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Statutes

of the

German Institute for Economic Research, DIW Berlin  
(Institute for Business Cycle Research)

November 13, 2023

## **§ 1 Name and registered office**

The name of the association (hereinafter also referred to as the "Institute") is the "German Institute for Economic Research, DIW Berlin (Institute for Business Cycle Research)". It has its registered office in Berlin and is entered in the register of associations.

## **§ 2 Purpose of the association**

- (1) The Institute exclusively and directly serves non-profit scientific purposes and has the task of observing and researching economic processes in Germany and abroad. It makes scientific contributions to economic policy discussions and advises on economic issues, furthers education and contributes to the dissemination of knowledge to the interested public. DIW Berlin performs its tasks with scientific independence. The results of its work are published promptly and made available to the general public. The following measures in particular serve the purpose of promoting science and research:
  - a) implementation of basic and applied research projects as well as research cooperation in the fields of business cycle, international economics, public economics, labor, energy, transport, environment, innovation, business and consumption, digitalization, competition and socio-economic developments, socio-ecological transformation, behavioral sciences as well as statistical and survey methods,
  - b) research-based economic policy advice for politics, business and the public,
  - c) provision of research infrastructure (research-based service),
  - d) organization of scientific events open to the general public and lectures at national and international scientific conferences,
  - e) publication of research results in various media, in particular in the Institute's house publications, on the Institute's website and in specialist journals,
  - f) national and international scientific cooperation and exchange of employees with universities and other research institutions for non-profit scientific purposes,
  - g) promotion of young academics and international exchange. The association can award scholarships for this purpose. Further details are governed by scholarship regulations.
- (2) The association is a non-profit organization; it does not primarily pursue its own economic purposes. The association's funds and any profits may only be used for the purposes set out in the Statutes. Members do not receive any benefits from the association's funds. They have no claim to the association's assets when they leave. No person may benefit from expenses that are alien to the purposes of the association or from disproportionately high remuneration.
- (3) DIW Berlin consists of the two scientific business units "Science – DIW Berlin" and "Socio-Economic Panel – SOEP" and the joint administration. Both scientific business units cooperate closely with each other in order to fulfill their tasks in an excellent manner.

### **§ 3 Fiscal year**

The fiscal year corresponds to the calendar year.

### **§ 4 Bodies**

The organs of the association are

- a) the Members' Assembly (§ 5),
- b) the Board of Trustees (§ 6),
- c) the Executive Board (§ 7),
- d) the Scientific Advisory Board (§ 10),
- e) the SOEP Survey Committee (§ 11).

### **§ 5 Members' Assembly**

- (1) The Members' Assembly is the highest decision-making body of the association.
- (2) Members of the association can be legal entities and natural persons. Members support the purpose of the association through their activities within and outside the association. Members are obliged to pay annual membership fees at the beginning of the fiscal year.
- (3) Membership is acquired on the basis of a written application to the Executive Board, stating the proposed annual membership fee. The Members' Assembly decides on the application on the recommendation of the Executive Board. Resignation from the association can only take place at the end of the fiscal year; it is only permissible with a notice period of six months.

Permanent members are the Federal Republic of Germany and the State of Berlin. They finance the Institute in accordance with the administrative agreement between the Federal Government and the federal States on the establishment of a Joint Science Conference (GWK Agreement) dated October 18, 2007.

- (4) The tasks of the Members' Assembly include in particular
  - a) election and dismissal of the members of the Board of Trustees in accordance with § 6 (1) letter f);
  - b) adoption of the program budget;
  - c) election of two rapporteurs on the annual financial statements of the Institute;
  - d) approval of the annual financial statements and formal approval to the decisions of the Executive Board;
  - e) resolution on amendments to the Statutes and the dissolution of the association;
  - f) decisions on the exclusion of members.
- (5) The Chairperson of the Board of Trustees or their deputy chairs the Members' Assembly.
- (6) The Members' Assembly shall meet once a year; it shall be convened in writing by the Chairperson of the Board of Trustees with six weeks' notice. The agenda and documents should be sent out three weeks before the meeting. The agenda shall be drawn up by the Chairperson of the Board of Trustees. An extraordinary meeting shall be convened if the Board of Trustees or at least one fifth of the members so request in writing, stating the purpose and reasons.

