höhere Altersgrenze für die Rente und neuer Vorruhestand nach "beschwerlichen Tätigkeiten". In: *Soziale Sicherheit* 60 (2011) 5, pp. 121-127.

— Die Rentenversicherung 2010 in Frankreich. In: *RV aktuell* 58 (2011) 2, pp. 47-53.

— Les retraites professionnelles d'entreprise dans la crise. Remarques comparatives. Herausforderungen an die betrieblichen Altersversorgungssysteme. Vergleichender Ansatz. Challenges Facing Occupational Pension Schemes. Some Remarks in a Comparative Approach. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 11-38.

— Les retraites professionnelles d'entreprise en Allemagne. Un aperçu. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 189-200.

—; Hennion, Sylvie (eds.): *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011.

Peter A. KÖHLER

— Die Alterssicherung der Beamten im Rechtsvergleich. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010, pp. 263-280.

— Die Alterssicherung des öffentlichen Dienstes in den Nordischen Ländern Dänemark, Norwegen und Schweden. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010, pp. 113-131.

— Die Altersversorgung der internationalen Beamten nach dem Dienstrecht der Vereinten Nationen. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010, pp. 233-244.

— Das Ende des schwedischen "Volksheims"? In: Ulrich Becker/Hans Günter Hockerts/Klaus Tenfelde (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart. Original version and unabridged textbook*. Bonn 2010, pp. 213-238.

— Erfahrungen des Rechtsvergleichs und verfassungsrechtliche Vorgaben in Deutschland. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), *Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich*. Baden-Baden 2010, pp. 25-44.

— Die neue Alterssicherung Schwedens in der globalen Finanzkrise. Bedingt krisenfest? In: *Deutsche Rentenversicherung* 65 (2010) 1, pp. 102-118.

— Der Rechtsweg im Sozialrecht Schwedens. In: Die Sozialgerichtsbarkeit 57 (2010) 1, pp. 18-23.

— Das Vorsorgeverhältnis. Die richtige Frage für einen Rechtsvergleich? In: Ulrich Becker (ed.), Rechtsdogmatik und Rechtsvergleich im Sozialrecht I. Baden-Baden 2010, pp. 133-209.

— Der Wohlfahrtsstaat Schweden. Modernisierung – Stabilisierung – Modifizierung. Welfare State Sweden. Modernization – Stabilization – Modification. In: Jahresbericht der Max-Planck-Gesellschaft 2010. (Online at <http://www.mpg.de/402989/forschungsschwerpunkt>).

Becker, Ulrich; —; Körtek, Yasemin (eds.): Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010.

•

— Die finanzielle Sicherheit der betrieblichen Altersversorgung in Schweden. Vorbild für Europa? In: Otto Kaufmann/Sylvie Hennion (eds.), Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit? Heidelberg 2011, pp. 109-123.

— Occupational Supplementary Insurance in Sweden. Collectively Agreed Addition to the Statutory Pension Insurance. In: Otto Kaufmann/Sylvie Hennion (eds.), Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit? Heidelberg 2011, pp. 125-134.

— Entry "Internationale Arbeitsorganisation (ILO)". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, pp. 461-462.

— Entry "UNESCO". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, p. 918.

— Entry "UNICEF". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), Fachlexikon der sozialen Arbeit. 7th ed. Baden-Baden 2011, pp. 920-921.

— Verbrechensschadensersatz aus staatlichen Mitteln in Schweden. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 116-136.

Yasemin KÖRTEK

— Die Beamtenversorgung in der Bundesrepublik Deutschland. In: Ulrich Becker/Peter A. Köhler/Yasemin Körtek (eds.), Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010, pp. 47-66.

— Die Einführung der allgemeinen Krankenversicherung in der Türkei. In: Hilmar Krüger/Yasemin Körtek (eds.), Beiträge zum türkischen Recht. Erbrecht und Sozialrecht. Berlin 2010, pp. 51-65.

— Discussion report entitled "Das Leistungsverhältnis in Förderungs- und Hilfesystemen". In: Ulrich Becker (ed.), Rechtsdogmatik und Rechtsvergleich im Sozialrecht I. Baden-Baden 2010, pp. 305-307.

— Invaliditäts-, Alters- und Hinterbliebenenrenten nach neuem türkischen Sozialversicherungsgesetz. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 23 (2009, published in 2010) 4, pp. 315-330.

Becker, Ulrich; Köhler, Peter A.; — (eds.): Die Alterssicherung von Beamten und ihre Reformen im Rechtsvergleich. Baden-Baden 2010.

Krüger, Hilmar; — (eds.): Beiträge zum türkischen Recht. Erbrecht und Sozialrecht. Berlin 2010.

•

Becker, Ulrich; —: Opferentschädigungsrecht in Europa. Ausgestaltung, Prinzipien und Zielsetzung im Vergleich. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 169-206.

— Staatliche Entschädigung für Gewaltopfer nach deutschem Recht im Überblick. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 2-23.

Luise LAUERER

Becker, Ulrich; —: Zur Unterstützung von Pflegepersonen. Reformnotwendigkeiten und -optionen. In: Bundesministerium für Familie, Senioren Frauen und Jugend (ed.), Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien. Berlin 2011, pp. 121-160.

Dongmei LIU

— Social Security System as the Fundamental System of the State in China. Theory Basis, Models and Trends. In: Social Security Studies (2010) 1, pp. 72-81.

Darimont, Barbara; —: Das Recht der sozialen Hilfe und des Wohngeldes. In: Zeitschrift für chinesisches Recht 17 (2010) 4, pp. 338-348.

•

— Reformen des Sozialleistungsrechts in der Volksrepublik China. Unter besonderer Berücksichtigung der Rolle der Verfassung und des Einflusses internationaler Organisationen. Baden-Baden 2011.

Bernd BARON VON MAYDELL

— Die Erfassung von Lebensqualität demenzkranker Menschen in ihrer rechtlichen Dimension. In: Andreas Kruse (ed.), Lebensqualität bei Demenz? Zum gesellschaftlichen und individuellen Umgang mit einer Grenzsituation im Alter. Heidelberg 2010, pp. 339-354.

— Offene Methode der Koordinierung und Sozialrechtsvergleichung. In: Nada Bodiroga-Vukobrat/Gerald G. Sander/Sanja Barić (eds.), Die offene Methode der Koordinierung in der Europäischen Union. Hamburg 2010, pp. 115-133.

•



— Demenz. Eine Herausforderung auch für die Rechtsordnung. In: Zdzisława Kubota/Tadeusza Kuczyńskiego (editorial resp.), *Z zagadnień prawa pracy i prawa socjalnego*. Księga jubileuszowa Profesora Herberta Szurgacza [Issues regarding labour law and social security law. Festschrift in honour of Herbert Szurgacz]. Warsaw 2011, pp. 477-488.

— Eine vergleichende Perspektive des Sozialrechts in Bezug auf die Generationenbeziehungen in Deutschland und Japan. In: Hans Bertram/Nancy Ehlert (eds.), *Familie, Bindung und Fürsorge. Familiärer Wandel in einer vielfältigen Moderne. Freiburger Studie zum familiären Wandel im Weltvergleich*. Opladen 2011, pp. 409-420.

Iris MEEßEN

—; Wilman, Nikola: Tagung "Entsendung von Arbeitnehmern in der Europäischen Union. Probleme aus der sozialrechtlichen Praxis" (Conference report). In: *Neue Zeitschrift für Sozialrecht (NZS)* 19 (2010) 1, pp. 25-27.

•

Becker, Ulrich; —; Neueder, Magdalena; Schlegelmilch, Michael; Schön, Markus; Vilaclara, Ilona: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: *Vierteljahresschrift für Sozialrecht (VSSR)* 29 (2011) 5, pp. 323-359.

Magdalena NEUEDER

Becker, Ulrich; Meeßen, Iris; —; Schlegelmilch, Michael; Schön, Markus; Vilaclara, Ilona: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: *Vierteljahresschrift für Sozialrecht (VSSR)* 29 (2011) 5, pp. 323-359.

Lorena OSSIO BUSTILLOS

Ossio Sanjinés, Luis; —: Kontinuität und historisch-konstitutioneller Umbruch. Der Befreiungsprozess in Bolivien 1809 – 1810 aus heutiger Perspektive. In: *Rechtsgeschichte* 16 (2010), pp. 104-106.

•

— Opferentschädigung in Österreich. In: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)* 24/25 (2010/2011) 1-2, pp. 99-115.

— Problemi e prospettive normative dei diritti indigeni in Bolivia. In: Sabrina Lanni (ed.), *I diritti dei popoli indigeni in America Latina* 2011, pp. 225-244.

Hans-Joachim REINHARD

— Discussion report entitled "Das Vorsorgeverhältnis". In: Ulrich Becker (ed.), *Rechtsdogmatik und Rechtsvergleich im Sozialrecht I*. Baden-Baden 2010, pp. 211-214.

— Einleitung. In: Jürgen Kruse/Hans-Joachim Reinhard/Jürgen Winkler (eds.), *SGB II. Grundsicherung für Arbeitsuchende. Kommentar*. 2nd ed. Munich 2010.

— Soins de santé en Europe. In: Institut de la Protection Sociale Européenne (ed.), *Pour une protection sociale durable. De nouvelles voies pour la solidarité*. Paris 2010, pp. 24-26.

— Towards a European Pension Policy? The Possible Impact of the European Commission's Green Paper "Towards Adequate, Sustainable and Safe European Pension Systems" on National Pension Strategies. In: *European Journal of Social Security* 12 (2010) 3, pp. 200-215.

Kruse, Jürgen; —; Winkler, Jürgen (eds.): *SGB II. Grundsicherung für Arbeitsuchende. Kommentar*. 2nd ed. Munich 2010.

— §§ 1-13 SGB II. In: Jürgen Kruse/Hans-Joachim Reinhard/Jürgen Winkler (eds.), *SGB II. Grundsicherung für Arbeitsuchende. Kommentar*. 2nd ed. Munich 2010.

— §§ 76, 225, 264a. In: Heinz-Werner Lueg/Bernd von Maydell/Franz Ruland (eds.), *Gemeinschaftskommentar zum Sozialgesetzbuch. Gesetzliche Rentenversicherung (GK-SGB VI)*. Neuwied 2010.

— Art. 67, 68, 69 VO 883/2004 (EG). In: Karl Hauck/Wolfgang Noftz (eds.), *EU-Sozialrecht. VO 883/2004 (EG)*. Berlin 2010.

— Vorbemerkung zu Art. 67-69. In: Karl Hauck/Wolfgang Noftz (eds.), *EU-Sozialrecht. VO 883/2004 (EG)*. Berlin 2010, pp. 1-5.

— Vorbemerkungen zu den §§ 1-6c SGB II. In: Jürgen Kruse/Hans-Joachim Reinhard/Jürgen Winkler (eds.), *SGB II. Grundsicherung für Arbeitsuchende. Kommentar*. 2nd ed. Munich 2010, pp. 15-18.

•

— Die betriebliche Altersversorgung aus der Sicht der Arbeitnehmer. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 305-311.

— Betriebliche Altersversorgung und "Riesterrente" in Deutschland. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 177-188.

— Emerytura w wieku 67 lat. Dyskusja polityczna i jej wpływ na sytuację w Niemczech [Retirement at the age of 67. The political debate and its impact on the situation in Germany]. In: Jacek Kucharczyk/Ewelina Kuźmich (eds.), *Podnoszenie wieku emerytalnego. Diagnoza potrzeb i rekomendacje na przykładzie Polski i Niemiec* [Raising the retirement age. Examination of needs and recommendations according to the conditions prevailing in Poland and Germany]. Warsaw 2011, pp. 77-102.

— Occupational Retirement Pensions. The Employee's View. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 313-317.

— The Notion of Incapacity in German Social Security Law and the Interrelation between Unemployment and Invalidity. In: Stamatia Devetzi/Sara Stendahl (eds.), *Too Sick to Work? Social Security Reforms in Europe for Persons with Reduced Earnings Capacity*. Alphen aan den Rijn 2011, pp. 147-165.

— Opferentschädigung in Spanien. In: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)* 24/25 (2010/2011) 1-2, pp. 155-168.

— Planes de pensiones und andere Instrumente als Formen der betrieblichen Alterssicherung in Spanien. *Planes de pensiones and other Forms of Occupational Pension Schemes in Spain*. In: Otto Kaufmann/Sylvie Hennion (eds.), *Steuerung der betrieblichen Altersversorgung in Europa. Garantierte Sicherheit?* Heidelberg 2011, pp. 135-175.

Michael SCHLEGELMILCH

—; Wilman, Nikola: Tagung "Im Zweifel auf Privatrecht. Sozial- und haftungsrechtliche Aspekte des Off-Label-Use" (Conference report). In: *Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB)* 50 (2011) 8, pp. 458-461.

•

Becker, Ulrich; Meeßen, Iris; Neueder, Magdalena; —; Schön, Markus; Vilaclara, Ilona: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: *Vierteljahresschrift für Sozialrecht (VSSR)* 29 (2011) 5, pp. 323-359.

Markus SCHÖN

Becker, Ulrich; Meeßen, Iris; Neueder, Magdalena; Schlegelmilch, Michael; —; Vilaclara, Ilona: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: *Vierteljahresschrift für Sozialrecht (VSSR)* 29 (2011) 5, pp. 323-359.

Bernd SCHULTE

— Der Einfluss des Europäischen Gerichtshofs auf die nationale Gesundheitspolitik. In: *Die BKK. Zeitschrift der Betrieblichen Krankenkassen* 95 (2010) 1, pp. 8-15.

— "Die Erklärung von Yokohama". In: *Betreuungsrechtliche Praxis (Btprax)* 20 (2010) 1, pp. 23-25.

— Erwerbsminderungsrenten in europäischen Nachbarländern. In: *Deutsche Rentenversicherung* 65 (2010) 1, pp. 82-101.

— Das "Europäische Sozialmodell" zwischen Realität und Normativität. In: Ulrich Becker/Hans Günter Hockerts/Klaus Tenfelde (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart. Original version and unabridged textbook*. Bonn 2010, pp. 171-195.

— "Fördern und Fordern" – Aktivierung am Arbeitsmarkt in Deutschland und Großbritannien. In: Ulrich Becker (ed.), *Rechtsdogmatik und Rechtsvergleich im Sozialrecht I*. Baden-Baden 2010, pp. 273-303.

— Die neue europäische Sozialrechtskoordinationierung (Teil I). Die Verordnungen (EG) Nr. 883/04 und Nr. 987/09. In: *Zeitschrift für europäisches Sozial- und Arbeitsrecht* 9 (2010) 4, pp. 143-154.

— Die neue europäische Sozialrechtskoordinationierung (Teil II). Die Verordnungen (EG) Nr. 883/04 und Nr. 987/09. In: *Zeitschrift für europäisches Sozial- und Arbeitsrecht* 9 (2010) 5-6, pp. 202-216.

— Probleme der grenzüberschreitenden Erbringung und Inanspruchnahme von Gesundheitsleistungen in der Europäischen Union. In: Harald Klein/Rolf Schuler (eds.), *Krankenversicherung und grenzüberschreitende Inanspruchnahme von Gesundheitsleistungen in Europa. Beiträge zum internationalen Symposium am 4. – 5. Mai 2009 im Hessischen Landessozialgericht in Darmstadt*. Baden-Baden 2010, pp. 95-139.

— Review of "Jörg Tänzer: Rechtsverwirklichung durch Infrastruktur im Betreuungswesen. Chancen eines Systemwandels von der justizförmigen zur sozialrechtsförmigen Betreuung. Aachen 2009". In: *Betreuungsrechtliche Praxis (Btprax)* 19 (2010) 5, pp. 222-224.

— Das Sozialrecht in der Rechtsprechung des Europäischen Gerichtshofs im Jahre 2009. In: Peter Udsching/Christian Rolfs (eds.), *Jahrbuch des Sozialrechts*. Berlin 2010, pp. 509-540.

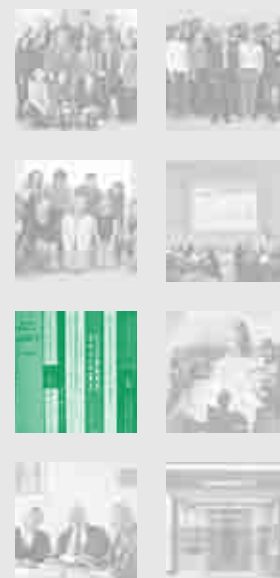
— Die Sozialwirtschaft als Europäischer Marktplatz. Die europarechtlichen Rahmenbedingungen. In: Hans-Christoph Reiss (ed.), *Steuerung von Sozial- und Gesundheitsunternehmen*. Baden-Baden 2010, pp. 15-34.

— Das Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen. Politischer und rechtlicher Handlungsbedarf in Deutschland u.a. am Beispiel des Rechts auf Bildung. In: *Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB)* 49 (2010) 11, pp. 657-677.

— Das Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen. Politischer und rechtlicher Handlungsbedarf auch im Betreuungsrecht. In: *Zeitschrift für Betreuungs- und Sozialrecht (BtSRZ)* (2010), pp. 1-18. (Online at http://www.btsr.de/images/stories/autoren_beitraege_pdf/BtSRZ_Schulte_UNOBRK.pdf).

Eichhorst, Werner; Devisscher, Stephanie; Leonie, Thomas; Marx, Paul; Mühlberger, Ulrike; —; Vandeweghe, Barbara (eds.): *Analysis of the Social Agendas. Based on a Study Conducted for the European Parliament under Contract IP/A/EMPL/FWC/2008-002/C1/SC1*. Brussels 2010. (Online at http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_24.pdf).

Eichhorst, Werner; Kendzia, Michael J.; Knudsen, Jonathan Benjamin; Hansen, Mette Okkels; Vandeweghe, Barbara; Vanhoren, Ingrid; Rückert, Eva; — (eds.): *The Mobility and Integration of People with Disabilities into the Labour Market. Based on a Study Conducted for the European Parliament under Contract IP/A/EMPL/FWC/2008-002/C1/SC4*. Brussels 2010. (Online at http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_29.pdf).



•

— Criminal Injuries Compensation. Opferentschädigung in Großbritannien. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 41-56.

— Pflege und Betreuung. Plädoyer für eine wechselseitige Annäherung und Kooperation. In: Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB) 50 (2011) 5, pp. 249-259.

Ilona VILACLARA

Becker, Ulrich; Meeßen, Iris; Neueder, Magdalena; Schlegelmilch, Michael; Schön, Markus; —: Strukturen und Prinzipien der Leistungserbringung im Sozialrecht. Teil 1. In: Vierteljahresschrift für Sozialrecht (VSSR) 29 (2011) 5, pp. 323-359.

Sebastian WEBER

— Die Folgen des Bologna-Prozesses für die Lehre in der Juristenausbildung. In: Judith Brockmann/Jan-Hendrik Dietrich/Arne Pilniok (eds.), *Exzellente Lehre im juristischen Studium. Auf dem Weg zu einer rechtswissenschaftlichen Fachdidaktik*. Baden-Baden 2011, pp. 269-278.

— Grenzstreit und Gegenmaßnahmen im Völkerrecht. In: Juristische Ausbildung (JURA) 33 (2011) 7, pp. 527-530.

— Häusliche Krankenpflege nach SGB V in einer stationären Einrichtung der Eingliederungshilfe. In: Neue Zeitschrift für Sozialrecht (NZS) 20 (2011) 17, pp. 650-655.

— Die Kostenpflicht des Betroffenen bei öffentlich-rechtlicher Unterbringung. In: Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB) 50 (2011) 11, pp. 635-640.

— Review of "Juli Zeh: Das Übergangsrecht. Zur Rechtsetzungstätigkeit von Übergangsverwaltungen am Beispiel von UNMIK im Kosovo und dem OHR in Bosnien-Herzegowina. Baden-Baden 2011". In: Südosteuropa. Zeitschrift für Politik und Gesellschaft 59 (2011) 2, pp. 280-283.

