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Abstract

The paper discusses old and new questions that came into focus with the amendment of the act on fixed-term contracts concerning scientists. After evaluating the act from 2007, the Federal Ministry of Education and Research intended to improve the terms of employment for scientific staff. They found out that often the duration of fixed-term contracts was shorter than necessary. Furthermore, the Ministry stated problems with the applicability of the legal rules. The authors analyse the frame conditions of the renewed act, e. g. constitutional law, European Union law, as well as the statutory instruments and bye-laws enacted by the federal state legislatures. They are of the opinion that not all the issues that courts and legal scientists brought up in the past years are addressed or even solved yet. Regarding the scope of the legal rules the authors point out the central position of the legal term "scientific staff": Unless the occupation does not file a formative scientific imprint, the terms of the law are not even applicable. This central statement leads to an analysis of the modified reasons for the

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fixed terms. The legislator amended the wording by adding a clarifying phrase, which points out the paradigmatic function of the phase as a time period of "particular scientific qualification". This is the specific reason for legitimating the fixed-term contract without explicit material reason. When it comes to fixed-term contracts based on third-party funds the authors underline and comment the added legal requirements. Onward the authors locate the new rules for student research assistants in the legal structure of the law pointing out the special situation of medical research. Concisely they summarize the amendment to the act as a partial success lining out a coherent, systemizing approach on how to cope with the factual and legal position. (HRK / Abstract übernommen)