- (7) Meetings may also be held in the form of video and telephone conferences, provided no member objects. The video conference must allow for undisturbed communication as if all members were present and, in particular, a clear allocation of contributions.
- (8) The Members' Assembly has a quorum if at least half of the members are present or represented; it passes its resolutions by majority vote, unless otherwise stipulated in these Statutes. Each member has one vote. Voting rights may be exercised by a proxy authorized in text form. Legal entities should appoint a permanent representative.
- (9) Unless another form of resolution is prescribed by law, resolutions of the Members' Assembly may also be passed outside of meetings by way of a circulation procedure if no member objects. The Chairperson of the Board of Trustees shall initiate the circulation procedure and request the members to cast their votes in text form within a period of at least two weeks. § 5 (8) applies accordingly. Objections or votes must be received by the Executive Board in text form within the announced deadline. The result of the vote must then be announced to all members in text form by the Chairperson of the Board of Trustees.
- (10) The Executive Board, the Chairperson of the Scientific Advisory Board or their representative, the joint spokesperson of the Scientific Council or their representative, the Chairperson of the Works Council or their representative and the Equal Opportunities Officer participate in the Members' Assembly in an advisory capacity. The Chairperson may invite guests to the Members' Assembly.
- (11) Resolutions to amend the Statutes require a two-thirds majority of the votes gathered.
- (12) Minutes must be taken of the resolutions of the Members' Assembly, which must be signed by the Chairperson of the Members' Assembly and another member.

### **§ 6 Board of Trustees**

- (1) The Board of Trustees consists of fifteen members representing science, business, trade unions and public administration:
  - a) three representatives of the federal ministries (the federal ministries responsible for business, research and finance);
  - b) three representatives of the home state of Berlin (the departments responsible for science, finance and economics);
  - c) the Chairperson of the Scientific Advisory Board;
  - d) the Chairperson of the Society of Friends of DIW Berlin;
  - e) the presidents of Freie Universität Berlin, Humboldt-Universität zu Berlin and Technische Universität Berlin;
  - f) four other members.

The members of the Board of Trustees pursuant to § 6 (1a) to (1e) are members by virtue of office. The other members of the Board of Trustees are elected by the Members' Assembly for four years; re-election is permitted, usually once.

- (2) The Board of Trustees elects the Chairperson of the Board of Trustees and their deputy from among its members for a term of office of four years; re-election is permitted.
- (3) The meetings of the Board of Trustees take place at least twice a year. They are convened by the Chairperson of the Board of Trustees with six weeks' notice. The agenda and documents are sent out with three weeks' notice. The agenda is drawn

up by the Chairperson of the Board of Trustees after consultation with the home state representatives. The Board of Trustees prepares the documents for the meeting, which are sent out with the agenda. An extraordinary meeting shall be convened if the Executive Board or at least one fifth of the members so request in writing, stating the purpose and reasons.

- (4) Meetings may also be held in the form of video and telephone conferences, provided no member objects. The video conference must allow for interference-free communication as if all members were present and, in particular, a clear allocation of contributions.
- (5) The Executive Board, the joint spokesperson of the Scientific Council or their representative, the Chairperson of the Works Council or their representative and the Equal Opportunities Officer attend the meetings of the Board of Trustees in an advisory capacity, unless the Board of Trustees decides otherwise in individual cases. By resolution of the Board of Trustees, further guests may be admitted to certain items of a meeting.
- (6) The Board of Trustees is only quorate if at least half of its members participate in the passing of resolutions or are represented in accordance with § 6 (7).
- (7) The Board of Trustees passes resolutions by a simple majority of the members present; in the event of a tie, the Chairperson has the casting vote. Representation is only possible for the members of the Federal Government and the State of Berlin, the Chairperson of the Scientific Advisory Board and the Chairperson of the Society of Friends of DIW Berlin (VdF) and the presidents of the Berlin universities. The presidents of the Berlin universities can only be represented by scientific members of the university board. Resolutions of fundamental importance in regard to research and science policy as well as resolutions with significant financial implications or with regard to the management staff of the institution cannot be passed against the votes of the federal and state representatives responsible for funding. A member of the Board of Trustees may transfer their voting rights to another member for one Board of Trustees meeting at a time.
- (8) Resolutions of the Board of Trustees may also be passed outside of meetings by way of circulation by casting votes in text form, provided no member objects.
- (9) The Board of Trustees monitors and advise the Executive Board and has the following tasks in particular:
  - a) appointment and dismissal of members of the Executive Board;
  - b) appointment of the members of the Scientific Advisory Board;
  - c) approval of the main features of the research strategy;
  - d) approval of structural changes in the departments in the "Science – DIW Berlin" business unit and in the "Socio-Economic Panel – SOEP" business unit's divisions;
  - e) consultation and approval of the program budget;
  - f) adoption of a scholarship regulations,
  - g) recommendations to the Members' Assembly on the adoption of the annual financial statements and the discharge of the Executive Board;
  - h) appointment of the auditor;
  - i) consultation on the reports of the Scientific Advisory Board;
  - j) advice on matters of particular financial significance;
  - k) approval of the appointment regulations and the selection procedure for the election or re-election of the Scientific Executive Board members and the