Nikola WILMAN

Meeßen, Iris; —: Tagung "Entsendung von Arbeitnehmern in der Europäischen Union. Probleme aus der sozialrechtlichen Praxis" (Conference report). In: Neue Zeitschrift für Sozialrecht (NZS) 19 (2010) 1, pp. 25-27.

Schlegelmilch, Michael; —: Tagung "Im Zweifel auf Privatrezept. Sozial- und haftungsrechtliche Aspekte des Off-Label-Use" (Conference report). In: Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB) 50 (2011) 8, pp. 458-461.

•

— Entschädigung von Opfern von Gewalttaten. Länderbericht Schweiz. In: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS) 24/25 (2010/2011) 1-2, pp. 137-154.

Hans F. ZACHER

— Laudatio auf Gerhard A. Ritter zu seinem 80. Geburtstag. Ein Nichthistoriker als Laudator? In: Ulrich Becker/Hans Günter Hockerts/Klaus Tenfelde (eds.), *Sozialstaat Deutschland. Geschichte und Gegenwart*. Original version and unabridged textbook. Bonn 2010, pp. 343-351.

— Universale Menschenrechte und die Wirklichkeit der globalen Welt. Das Beispiel der Kinderrechte. In: Humboldt-Forum Recht (2010) 2, pp. 20-30.

•

— Comment on "How do we Replan the Journey". In: José T. Raga/Mary Ann Glendon (eds.), *Crisis in a Global Economy. Re-Planning the Journey. The Proceedings of the 16th Plenary Session of the Pontifical Academy of Social Sciences*, 30 April – 4 May 2010. (The Pontifical Academy of Social Sciences Acta 16). Vatican City 2011, pp. 453-455.

— Das europäische Projekt des "Sozialen". Die elementaren Strukturen. In: Zdzisława Kubota/Tadeusza Kuczyńskiego (editorial resp.), *Z zagadnień prawa pracy i prawa socjalnego. Księga jubileuszowa Profesora Herberta Szurgacza* [Issues regarding labour law and social security law. Festschrift in honour of Herbert Szurgacz]. Warsaw 2011, pp. 564-599.

— Geschichte und Krise der sozialen Marktwirtschaft. In: Akademie aktuell 38 (2011) 3, pp. 30-35.

— Entry "Finalprinzip". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, pp. 299-300.

— Entry "Internationale Sozialpolitik". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, p. 464.

— Entry "Internationales Sozialrecht". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, p. 466.

— Entry "Kausalprinzip". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, pp. 492-493.

— Entry "Solidarität". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, pp. 767-768.

— Entry "Versicherungsprinzip". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, p. 951.

— Entry "Versorgungsprinzip". In: Deutscher Verein für öffentliche und private Fürsorge (ed.), *Fachlexikon der sozialen Arbeit*. 7th ed. Baden-Baden 2011, pp. 952-953.

2.2. Munich Center for the Economics of Aging (MEA)

Axel BÖRSCH-SUPAN

Börsch-Supan, Axel, Martina Brandt, Karsten Hank and Mathis Schröder (2011) (eds.): *The Individual and the Welfare State: Life Histories in Europe*, Springer, Berlin.

Börsch-Supan, Axel and Hendrik Jürges (2011): *Disability, Pension Reform and Early Retirement in Germany*, NBER Working Paper, 17079.

Bloom, David E., Axel Börsch-Supan, Patrick McGee and Atsushi Seike (2011): *Population Aging: Facts, Challenges, and Responses*, PGDA Working Paper, 71. (Online at http://www.hsph.harvard.edu/pgda/WorkingPapers/2011/PGDA_WP_71.pdf).

Börsch-Supan, Axel (2011): "Gesamtwirtschaftliche Wirkungen der Rentenreformen". In: Eichenhofer, Eberhard, Herbert Rische and Winfried Schmähl (eds.), *Handbuch der gesetzlichen Rentenversicherung*. SGB VI, Luchterhand, Cologne, 251-305.

Börsch-Supan, Axel (2011): "Die Zukunft des Sozialstaats im demographischen Wandel". In: Nonnenmacher, Günther and Andreas Rödder (eds.), *Was heißt hier Solidarität? Zustand und Zukunft des Sozialstaats. Zweite Tendenzwende-Konferenz der F.A.Z. am 18. und 19. November 2010 in Berlin*, Frankfurt am Main, 17-19.

Börsch-Supan, Axel and Mathis Schröder (2011): "Retrospective Data Collection in the Survey of Health, Ageing and Retirement in Europe". In: Mathis Schröder (ed.), *Retrospective Data Collection in the Survey of Health, Ageing and Retirement in Europe. SHARELIFE Methodology*, Mannheim Research Institute for the Economics of Aging, Mannheim, 5-10.

Börsch-Supan, Axel (2011): "Einführung". In: *Perspektiven der Wirtschaftspolitik (PWP)*, 12, Supplement, 1-3.

Börsch-Supan, Axel (2011): "Ökonomische Auswirkungen des demografischen Wandels". In: *Aus Politik und Zeitgeschichte (APuZ)*, 61, 10/11, 19-26.

Börsch-Supan, Axel (2011): "Review: Alan Gustman, Thomas Steinmeier and Nahid Tabatabai, Pensions in the Health and Retirement Study". In: *Journal of Pension Economics and Finance (PEF)*, 10, 4, 667-668.

Börsch-Supan, Axel (2011): "Review: Nick Barr and Peter Diamond, Reforming Pensions: Principles and Policy Choices". In: *Economic Development and Cultural Change (EDCC)*, 59, 3, 681-683.

Börsch-Supan, Axel, Gabriel Heller and Anette Reil-Held (2011): "Is Intergenerational Cohesion Falling Apart in Old Europe?". In: *Public Policy & Aging Report*, 21, 4, 17-21.

Martina BRANDT

Schmid, Tina, Martina Brandt and Klaus Haberkern (2011): "Gendered Support to Older Parents: Do Welfare States Matter?". In: *European Journal of Ageing*. (Online at <http://www.springerlink.com/content/d7782wk02335350j/fulltext.pdf>; DOI 10.1007/s10433-011-0197-1).

content/d7782wk02335350j/fulltext.pdf; DOI 10.1007/s10433-011-0197-1).

Tabea BUCHER-KOENEN

Bucher-Koenen, Tabea (2011): *Financial Literacy, Cognitive Abilities, and Long-term Decision Making: Five Essays on Individual Behavior*, dissertation, Mannheim.

Bucher-Koenen, Tabea and Annamaria Lusardi (2011): "Financial Literacy and Retirement Planning in Germany". In: *Journal of Pension Economics and Finance (PEF)*, 10, 4, 565-584.

Michela COPPOLA

Coppola, Michela and Martin Gasche (2011): "Die Riester-Förderung: Mangelnde Information als Verbreitungshemmnis". In: *Wirtschaftsdienst*, 91, 11, 792-799. (Online at <http://www.springerlink.com/content/0px92836h7120410/fulltext.pdf>; DOI: 10.1007/s10273-011-1302-y).

Coppola, Michela and Anette Reil-Held (2011): "Jenseits staatlicher Alterssicherung: Die neue regulierte private Vorsorge in Deutschland und ihre Verbreitung". In: Lutz Leisering (ed.), *Die Alten der Welt. Neue Wege der Alterssicherung im globalen Norden und Süden*, Campus, Frankfurt am Main, 215-243.

Helmut FARBMACHER

Farbmacher, Helmut (2011): "GMM with Many Weak Moment Conditions: Replication and Application of Newey and Windmeijer (2009)". In: *Journal of Applied Econometrics*. (Online at <http://onlinelibrary.wiley.com/doi/10.1002/jae.1277/pdf>).

Martin GASCHE

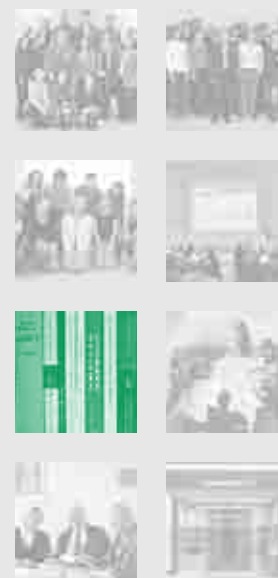
Coppola, Michela and Martin Gasche (2011): "Die Riester-Förderung: Mangelnde Information als Verbreitungshemmnis". In: *Wirtschaftsdienst*, 91, 11, 792-799. (Online at <http://www.springerlink.com/content/0px92836h7120410/fulltext.pdf>; DOI: 10.1007/s10273-011-1302-y).

Marlene HAUPT

Haupt, Marlene (2011): "Informing about Individual Retirement Provision". In: Kathrin Ruhl (ed.), *Das Poster in der Wissenschaft. Zum Stellenwert des Posters in der Nachwuchsförderung am Beispiel der Universität Koblenz-Landau*, Johannes Hermann Verlag, Gießen, 84-85.

Thorsten KNEIP

Bauer, Gerrit and Thorsten Kneip (2011): "Familiengründung und -erweiterung als partnerschaftliche Entscheidung: Ein Test konkurrierender Entscheidungsregeln". In: Brüderl, Josef, Laura Castiglioni and Nina Schumann (eds.), *Partnerschaft, Fertilität und intergenerationale Beziehungen. Ergebnisse der ersten Welle des Beziehungs- und Familienpanels*, Ergon, Würzburg, 227-255.



2.3. Max Planck Fellow Group

Minou BANAFSCHE

Banafsche, Minou (2010). Die Leistungsvergabe im Recht der Kinder- und Jugendhilfe in Form der Sozialraumvergabe. In: Zeitschrift für Kindschaftsrecht und Jugendhilfe (ZKJ) 7, 227-236.

•

Banafsche, Minou (2011). Anmerkung zu den Urteilen des BVerwG vom 3. März 2011, Az.: 5 C 15.10 und 5 C 16.10. In: Behindertenrecht (br) 6, 180-182.

Banafsche, Minou (2011). Kinder und Jugendliche mit Behinderungen zwischen SGB VIII und SGB XII – Im Lichte der UN-Behindertenrechtskonvention. In: Zeitschrift für Kindschaftsrecht und Jugendhilfe (ZKJ) 4, 116-123.

Banafsche, Minou (2011). Das Recht auf Bildung – Im Spannungsfeld von UN-Behindertenrechtskonvention und Grundgesetz. In: Zeitschrift für die sozialrechtliche Praxis (ZFSH/SGB) 12, 685-692.

Banafsche, Minou (2011). Die Rolle der freigemeinnützigen Träger im Recht der Kinder- und Jugendhilfe zwischen Korporatismus und Wettbewerb – Das Ende des Gemeinnützigkeitsprivilegs? In: Vierteljahresschrift für Sozialrecht (VSSR) 1, 37-62.

Melanie BIEWALD

Biewald, Melanie & Frings, Stefanie (2011). Yes, We Can! Das Persönliche Budget in der Werkstatt für Menschen mit Behinderung. In: Deutsche Rentenversicherung Bund, Deutsche Rentenversicherung Knappschaft-Bahn-See & Deutsche Gesellschaft für Rehabilitationswissenschaften (eds.). 20. Rehabilitationswissenschaftliches Kolloquium. Nachhaltigkeit durch Vernetzung. DRV-Schriften Vol. 93, Berlin, 300-301.

Elisabeth WACKER

Frings, Stefanie, Wacker, Elisabeth & Wetzler, Rainer (2010). Creating Common Rules and Maintaining the Diversity in Doing so. Study in the Framework of the PROGRESS Project BEST Quality. Benchmarking – European – Standards in Social Services – Transnationally. Ed. TU Dortmund University, Sociology of Rehabilitation and the BEST Quality Project Partnership under Management by Josefsheim gGmbH.

Frings, Stefanie, Wacker, Elisabeth & Wetzler, Rainer (2010). Gemeinsame Regeln schaffen und dabei Vielfalt wahren. Studie im Rahmen des PROGRESS-Projektes BEST Quality. Benchmarking – European – Standards in Social Services – Transnationally. Ed. Technische Universität Dortmund, Fakultät Rehabilitationswissenschaften, Rehabilitationssoziologie und die Projektpartnerschaft BEST Quality unter der Leitung der Josefsheim gGmbH.

Sachverständigenkommission 13. Kinder- und Jugendbericht [Hartmann, Wolfram, Hassel, Holger, Homfeldt, Hans Günther, Keupp, Heiner, Mayer, Hermann, Rose, Heidemarie, Wacker, Elisabeth, Ziegenhain, Ute & Lüders, Christian (coopt.)] (eds.)

(2010). Materialien zum 13. Kinder- und Jugendbericht. Mehr Chancen für gesundes Aufwachsen. Gesundheitsförderung und gesundheitsbezogene Prävention in der Kinder- und Jugendhilfe. Deutsches Jugendinstitut, Munich.

Wacker, Elisabeth (2010). Berufsbilder im demografischen Wandel – Lebensqualität orientierte Begleitung (LoB) als Konzept für alle. In: Orientierung. Fachzeitschrift der Behindertenhilfe, 34, 6-9.

Wacker, Elisabeth (2010). Inklusion. Mehr Chancen für gesundes Aufwachsen für alle – (noch) Neuland der Kinder- und Jugendhilfe. In: Frühe Kindheit. Die ersten sechs Jahre 13, 7-12.

Wacker, Elisabeth (2010). Inklusion Jugendlicher mit (und ohne) Behinderung – Chancengerechtigkeit als Auftrag – Wer gibt den Takt vor? In: Jugendhilfe 48, 265-273.

Wacker, Elisabeth (2010). "KompAs – Kompetentes Altern sichern. Entwicklung und Erprobung eines Programms zur gesundheitlichen Prävention für behinderte Erwachsene (ProPEr)". Bewegungsförderung 60+. Im Spannungsfeld zwischen Theorie und Praxis. Zweite Regionalkonferenz des Zentrums für Bewegungsförderung Nordrhein-Westfalen, 26 October 2010, Essen (Poster).

Wacker, Elisabeth, Wetzler, Rainer & Frings, Stefanie (2010). Delphi-Studie zu Gesundheitsförderung und Gesundheitschancen von Kindern und Jugendlichen mit Behinderungen. In: Sachverständigenkommission 13. Kinder- und Jugendbericht [Hartmann, Wolfram, Hassel, Holger, Homfeldt, Hans Günther, Keupp, Heiner, Mayer, Hermann, Rose, Heidemarie, Wacker, Elisabeth, Ziegenhain, Ute, Lüders, Christian (coopt.)] (eds.). Materialien zum 13. Kinder- und Jugendbericht. Mehr Chancen für gesundes Aufwachsen. Gesundheitsförderung und gesundheitsbezogene Prävention in der Kinder- und Jugendhilfe. Deutsches Jugendinstitut, Munich, 311-370.

•

Wacker, Elisabeth (2011). Behindertenpolitik, Behindertenarbeit. In: Hans-Uwe Otto & Hans Thiersch (eds.). Handbuch Soziale Arbeit. Grundlagen der Sozialarbeit und Sozialpädagogik (4th ed.). Munich: E. Reinhardt Verlag, 87-100.

Wacker, Elisabeth (2011). Disability Mainstreaming – Eine Aufgabe zukünftiger Kinder- und Jugendpolitik. In: Kindesmisshandlung und -vernachlässigung. Interdisziplinäre Fachzeitschrift für Prävention und Intervention 14, 54-79.

Wacker, Elisabeth (2011). Inklusion – Mehr Chancen für gesundes Aufwachsen für alle. In: KiTa aktuell. Fachzeitschrift für Leitungen und Fachkräfte der Kindertagesbetreuung 23, 170-174.

Wacker, Elisabeth (2011). Inklusion – Ein Kinderspiel! Stationen auf dem Weg zu gleichen Chancen beim Heranwachsen für alle. In: Frühe Kindheit. Die ersten sechs Jahre 14, 6-15.

Wacker, Elisabeth (2011). Inklusion von Menschen mit Behinderung im Alter – Noch Zukunftsmusik für die Behindertenhilfe und ihre Fachkräfte? In: Vierteljahresschrift für Heilpädagogik und ihre Nachbargebiete (VHN) 80, 235-241.

VI. Papers and Lectures



1. Papers

1.1. Foreign and International Social Law

Ulrich BECKER

"Verfassungsrechtliche Vorgaben für Sozialversicherungsreformen". Annual Meeting, Deutscher Verein für Versicherungswissenschaft, Plenum II: "Sicherung der Nachhaltigkeit der Sozialversicherung in schwierigen wirtschaftlichen Zeiten", Düsseldorf (10 March 2010).

"Das Recht auf Gesundheit in Deutschland vor dem Hintergrund aktueller Entwicklungen in der Krankenversicherung". Discussion forum: "Das Recht auf Gesundheit als Menschen- und Grundrecht in der internationalen Perspektive: Ein Vergleich", Auditorium, Goethe-Institut, Porto Alegre RS, Brazil (9 April 2010).

Welcome and introduction to the topic. Conference: "Im Zweifel auf Privatrezept? Sozial- und haftungsrechtliche Aspekte des Off-Label-Use", Max Planck Institute of Foreign and International Social Law, Munich (20 May 2010).

"120 Jahre gesetzliche Rentenversicherung in Deutschland – Vergangenheit und Zukunft". Meeting of the representatives, Deutsche Rentenversicherung Braunschweig-Hannover, Bad Pyrmont (2 June 2010).

"Allgemeine beihilfenrechtliche Vorgaben für die Erbringung sozialer Dienstleistungen in der Kommune" and **chair** of the final discussion. Conference: "EU-Beihilfenrecht und die Finanzierung sozialer Dienstleistungen auf kommunaler Ebene", DGB-Haus, Munich (22 June 2010).

"Aktuelle Rechtsprechung des Europäischen Gerichtshofs zum Sozialrecht". Alumni Meeting: "Europäische Integration und Sozialrecht nach dem Inkrafttreten des Vertrags von Lissabon", Max Planck Institute for Foreign and International Social Law, Munich (10 September 2010).

"Aktuelle Rechtsprechung des EuGH zum Sozialrecht". Meeting of Bayerische Sozialgerichtsbarkeit [Bavarian social courts], Bayerisches Landessozialgericht, Weiden (21 September 2010).

"Das gegliederte System der sozialen Sicherung – Möglichkeiten und Ansätze zur Verein-fachung und Neustrukturierung". Meeting of the steering committee of Deutscher Verein für öffentliche und private Fürsorge e.V. [German Association for Public and Private Welfare], Stuttgart (22 September 2010).

Chair of panel discussion and final discussion. German-Japanese Symposium on Guardianship Law, Tokyo, Japan (29 – 30 September 2010).

Keynote Lecture: "Guardianship and Social Benefits". World Congress on Adult Guardianship Law 2010, Yokohama, Japan (2 October 2010).

"Die Methodik und die Ziele des Rechtsvergleichs und des Sozialpolitikvergleichs". Workshop at the "National Institute of Population and Social Security Research", Tokyo, Japan (5 October 2010).

"Das Opferentschädigungsgesetz im europäischen Kontext". Expert conference: "21. Opferforum – Moderne Opferentschädigung", Weisser Ring, Mainz (11 October 2010).

"Folgen des SGB II-Urteils: Regelsatzbemes-sung jenseits der Willkür". ConSozial, 12. Fachmesse und Congress des Sozialmarktes, Exhibition Centre Nuremberg (4 November 2010).

Welcome address and input on "Panel III: Soziale Sicherung von Pflegepersonen". Conference: "Zeit für Verantwortung im Lebensverlauf – Politische und rechtliche Handlungsstrategien", German Bundestag, Paul-Löbe-Haus, Berlin (29 November 2010).

Chair of discussion. Symposium: "Die Vermarktung von Namensrechten an Sportstätten im nationalen und internationalen Recht", Max Planck Institute for Comparative and International Private Law, Hamburg (6 December 2010).

Welcome address and introduction to the lecture held by Prof. Dr. Grega Strban on "Social Security of Internationally Mobile Researchers". Internationales Begegnungszentrum, Munich (8 December 2010).

