

Status: July 2018

Terms and Conditions of Approval

1. The utilisation of approved funds is earmarked for a specific purpose and proof of usage towards that purpose must be provided. The explicit prior written consent of the Else Kröner-Fresenius-Stiftung is to be obtained for each and every alteration of said intended use in comparison to the documents submitted. As a basic principle, financial commitments entered into prior to receiving notification of approval cannot be taken into consideration.
2. If an application has been submitted or shall be submitted towards funding the Project or towards bridging funding gaps that emerge elsewhere, the abovementioned foundation must be notified thereof. The same applies accordingly insofar as payments from third parties have been made or shall be made for the Project.
3. The recipient of approval carries out the Project in his/her own name and at his/her own responsibility; the recipient himself/herself provides for compliance with statutory provisions and regulatory requirements, and is personally liable for damages that arise to him/her or to the project team or to third parties resulting from implementation of the Project.
4. In the event of infringement of the funding agreement and/or the terms and conditions of approval, the return of funds can be demanded together with interest at the statutory rate (Section 288 para. 1 of the German Civil Code ["BGB"]), particularly when reporting obligations (Clause 9) are not being fulfilled, i.e. the proof of usage is not being fully provided or is being belatedly provided. The applicability of Section 818 para. 3 of the German Civil Code ("BGB") is ruled out.

The funds are to be utilised economically. In particular, all attainable cost advantages are to be made use of. Vouchers for an economical utilisation ought to be provided in connection with the proof of usage, when requested by the abovementioned foundation according to the attached form. Funds paid out which are not being used for the time being or are ultimately not utilised are to be refunded without undue delay and requested again as needed. Unused funds are to be paid back at the latest together with the proof of usage and interest incurred.

5. The hiring of staff on the part of the recipient of approval occurring in conjunction with the Project requires agreements in writing which are presented to the abovementioned foundation upon request.
6. Acting in co-operation with the recipient of approval/project manager, the abovementioned foundation is authorised to make findings from the Project and/or partial outcomes thereof accessible to the public, particularly to relevant interested professional circles. The recipient of approval/project manager is obligated to collaborate thereby.
7. Movable objects acquired using funds from the Else Kröner-Fresenius-Stiftung shall fundamentally become the property of the recipient of approval. Insofar as the value of individual objects amounts to EUR 1,500.00 or more, they are to be recorded in an inventory register.

The decision regarding their utilisation following conclusion of the term of funding requires explicit declaration in writing on the part of the abovementioned foundation. Said foundation can demand that title to these movable objects, especially equipment and devices, be transferred by the recipient of approval without compensation to the Else Kröner-Fresenius-Stiftung or to a third party designated by the foundation.

8. Own public relations work on the part of the recipient of approval requires prior co-ordinated agreement with the abovementioned foundation. Appropriate indications pointing to funding by the Else Kröner-Fresenius-Stiftung must take place. Explicit indication is to be made therein that “Else Kröner-Fresenius-Stiftung” is the name of the foundation. This name is not available for any translation whatsoever. The recipient of approval is obliged to supply said foundation with pertinent publications in unabridged form.
9. The project manager shall report on the Project’s progress and on scientific/scholastic findings from the Project without being requested to and in writing – at the latest twelve (12) months after the denoted date of project commencement has elapsed and annually thereafter – and, in co-operation with the recipient of approval, shall present documented proof of the usage of funds. The report is to be furnished with the project manager’s signature and is to be submitted in electronic form via email. PDF files of the print versions of original publications or reviews which have arisen within the course of funding are to be attached to the report. A summarising final report together with proof of usage shall be presented to the abovementioned foundation, at the latest two (2) months after conclusion of the Project. The requirements to be met by the interim report(s) apply accordingly. Evidence of the income and expenditures accounted for in the proof of usage must be provided via auditable documents. A duplicate of the reports and the proofs of usage along with corresponding documents are to be retained for safekeeping at the recipient of approval’s premises for a period of ten (10) years. The abovementioned foundation retains the right to audit the bookkeeping and other documents. The reply to queries made by said foundation regarding the Project shall be guaranteed. Above and beyond the reporting obligation, the recipient of approval is obliged to notify the abovementioned foundation with regard to events – in each case without being requested to and in writing – which materially influence the Project. This applies particularly if and when the prerequisites for implementation of the Project or its objectives appear to be endangered.
10. Should a provision of the terms and conditions of approval prove to be ineffective, the statutory regulation thereof replaces the ineffective provision or, to the extent that a regulation of this nature does not exist, an arrangement that customarily comes as close as possible to fulfilling the economic purpose depicted in the ineffective provision.
11. German law is applicable.