- selection of the heads of the scientific departments and divisions of the Socio-Economic Panel – SOEP;
- l) appointment of the heads of the scientific departments and the SOEP division heads for five years in each case; reappointment is possible;
  - m) establishment and denomination of W3 research professorships;
  - n) appointment and staffing of appointment committees;
  - o) appointment of the members of the SOEP Survey Committee;
  - p) adoption of the rules of procedure of DIW Berlin.
- (10) The Board of Trustees may form advisory committees from among its members and define their tasks. It may call in committee members who are not members of the Board of Trustees. These are not entitled to vote.
- (11) The Chairperson of the Board of Trustees shall represent the association in legal transactions involving members of the Executive Board. In agreement with the representatives of the funding ministries, he/she shall conclude or terminate the employment contracts with the members of the Executive Board. If the position of the Chairperson of the Board of Trustees and their deputy is vacant, the home state shall issue the invitation and the Board of Trustees shall assign this function to another member until a new election is held.

## **§ 7 Executive Board**

- (1) The Executive Board manages the business of the association in accordance with the law, these Statutes and the DIW Berlin rules of procedure. It is responsible for all matters of the association, unless they are assigned to another body of the association by these Statutes.
- (2) As a collegial body, the Executive Board manages the day-to-day business of the association in joint responsibility, even if individual members of the Executive Board are assigned specific areas of responsibility. It consists of the President, the Administrative Executive Board member and two other Scientific Executive Board members (hereinafter referred to as the Scientific Executive Board member "Science – DIW Berlin" and the Scientific Executive Board member "Socio-Economic Panel – SOEP"), one of whom is appointed from the management of SOEP. The President, Scientific Executive Board members and Administrative Executive Board member are board members according to § 26 BGB (German Civil Code). The members of the Executive Board are appointed by the Board of Trustees for a period of five years. Members of the Executive Board may be reappointed. The members of the Executive Board are responsible in particular for representing the association in and out of court. They are the sole external representatives of the association. The Executive Board reports to the Members' Assembly and the Board of Trustees on the course of business and the situation of the association.
- (3) The President is responsible for the overall management and acts as the spokesperson for DIW Berlin. A formal appointment procedure will be applied in preparation for the election of the President.
- (4) The Scientific Executive Board member "Science – DIW Berlin" is responsible for managing and cross-departmental coordination of the scientific interests of the "Science – DIW Berlin" business unit.
- (5) The Scientific Executive Board member "Socio-Economic Panel – SOEP" represents the interests of the SOEP on the Executive Board.

- (6) The Administrative Executive Board member is responsible for commercial, legal and administrative tasks.
- (7) Both members of the Scientific Executive Board jointly represent the President with his/her powers if he/she is unable to perform his/her official duties or if his/her position is vacant.
- (8) The members of the Executive Board are entitled to appropriate remuneration and reimbursement of their actual expenses in accordance with statutory provisions.
- (9) Members of the Executive Board may only be dismissed at a meeting of the Board of Trustees convened with express notification in the agenda and only by a two-thirds majority of the votes cast. The invitation must be issued at least three weeks in advance.
- (10) The Executive Board draws up the Institute's rules of procedure, which regulate the allocation of responsibilities and decision-making within the Executive Board as well as internal responsibilities, processes and decision-making within the Institute and which require the approval of the Board of Trustees.
- (11) Management positions should be filled in a balanced gender ratio.

#### **§ 8 "Science – DIW Berlin" business unit**

- (1) The "Science – DIW Berlin" business unit consists of the scientific departments and research groups under the supervision of the responsible member of the Executive Board. The business unit works in accordance with the purpose of the association in accordance with § 2 and the orientation and strategy of DIW Berlin adopted by the Executive Board as well as the program budget adopted by the Board of Trustees.
- (2) The scientific departments, research groups and divisions are responsible for the scientific work of the "Science – DIW Berlin" business unit. The research departments are headed by department heads, who are also involved in research planning and the scientific coordination of the Institute's work.
- (3) Further details on the structure of this business unit are defined in the rules of procedure.
- (4) Management positions should be filled in a balanced gender ratio.