Welcome address and introduction to the lecture held by Prof. Dr. Ming-Cheng Kuo on "Der Auf- und Ausbau des taiwanesischen Sozialstaates", Max Planck Institute for Foreign and International Social Law, Munich (18 January 2011).

"Germany: An Example of a Western European System". Conference: "The Role of Social Services of General Interest in EU Law: New Challenges and Tensions", University of Copenhagen, Denmark (13 May 2011).

Introduction (with Frans Pennings) and **chair** of "IV. Techniques: New Methods and Tools – 1. Privatisation". Workshop: "International Standard Setting and Innovation in Social Security", Max Planck Institute for Foreign and International Social Law, Munich (26 – 28 May 2011).

"Die Sozialpolitik im Spannungsverhältnis von Nationalstaat und supranationalen Institutionen". Anniversary Conference of Gesellschaft für Sozialer Fortschritt e.V. [Association for Social Progress]: "60 Jahre Sozialer Fortschritt", Berlin (16 June 2011).

Commentary on "I. Familien und Sozialstaat", Workshop: "Japanische Perspektiven auf den deutschen Sozialstaat im 'langen' 20. Jahrhundert", Max Planck Institute for Social Law and Social Policy, Munich (8 September 2011).

"Die Finanzmarktkrise und die Zukunft der Arbeits- und Sozialrechtsordnungen – Krisenbewältigung und grundlegender Reformbedarf im Rechtsvergleich". 33rd Conference of the Gesellschaft für Rechtsvergleichung: "Rechtliche Grenzen der Freiheit und Rechtsschutz", Treves (15 – 17 September 2011).

"Prohibition of Discrimination in Social Security". Annual Conference of the European Institute of Social Security (EISS): "Changing Social Security", University of Ljubljana, Slovenia (29 September 2011).



Expert conference on mediation held at the Bavarian State Ministry of Labour and Social Welfare on 18 October 2011 (top), International symposium on "Long-Term Care and Old-Age Security", Renmin University, Beijing, P. R. China on 30 October 2011 (bottom), and World Congress on Adult Guardianship Law 2010, Yokohama, Japan: Article in *The Mainichi Daily News*, 10 November 2010.

"Recht ohne Urteil". Conference on mediation with panel discussion, Bavarian State Ministry of Labour and Social Welfare, Family Affairs and Women, Munich (18 October 2011).

Chair of the research group: "Stability and Change in Social Health Protection". Conference: "Reforming Social Protection Systems in Developing Countries", Ruhr University Bochum (20 October 2011).

"An International Comparison of Legal Frameworks for Long-Term Care". International Symposium: "Long Term Care and Old-Age Security", Renmin University, Beijing, P. R. China (30 October 2011).

"Neuausrichtung wettbewerblicher Steuerungsinstrumente". Symposium: "Wettbewerbliche Steuerungsinstrumente im Gesundheitswesen", Deutsche Gesellschaft für Kassenarztrecht e.V. [German association for SHI physicians law], Berlin (10 November 2011).

"Forschungsperspektiven Sozialrecht". Ceremony: "Ein Social Event!", held on the occasion of the establishment of the second department at the Max Planck Institute for Social Law and Social Policy, Siemens Forum, Munich (14 November 2011).

"Europarechtliche Vorgaben für die Arbeitnehmerfreizügigkeit". German-Polish Conference: "Die Realisierung der Arbeitnehmerfreizügigkeit im Verhältnis zwischen Deutschland und Polen aus arbeits- und sozialrechtlicher Sicht", Max Planck Institute for Social Law and Social Policy, Munich (24 – 25 November 2011).

Chair of discussion. Symposium: "Dopingkontrollsysteme und Freiheitsrechte der Sportler", Max Planck Institute for Comparative and International Private Law, Hamburg (12 December 2011).

Edda BLENK-KNOCKE

"Was kommt nach dem Ernährermodell? Einführung in das Forschungsprojekt". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (26 June 2010).

"Modernisierung von Geschlechterrollen in Europa". Conference: "Gender und Familie – (Un-)klare Verhältnisse", Evangelische Akademie Tutzing (2 December 2010).

Olga CHESALINA

"Case Study: HIV in Russia". Workshop: "International Standard Setting and Social Security", Max Planck Institute for Foreign and International Social Law, Munich (26 May 2011).

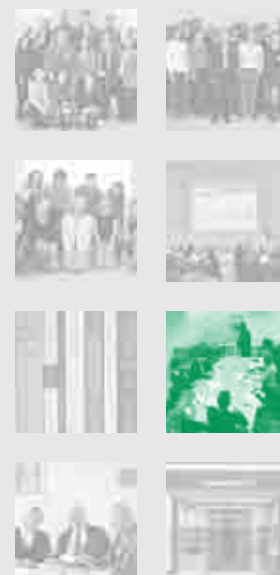
Barbara DARIMONT

"The Never-Ending Drafting of Social Security Laws". European China Law Studies Association, 5th Annual Conference, Danish Institute for Human Rights, Copenhagen, Denmark (18 June 2010).

"Chinesisches Eherecht im Spiegel der Zeit". University of Cologne (10 December 2010).

"Die rechtliche Stellung der Nebenfrau in China im Spiegel der Zeit". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (15 December 2010).

"Die Verabschiedung des Sozialversicherungsgesetzes und dessen Implikationen auf die soziale Sicherheit in China". 26. Chinesisch-deutsches Studententreffen [26th meeting of Chinese and German students], China Center, Goslar (25 February 2011).



Chair of "II. Material Scope: Uncovered and New Risks – 1. Poverty". Workshop: "International Standard Setting and Innovation in Social Security", Max Planck Institute for Foreign and International Social Law, Munich (26 May 2011).

"Case Study: Migrants in China". Workshop: "International Standard Setting and Social Security", Max Planck Institute for Foreign and International Social Law, Munich (27 May 2011).

"China's Rural Migrants – Vulnerable Labour or Citizens with Equal Status?". Goethe University, Institute for Political Science, Frankfurt am Main (22 June 2011).

"International Standard Setting and Innovation in Social Security". Information meeting for a delegation of the "Institute of Labour Science and Social Affairs (ILSSA)", Hanoi, Socialist Republic of Vietnam, Max Planck Institute for Social Law and Social Policy, Munich (18 October 2011).

Tineke DIJKHOFF

"The Dutch Invalidity Benefit vs. International Obligations". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (6 July 2011).

"International Social Security Standards: A Pebble in the Nation's Shoe". Conference: "International Social Security Standards: Ideals or Obstacles?", Tilburg University, the Netherlands (13 September 2011).

Dafni DILIAGKA

"The Europeanization of the Pension System in Greece". 9th Annual ESPAnet Conference: "Sustainability and Transformation of European Social Policy", University of Valencia, Spain (9 September 2010).

"The Reformed Greek Pension System". Max-NetAging Research School, Max Planck Institute for Demographic Research, Rostock (25 March 2011).

Henning FRANKENBERGER

"Die Tätigkeit der Arbeitsgruppe Open Access in der Max-Planck-Gesellschaft". XXXIIIth Librarians' meeting of the Max Planck Society, Max Planck Institute for Biophysical Chemistry, Göttingen (28 April 2010).

"Arbeitsrecht und Datenschutz im Web 2.0". Librarians' meeting of the Humanities and Social Sciences Section (GSHS) of the Max Planck Society, Max Planck Institute for Human Development, Berlin (8 November 2010).

"Die Tätigkeit der Arbeitsgruppe Open Access in der Max-Planck-Gesellschaft". XXXIVth Librarians' meeting of the Max Planck Society, Max Planck Society, Administrative Headquarters, Munich (2 May 2011).

"Das VuFind Projekt der Bibliothek des Max-Planck-Instituts für Sozialrecht und Sozialpolitik". Librarians' meeting of the Humanities and Social Sciences Section (GSHS) of the Max Planck Society, Max Planck Institute for Foreign and International Criminal Law, Freiburg (4 November 2011).

Vera HANSEN

"Long-Term Care as a New Social Risk". Annual Conference of the European Institute of Social Security (EISS): "Changing Social Security", Young Researchers' Forum, University of Ljubljana, Slovenia (30 September 2011).

Simone von HARDENBERG

"Individualisierte Medizin als Leistung der GKV?". (with Nikola Wilman). Expert workshop: "Individualisierte Gesundheitsversorgung" within the framework of the cooperative project of the Federal Ministry of Education and Research (BMBF): "Individualisierte Gesundheitsversorgung: Ethische, ökonomische und rechtliche Implikationen für das deutsche Gesundheitswesen", Institute for Ethics, History and Theory of Medicine, Munich (20 July 2011).

Eva Maria HOHNERLEIN

"Ausweitung der Mutterschaftsleistungen und des bezahlten außerordentlichen Pflegeurlaubs in Italien". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (14 April 2010).

"Rollenleitbilder und -realitäten – Zu den Auswirkungen von Familienarbeit auf die Existenzsicherung im Alter. Geschlechterkonstruktionen im Spiegel von Altersrenten und Witwenrenten". Conference: "Gender und Familie – (Un-)klare Verhältnisse", Evangelische Akademie Tutzing (3 December 2010).

"La protección social de las familias en Alemania: situación actual y tendencias". Seminar: "Familias Monoparentales y Protección Social", Facultad de Derecho, University of Barcelona, Spain (10 December 2010).

"Der Schutz von Kindesinteressen im italienischen Sozialrecht – Aktuelle höchstrichterliche Rechtsprechung". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (9 February 2011).

"Rechtliche Rahmenbedingungen für Ehe, Partnerschaft und Familie. Gestaltungsaufgaben für Sozial- und Familienrecht". Expert conference: "Herausforderungen für die Familienpolitik", Hanns-Seidel-Stiftung e.V., Munich (20 May 2011).

Commentary on "I. Familien und Sozialstaat". Workshop: "Japanische Perspektiven auf den deutschen Sozialstaat im 'langen' 20. Jahrhundert", Max Planck Institute for Social Law and Social Policy, Munich (8 September 2011).

"Verfassungsrechtliche Aspekte des Sozialrechts in Deutschland". 14th Congress of the German-Argentine Lawyers Association (AJAG), Universidad Nacional de Rosario, Rosario, Argentina (15 September 2011).

"What is Social Law? Legal and Linguistic Approaches". Meeting hosted for a visiting group of students enrolled in the "Higher Diploma in Social Policy" study programme at the School of Applied Social Studies, University College Cork, Ireland; Max Planck Institute for Social Law and Social Policy, Munich (17 November 2011).

Otto KAUFMANN

"L'Europe, la protection sociale et le citoyen: La libre circulation et la protection sociale". 3rd Europe Forum: "Etats Généraux de l'Europe", Strasbourg, France (17 April 2010).

"L'évolution de la protection sociale allemande en temps de crise: conséquences sur les prestations et le financement". International Colloquium: "Regards croisés sur l'évolution des systèmes de la sécurité sociale: Nouveaux défis et perspectives", University of Sfax, Tunisia (27 April 2010).

Chair of the 3rd session: "Rôle et place des partenaires sociaux et de la société civile organisée", and lecture: **"Promouvoir de nouvelles voies pour la solidarité"**. 35th Meeting IPSE [Institute for European Social Protection]: "Pour une protection sociale durable: de nouvelles voies pour la solidarité", Seville, Spain (5 and 6 July 2010).

"Struktur der französischen Rentenversicherung und die Reform". Conference: "Rentenversicherung im internationalen Vergleich", Deutsche Rentenversicherung Bund, Erkner (7 September 2010).

"The German Social Security System – Le système allemand de protection sociale". Executive Training Programme: "A Forecast on the Development of the German Welfare State", Hertie School of Governance, Berlin (1 October 2010).

Chair of the Round Table: "What Types of Cooperation can Establish Different Families of Not-for-Profit Solidarity-Based Social Protection?". 36th Meeting IPSE [Institute for European Social Protection]: "Cooperate for the Advancement of Not-for-Profit Social Protection", Liège, Belgium (15 October 2010).

"A propos des relations 'assurance privée – assurance publique' en Allemagne". Conference: "Le risque maladie en Europe: place et rôle de l'assurance privée", Ecole des hautes études en santé publique (EHESP), Rennes, France (19 November 2010).

"Financement et gestion: les systèmes collectifs de protection sociale en Europe sont-ils encore viables?". Colloque européen MFP-Europa: "Enjeux et avenir des systèmes collectifs de protection sociale en Europe", Paris, France (4 March 2011).

"La concurrence entre systèmes collectifs de protection sociale". Colloque européen MFP-Europa: "Enjeux et avenir des systèmes collectifs de protection sociale en Europe", Paris, France (4 March 2011).

Chair. Round Table: "Financement et gestion: les systèmes collectifs de protection sociale en Europe sont-ils encore viables?". Colloque européen MFP-Europa: "Enjeux et avenir des systèmes collectifs de protection sociale en Europe", Paris, France (4 March 2011).

"Assurances de santé publiques et privées en Allemagne". Colloquium: "Finances publiques et santé", Lille 2 University, France (1 April 2011).

"Kollektivverhandlungen in Frankreich". 5. Arbeitsrechtlicher Dialog [5th Labour Law Dialogue]: "Überbetriebliche versus innerbetriebliche Kollektivvereinbarungen", TU Bergakademie Freiberg (27 May 2011).

"Die Staat/Privat-Arbeitsteilung in der europäischen Alterssicherung. Merkmale der betrieblichen Altersversorgung". Workshop: "Staatliche und betriebliche Alterssicherungssysteme in Europa nach der Finanzkrise – aktuelle Entwicklungen und Reformtendenzen", Deutsche Bundesbank, Frankfurt am Main (10 June 2011).

Chair of and **introduction** to "Intérêt général". Panel: "La personne, l'intérêt général: quelles prises en compte dans les activités des organismes mutualistes, paritaires et coopératifs?", 37th Meeting IPSE [Institute for European Social Protection]: "L'individu, le collectif, au cœur des nouvelles solidarités", Warsaw, Poland (5 July 2011).

"Le rôle respectif de l'Etat et d'acteurs privés dans la protection sociale. Des exemples européens". Colloquium: "L'Etat et la protection sociale", Laboratoire d'études et d'analyse des politiques publiques en Algérie, University of Algiers 3, Algeria (13 October 2011).

Peter A. KÖHLER

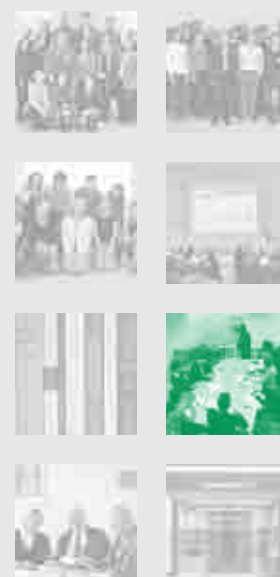
"Die schwedische Alterssicherung in der globalen Finanzkrise". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (10 February 2010).

"Überkommene Sichtweisen und neue Interpretationen des Wohlfahrtsstaats Schweden". Scientific Advisory Board Meeting, Max Planck Institute for Foreign and International Social Law, Munich (1 July 2010).

"Das 'Volksheim' im Wandel – Schweden nach fünfzehn Jahren Mitgliedschaft in der Europäischen Union". Meeting of the Board of Trustees, Max Planck Institute for Foreign and International Social Law, Munich (3 July 2010).

Yasemin KÖRTEK

"Sozialpolitik in der Türkei", Centre for Social Policy Research (ZeS), University of Bremen (8 June 2010).



"Perspektive eines Beitrittskandidaten – Modernisierung der Sozialversicherung in der Türkei". Meeting of the Board of Trustees, Max Planck Institute for Foreign and International Social Law, Munich (3 July 2010).

"Verfassung und Soziales". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (15 September 2010).

Luise LAUERER

"Die soziale Sicherung bei Pflegebedürftigkeit". Scientific Advisory Board Meeting, Max Planck Institute for Foreign and International Social Law, Munich (2 July 2010).

Bernd BARON VON MAYDELL

"Does Globalisation Require a World Social Law?". International Conference on "Global Economic Recession vs. Deregulation: A Multi-Disciplinary Dialogue", Beijing, P. R. China (25 – 29 April 2010).

"Der rechtliche Rahmen für die deutsche Pflegeversicherung – ein Modell für Kroatien?". Conference: "Mogućnosti uvodenja sustava Pflegeversicherung u hrvatski sustav socijalne sigurnost", Opatija, Croatia (17 – 18 June 2011).

"Minderheiten und ihre Berücksichtigung im nationalen und internationalen Recht". International Jean Monnet Chair Conference: "Invisible Minorities", Opatija, Croatia (13 – 16 October 2011).

Introduction. German-Polish Conference: "Die Realisierung der Arbeitnehmerfreizügigkeit im Verhältnis zwischen Deutschland und Polen aus arbeits- und sozialrechtlicher Sicht", Max Planck Institute for Social Law and Social Policy, Munich (24 November 2011).

Magdalena NEUEDER

"Behinderung und Arbeit. Die berufliche Eingliederung von Menschen mit Behinderungen und die Grenzen staatlicher Verantwortung". Insights into research landscapes. Lecture held within the scope of the LMU mentoring programme regarding the career advancement of academics, Ludwig Maximilian University Munich (10 May 2010).

"Das Leistungserbringungsverhältnis im Sozialrecht" (with Michael Schlegelmilch). Scientific Advisory Board Meeting, Max Planck Institute for Foreign and International Social Law, Munich (2 July 2010).

Lorena OSSIO BUSTILLOS

"Das Iberoamerikanische Multilaterale Abkommen über Soziale Sicherheit". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (13 October 2010).

"Sozialpolitik in lateinamerikanischen Staaten als Mittel der Armutsbekämpfung". Konrad-Adenauer-Stiftung, Vertiefungsseminar 06/2011: "Verantwortung für die Eine Welt – Bedeutung und Chancen globaler Entwicklungspartnerschaften", Bildungszentrum Schloss Eichholz, Wesseling (31 March 2011).

"Prinzipien der neuen bolivianischen Verfassung 2009". Colloquium: "Verfassungsprinzipien im Wandel: ein europäisch-lateinamerikanischer Dialog am Beispiel der bolivianischen Verfassung", German University of Administrative Sciences Speyer (3 May 2011).

"Case Study: Flat Pension System in Bolivia". Workshop: "International Standard Setting and Innovation in Social Security", Max Planck Institute for Foreign and International Social Law, Munich (26 May 2011).

Chair of "II. Personal Scope: Informal Sector and Migrants – 2. Coverage for Migrants". Workshop: "International Standard Setting and Innovation in Social Security", Max Planck Institute for Foreign and International Social Law, Munich (27 May 2011).

"Der Sozialstaat in Bolivien – die neue Verfassung Boliviens und der innovative Ansatz im Umgang mit dem Problem Normenkollisionen". Jour fixe, Collaborative Research Center 700 (SFB): "Governance in Räumen begrenzter Staatlichkeit: neue Formen des Regierens?", Freie Universität Berlin (14 July 2011).

"Inklusion von Menschen mit Behinderungen aus lateinamerikanischer Perspektive. Eine Aufgabe des Sozialrechts für das Soziale im Recht". Conference: "Recht sozial. Disziplinenübergreifende Perspektiven auf soziale Sicherung", Protestant University of Applied Sciences Berlin (EFB) (18 September 2011).

Hans-Joachim REINHARD

"La jurisdicción contencioso-administrativa en Alemania". III. Congreso Internacional de Justicia Administrativa Facultad de Derecho, Malaga University, Spain (25 January 2010).

"Versicherung gegen das Risiko der Krankheit in Deutschland – Versicherungspflicht in Deutschland". KfH Kuratorium für Dialyse und Nierentransplantation e.V. [KfH curatorship for dialysis and renal transplantation], Frankfurt am Main (10 March 2010).

"La protección social de la dependencia en Alemania". International seminar: "Temas clave de la ciudadanía europea: Salud, Dependencia y Sufragio de los retirados alemanes en España", Malaga University, Spain (25 March 2010).

"The Notion of Incapacity in the German Social Security Law and the Interrelation between Unemployment and Invalidity". International Workshop on Invalidity Benefits, Hochschule Fulda (10 June 2010).

"Aspectos de la protección de las familias monoparentales, en particular en Alemania".

Workshop: "Familias Monoparentales", University of Barcelona, Spain (27 June 2010).

"Soins de santé en Europe". 35th Meeting IPSE [Institute for European Social Protection]: "Pour une protection sociale durable: de nouvelles voies pour la solidarité", Seville, Spain (6 July 2010).

"Unterhalt und Sozialrecht in Deutschland", KfH Kuratorium für Dialyse und Nierentransplantation e.V. [KfH curatorship for dialysis and renal transplantation], Frankfurt am Main (24 November 2010).

"Rentenreform in Deutschland". Conference: "Dojrzały wybór – wydłużanie wieku emerytalnego szansą dla kolejnych pokoleń? Doświadczenia Polski i Niemiec", Instytut Spraw Publicznych, Warsaw, Poland (1 December 2010).

"La protección social de las familias monoparentales en Europa". Seminario sobre la protección de la familias monoparentales, University of Barcelona, Spain (10 December 2010).

"Rentenreform in Spanien". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (13 April 2011).

"El sistema de protección social en Alemania". 7. Coloquio Internacional de Seguridad Social Cambios en el Trabajo y Seguridad Social, Universidad Autónoma del Estado de Morelos, Cuernavaca, Mexico (1 June 2011).

"Protección de las mujeres en sistemas europeos de seguridad social". 7. Coloquio Internacional de Seguridad Social: Cambios en el Trabajo y Seguridad Social, Universidad Autónoma del Estado de Morelos, Cuernavaca, Mexico (2 June 2011).

"Systeme der Absicherung des Risikos der Pflege in Europa im Vergleich". BKK-Tag 2011 [company health insurance funds conference] "Zukunft der Pflege – Modelle für eine Reform", BKK-Landesverband Mitte, Berlin (28 June 2011).

Michael SCHLEGELMILCH

"Das Leistungserbringungsverhältnis im Sozialrecht" (with Magdalena Neueder). Scientific Advisory Board Meeting, Max Planck Institute for Foreign and International Social Law, Munich (2 July 2010).

"Maybe I'm a Social Scientist but I don't Know yet. How and why to do a Legal Comparison". Meeting hosted for a visiting group of students enrolled in the "Higher Diploma in Social Policy" study programme at the School of Applied Social Studies, University College Cork, Ireland, Max Planck Institute for Social Law and Social Policy, Munich (17 November 2011).

Markus SCHÖN

"Finanzierungsstrategien in der Kinder- und Jugendhilfe – Merkmale, Motive und rechtliche Maßgaben". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (13 January 2010).

Chair of the panel discussion: "Gesundheitsförderung für Kinder in und durch verschiedene Institutionen – Politische Perspektiven". Conference: "Mehr Chancen für gesundes Aufwachsen", Evangelische Akademie Tutzing and Deutsches Jugendinstitut, Tutzing (14 March 2010).

Chair and chair of discussion. Conference: "EU-Beihilfenrecht und die Finanzierung sozialer Dienstleistungen auf kommunaler Ebene", DGB-Haus, Munich (22 June 2010).

"Misfit Concerning Social Services of General Interest in the European Context". Plenum of the joint Sectoral Social Dialogue Committee of the Council of European Municipalities and Regions (CEMR) and of the European Federation of Public Service Unions (EPSU), Brussels, Belgium (24 March 2011).

Bernd SCHULTE

"Inklusion muss Schule machen! Umsetzung der UN-Behindertenrechtskonvention in Bayern". 5th Meeting of the series of lectures entitled "Einfach Mittendrin – Die Rechte behinderter Menschen stärken", Bayerischer Landtag, Munich (11 June 2010).

"Sozialrecht und Sozialpolitik in der Europäischen Union 'nach Lissabon'". Meeting of the Board of Trustees, Max Planck Institute for Foreign and International Social Law, Munich (3 July 2010).

"Der Betreute, sein Betreuer und das Recht". 1. Bayerischer Betreuungsgerichtstag [Bavarian court day on guardianship], Alter Rathssaal, Munich (22 July 2010).

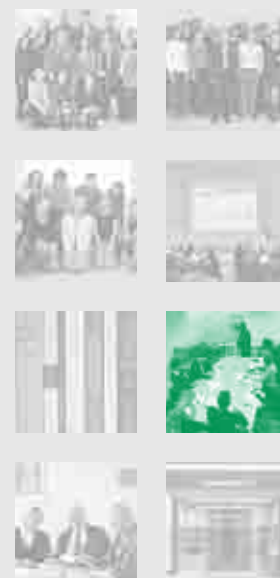
"Europäisches Sozialrecht nach dem Vertrag von Lissabon". Alumni Meeting: "Europäische Integration und Sozialrecht nach dem Inkrafttreten des Vertrags von Lissabon", Max Planck Institute for Foreign and International Social Law, Munich (10 September 2010).

Chair of "II. Material Scope: Uncovered and New Risks – 2. New Risks". Workshop: "International Standard Setting and Innovation in Social Security", Max Planck Institute for Foreign and International Social Law, Munich (27 May 2011).

"Das Recht von Menschen mit Behinderungen auf Teilhabe am politischen und öffentlichen Leben". Bayerischer Landtag, Munich (30 June 2011).

Daniela SCHWEIGLER

"Das Recht auf Anhörung eines bestimmten Arztes (§ 109 SGG) in der sozialgerichtlichen Praxis". Scientific Advisory Board Meeting, Max



Planck Institute for Foreign and International Social Law, Munich (1 July 2010).

"Das Recht auf Anhörung eines bestimmten Arztes (§ 109 SGG) in der sozialgerichtlichen Praxis". Doctoral seminar 2010 held by Deutscher Sozialrechtsverband e.V., Max Planck Institute for Foreign and International Social Law, Munich (9 July 2010).

Ilona VILACLARA

„Rollstuhl, Krücke, Hörgerät – Hauptsache billig? Die Preissteuerung im gesetzlichen Krankenversicherungsrecht im Spannungsfeld von Kostendruck und Qualitätssicherung“. Insights into research landscapes. Lecture held within the scope of the LMU mentoring programme regarding the career advancement of academics, Ludwig Maximilian University Munich (7 June 2010).

Sebastian WEBER

"Ohne Bibliothek geht nichts – von rechtswissenschaftlichen Datenbanken bis zum Präsenzbestand". XXXIVth Librarians' meeting of the Max Planck Society, Max Planck Society, Administrative Headquarters, Munich (3 May 2011).

"Sühne – Versöhnung – Völkerrecht". Keynote address and panel discussion: 33. Deutscher Evangelischer Kirchentag, Dresden (2 June 2011).

"Hilfe wider Willen – zur Kostenpflicht bei öffentlich-rechtlicher Unterbringung eines psychisch Kranken". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (15 June 2011).

"Grenzen – konfliktreiche konstitutive Voraussetzung eines Staates". International workshop: "Phantomgrenzen und Regionen – für eine Kulturgeschichte des Rechts in Ostmittel- und Südosteuropa", Geisteswissenschaftliches Zentrum Geschichte und Kultur Ostmitteleuropas (GWZO), University of Leipzig (12 November 2011).

"Europäische Terrorismusbekämpfung". Legal seminar, Bundesnachrichtendienst, Munich (17 November 2011).

"Heimrecht und Datenschutz". Development seminar for managers of social welfare institutions, Lappersdorf near Regensburg (22 November 2011).

Nikola WILMAN

"Off-Label-Use in den USA", Conference: "Im Zweifel auf Privatrezept? Sozial- und haftungsrechtliche Aspekte des Off-Label-Use", Max Planck Institute for Foreign and International Social Law, Munich (20 May 2010).

"Kosten-Nutzen-Bewertung im Gesundheitswesen". Scientific Advisory Board Meeting, Max Planck Institute for Foreign and International Social Law, Munich (1 July 2010).

"Liberating the NHS – das Weißbuch vom 12. Juli 2010". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (17 November 2010).

"Drittmittelprojekt: Individualisierte Gesundheitsversorgung". Internal lecture, Max Planck Institute for Foreign and International Social Law, Munich (8 December 2010).

"Individualisierte Medizin als Leistung der GKV?" (with Simone von Hardenberg). Expert workshop: "Individualisierte Gesundheitsversorgung" within the framework of the cooperative project of the Federal Ministry of Education and Research (BMBF): "Individualisierte Gesundheitsversorgung: Ethische, ökonomische und rechtliche Implikationen für das deutsche Gesundheitswesen", Institute for Ethics, History and Theory of Medicine, Munich (20 July 2011).

Hans F. ZACHER

"Geschichte und Krise der sozialen Marktwirtschaft". Meeting of the Historical-Philosophical Class, Bavarian Academy of Sciences, Munich (15 January 2010).

Commentary on "How do we 'Replan the Journey'". 16th Plenary Session: "Crisis in a Global Economy. Re-Planning the Journey", Pontifical Academy of Social Sciences, Vatican City (3 May 2010).

Keynote address on behalf of the president of the Max Planck Society. International colloquium "Strafrecht in einer globalen Welt" held in memory of Professor Dr. Dr. h.c. mult. Hans-Heinrich Jescheck, Max Planck Institute for Foreign and International Criminal Law, Freiburg im Breisgau (7 January 2011).

"How can a Universal Right to Freedom of Religion be Understood in the Light of Manifest Differences Among Religions, Cultures, Nations, Schools of Interpretation, Formulations of Rights, and Modes of Implementing them?". 17th Plenary Session: "Universal Rights in a World of Diversity. The Case of Religious Freedom", Pontifical Academy of Social Sciences, Vatican City (2 May 2011).

Welcome Address (on behalf of the president of the Max Planck Society). Symposium: "Hondred jaar Max-Planck-Gesellschaft", Royal Netherlands Academy of Arts and Sciences, Amsterdam (15 September 2011).

1.2. Munich Center for the Economics of Aging (MEA)

Axel BÖRSCH-SUPAN

"Soziale Gerechtigkeit: Utopie oder Garantie". Herrenhäuser Gespräche, Hanover (20 January 2011).

"SHARE-ERIC Status. Theme: Variable Geometry...". Meeting of the ERIC Committee, European Commission, Brussels, Belgium (21 January 2011).

"Arbeitskräftepotentiale: Wer kann wie in Zukunft arbeiten? Die Chancen der gewonnenen Jahre". Workshop of the research group "Bevölkerungswissenschaftliche Methoden" of Deutsche Gesellschaft für Demographie e.V. [German Society for Demography] in the German Federal Ministry of Labour and Social Affairs (BMAS), Berlin (27 January 2011).

"Work Disability and Health over the Life Course". Ausschuss für Bevölkerungsökonomie, Centre for European Economic Research (ZEW), Mannheim (5 February 2011).

"SHARE: Infrastrukturen für Sozialwissenschaften". Max Planck Society, Section Meeting, Berlin (17 February 2011).

"Challenges and Innovations in SHARE". 1st International Conference on Challenges and Innovations in Longitudinal Surveys, Beijing, P. R. China (25 February – 4 March 2011).

"Strukturreformen und demographischer Wandel". Max Planck Forum: "Werden die Alten bald die Jungen sein?", Berlin (16 May 2011).

"SHARE Erfolgsraten 2004 – 2010". Interview training at Institut für angewandte Sozialwissenschaft (infas), Bonn (29 March 2011).

"Finanzmarktkrise – das Aus für die kapitalgedeckte Altersvorsorge?". German Insurance Association (GDV), press colloquium, Berlin (29 March 2011).

"Ressourcen für den demographischen Wandel". German Insurance Association (GDV), Ausschusstagung Volkswirtschaft [committee meeting], Düsseldorf (31 March 2011).

"Wirkungen des demographischen Wandels auf Wirtschaft und Arbeitsmarkt". Expert Commission "Demografie" of the German Federal Government, Berlin (4 April 2011).

"Public Policy Inference from Cross-National Data". Seminar, Harvard Center for Population and Development Studies (Pop Center) of the Harvard School of Public Health, Boston, USA (2 May 2011).

"Wohlstand und Lebensqualität in Zeiten des demographischen Wandels: die gewonnenen Jahre". Helmholtz lecture, Humboldt University Berlin (5 May 2011).

"SHARE-ERIC". SHARE Wave 4 – Midterm Meeting, Ljubljana, Slovenia (19 – 20 May 2011).

"SHARE-ERIC". ERIC Constitutional Meeting, The Hague, the Netherlands (25 May 2011).

"SHARE-ERIC and the SHARE Infrastructure". ERIC Ministerial Meeting, The Hague, the Netherlands (25 May 2011).

"Incentive Effects of Disability Insurance in Germany". International Social Security Conference, National Bureau of Economic Research (NBER), Aix-en-Provence, France (2 – 4 June 2011).

"Riester Pensions: The Matching Defined Contribution Savings Scheme in Germany". World Bank Workshop on the Potential for Matching Defined Contribution Schemes, Washington D. C., USA (6 June 2011).

"Successful Aging Societies: Ensuring Social, Economic, and Political Stability, and a Healthy Society during the Coming Demographic Transition". MacArthur Foundation Aging Society Network Meeting "Intergenerational Cohesion in Europe", New York, USA (8 June 2011).

"Reform of Entitlement Programs in Europe with a Particular Focus on Public Pensions". NBER Pre-Conference on Fiscal Policy, Cambridge, Mass., USA (15 July 2011).

"Health and Early Retirement: Policy Lessons from International Comparisons". Research Institute of Economics, Trade and Industry (RIETI) and RAND Corporation Symposium: "What Have we Learned from the Panel Data of the Elderly? For Better Life and Health", Tokai University Kouyukaikan, Tokyo, Japan (29 July 2011).

"Update on SHARE". Conference on Harmonization of Longitudinal Studies, Beijing, P. R. China (2 August 2011).

"SHARE and SHARELIFE: The Collection of Longitudinal Data on Older Adults in Europe". Conference on Harmonization of Longitudinal Studies, Beijing, P. R. China (3 August 2011).

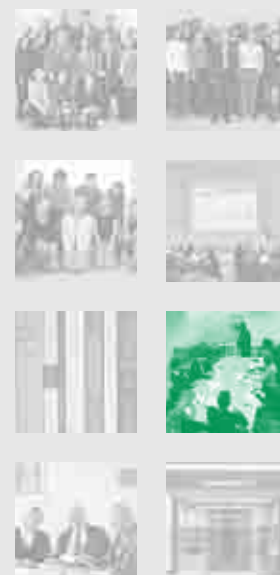
"Handlungsbedarf in der Rentenpolitik". Meeting in the German Federal Ministry of Labour and Social Affairs (BMAS), Berlin (24 August 2011).

Chair **"SHARELIFE and ELSA Life Histories"**. SHARE User Conference, Estonian Institute for Population Studies, Tallinn University, Estonia (1 – 3 September 2011).

"Saving Patterns in Times of Population Aging". European Colloquia, V Edition "An Era of Macro and Micro Frictions", Lago d'Iseo, Italy (13 – 15 September 2011).

"Heinz-Grohmann-Vorlesung: Wie gut können wir die Folgen des demographischen Wandels abschätzen?". Annual Conference, German Statistical Society (DStatG), Leipzig (21 September 2011).

"Strategies for, and Experiences of, Growth, Retirement and Work in Europe". The MacArthur Foundation Research Network on an Aging Society Network, Paris, France (29 September 2011).



"International Comparisons of Welfare State Interventions". International Longevity Center (ILC) Global Alliance Board Meeting, Leiden, the Netherlands (30 September 2011).

"Demographie und Fachkräftemangel". Expert Commission "Demografie" of the German Federal Government, Berlin (5 October 2011).

"Wirtschafts- und sozialpolitische Perspektiven". Conference of the Austrian Social Partners – Bad Ischler Dialog, Bad Ischl, Austria (10 October 2011).

"Survey of Health, Aging and Retirement in Europe". Workshop of the Brazilian Longitudinal Study of Aging (ELSI-BRASIL), Rio de Janeiro, Brazil (13 – 19 October 2011).

"Drohende Altersarmut in Deutschland". 15th DKM – International Trade Fair for the Finance and Insurance Industry, Dortmund (27 October 2011).

Introductory statement: **"Gesellschaftliche Entwicklung und soziale Sicherung vor dem Hintergrund des demografischen Wandels und Anforderungen an eine zukunftsste und generationengerechte Alterssicherung"**. Symposium "Regierungsdialog Rente" of the German Federal Government, Federal Ministry of Labour and Social Affairs, Berlin (7 November 2011).

"Forschungsperspektiven Sozialpolitik". Ceremony "Ein Social Event!" held on the occasion of the establishment of the second department at the Max Planck Institute for Social Law and Social Policy, Siemens Forum, Munich (14 November 2011).

"Early Childhood Experiences and their Impact on Late-Life Outcomes". MacArthur Aging Societies Network, Boston, USA (18 November 2011).

"Early-Life Factors and Late-Life Outcomes: Analysis of Data from the Survey of Health, Ageing and Retirement in Europe". 64th Annual Scientific Meeting of the Gerontological Society of America (GSA), Boston, USA (21 November 2011).

"Realwirtschaftliche Grundlagen der Finanzkrise". Conference of the Advisory Council of the German Federal Ministry of Economics and Technology (BMWi), Frankfurt am Main (24 – 25 November 2011).

"State of SHARE: New Ideas vs. Continuity Comprehensiveness vs. Length". SHARE Wave 5 Meeting, Central European University, Budapest, Hungary (28 – 29 November 2011).

"Entitled Programs in Europe – Policy Mixture in the Current Pension Return Process". NBER Conference: "Fiscal Policy after the Financial Crisis", Università Bocconi, Milan, Italy (13 December 2011).

"State of SHARE". Data Monitoring Committee (DMC) Meeting, National Institute on Aging (NIA) and Health and Retirement Study (HRS), Bethesda, Maryland, USA (15 December 2011).

"Capital Markets and Rates of Return". U.S. Senate Committee: "Long-Run Macroeconomic Implications of Population Aging for the US", National Academy of Sciences (NAS), Washington D. C., USA (16 – 17 December 2011).

Martina BRANDT

"Support to Older Parents and Social Policy in Europe". Annual Meeting of the American Sociological Association, Las Vegas, USA (20 – 23 August 2011).

"Tracing the Origins of Successful Aging: The Role of Childhood Conditions and Societal Context" (with Christian Deindl and Karsten Hank). SHARE User Conference, Estonian Institute for Population Studies, University of Tallinn, Estonia (1 – 3 September 2011).

"Tracing the Origins of Successful Aging: The Role of Childhood Conditions and Societal Context" (with Christian Deindl and Karsten Hank). Annual Meeting of the Gerontological Society of America 2011, Boston, USA (18 – 22 November 2011).

Tabea BUCHER-KOENEN

"Do Smarter Consumers Get Better Advice? An Analytical Framework and Evidence from German Private Pensions". 38th Annual Meeting of the European Finance Association, Stockholm, Sweden (17 – 20 August 2011).

"Do Smarter Consumers Get Better Advice? An Analytical Framework and Evidence from German Private Pensions". Annual Meeting of Verein für Sozialpolitik, Frankfurt am Main (4 – 7 September 2011).

"Do Smarter Consumers Get Better Advice? An Analytical Framework and Evidence from German Private Pensions". Faculty Seminar, EMLyon Business School, Lyon, France (30 November 2011).

Michela COPPOLA

"Risk Attitudes and Saving Behavior: Are the Babyboomers Different?". Joint Annual Conference of the International Association for Research in Economic Psychology (IAREP) and the Society for the Advancement of Behavioral Economics (SABE), University of Exeter, United Kingdom (12 – 16 July 2011).

"The German SAVE Study: Design, Selected Results and Future Developments". Annual Meeting of Verein für Sozialpolitik, Frankfurt am Main (4 – 7 September 2011).

"Das Sparverhalten der Baby-Boomer". Conference: "Kapital- und Arbeitsmärkte in alternden Volkswirtschaften", University of Rostock (26 – 27 September 2011).