#### **§ 9 "Socio-Economic Panel – SOEP" business unit**

- (1) The "Socio-Economic Panel – SOEP" business unit consists of divisions headed by the SOEP Director. The SOEP Director oversees the division's work. The division works in accordance with the scientific profile of the SOEP and within the budget set for the SOEP.
- (2) The SOEP divisions are responsible for the scientific work of the "Socio-Economic Panel – SOEP" business unit and are headed by division heads.
- (3) Further details on the structure of this division are defined in the rules of procedure.
- (4) Management positions should be filled in a balanced gender ratio.

#### **§ 10 Scientific Advisory Board (SAB)**

- (1) The Scientific Advisory Board advises the Institute on scientific issues. It evaluates the scientific work and submits its report to the Board of Trustees. The Advisory Board has the following tasks in particular:
  - a) Advising the Institute on long-term research program and development planning, in particular recommendations on the annual program budget;
  - b) Regular consultation of the Institute in dialog with the Executive Board and the departments and, in this context, evaluation of research, consulting and services;
  - c) Reporting to the Board of Trustees;
  - d) Participation in appointment and similar selection procedures.
- (2) The Scientific Advisory Board is equally responsible for all scientific departments of the Institute and the Socio-Economic Panel Study – SOEP; it consists of twelve internationally renowned active scientists who are experts in at least one of the Institute's fields of work. At least three members should have a professional orientation that does justice to the tasks of the SOEP.
- (3) The members of the Scientific Advisory Board are appointed by the Board of Trustees on the basis of proposals from the Executive Board. Appointments are made for four years; one additional reappointment for four years is permitted. If a member leaves prematurely, a new member shall be appointed as soon as possible.
- (4) The Scientific Advisory Board elects a Chairperson and a Deputy Chairperson from among its members for the duration of the appointment period. The Advisory Board should meet at least once a year.
- (5) Meetings may also be held in the form of video and telephone conferences, provided no member objects. The video conference must allow for undisturbed communication as if the members were present and, in particular, a clear allocation of contributions. A member of the SAB may transfer their voting rights to another member for one meeting at a time.
- (6) The Executive Board draws up rules of procedure for the Scientific Advisory Board.
- (7) Recommendations of the SAB can also be made outside of meetings by way of circulation by casting a vote in text form, provided no member objects.

### **§ 11 SOEP Survey Committee**

- (1) The SOEP Survey Committee advises the management of the Socio-Economic Panel (SOEP) on the sample survey and on the service of the SOEP.
- (2) The SOEP Survey Committee consists of ten internationally renowned active researchers and users who are experts in at least one field of the SOEP's disciplinary spectrum.
- (3) The Executive Board of DIW Berlin, in agreement with the management of the Socio-Economic Panel, proposes the members of the SOEP Survey Committee, who are appointed by the Board of Trustees. Appointments are made for four years; a one-time reappointment for four years is permissible. If a member leaves prematurely, a new member shall be appointed as soon as possible.
- (4) The SOEP Survey Committee elects a Chairperson and a Deputy Chairperson from among its members for a term of four years; re-election is permitted once. The Committee should meet at least once a year.
- (5) Meetings may also be held in the form of video and telephone conferences, provided no member objects. The video conference must allow for undisturbed

communication as if the members were present and, in particular, a clear allocation of contributions. A member of the SOEP Survey Committee may transfer his or her voting rights to another member for one meeting at a time.

- (6) Recommendations of the SOEP Survey Committee can also be made outside of meetings by means of a circulation procedure in text form, provided no member objects.
- (7) The Executive Board draws up rules of procedure for the SOEP Survey Committee in agreement with the SOEP management.

### **§ 12 Simplified amendments to the Statutes**

The Executive Board is authorized to make such amendments to the articles of association as are necessary to resolve objections by the registry court or objections by the tax authorities regarding the recognition of non-profit status, provided that this does not involve significant changes to the Statutes and the Board of Trustees has approved the amendment to the Statutes.

### **§ 13 Dissolution of the association**

- (1) The dissolution of the association can only take place at a meeting of the Members' Assembly to which an invitation has been issued at least three weeks in advance with express notification of the dissolution proposal as an agenda item. The resolution to dissolve requires a majority of two thirds of the members.
- (2) In the event of the dissolution or annulment of the association or if its tax-privileged purpose ceases to exist, the assets of the association shall revert to the funding ministries (Federal Government and State of Berlin) in proportion to the contributions or allocations made by them. They are to be used directly and exclusively for charitable or benevolent purposes.

Berlin, November 13, 2023

The Executive Board is responsible for the correctness and completeness of the Statutes in accordance with § 71 BGB as follows:

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Dr. Denise Rüttinger, Administrative Executive Board member