Christin CZAPLICKI

"Vereinbarkeit von Pflege und Erwerbstätigkeit – Pflege aus einer lebensverlaufs-theoretischen Perspektive". FNA Graduiertenkolloquium 2011, Deutsche Rentenversicherung Bund, Berlin (7 – 8 July 2011).

"Who is Care-Giving? Assessing the Quantity of People who are Engaged in Voluntary Care Work". 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

Helmut FARBMACHER

"Heterogeneous Effects of Nonlinear Price Schedules for Ambulatory Care". 65th European Meeting of the Econometric Society, Oslo, Norway (25 – 29 August 2011).

Christian HUNKLER

"Ethnic Discrimination in the German Housing Market. A Field Experiment on the Underlying Mechanisms". 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

"Akzent, Name oder stabiler Job? Erklärungen für ethnische Diskriminierung im deutschen Wohnungsmarkt". 13th Conference of Fachgruppe Sozialpsychologie in der Deutschen Gesellschaft für Psychologie, Helmut Schmidt University Hamburg (18 – 21 September 2011).

Thorsten KNEIP

"The Long Run Consequences of Unilateral Divorce Laws on Parents and Children – Evidence from SHARELIFE" (with Steffen Reinhold and Gerrit Bauer). SHARE User Conference, Estonian Institute for Population Studies, Tallinn University, Estonia (1 – 3 September 2011).

Julie KORBMACHER

"Consent when Linking Survey Data with Administrative Data". 4th Conference of the European Survey Research Association, Lausanne, Switzerland (18 – 22 July 2011).

"Eine neue Perspektive der empirischen Altersforschung" (with Barbara Schaan). Second status symposium of VolkswagenStiftung: "Individuelle und gesellschaftliche Perspektiven des Alterns", Friedrich Schiller University, Jena (1 – 3 December 2011).

Ulrich KRIEGER

"Nonresponse in a Multi-Actor Survey: Evidence from the German Family Panel" and **"Survey Burden, Attrition and Alteri Participation in the Pairfam Panel".** 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

"Linking Administrative Data to Survey Data: Implications for Consent". Joint Statistical Meeting of the American Statistical Association, Miami Beach, USA (31 July – 4 August 2011).

"Costs of Increasing Survey Response – Experimenting with Monetary Incentives". DFG Priority Programme 1292: "Survey Methodology", 2nd International Meeting: "Advancing Survey Methods", Bremen (17 – 18 November 2011).

Stefan LISTL

"Income-Related Inequalities in Chewing Abilities of Europeans Aged 50+". FDI Annual World Dental Congress, Mexico City, Mexico (14 – 17 September 2011).

"Finanzielle Anreize für Arzt und Patient". 3rd Interdisciplinary Congress: "Junge Wissenschaft und Praxis – Chancen und Grenzen (in) der Medizin", Berlin (18 – 19 October 2011).

Frederic MALTER

"Developing the SHARE Survey Instrument – An Iterative Process in a Multi-Disciplinary, Multi-Actor, International Environment". 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

Fabrizio MAZZONNA

"The Long-Lasting Effects of Family Background: A European Cross-Country Comparison". SHARE User Conference, Estonian Institute for Population Studies, Tallinn University, Estonia (1 – 3 September 2011).

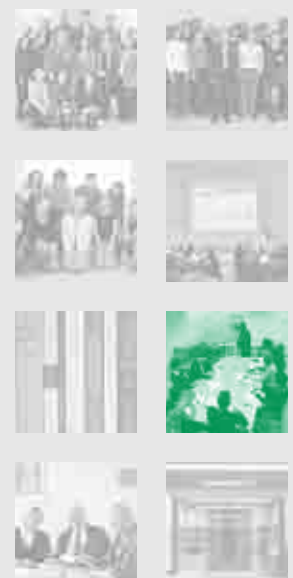
"The Long-Lasting Effects of Family Background: A European Cross-Country Comparison". Regional Workshop Health Economics, Darmstadt (3 November 2011).

"The Long-Lasting Effects of Family Background: A European Cross-Country Comparison". Xth Brucchi Luchino Labour Economics Workshop, Rome, Italy (15 – 16 November 2011).

Barbara SCHAAN

"The Collection of Biomarkers in the Survey of Health, Ageing and Retirement in Europe – Findings and Perspectives". 4th Conference of the European Survey Research Association, Lausanne, Switzerland (18 – 22 July 2011).

"Eine neue Perspektive der empirischen Altersforschung" (with Julie Korbmacher). Second status symposium of VolkswagenStiftung: "Individuelle und gesellschaftliche Perspektiven des Alterns", Friedrich Schiller University, Jena (1 – 3 December 2011).



Stephanie STUCK

Chair of session: "Indicators of Survey Data Quality". 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

"SHARE Data Support". SHARE User Conference, Estonian Institute for Population Studies, Tallinn University, Estonia (1 – 3 September 2011).

Edgar VOGEL

"Aging and Pension Reform in a Two-Region World: The Role of Human Capital". Center for Retirement Research Annual Conference, National Press Club, Washington D.C., USA (4 – 5 August 2011).

Matthias WEISS

"Age and Productivity in Work Teams: Evidence from the Assembly Line". 65th European Meeting of the Econometric Society, Oslo, Norway (26 – 29 August 2011).

"Age and Productivity in Work Teams: Evidence from the Assembly Line". Annual Meeting of Verein für Socialpolitik, Frankfurt am Main (4 – 7 September 2011).

"Alter und Produktivität in Arbeitsgruppen: Evidenz vom Fließband". 1st Wirtschaftswissenschaftliches Forum Essen [business administration forum]: "Wirtschaftliche Implikationen des demografischen Wandels – Herausforderungen und Lösungsansätze", Hochschule für Oekonomie & Management, Essen (29 – 30 September 2011).

Contribution to discussion: "How do Older Workers Adapt to Economic Change? Productivity and Age in a Transitional Setting" (Anna Lovász and Mariann Rigó). Workshop: "Ageing, Health, and Productivity", St. Gallen, Switzerland (4 – 5 October 2011).

"Productivity and Age: Evidence from Work Teams at the Assembly Line". Conference: "Cognitive and Non-Cognitive Skills over the Life-Cycle", Maastricht University, the Netherlands (14 – 15 October 2011).

Sabrina ZUBER

"Indicators of Survey Data Quality". 4th Conference of the European Survey Research Association (ESRA), Lausanne, Switzerland (18 – 22 July 2011).

1.3. Max Planck Fellow Group

Dominik BALDIN

"Inklusion/Exklusion aus soziologischer Perspektive" (with Luisa Demant). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Empirische Sozialforschung. Grundlagen und Methoden" (with Luisa Demant). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Diversity Management – Umgang mit Verschiedenheit. Disability Mainstreaming" (with Laura Dobusch). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Menschen mit Behinderung und Bastelbiografien – Exklusivität der Exkludierten?". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Behinderung und Migration". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Menschen mit Behinderung und Migrationshintergrund: Inklusion und Exklusion einer vergessenen Gesellschaftsgruppe in Deutschland". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Lifelong Learning". Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Migrationstheorien". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

"Zur Situation von Menschen mit Zuwanderungsgeschichte und Behinderungen aus soziologischer Perspektive: Von Schütz bis zur Intersektionalitätsforschung". City of Dortmund: "Werkstatt: Türen öffnen – Berufliche Perspektiven für Menschen mit Behinderungen und Zuwanderungsgeschichte", Dortmund (17 November 2011).

Minou BANAFSCHE

"Das Sozialgesetzbuch – im Schnelldurchlauf". Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Die menschenrechtliche Dimension des Grundgesetzes am Beispiel des Art. 24 UN-Behindertenrechtskonvention". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Die menschenrechtliche Dimension des Grundgesetzes – am Beispiel der UN-Behindertenrechtskonvention". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Die menschenrechtliche Dimension des Grundgesetzes – am Beispiel der UN-Behindertenrechtskonvention". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Das Recht auf Bildung im Spannungsfeld von UN-Behindertenrechtskonvention und Grundgesetz". Conference: "Behinderungen und Verhinderungen", Evangelische Akademie Tutzing (20 – 22 May 2011).

"Role and Impact of the Convention on the Rights of Persons with Disabilities in Germany from a Legal Perspective Using the Example of Article 24". 11th Research Conference of the "Nordic Network on Disability Research", Reykjavík, Iceland (27 – 28 May 2011).

"The UN Convention on the Rights of Persons with Disabilities – Development, Contents, Goals". Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Die UN-Behindertenrechtskonvention: Wegweiser im Kampf von Menschen mit Behinderungen oder Ziel? – Aus deutscher Perspektive". Zweiter Kongress der deutschsprachigen Rechtssoziologie-Vereinigungen [2nd Congress of German Sociology of Law Associations]: "'Der Kampf um's Recht' – Akteure und Interessen im Blick der interdisziplinären Rechtsforschung", University of Vienna, Austria (1 – 3 September 2011).

"Die Beschäftigungssituation von Menschen mit Behinderungen gemäß der Bewertung des 5. Staatenberichts der BRD zum UN-Sozialpakt durch die Vereinten Nationen". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

"Mehrdimensionale Diskriminierung: Gender als Querschnittsthema in der Behindertenrechtskonvention der Vereinten Nationen". Studenttag: "Gender und Menschenrechte", School of Law at the University of Hamburg (11 November 2011).

Isabella BERTMANN

"UN-Konvention über die Rechte von Menschen mit Behinderungen. Ein politikwissenschaftlicher Zugang" (with Corina Hoffmann). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Sozial ver(un)sichert? Wirklichkeit und Wirkung sozialer Sicherheit für Menschen mit Behinderung in Ländern des Globalen Südens". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Soziale Sicherung und Teilhabe von Menschen mit Behinderung in Ländern des Globalen Südens". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Soziale Sicherung und Teilhabe von Menschen mit Behinderung in Ländern des Globalen Südens". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Disability Mainstreaming in Academic Contexts" (with Laura Dobusch). Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Amartya Sen's 'Capability Approach': Theoretischer Rahmen und Anwendungsmöglichkeiten". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

Melanie BIEWALD

"Sozialstaat und Wohlfahrtswesen". Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Yes, We Can! Personal Budget at the Workplace". ERC – European Conference on Rehabilitation, Copenhagen, Denmark (9 – 10 November 2010).

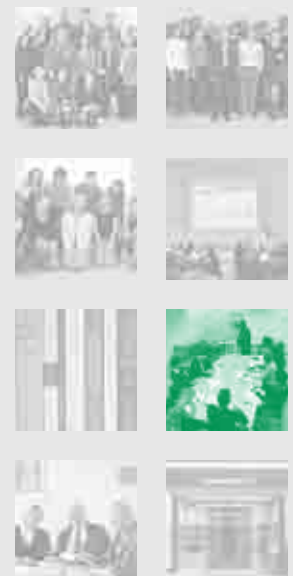
"Sag mir, wer die Guten sind! Konzepte und Maßstäbe für gute Mitarbeiterinnen und Mitarbeiter im Brennpunkt sozialer Dienstleistung". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Yes, We Can! Das Persönliche Budget in der Werkstatt für Menschen mit Behinderung". 20th Reha-Wissenschaftliches Kolloquium [colloquium on rehabilitation sciences]: "Nachhaltigkeit durch Vernetzung", Ruhr University Bochum (14 – 16 March 2011).

"Ergebnisse der wissenschaftlichen Begleitung" (with Stefanie Frings). Expert conference concluding the project: "An die Arbeit mit Persönlichem Budget", Josefsheim Bigge, Olsberg (30 March 2011).

"Sag mir, wer die Guten sind! Konzepte und Maßstäbe für gute MitarbeiterInnen im Brennpunkt sozialer Dienstleistung". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Yes, We Can! Personal Budget at the Workplace". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).



"A Change in Quality Management by Exchanging Experience – Benchlearning as a New Management Tool". Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Mitarbeitermotivation – Mitarbeitermarketing. Ergebnisse einer exemplarischen Studie". Regional conference of Stiftung Bethel.regional, Burbach (21 July 2011).

"Die Quadratur des Kreises – lässt sich der Terminus 'Gute Mitarbeiterinnen und Mitarbeiter' unter Berücksichtigung der Anbieter-, Beschäftigten- und Nutzerperspektive definieren?". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

Luisa DEMANT

"Inklusion/Exklusion aus soziologischer Perspektive" (with Dominik Baldin). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Empirische Sozialforschung. Grundlagen und Methoden" (with Dominik Baldin). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Beratung als Beitrag zur Teilhabe der Gesellschaft für Familien mit einem behinderten Kind am Beispiel der gemeinsamen Servicestellen für Rehabilitation". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Beratung als Beitrag zur Teilhabe an der Gesellschaft für Familien mit einem behinderten Kind am Beispiel der gemeinsamen Servicestellen für Rehabilitation". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Beratung als Beitrag zur Teilhabe an der Gesellschaft für Familien mit einem behinderten Kind". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Empowerment". Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Die Theorie der Lebenswelt des Alltags und lebensweltorientierte Soziale Arbeit". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

Laura DOBUSCH

"Diversity Management – Umgang mit Verschiedenheit. Disability Mainstreaming" (with Dominik Baldin). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Verfestigung, Ausweitung oder Erosion der Norm? – zum Beitrag des Diversity Management zu sozialer Inklusion". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Verfestigung, Flexibilisierung oder Erosion der Norm? – zum Beitrag von Diversity Management zu sozialer Inklusion". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Verfestigung Flexibilisierung oder Erosion der Norm? Zum Beitrag von Diversity Management zu sozialer Inklusion". Forschungswerkstatt Praktiken und Praxis. Methoden ihrer Analyse, Münster University (WWU) (28 – 30 April 2011).

"Verfestigung, Flexibilisierung oder Erosion der Norm? Zum Beitrag von Diversity Management zu sozialer Inklusion". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Disability Mainstreaming in Academic Contexts" (with Isabella Bertmann). Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 21 June 2011).

"Dispositivanalyse und Grounded Theory – theoretische Grundlagen und praktische Umsetzung". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

Corina HOFFMANN

"UN-Konvention über die Rechte von Menschen mit Behinderungen. Ein politikwissenschaftlicher Zugang" (with Isabella Bertmann). Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Diffusion und Teilhabe bei Behinderung: Interkulturelle Zusammenarbeit am Beispiel der Umsetzung der UN-Behindertenrechtskonvention im Globalen Süden". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Diffusion und Teilhabe bei Behinderung: Interkulturelle Zusammenarbeit am Beispiel der Umsetzung der UN-Behindertenrechtskonvention im Globalen Süden". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Diffusion und Teilhabe bei Behinderung: Interkulturelle Zusammenarbeit am Beispiel der UN-Behindertenrechtskonvention im Globalen Süden". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Intercultural Understanding". Workshop: "Capacity Building, Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya (15 and 18 – 25 June 2011).

"Politik: Transfer – Konvergenz – Diffusion". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

Christian RAHAUSEN

"Eingliederungshilfe, Leicht- und Schwerbehinderung, Pflege. Aus statistischer Perspektive". Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Ein nicht-parametrischer Effizienzvergleich von Berufsbildungswerken – Anpassungsmöglichkeiten an den demografischen Wandel". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Ein nicht-parametrischer Effizienzvergleich von Berufsbildungswerken – Anpassungsmöglichkeiten an den demografischen Wandel". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

Elisabeth WACKER

"Der 13. Kinder- und Jugendbericht – Befunde, Daten, Fakten. Sicht der Behindertenhilfe". Conference on the Federal Government's 13th Report on Children and Youth, DER PARITÄTISCHE Gesamtverband: Berlin (28 January 2010).

"Handlungskonzept Inklusion – aktuelle Erfordernisse und Perspektiven". National Action Plan: "Für ein kindergerechtes Deutschland", 3rd topical conference: "Vielfalt leben – Inklusion von Kindern und Jugendlichen mit (und ohne) Behinderung", Mainz (4 February 2010).

"Inklusive Pädagogik von Anfang an". Expert meeting of the Hessian Ministry for Labour, Family and Health and the Hessian Ministry of Culture: "Von der Konvention zum Konsens – was ist getan, was bleibt zu tun? Zum Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen", Butzbach/Nieder-Weisel (17 March 2010).

"Konzept Familienunterstützende Hilfen (FUH) – Alternativen zum Betreuten Wohnen behinderter Menschen". Expert conference: "Familienunterstützende Hilfen" of Landschaftsverband Westfalen-Lippe, Münster (23 March 2010).

"Keine Professionalität ohne selbstbestimmte Teilhabe". Zweiter Bundesweiter Caritaskongress [2nd German Caritas Convention]: "Teilhabe ist möglich", Berlin (15 – 17 April 2010).

"Mehr Chancen für gesundes Aufwachsen. Der 13. Kinder- und Jugendbericht der Bundesregierung – welche Perspektiven ergeben sich aus dem Bericht für Kinder und Jugendliche mit einer Behinderung?". Conference of Verband der Blinden- und Sehbehindertenpädagoginnen und -pädagogen e.V. [Association of Pedagogues for the Blind and Partially Sighted (VBS)], Königs-Wusterhausen (26 – 28 April 2010).

"Wie bitte geht's zur Inklusion? Eine transdisziplinäre Zielbestimmung". Workshop: "Inklusion bei Behinderung – Annäherung an das Thema", Max Planck Institute for Foreign and International Social Law, Munich (14 – 15 September 2010).

"Quality: Vision Impossible? BEST Quality – Forecasting & Farewell". Concluding symposium entitled "Quality: Vision Impossible?" as part of the European BEST Quality Project: Benchmarking – European – Standards in Social Services – Transnationally, TU Dortmund University (22 September 2010).

"Hilfe neu gestalten! Inklusionsorientierte Unterstützung – Bildung als Chance zur Teilhabe". Keynote speech at the opening of "Bildungsatelier WissensWert", Sozialwerk St. Georg, Schmallingenberg (15 October 2010).

"Teilhabe entsteht durch Teilhabe". Ceremony: "20 Jahre Stiftung", Rehabilitationszentrum Berlin-Ost, Berlin (1 November 2010).

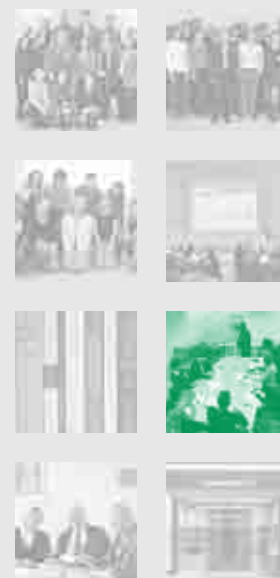
"Inklusion: Blick in die Zukunft – Inklusion in der Pädagogik von Anfang an?". Expert conference of the Hessian Ministry for Social Affairs and the Hessian Landkreistag [Association of District Councils]: "Inklusion – und was jetzt? Eine Standortbestimmung für die kommunale Sozial- und Jugendhilfe in Hessen", Gelnhausen (15 November 2010).

"Wissenschaftsthema Behinderung". Workshop: "Inklusion bei Behinderung als Wissenschaftsthema", Reichenau, Switzerland (13 – 15 January 2011).

"Behinderung verhindert keine Entwicklung oder was wir von Pinguinen lernen können". Vorstandskreis Christopherus-Haus e. V. für Seelenpflegebedürftige Dortmund · Bochum · Witten, Dortmund (17 January 2011).

"Kompetentes Altern inklusiv – Lebensqualität bei Behinderung – in Bewegung". Conference: "Sturzprävention. Arbeitshilfen zur Sturzprävention in der Eingliederungshilfe", von Bodelschwingsche Stiftungen Bethel, Bielefeld (10 February 2011).

Welcome address und introduction. Expert conference concluding the project: "An die Arbeit mit Persönlichem Budget", Josefshaus Bigge, Olsberg (30 March 2011).



"Startbahn oder Abstellgleis? Rolle und Auftrag der Frühförderung zur Gesundheit für alle im Licht des 13. Kinder- und Jugendberichts". 16th

Symposium Frühförderung 2011: "Spannungsfeld Frühförderung. Exklusiv – kooperativ – inklusiv", Humboldt University Berlin (1 April 2011).

"Begrüßung und Vorstellung des Forschungsprojekts". Meeting of the Board of Experts, Max Planck Institute for Foreign and International Social Law, Munich (8 April 2011).

"Vorsitz: Soziale Sicherung und ihre Systematik". Workshop: "Inklusion bei Behinderung – die Leistungssysteme", TU Dortmund University (12 – 13 May 2011).

"Persönliches Budget – Stolpersteine und Visionen". Expert meeting: "UN-Konvention und rechtliche Grundlagen in der Praxis", Evangelische Akademie Bad Boll (19 May 2011).

"Auf dem Weg zu mehr Selbstbestimmung: Das persönliche Budget". Conference: "Behinderungen und Verhinderungen", Evangelische Akademie Tutzing (20 – 22 May 2011).

"Results and Joint Understandings". Workshop: "Capacity Building. Higher Education and Corporate Social Responsibility", Pwani University College (PUC), Kilifi, Kenya. (15 and 18 – 25 June 2011).

"Results and Outlook – Impact of Social Change". Conference: "Impact of Social Change. UN Convention on the Rights of Persons with Disabilities (CRPD) as a Trigger", in cooperation with Pwani University College (PUC), Kilifi, Kenya (16 – 17 June 2011).

Welcome address and "Ausblick – Teilhabe und die Lebenswelt". Workshop: "Inklusion bei Behinderung – Forschung mit Methode", Max Planck Institute for Social Law and Social Policy, Munich (6 – 7 October 2011).

"Mehr Chancen für gesundes Aufwachsen für alle. Wie Inklusion jedem Kind gerecht werden kann – oder: Inklusion – kein Kinderspiel!". Annual Meeting of Deutsche Liga für das Kind [German League for the Child]: "Jedes Kind ist anders – alle Kinder sind gleich! Inklusion ja – aber wie?", Hamburg (21 – 22 October 2011).

2. Lectures and Courses

2.1. Foreign and international Social Law

Ulrich BECKER

Ludwig Maximilian University (LMU) Munich

WS 2009/2010: Lecture (elective subject area 5): "Grundlagen des Sozialversicherungsrechts" (2 hrs.).

WS 2009/2010: Social law seminar (with Thorsten Kingreen, University of Regensburg) (2 hrs.).

SS 2010: Public law seminar: "Aktuelle Fragestellungen im Sportrecht" (2 hrs.).

WS 2010/2011: Lecture (elective subject area 5): "Grundlagen des Sozialversicherungsrechts" (2 hrs.).

WS 2010/2011: Social law seminar (with Thorsten Kingreen, University of Regensburg) (2 hrs.).

SS 2011: Examinatorium (elective subject area 5) (with Martin Franzen) (1 hr.).

WS 2011/2012: Lecture (elective subject area 5): "Grundlagen des Sozialversicherungsrechts" (2 hrs.).

WS 2011/2012: Social law seminar (elective subject area 5) and fundamentals seminar (with Thorsten Kingreen, University of Regensburg) (2 hrs.).

Katholieke Universiteit Leuven, Belgium

2010/2011: Course: "EC Social Security (except coordination)" in the framework of the programme: "European Master in Social Security".

Guest Lectures

9 April 2010: "The Right to Health in Germany: On Social Rights under the German Constitution", Pontifícia Universidade Católica do Rio Grande do Sul, Brazil.

2 July 2011: "EU-Sozialpolitik", Master Course in European Law at the University of Passau, Schloss Hofen, Lochau, Austria.

29 October 2011: "Health Insurance and its Reform in Germany", Renmin University of China, Beijing, P. R. China.

Otto KAUFMANN

Lectures and Seminars Delivered at Universities

2010: Lecture: "Droit du travail français – französisches Arbeitsrecht", Institut d'études judiciaires (IEJ), CRFPA (training course for lawyers), Université de Poitiers, France.

2011: Lecture: "Droit du travail – Arbeitsrecht", Institut d'études judiciaires (IEJ), CRFPA (training course for lawyers), Université de Poitiers, France.

Professeur Invité

2010: Lecture: "Droit social de l'Union Européenne – Sozialrecht der EU", Faculté de Droit, Université de Poitiers, France.

2010: Lecture in comparative law analysis: "Introduction au droit allemand – Einführung in das deutsche Recht", Université de Rennes 1, France.

2010: Séminaire à l'École doctorale: "Rechtsvergleichung: Beziehung EU-Recht und nationales Recht auf der Grundlage des 'Lissabon-Urteils'", Université de Rennes 1, France.

23 March 2010: Lecture: "Le droit comparé, la comparaison de droit social et problèmes linguistiques", Université de Poitiers, France.

24 March 2010: Public lecture: "La Cour constitutionnelle allemande et l'arrêt du 30 juin 2009 sur le traité de Lisbonne. Des conséquences possibles pour le droit social?", Université de Poitiers, France.

18 March 2011: Public lecture: "Le jurilinguisme appliqué à la traduction et à la connaissance du droit", Université de Poitiers, France.

2011: Course Master 1: "Introduction au droit allemand – Einführung in das deutsche Recht" (Droit comparé – Rechtsvergleichung), Université de Rennes 1, France.

2011: Course Master 1: "Droit social allemand – deutsches Sozialrecht" (Droit comparé – Rechtsvergleichung), Université de Rennes 1, France.

Luise LAUERER

WS 2010/2011: Lecture: "Einführung in das öffentliche Recht", Fachbereich Soziale Arbeit, University of Applied Sciences Landshut (2 hrs.).

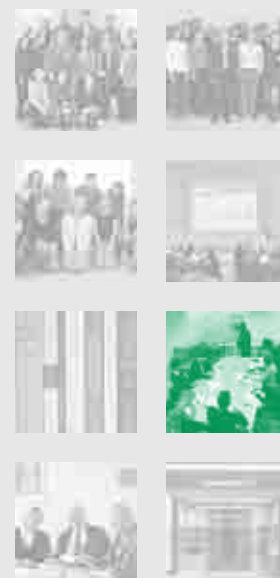
Lorena OSSIO BUSTILLOS

SS 2010: Colloquium: "Recht auf Gesundheit und sozialer Schutz in Lateinamerika – Derecho a la salud y protección social en América Latina", German University of Administrative Sciences Speyer (multi-day seminar).

WS 2010/2011: Colloquium: "Rechtskultur in Lateinamerika – Cultura jurídica en América Latina", German University of Administrative Sciences Speyer (2 hrs.).

SS 2011: Colloquium: "Rechtskultur in Lateinamerika, Grundkenntnisse – Cultura jurídica en América Latina, conocimientos básicos", German University of Administrative Sciences Speyer (2 hrs.).

13 – 17 September 2010: Lecturer at the doctoral colloquium: "Estado de Direito: Direito Administrativo e Justiça Administrativa na América Latina" and teaching manuscript: "A Tutela Judicial dos Direitos Sociais na Alemanha", Universidade Federal Fluminense (UFF), Niterói RJ, Brazil.



2.2. Munich Center for the Economics of Aging (MEA)

Tabea BUCHER-KOENEN

WS 2011/2012: Research Workshop: "Empirical Economics" (with Prof. Dr. Joachim Winter and Prof. Dr. Alexander Danzer), Ludwig Maximilian University Munich (2 hrs.).

2.3. Max Planck Fellow Group

Dominik BALDIN

TU Dortmund University

WS 2010/2011: Seminar: "Partizipation – Managing Diversity" (2 hrs.).

WS 2010/2011: Seminar: "Profession und Professionalisierung" (2 hrs.).

WS 2010/2011: Seminar: "Alter und Behinderung – eine neue Herausforderung für die Behindertenhilfe?" (2 hrs.).

SS 2011: Seminar: "Vertiefung: Klassiker der Soziologie" (2 hrs.).

SS 2011: Seminar: "Lebenslagen, Lebensstile, Lebenswelten: Wo bitte geht's zur Lebenswelt?" (2 hrs.).

SS 2011: Seminar: "Lebenslagen, Lebensstile, Lebenswelten: Biografie und Autobiografie von Menschen mit Behinderungen" (2 hrs.).

WS 2011/2012: Seminar: "Migration und Behinderung" (2 hrs.).

WS 2011/2012: Seminar: "Alter und Behinderung" (2 hrs.).

WS 2011/2012: Seminar: "Gerechtigkeit und Gleichheit, Ungerechtigkeit und Ungleichheit" (2 hrs.).

Minou BANAFSCHE

TU Dortmund University

WS 2010/2011: Lecture: "Einführung in das SGB IX" (2 hrs.).

WS 2010/2011: Lecture: "Das System des SGB IX" within the framework of the lecture series: "Hilfesysteme in der Rehabilitation".

SS 2011: Lecture: "Einführung in das SGB IX" (2 hrs.).

WS 2011/2012: Lecture: "Einführung in das SGB IX" (2 hrs.).

University of Kassel

WS 2011/2012: Seminar: "Recht der Kinder- und Jugendhilfe" (2 hrs.).

WS 2011/2012: Seminar: "Recht der Arbeitsförderung, Grundsicherung für Arbeitsuchende und Sozialhilfe" (2 hrs.).

Guest Lecture

SS 2011: "Das Recht der Rehabilitation und Teilhabe von Menschen mit Behinderungen", Mannheim University of Applied Labour Studies of the Federal Employment Agency.

Isabella BERTMANN

TU Dortmund University

SS 2011: Seminar: "Soziale Inklusion und Disability Mainstreaming" (with Laura Dobusch) (2 hrs.).

WS 2011/2012: Seminar: "Amartya Sen's Capability Approach & Disability" (2 hrs.).

Melanie BIEWALD

TU Dortmund University

SS 2010: Seminar: "Neue Steuerungsinstrumente in der Behindertenhilfe" (2 hrs.).

SS 2010: Seminar: "Strukturen des Rehabilitationssystems im Wandel" (2 hrs.).

WS 2010/2011: Seminar: "Profession und professionelles Handeln" (2 hrs.).

WS 2010/2011: Seminar: "Organisation und Management im Gesundheitswesen" (2 hrs.).

SS 2011: Seminar: "Ideengeschichte und Drittes Reich" (2 hrs.).

SS 2011: Seminar: "Profession und professionelles Handeln" (2 hrs.).

WS 2011/2012: Seminar: "Management und Organisation im Gesundheitswesen" (2 hrs.).

WS 2011/2012: Seminar: "Profession und professionelles Handeln" (2 hrs.).

Luisa DEMANT

TU Dortmund University

SS 2011: Seminar: "Grenzenlos? Strukturen und Umgang mit Verschiedenheit in Politik und Gesellschaft auf nationaler und internationaler Ebene" (with Corina Hoffmann) (2 hrs.).

WS 2011/2012: Seminar: "Beratung in sozialen Berufen – zwischen Profession und Alltagsaufgabe" (2 hrs.).

University of Education Heidelberg

WS 2011/2012: Seminar: "Die Bedeutung von Beratung innerhalb der Inklusionsdebatte – Professionalisierung der Beratungskompetenz in (sonder-)pädagogischen Berufen" (2 hrs.).

Laura DOBUSCH**TU Dortmund University**

SS 2011: Seminar: "Soziale Inklusion und Disability Mainstreaming" (with Isabella Bertmann) (2 hrs.).

WS 2011/2012: Seminar: "Soziale Inklusion und Disability Mainstreaming" (2 hrs.).

Corina HOFFMANN**TU Dortmund University**

SS 2011: Seminar: "Grenzenlos? Strukturen und Umgang mit Verschiedenheit in Politik und Gesellschaft auf nationaler und internationaler Ebene" (with Luisa Demant) (2 hrs.).

WS 2011/2012: Seminar: "Grenzenlos? Politische Strukturen und Umgang mit Verschiedenheit auf nationaler und internationaler Ebene" (2 hrs.).

Elisabeth WACKER**TU Dortmund University**

SS 2010: "Hilfen für Menschen im Alter. Eine Einführung" within the framework of the lecture series: "Hilfesysteme in der Rehabilitation" (2 units).

SS 2010: Doctoral colloquium: "Rehabilitationssoziologie" (2 hrs.).

WS 2010/2011: Lecture in rehabilitation sociology, module on ethics and society entitled "Behindertenpolitik, Behindertenarbeit" (2 hrs.).

WS 2010/2011: Doctoral colloquium: "Rehabilitationssoziologie" (2 hrs.).

SS 2011: Doctoral colloquium: "Rehabilitationssoziologie" (2 hrs.).

WS 2011/2012: Doctoral colloquium: "Rehabilitationssoziologie" (2 hrs.).

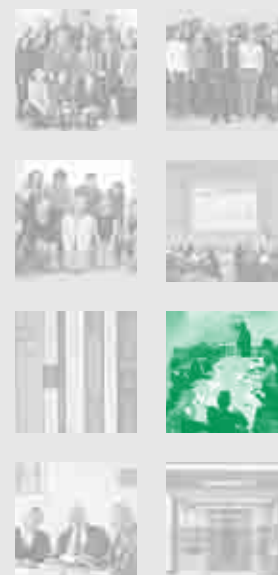
Guest Lectures

26 February 2011: "Doing Inclusion in Germany. Chances and Threats" and "Disability Policy, Welfare and Equal Opportunities Targeted in Germany". Workshop: "Disabled Policy and Welfare in Germany", National Pingtung University of Education (NPUE), Pingtung, Taiwan, R.O.C.

27 February 2011: "Aging with Disability – Challenges for the German Homes and Professional Caregivers" and "Growing up in Health for All Kind of People. Germany on the Track to Disability Mainstreaming – A Challenge". Workshop: "Disabled Policy and Welfare in Germany", National Pingtung University of Education (NPUE), Pingtung, Taiwan, R.O.C.

4 March 2011: "Disability Policy, Welfare Work and Disability Mainstreaming as a Goal in Germany" and "Doing Inclusion in Germany. Chances and Threats". Workshop: "Disability Policy and Welfare in Germany", Taipei Municipal University of Education (TMUE), Taipei, Taiwan, R.O.C.

5 March 2011: "Aging with Disability – Challenges for the German Homes and Professional Caregivers". Workshop: "Disability Policy and Welfare in Germany", Taipei Municipal University of Education (TMUE), Taipei, Taiwan, R.O.C.



VII. Grantees and Guests



1. Grantees

1 March 2010 – 31 May 2010: Prof. Dr. Shixi **HUANG**, Shandong University, Jinan, P. R. China: "Doping Controls and the Protection of Accused Athletes".

1 April 2010 – 30 June 2010: Dr. Reinhold **KREIS**, Ludwig Maximilian University Munich: "Sozialstaatsbeobachtung. Die Bundesrepublik Deutschland, Großbritannien und die USA seit den 1960er Jahren".

5 May 2010 – 4 June 2010: Dr. Grant **DUNCAN**, Massey University, Auckland, New Zealand: "Achievements in Social Security of the Labour-led Governments of 1999 – 2008 under PM Helen Clark".

1 June 2010 – 30 September 2010: Dr. Matteo **BORZAGA**, Università degli Studi di Trento, Italy: "Neue Perspektiven der Implementierung der arbeits- und sozialrechtlichen IAO-Standards in den Mitgliedsstaaten mit besonderer Berücksichtigung der Entwicklungsländer".

8 July 2010 – 31 August 2010: Dr. Nuria **PUMAR BELTRÁN**, University of Barcelona, Spain: "Der Schutz der Alleinerziehenden in der spanischen Sozialversicherung aus europäischer Perspektive".

15 September 2010 – 25 September 2010: Maarten **JANSSENS**, Katholieke Universiteit Leuven, Belgium: "The Scope for Policymaking of Private Care Organisations".

1 April 2011 – 31 May 2011: Prof. Dr. Herbert **SZURGACZ**, University of Wrocław, Poland: "Studien im Bereich des europäischen Sozialrechts zur Vorbereitung einer Monographie sowie Studien über Leistungen der sozialen Förderung und Entschädigung".

16 June 2011 – 11 August 2011: Prof. Dr. Peter **HERRMANN**, University College Cork, Ireland: "Human Rights – Between Law and Economy".

11 July 2011 – 07 August 2011: Dr. Oliver Arpad **HOMICKO**, Károli Gáspár University of the Reformed Church in Hungary, Budapest, Hungary: "Does the New Hungarian Constitution Provide a Basis for

Defining Social Security as a Human Right, and if so, to what Extent is this System Supported by Concrete Legal Standards?".

1 November – 31 December 2011: Dr. Gabriella **BERKI**, University of Szeged, Szeged, Hungary: "Legal Observation of European Patient Mobility with special regard to the Comparison of the Social Security Coordination Rules and the Case Law of the European Court of Justice".

2. Guests

1 September 2009 – 31 March 2010: Justine **LASSANSAA**, Montesquieu University – Bordeaux IV, Pessac, France: "L'accès à une retraite décente en France et en Allemagne: l'exemple des femmes".

1 September 2009 – 28 February 2010: Zhaiwen **PENG**, Renmin University of China, Beijing, P. R. China: "Decentralization and the Delivery of Healthcare Services – The German Experience and its Implication for China".

4 January 2010 – 1 April 2010: Maarten **JANSSENS**, Katholieke Universiteit Leuven, Belgium: "The Legal Position of Private Care Organisations, in particular in Residential Care for the Elderly".

22 February 2010 – 22 March 2010: Yue **FU**, University of Tsukuba, Japan: "The Legal Status and Rights of Irregular Foreigners in the EU from the Perspective of International Human Rights Law and Comparative Law".

29 March 2010 – 16 April 2010: Miriam **HARTLAPP**, Social Science Research Center Berlin (WZB): "EU Politikgestaltung an der Schnittstelle von Sozial-, Binnenmarkt- und Wettbewerbsregulierung".

1 April 2010 – 31 July 2010: Renu **SINGH**, University of Massachusetts, Amherst, USA: "Preventive Health Care Policy in Eastern and Western Germany through the Lens of Childhood Obesity".



Dr. Justine Lassansaa (Université Montesquieu – Bordeaux IV, France), Maarten Janssens (Katholieke Universiteit Leuven, Belgium), Yue Fu (University of Tsukuba, Japan) and Prof. Dr. Shixi Huang, Shandong University, P. R. China (left to right).

7 June 2010 – 11 June 2010: Mari-Liis **AASAMETS**, Estonian Ministry of Justice: "Entwurf bzw. Ausarbeitung eines estnischen Sozialgesetzbuchs".

11 July 2010 – 6 August 2010: Prof. Dr. Nai Yi **SUN**, Department of Law, National Chengchi University, Taipei, Taiwan, R.O.C.: "Theorising the Social Right from Approaches of Social Policy and Doctrinal Issues in Public Law".

1 August 2010 – 31 August 2010: Prof. Dr. Makoto **ARAI**, University of Tsukuba, Japan: "Entwicklungen des Betreuungsrechts in Deutschland und Japan".

1 August 2010 – 31 August 2010: Nóra **JAKAB**, University of Miskolc, Hungary: "Handlungsfähigkeit und ihre arbeitsrechtlichen Aspekte".

2 August 2010 – 22 August 2010: Zhiquan **LI**, Université Paris 1, Panthéon-Sorbonne, France: "Financing Public Hospitals in France and China".

2 August 2010 – 15 August 2010: Prof. Dr. Francis **KESSLER**, Université Paris 1, Panthéon-Sorbonne, France: "Erstellung einer Bibliographie und eines Beitrag zur VO 883/2004 im Juris classeur communautaire".

1 October 2010 – 31 December 2010: Prof. Dr. Grega **STRBAN**, University of

Ljubljana, Slovenia: "Gestaltung der Rechtsverhältnisse im Fall der Pflegebedürftigkeit".

17 January 2011 – 21 January 2011: Prof. Dr. Ming-Cheng **KUO**, National Chenchi University, Taipei, Taiwan, R.O.C.: "Aufbau und Ausbau des taiwanesischen Sozialstaates".

24 January 2011 – 31 May 2011: Jing **ZUO**, University of Cologne: "Ein Vergleich der sozialen Sicherung in ländlichen Gebieten zwischen China und Deutschland".

28 February 2011 – 31 May 2011: Vladimír **HORNÁČEK**, University of Trnava, Slovakia: "Altersvorsorge und Rentensystem in den Europäischen Staaten".

15 May 2011 – 30 June 2011: Laetitia **RAZÉ**, Université de Rennes 1, France: "Legal Effects of Longevity on Professional Activity".

30 May 2011 – 30 November 2011: Mariana **FILCHTINER-FIGUEIREDO**, Pontifícia Universidade Católica do Rio Grande do Sul, Brazil: "The Right to Health".

28 June 2011 – 28 August 2011: Melanie **HACK**, University of Oslo, Norway: "Taking Age Equality Seriously. Protection against Age Discrimination in Employment – A Comparative Legal Analysis between Norway and Germany".



30 June 2011 – 17 July 2011: Prof. Terry **CARNEY**, Ph.D., University of Sydney, Australia: "Researching Trends to Impose Additional Requirements to Qualify for Income Security Payments while Expanding Choice by Reducing Conditions on Access to Welfare Services".

Since 1 July 2011: Dr. Stefan **LISTL**, University of Heidelberg: "Gesundheitsökonomie und Zahnmedizin".

2 July 2011 – 15 July 2011: Prof. Dr. Letlhokwa George **MPEDI**, University of Johannesburg, South Africa: "Research on Unemployment Insurance and Related Issues as well as Survivors Benefits".

11 July 2011 – 15 July 2011: Dr. Christos **MORFAKIDIS**, Demokritos University of Thrace, Komotini, Greece: "Assimilated Periods of Insurance in a Comparative Approach: The Case of Greece and Germany".

1 August 2011 – 31 August 2011: Yue **FU**, University of Tsukuba, Japan: "The Legal Status and Rights of Irregular Foreigners in the EU from the Perspective of International Human Rights Law and Comparative Law".

1 August 2011 – 30 September 2011: Prof. Dr. Makoto **ARAI**, University of Tsukuba, Japan: "Entwicklungen des Betreuungrechts in Deutschland und Japan".

1 August 2011 – 31 October 2011: Prof. Dr. Grega **STRBAN**, University of Ljubljana, Slovenia: "Gestaltung der Rechtsverhältnisse im Fall der Pflegebedürftigkeit".

10 October 2011 – 15 November 2011: Dr. Matthias **KRADOLFER**, University of Zurich, Switzerland: "Schranken des sozialversicherungsrechtlichen Leistungsabbaus in den schweizerischen Sozialversicherungen".

23 October 2011 – 13 March 2012: Prof. em. Dr. Deok Hwan **KIM**, Hanil University & Presbyterian Theological Seminary, Jeonbuk, Republic of Korea: "Leistungserbringung und Gesetzgebung – aufgezeigt am Beispiel der Einführung des Pflegefachkräftesystems im deutschen und koreanischen Pflegeversicherungsrecht".

01 November 2011 – 30 June 2012: Liudmila **ANTONOVA**, Università Ca' Foscari, Venice, Italy: "Gesundheitsschocks und gemeinsame Ruhestandsentscheidungen von Paaren".

VIII. The Institute



1. *Personalia*

Scientific Members

Prof. Dr. Ulrich BECKER, LL.M. (EHI)
Managing Director

Prof. Axel BÖRSCH-SUPAN, Ph.D.
Director

Prof. Dr. Bernd BARON VON MAYDELL
Emeritus

Prof. Dr. Dr. h.c. mult. Hans F. ZACHER
Emeritus

1.1. Foreign and International Social Law

Research Staff

Dr. Barbara DARIMONT
Dr. Tineke DIJKHOFF (from 4/2011)
Dr. Eva Maria HOHNERLEIN
Dr. habil. (HDR) Otto KAUFMANN
Dr. Peter A. KÖHLER (until 5/2011)
Dr. Yasemin KÖRTEK (until 3/2011)
Dr. Lorena Ossio BUSTILLOS
Prof. Dr. Hans-Joachim REINHARD
Dr. Bernd SCHULTE (until 5/2011)
Dr. Sebastian WEBER (from 12/2010)
Nikola WILMAN, LL.M., M.Jur. (Durham,
UK)

Doctoral Candidates

Kyung A CHOI
Dafni DILIAGKA (from 3/2011)
Vera HANSEN (from 7/2010)
Elena KALPAKIDOU-HERBE (7/2010 to
11/2011)
Dongmei LIU (2/2010 to 12/2010)
Iris MEEßEN
Magdalena NEUEDER (until 8/2010)
Michael SCHLEGELMILCH
Carlos SCHNEIDER (from 7/2010)
Markus SCHÖN (until 3/2010)
Daniela SCHWEIGLER (until 9/2011)
Stefan STEGNER (from 12/2011)
Marko URBAN (from 7/2010)
Ilona VILACLARA

Academic Assistants

Dr. Edda BLENK-KNOCKE (until 5/2011)
Karen von BERG
Olga CHESALINA
Dr. Simone von HARDENBERG (from
9/2010)
Si LIU (from 3/2010)
Katharina MAYER (from 4/2011)
Magdalena NEUEDER (from 9/2010)
Isabel RUPPRECHT (from 6/2010)
Markus SCHÖN (from 4/2010)
Daniela SCHWEIGLER (from 10/2011)
Stefan STEGNER (4/2011 to 11/2011)
Eva ULBRICH (from 2/2011)
Sandro WENDNAGEL

Student Assistants

Annemarie AUMANN (from 10/2010)
Ellen BUSCHUEW (until 9/2010, from
10/2011)
Katharina HUBER
Katharina MAYER (until 3/2011)
Sara MICHAELIS (until 9/2010, from
4/2011)
Katharina RAPOLDER (from 3/2011)
Sebastian RASCH (from 10/2011)
Johannes TRISCHLER (from 4/2011)
Markus VORDERMAYER (until 1/2011,
from 8/2011)

Secretariats

Britta DRENTWETT (from 3/2010)
Andrea FEUCHT (until 6/2011)
Herta FRICKE
Carmen Anna PAULSEN (3/2011 to
4/2011)
Simone RITTER (from 3/2011)

Clerical Staff

Heike WUNDERLICH



Britta Drentwett
Team Assistant



Simone Ritter
Secretary to Prof. Becker

1.2. Munich Center for the Economics of Aging (MEA)

Academic Coordinator

Dr. Matthias WEISS

Old-Age Provision and Social Policy

Dr. Martin GASCHE (Head)
Marlene HAUPT, M.A.
Dipl.-Vw. Sebastian KLUTH
Dipl.-Math. Johannes RAUSCH

Health Economics

Dr. Tabea BUCHER-KOENEN (Head)
Dipl.-Vw. Helmut FARBMACHER (from 8/2011)
Dr. Eberhard KRUK (until 11/2011)
Fabrizio MAZZONNA, Ph.D.

Macroeconomic Implications of an Aging Society

Dr. Michela COPPOLA (Head)
Dipl.-Ök. Bettina LAMLA (from 9/2011)
Dr. Matthias WEISS

SHARE – Administration

Kathrin AXT (Head of unit and financial affairs)
Yvonne BERRENS, M.A./MBA (Program administrator)
Marie-Louise KEMPERMAN (Head of European relations)

SHARE – Communications

Dr. Martina BRANDT (Assistant coordinator/research, head of unit)
Markus BERGER, M.A. (Public relations) (from 10/2011)

SHARE – Database Management

Stephanie STUCK, M.A. (Head of unit)
Dipl.-Soz. Christian HUNKLER
Dipl.-Soz. Thorsten KNEIP
Dipl.-Soz. Markus KOTTE
Dipl.-Vw. Morten SCHUTH
Dipl.-Soz. Sabrina ZUBER

SHARE – Operations

Dr. Frederic MALTER (Assistant coordinator/operations, head of unit and schedule)
Christine DIEMAND, lic. phil. I (German country team operator)
Dipl.-Soz.wiss. Gregor SAND (Operations)

SHARE – Enhance

Dipl.-Soz. Barbara SCHAAAN (Head of unit and biomarker project)
Christin CZAPLICKI, M.Sc. (Record linkage project)
Dipl.-Soz. Julie KORBMACHER (Record linkage project)
Dipl.-Soz. Ulrich KRIEGER (Non-response project)

Student Assistants

Christin ADRIAN (from 6/2011)
Jennifer GALLEN (from 10/2011)
Raphael GUBER (from 11/2011)
Lennart HICKSTEIN (from 11/2011)
Anna KRÜGER (from 11/2011)
Edina LUTZ (from 11/2011)
Lucia MAIER (from 11/2011)
Sabine RIEDL (from 11/2011)
Lisa SCHUG (from 12/2011)
Eva-Maria TRALLE (from 11/2011)
Maximilian WEISS (from 11/2011)

Secretariats

Hannelore HENNING (from 9/2011)
Sabine MASSOTH
Eva SCHNEIDER



Hanne Henning
Secretary to Prof. Börsch-Supan



1.3. Max Planck Fellow Group

Prof. Dr. rer. soc., Dipl. theol.
Elisabeth WACKER (Head)

Academic Staff

Dr. Minou BANAFSCHE

Doctoral Candidates

Dominik BALDIN (from 6/2010)
Melanie BIEWALD (from 4/2010)
Isabella BERTMANN (from 7/2010)
Luisa DEMANT (from 6/2010)
Laura DOBUSCH (from 7/2010)
Corina HOFFMANN (from 7/2010)
Christian RAHAUSEN (7/2010 to 9/2011)

Student Assistant

Hellen MODIBA (from 4/2010)

1.4. Library

Henning FRANKENBERGER (Head)

Stefan GÖTZ
Alexandra MÜLLER
Irina NEUMANN
Andrea SCALISI
Bernd ZUMDICK (from 1/2011)

Student Assistants

Katharina BLEPP
Anne Lilli BREITKREUTZ
Elke BURKHARDT (11/2010 to 4/2011)
Lukasz KOKOT
Natalie LIPP (from 11/2010)
Florian RUHS (from 10/2010)
Eva ULBRICH (until 1/2011)



Josef Kastner with Administration and IT staff.

1.5. Central Services

Administration

Josef KASTNER (Head)

Brigitte ALBRECHT
Adriana EXNER
Annemarie HUBER
Karl-Heinz KATZBACH (until 4/2011)
Sylvia KLEMM
Heidrun KOHNLE-KOITZSCH
Eva KRAATZ (until 3/2010)
Thomas LENDLE (from 6/2011)
Christine MOSER
Claudia PETHKE
Werner PFAFFENZELLER
Silvia RECHLIN (from 8/2011)
Michael REINERT (until 7/2010)
Andreas SCHMIDT
Andrea THEN

Information Technology (IT)

Philipp RAUTENBERG (Head) (from 1/2010)

Philipp FLESCH (from 1/2011)
 Johannes FRICKE (9/2010 to 10/2010)
 Oliver JANITZA
 Ronny LAUENSTEIN (from 11/2010)
 Axel RÖMMELMAYER
 Munir SALMAN

Public Relations and Reporting

Dr. Monika NIBLEIN

Translation Services

Eva LUTZ, M.A.
 Christina McALLISTER, M.A.

1.6. Representatives and Special Tasks

Academic Staff Representative in the Humanities and Social Sciences Section (GSHS) of the Max Planck Society
 Dr. Lorena OSSIO BUSTILLOS

Ombudsperson

Prof. Dr. Hans-Joachim REINHARD

Data Protection Officer

Dr. habil (HDR) Otto KAUFMANN

Equal Opportunity Commissioner

Dr. Barbara DARIMONT (until 11/2011)
 Dr. Tineke DIJKHOFF (from 12/2011)

Occupational Safety

Karl-Heinz KATZBACH (until 4/2011)
 Thomas LENDLE (from 6/2011)



Dr. Monika Niblein
Public Relations and Reporting



Eva Lutz, M.A.
Translation Services



Christina McAllister, M.A.
Translation Services



2. Scientific Advisory Board and Board of Trustees

Scientific Advisory Board

Until 31 December 2010:

Prof. Dr. Franz RULAND
Chair of the German Social Advisory
Council (Sozialbeirat der Bundesregierung)

Prof. Dr. Jos BERGHMAN,
Katholieke Universiteit, Leuven

Prof. Dr. Dagmar COESTER-WALTJEN
University of Göttingen

Prof. Dr. Ottó CZÚCZ
Court of First Instance of the European
Communities, Luxembourg

Prof. Dr. Moris LEHNER
Ludwig Maximilian University (LMU)
Munich

Prof. Dr. Udo STEINER
University of Regensburg

Prof. Dr. Petr TRÖSTER
Charles University, Prague

From 1 January 2011:

Prof. Dr. Agar BRUGIAVINI
Università Ca' Foscari di Venezia, Italy

Prof. Dr. Ottó CZÚCZ
Court of First Instance of the European
Communities, Luxembourg

Prof. Dr. Peter DIAMOND
Massachusetts Institute of Technology, USA

Prof. Dr. James HECKMAN
University of Chicago, USA

Prof. Dr. Stefan HUSTER
Ruhr University Bochum

Prof. Dr. Gebhard KIRCHGÄSSNER
University of St. Gallen, Switzerland

Prof. Dr. Franz MARHOLD
Karl Franzens University Graz, Austria

Prof. Dr. Udo STEINER
University of Regensburg

Prof. Dr. Gijsbert VONK
University of Groningen, the Netherlands

Prof. Dr. Martin WERDING
Ruhr University Bochum

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State Secretary, German Federal Ministry
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Kari TAPIOLA
Special Adviser to the Director-General,
International Labour Organization, Geneva

Dr. Werner TEGTMEIER
State Secretary (retired), German Federal
Ministry of Labour and Social Affairs,
St. Augustin

Dr. Manfred WIENAND
Councillor, German Association of Cities,
Cologne

3. Institute Library

Henning Frankenberger

The library of the Max Planck Institute for Social Law and Social Policy offers a unique collection of specialised literature on German and foreign social law and German and European social policy. In addition to European Community law, national constitutional and administrative law, family and inheritance law, economic and public procurement law as well as consumer protection law, the library also covers some very specific collective fields concerning individual research projects of the Institute's researchers.

Holdings

The Institute's holdings comprise monographs, commemorative publications, conference proceedings and other collective works, printed and electronic statutory material, periodicals as well as loose-leaf editions from over 100 countries. Also, access is provided to diverse specialist databases (JURIS, Beck-Online, Westlaw, LexisNexis, OECDiLibrary, etc.) and other electronic research options (like VLib, EZB [Electronic Journals Library] or the eBooks Catalog of the Max Planck Society). The library ensures the quick procurement of external literature and documents, thus offering highly efficient research and working instruments for the scholars and guests of the Institute, as well as other academically interested users.

The purposeful and structured expansion of library holdings contributes to the rapid growth of the library. Currently the library comprises more than 110,000 volumes, consisting of some 9,000 bound journals and continuing sets. Serial issues embrace 237 periodicals, 123 German and 114 foreign; 140 loose-leaf collections, 125 German and 15 foreign; and 11 newspapers, 6 German and 5 foreign.

Publication Management

Publications by the Institute are collected by the library staff, who record, scan and archive them and make them accessible on the central electronic eDoc-Server of the Max Planck Society. In 2011 initial steps were taken to prepare for the participation in PubMan, which is the Max Planck Society's leading system for collecting and administering publications. This project will enter a decisive phase in 2012.

Library System and Catalogue

The long-planned adaptation to ExLibris Version 20 of the integrated Aleph 500 library system will start in spring 2012. Due to a changeover by the manufacturer to another product from the range of library systems, the present programme used by 38 Max Planck libraries will not be developed further. As the successor will not be licensed by the Max Planck Society, a project phase was started in autumn 2011 in order to look for alternatives.



Henning Frankenberger



The library team: Florian Ruhs, Henning Frankenberger, Stefan Götz, Irina Neumann, Bernd Zumdick (back) and Andrea Scalisi, Anne Lilli Breitzkreutz and Alexandra Müller (front).



The library plays a pioneering role among the legal institutes of the Max Planck Society in that it takes on a pilot function in the so-called VuFind-Project implemented together with the Max Planck Digital Library and the GBV Head Office in Göttingen. First findings will be presented in 2012.

Acquisitions

In the past two years, the library's stock of volumes increased by nearly 10,000. Furthermore, due to the enlargement of the Institute, about 20% more acquisitions than the usual annual amount will have to be added to the holdings as additional monographs. The library's field of work as well as its scope of tasks have expanded considerably since the establishment of the second department. Apart from additional material needed in the fields of statistics, mathematics, economics, sociology and political science, further databases, licences and electronic journals have to be acquired.

Library Usage

The library is a reference library and is committed to the academic work of the Institute. The library has the largest holdings of social law literature worldwide. During a general refurbishment, the basement stacks of the library were reorganised and provided with new technical equipment that is easy to use. Key-free access to the stacks is now possible for all members of the Institute. The stacks are furnished with a research terminal, a photocopier with scan and e-mail functions, and a self-service terminal for borrowing literature. In addition to the entire stock, all ordered media as well as works currently in processing can be searched via WebOPAC.

With the introduction of the radio-frequency identification (RFID) system to the library the usability of the library holdings has considerably improved. Researchers can borrow any media they need by using the self-service terminals. Borrowing is recorded electronically and registered on the users' personal accounts. Staff members will

be able to tell from the catalogue entry whether the volume is located in the library or in a colleague's office. According to the library regulations, the entire Institute building is defined as a reference library in the broader sense. Urgently required literature may, for example, be taken from a colleague's office and booked onto the current user's personal account via barcode label scan. As it is possible to ascertain the precise location of every book at any given time, unnecessary trips to the library and the stacks can be avoided. This so-called self-service registration constitutes a further element of the library's comprehensive electronic registration concept. Every Institute staff member is provided with a user card enabling him/her to borrow media via self-service registration. These ID cards now also assure access control to the stacks.

Literature that is no longer needed must be returned to the reading room and placed in the RFID shelf. The RFID shelf is a unique innovation that has been designed specifically for the particular requirements of the Institute library. Via integrated RFID antennae the shelf identifies the books placed in it and re-assigns them to the library system as available items. The electronic catalogue immediately shows that the required item is now located on the library premises in the narrower sense. Literature not available in the Institute library can be borrowed from the Bavarian State Library, from other Munich libraries or via inter-library loans, or can be quickly acquired for the Institute library. Urgently needed literature that is not otherwise available can be supplied by document delivery services.



Stacks of the Institute library.



To meet the attendant needs of interested researchers from outside the Institute, the number of guest workplaces available at the library has been extended to a total of eleven. Recent developments show that this extension has not been sufficient as there is an increasing interest in using the library due to its excellent holdings and good working conditions.

Personnel and Apprenticeships

There have been some staff changes, and the library team has gained some new members. Within the framework of a project *Bernd Zumdick* has been engaged in the coordination of electronic resources and database projects, as well as in publication management. Particularly noteworthy is that, in the summer of 2011, *Alexandra Müller* successfully completed her apprenticeship to be a qualified assistant in media and information services (FaMI – Fachangestellte/r für Medien- und Informationsdienste). She was the library's first apprentice. The experience gained during this training period has been so rewarding that we hope to continue with this initiative in future.





Philipp Rautenberg

4. Information and Communication Technology

Philipp Rautenberg

Over the past two years the EDP department has been reorganised into an information and communication technology (ICT) services department. As part of this restructuring, the department has also been assigned responsibility for the video conferencing equipment and the telephone system. On the whole, the scope of tasks now covers the areas of "data and security" (*Axel Römmelmayer*), "clients" (*Ronny Lauenstein*), "infrastructure" (*Philipp Flesch*) as well as "hardware, software, and peripherals" (*Munir Salman*).

In the period under review the Munich Center (previously known as Mannheim Research

Institute) for the Economics of Aging (MEA) was integrated in the Institute's IT infrastructure and the network infrastructure adapted accordingly. The implementation of this migration was dovetailed with the projects "firewall and network structure" and "groupware". Current IT operations and the interaction of the individual systems were ensured at all times despite this reorganisation.

To provide wireless internet access to Institute members and visitors, taking increasing mobility of researchers into account, individual FunkLAN hotspots were installed in the conference rooms by the IT department. In 2012 this hotspot system shall be upgraded to an integrated wireless LAN system that will also enable roaming and eduroam, as well as higher performance.

5. Honours

Ulrich BECKER

2010: Nomination as Ordinary member of the Academia Europaea

Axel BÖRSCH-SUPAN

21 September 2011: First Heinz-Grohmann Lecture of the German Statistical Society (DStG) on the impact of demographic change entitled "Wie gut können wir die Folgen des demographischen Wandels abschätzen?", University of Leipzig.

Tabea BUCHER-KOENEN

2011: Best dissertation award from the Karin-Islinger-Stiftung, University of Mannheim, for the dissertation entitled "Financial Literacy, Cognitive Abilities, and Long-Term Decision Making – Five Essays on Individual Behavior".

Barbara DARIMONT

1 June 2010: Appointment as an adjunct professor of social security and social policy

at the School of Public Administration, Southwest Jiaotong University, Chengdu, P. R. China.

Nikola FRIEDRICH

2011: Dissertation award from the Münchner Juristische Gesellschaft for the dissertation entitled "Mediation in der Sozialgerichtsbarkeit" [Mediation in social jurisdiction].

Bettina LAMLA

2011: "National-Bank-Preis an der Ruhr-Universität Bochum". Award for the best diploma thesis, entitled "The Wealth Effect in Germany: Evidence from the SAVE Study".

Elisabeth WACKER

2011: Appointment as visiting professor at the National Pingtung University of Education (NPUE), Pingtung, Taiwan, R.O.C.

6. Work of Institute Members in External Bodies

Ulrich BECKER

Editorships

- Neue Zeitschrift für Sozialrecht (NZS) (co-editor since 2000)
- Schriften zum deutschen und europäischen Sozialrecht, Baden-Baden (since 2000)
- Kommentar zum SGB I (since 2001)
- Schriftenreihe für internationales und vergleichendes Sozialrecht, Berlin (since 2002)
- Studien aus dem Max-Planck-Institut für Sozialrecht und Sozialpolitik (until 2011: Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht), Baden-Baden (since 2002)
- Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), Heidelberg (co-editor since 2002)
- Zeitschrift für europäisches Sozial- und Arbeitsrecht, Wiesbaden (ZESAR) (co-editor since 2002)

Memberships of Steering Committees, Executive Boards, Research Associations

- Steering Committee, Gesellschaft für Versicherungswissenschaft und -gestaltung e.V. (GVG)
- Executive Board of the Social Insurance Division of Deutscher Verein für Versicherungswissenschaft
- Executive Board, Gesellschaft für Rechtsvergleichung
- Executive Board (chairman), German Section of the International Society of Labour and Social Security Law (ISLSSL)
- Executive Board (vice president), Deutscher Sozialrechtsverband
- Selection Committee of Alexander von Humboldt-Stiftung for the promotion of institute partnerships (chairman)

Memberships of Advisory Boards, Boards of Trustees, Committees, Research Organisations

- Advisory Board of the research network on old-age pensions (FNA), Deutsche Rentenversicherung Bund
- Research Advisory Board of the journal "ZFSH/SGB – Sozialrecht in Deutschland und Europa"
- Advisory Board, Bremen International Graduate School of Social Sciences (BIGSSS), University of Bremen
- Editorial Advisory Board of the International Social Security Review
- ISSA Advisory Board on Social Security Policy and Research
- Research Advisory Board of the journal "Social Security Studies" (Shehui baozhang yanjin)
- Board of Trustees of the Institute for Labour Law and Industrial Relations in the European Community (IAAEG)
- Board of Trustees, Institut für europäische Verfassungswissenschaften, FernUniversität Hagen

Other memberships

- Disciplinary Committee of the German Athletics Association (DLV)
- Selection Committee for the conferral of the dissertation award of Gesellschaft zur Förderung der sozialrechtlichen Forschung e.V.
- Arbitrator at the German Court of Arbitration for Sport of Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)

Axel BÖRSCH-SUPAN

Referee Activities and Editorships

- American Economic Review
- Econometrica
- Economic Journal
- Economics of Education Review
- Empirical Economics
- Journal of Econometrics
- Journal of Economic Literature
- Journal of Human Resources
- Journal of Life-Course Research (Editorial Board)



- Journal of Pension Economics and Finance (Editorial Board)
- Journal of Population Economics
- Journal of Public Economics
- Journal of the American Statistical Association
- Quarterly Journal of Economics
- Regional Science and Urban Economics (Associate Editor)
- The Review of Economics and Statistics
- Zeitschrift für die gesamte Staatswissenschaft

Memberships of Steering Committees, Executive Boards, Research Associations

- Committee "Theoretischer Ausschuss", Verein für Socialpolitik
- Committee "Finanzwissenschaftlicher Ausschuss", Verein für Socialpolitik
- Committee "Ökonometrischer Ausschuss", Verein für Socialpolitik
- Committee "Bevölkerungsökonomischer Ausschuss", Verein für Socialpolitik

Memberships of Advisory Boards, Boards of Trustees, Committees, Research Organisations

- Member (and former chairman) of the Advisory Council of the German Federal Ministry of Economics and Technology (BMWi)
- Expert Group on Demography, German Federal Government, German Federal Ministry of the Interior (BMI)
- Expert Group "Rentendialog", German Federal Minister for Labour and Social Affairs
- Standing Committee "Altern und Fertilität" in the framework of the policy advice offered by Leopoldina
- Scientific Advisory Council of the Kiel Institute for the World Economy (ifw)
- U.S. Senate Special Committee on the Long-Run Macroeconomic Implications of Population Aging for the US, National Academy of Sciences, USA
- MacArthur Foundation "Aging Societies Network"
- Adjunct Research Associate of the RAND Corporation, Santa Monica, California

- Research Associate of the National Bureau of Economic Research (NBER), Cambridge, Massachusetts
- Monitoring Board Attendee of the English Longitudinal Study of Ageing (ELSA)
- Board of Trustees, Università Bocconi, Milan
- Supervisory Board, Centre for European Economic Research (ZEW), Mannheim

Other Memberships

- Berlin-Brandenburg Academy of Sciences and Humanities (since 1998)
- Full member of Leopoldina – German National Academy of Sciences (since 2000)
- Econometric Society (since 1980)
- American Economic Association (since 1980)
- European Economic Association (since 1985)
- Verein für Socialpolitik (since 1985; expanded Executive Board 1998 – 2001, and since 2008)
- European Society for Population Economics (since 1988)
- German Statistical Society (DStG) (since 1996)

Tabea BUCHER-KOENEN

- Netspar Research Fellow (since 2011)
- International Research Group on "Financial Literacy: Evidence and Implications for Retirement Planning, Saving Behavior, and Financial Education Programs", Netspar (since 2009)

Henning FRANKENBERGER

- Standing Committee of the International Federation of Library Associations (IFLA), Law Libraries Section
- Executive Board (first deputy chairman), Arbeitsgemeinschaft der Spezialbibliotheken e.V. (AspB)
- Executive Board BID – Bibliothek & Information Deutschland
- Advisory Board, Bayerischer Bibliotheksverband

- Deputy chairman of the Vocational Training Committee of FaMI-Ausbildung in Bayern
- Deputy chairman of the Examination Board of FaMI-Ausbildung in Bayern
- Working Group "Open Access within the Max Planck Society"
- Working Group "Scientific Information Provision within the Max Planck Society"

Otto KAUFMANN

- Working Group "Zukunft der Sozialpolitik", Hans-Böckler-Stiftung
- Conseil Scientifique, Bulletin de Droit Comparé du Travail de la Sécurité Sociale
- Commission "Europe", Institut de la Protection Sociale Européenne (IPSE)
- Conseil d'Orientation, Institut de la Protection Sociale Européenne (IPSE)
- Administrateur (Vice-Président), Institut de la Protection Sociale Européenne (IPSE)

Bernd BARON VON MAYDELL

- Independent member and chairman of the Board of Arbitration pursuant to § 129 (8) SGB V (health insurance funds – pharmacies)
- Independent member of Bundesschiedsamt für Kassenärztliche Versorgung
- Group of Consultants for the Application of Article 76 of the European Code of Social Security, Council of Europe
- Editorial Advisory Board of DGUV-Kompakt
- Advisory Board of the journal "European Social Law"

Hans-Joachim REINHARD

- Research Advisory Board of the journal "Revista Internacional de Direito Tributario"

Markus SCHÖN

- Co-chairman, Kreisjugendring München-Stadt
- Member of the Youth Assistance Committee of the City of Munich

Elisabeth WACKER

Editorships

- "Studies on the life worlds of persons with disabilities", Tübingen (co-editor since 1995)
- Book series "Health and Society", Wiesbaden (since 2005)
- Book series "Health Promotion – Rehabilitation – Participation", Wiesbaden (since 2008)

TU Dortmund University

- Chair for Sociology of Rehabilitation (C4), Faculty of Rehabilitation Sciences (since 1996)
- Dean of the Faculty of Rehabilitation Sciences (since 2008)
- Chair of the Faculties' Conference (Deans' Conference) (since 2009)

Memberships of Advisory Boards, Boards of Trustees, Committees, Research Organisations

- Scientific Board for the Report of the German Government on the situation in life of persons with disabilities (chairperson), German Federal Ministry of Labour and Social Affairs (since 2011)
- Discussion group on inclusion and participation of the SPD party executive committee, Berlin (since 2010)
- External Evaluation Board for the University of Koblenz-Landau, Campus Landau, Division 5: Institute for Educational Sciences/Philosophy (since 2010)
- Scientific Advisory Board of the "House of Competence" (HoC) at the Karlsruhe Institute of Technology (KIT), University of Karlsruhe (TH), (since 2009)
- Advisory Council of the Austrian Science Fund (FWF), University of Vienna, Department of Education, research project "Vocational Participation of Persons with Intellectual Disabilities" (2008 – 2013)
- Consultant for Higher Education Quality Management at Karl Franzens University, Graz, Austria (since 2007)
- Advisory Board of the programme "Quality Management in Higher Education" at the Donors' Association for German Science (2007 – 2010)



- Scientific Council of the International Graduate School of Science and Engineering, Technische Universität München (IGGSE TUM) (since 2006)
- Scientific Advisory Board of the State Institute of Social Research Center sfs Dortmund, TU Dortmund University (since 2006)
- Perspective Commission, Karl Franzens University, Graz, Austria (since 2003)
- Scientific Advisory Board of the BMAS research project "Personal Budget for Persons with Autism", Vocational Training Center Abensberg (2009 – 2011)
- Scientific Advisory Board of the Rummelsberg Institutions for the "Schutzbengel Award" (since 2009)
- Scientific Advisory Board of the Bavarian State Ministry of Labour and Social Welfare, Family Affairs and Women, "ConSozial" Jury – Science Award (since 2005)
- Scientific Advisory Board of the German Society of Rehabilitation Sciences (DGRW) for the Zarnekow Award (since 2002)
- Founding member and board member of the "Institute for Rehabilitation Research, Quality Development and Structural Analysis" e.V. (REQUEST) at the University of Tübingen (since 1995)

Other Memberships

- Disability and Third World Network (since 2002)
- Inclusion Europe, AG: "Persons with extensive need of support" (since 2001)
- International Society for Quality of Life Research (ISQOL) (since 2001)
- German Society for Rehabilitation Sciences DGRW e.V. (since 2000)
- American Association on Mental Retardation (since 1999)
- German Society for the Promotion of Interdisciplinary Research for People with Intellectual Disabilities e.V. (DiFGB) (since 1998)
- Advisory Board, St. Josefshaus Herten ("Future Council"), Rheinfelden (since 1997)
- German Society of Sociology (DGS) (since 1989)

- Founding member of the "Interdisciplinary Center for Research of "Lebenswelten" of Persons with Disabilities" (Z.I.E.L.) at the University of Tübingen (since 1985)

Sebastian WEBER

- Co-chairman of the Board, Action Reconciliation Service for Peace
- Board of Trustees, Evangelische Versöhnungskirche Dachau e.V.
- Advisory Board, Neuengamme Concentration Camp Memorial, Hamburg

Matthias WEISS

- Fellow at the Research Center for Education and the Labour Market (ROA), Maastricht, the Netherlands

Hans F. ZACHER

(Selection)

- Honorary chairman of Deutscher Sozialrechtsverband e.V.
- European Institute of Social Security
- Research Advisory Board at the German Federal Ministry of Economics and Technology
- Bavarian Academy of Sciences and Humanities
- Academia Europaea
- Pontifical Academy of Social Sciences
- International Board of the Weizmann Institute of Sciences

7. Expertises

Ulrich BECKER and Hans-Joachim REINHARD

24 May 2011: Expert opinion on behalf of the Landgericht Landshut Streicher v. Bayern-Park on the exemption from liability, pursuant to the Austrian social accident insurance law.

Axel BÖRSCH-SUPAN

February 2011: Written opinion for a public hearing of experts on 21 February 2011 on retirement at 67 (Committee Bulletin/Ausschussdrucksache Deutscher Bundestag, 17(11)408, pp. 108–113).

November 2011: Expertise of the Advisory Council of the German Federal Ministry of Economics and Technology (BMWi) on the real economy decisions opening the way for a stable euro ["Realwirtschaftliche Weichenstellungen für einen stabilen Euro"].

Axel BÖRSCH-SUPAN and Matthias WEISS

February 2011: Productivity over the lifetime ["Produktivität im Altersverlauf"]. Expertise for the German Council of Economic Experts.

Hans-Joachim REINHARD

22 February 2010: Opinion on behalf of the Amtsgericht Hamburg-Barmbeck on the calculation of cross-border pension entitlements in effecting the splitting of pension rights.

4 August 2010: Opinion on behalf of the Amtsgericht Kaufbeuren on the splitting of pension rights.

27 November 2010: Opinion on behalf of the Oberlandesgericht Zweibrücken on the splitting of pension rights.

29 November 2010: Opinion on behalf of the Amtsgericht Memmingen on the splitting of pension rights.

31 January 2011: Opinion on behalf of the Oberlandesgericht Bamberg on the splitting of pension rights.

24 May 2011: Opinion on behalf of the Landgericht Landshut on liability privilege in accident insurance.

Elisabeth WACKER

26 October 2010: Expert opinion for the hearing on the 13th report on children and youth ["13. Kinder- und Jugendbericht"], Committee on Families, Senior Citizens, Women and Youth, Deutscher Bundestag, Berlin.

10 November 2010: Expert opinion for a public hearing on inclusive education ["Inklusive Bildung"], Children's Commission of the German Bundestag [Kinderkommission – Kommission zur Wahrnehmung der Belange der Kinder], Deutscher Bundestag, Berlin.

25 November 2010: Expert presentation on the consequences and requirements regarding the implementation of the UN Convention on the rights of persons with disabilities in Bavaria ["Konsequenzen und Erfordernisse der Umsetzung der UN-Behindertenrechtskonvention in Bayern"] for the hearing of the Committee on Families, Senior Citizens, Women and Youth, Bayerischer Landtag, Munich.

22 November 2011: Expertise on the policy priorities regarding the implementation of the UN Convention on the rights of persons with disabilities ["Politische Prioritäten bei der Umsetzung der UN-Behindertenrechtskonvention"], SPD faction, Bayerischer Landtag, Munich.



8. Alumni Meeting 2010

Lorena Ossio Bustillos

On 10 September 2010, the Institute hosted its third alumni meeting. The meeting was attended by a great number of alumni from Germany, as well as by former members of the Institute from Turkey, Greece, Croatia, Poland, Italy, the Czech Republic and Austria. This time, the event was dedicated to the topic entitled "European Integration and European Social Law after Entry into Force of the Lisbon Treaty".

In his lecture, *Bernd Schulte* pointed at the fact that in the context of decades of development work invested, the social dimension had in recent years noticeably gained appreciation at European level. However, with regard to the European Integration Process there was a certain asymmetry between the European economic policy geared to market efficiency and social policy. The latter was – if not exclusively, yet still fundamentally so – designed for and governed by national issues, albeit in a "toned-down" form. It was notable that, on the one hand, European social policy had been reinforced at EU level and that, on the other hand, national social policies had become "more European".

He summed up that even though Art. 153 Para. 4 of the Treaty on the Functioning of the European Union (TFEU) affirmed "the right of Member States to define the fundamental principles of their social security systems", numerous provisions indicated that the European Union plays an increasing part

also, and especially, in social policy. This mandate and ultimate objective has become particularly visible through Art. 3, Para. 3 of the Treaty on European Union (TEU), pursuant to which the EU "shall combat social exclusion and discrimination, and shall promote social justice and protection".

Ulrich Becker gave an account of the current jurisprudence of the European Court of Justice regarding social benefits law. As his starting point he took the decisions of the European Court of Justice regarding the German purity law for beer [*Reinheitsgebot*] (1987), the "Bosman" case (1995), and the "Decker" and "Kohll" cases (1988); these decisions had partially been met by fierce public opposition and had come as "external shocks" to some of the member states. He also elaborated on decisions in the field of labour law, e.g. on the "Mangold" decision (2005) and the "Viking" decision (2007).

Against this background, the focus of his lecture was on four decisions from the year 2009. Taking specific decisions regarding the freedom of movement, long-term care insurance benefits, the prohibition on third party and multiple ownership of pharmacies, the monopoly of statutory accident insurance, and integrated provision of health care through the statutory sickness funds, *Ulrich Becker* analysed the allocation of competences between the European Union and its member states in the field of social benefits law. According to *Ulrich Becker*, the member states have competence to organise and shape their social benefits systems according to national specifications. As regards actual imple-



Alumni meeting 2010.



Federal minister of Austria Dr. Beatrix Karl and Prof. Dr. Bernd Baron von Maydell.

mentation, however, the different national social benefits systems may come into conflict with European Union law. He remarked that the European Court of Justice had through its decisions in this context largely established and predefined the balance between "solidarity" (i.e. the fundamental social rights) on the one hand, and the economic freedoms on the other.

From the ranks of the alumni, Austrian Federal Minister for Science and Research *Beatrix Karl* (now Federal Minister of Justice) delivered a lecture entitled "*Zwischen Hochschul- und Gesundheitstourismus: Unwort oder aussichtsreicher Trend?*" [Between university tourism and health tourism: non-word or promising trend?]. Beginning with health policy and the need for planning certainty regarding basic inpatient services, her presentation took up points from the previous lecture in that it outlined some parallels found in the justification of the Austrian education policy. The speaker described the situation in 2005, a time when Austria still had a university system that was open to all. Enrolment for a degree in medicine received a special status after university admission quotas had been introduced for this course. The application of the country-of-origin principle has been considered by the ECJ as a violation of the principle of non-discrimination on grounds of nationality; Austria, however, bases its decision to grant foreign students restricted access to this course of study on the claim that future availability of health care services might otherwise be compromised. Non-Austrian medical students might, after all, return to their home countries after finishing their degrees and leave the Austrian health care system void of medical professionals. However, political negotiations

with the European Commission have facilitated a five-year suspension (2007 to 2012) of the infringement procedure initiated by the Commission against Austria in order to give the latter the opportunity to provide empirical data supporting the argument that the restrictive measures the country has imposed are necessary to ensure the provision of health care.

After the presentations, the alumni and members of the Institute met over dinner with opportunity for both personal and scholarly exchange.

Alumni Network

The alumni network serves to foster the exchange of ideas among current and former, scientific and non-scientific Institute members as well as guest researchers, and provides an opportunity to keep in contact with one another and with the Institute. For further information please turn to the alumni representative at the following e-mail address: alumni-beauftragte@mpisoc.mpg.de.



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Amalienstraße 33
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Phone: +49 89 38602 0
Fax: +49 89 38602 590
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