Formal requirements to qualify as PI (principal investigator) of an FNR-funded project and/or as supervisor of an FNR-funded PhD candidate

The PI is the researcher having the scientific lead of the research project, taking the responsibility for designing, managing and executing the project on a daily basis. He/she is responsible for controlling the implementation and scientific quality of the project, and for ensuring that the project is carried out in compliance with the terms, conditions, and policies of the FNR and those of the partner institutions. The PI is assumed to be the principal author of the proposal submitted to the FNR and is expected to be involved in the project in an appropriate manner.

1. To qualify as PI, a researcher has to satisfy the following conditions:

1. He/she must have a proper employment contract with the eligible beneficiary institution at the starting date of the project.
2. The employment contract must last for the full duration of the research project.
3. He/she must be an experienced researcher who holds a doctoral degree at the date of the submission of the proposal.

Following these rules:

- A PI does not need to be employed by the host institution at the time of submission of the proposal. But once the proposal has been accepted by the FNR, the project can only start when the PI is given a proper employment contract by the host institution.
- Independent researchers having a service or consultancy contract with the host institution (instead of an employment contract) cannot qualify as PI.
- Self-employed and retired researchers (including emeritus professors) cannot qualify as PI.
- A researcher who is on a fixed-term contract (CDD) that terminates before the foreseen end of the project can, in general, not qualify as PI.
- Researchers reaching the legal retirement age before the foreseen end of the project can, in general, not qualify as PI (since their employment contract automatically ends upon reaching that age).
- Guest professors/researchers, Visiting professors/researchers, honorary professors/researchers or Invited professors/researchers cannot qualify as PI, unless they are given a proper employment contract with an eligible beneficiary institution.

1 These are the minimum formal conditions required by the FNR in all its research programmes. Programme guidelines may stipulate additional requirements for specific programmes. Also, host institutions may have established additional internal rules.
1.1. Exceptions to the general rules

In special circumstances, exceptions to the above rules can be granted by the FNR on a case-by-case basis. Such exceptions must be requested prior to the respective submission deadline. They need to be formally approved by the FNR. The following cases in particular can be considered:

a. A researcher who is on a fixed-term contract (CDD) that terminates before the foreseen end of the project can qualify as PI, provided the host institution provides a career track describing the procedures and requirements that would allow said researcher to receive tenure or an extension of the fixed-term contract. This exception applies in particular to FNR ATTRACT Fellows, who are always eligible.

b. A researcher seconded (either full-time or part-time) from a different institution (e.g. institute or university abroad, hospital, public administration) to perform research at a beneficiary organisation can qualify as PI provided that
   i. the secondment (the detachment of a person from his regular organisation for a temporary assignment elsewhere) is contractually agreed between all three parties (PI, beneficiary organisation and seconding institution), with clear provisions protecting the IP rights of the Luxembourg beneficiary institution;
   ii. the purpose of the secondment is to enable the PI to conduct a long-term research programme at the beneficiary organisation (the secondment agreement should therefore last for the full duration of the proposed project);
   iii. there are valid reasons why the PI cannot be employed directly by the beneficiary organisation.

c. For a researcher not holding a doctoral degree, equivalent research experience might be accepted to qualify as PI. Evidence has to be provided that substantiate the PI's research and project management experience.

d. Outstanding researchers of considerable international distinction can qualify as PI beyond the legal retirement age, provided that they are given a proper employment contract by their host institution after retirement. The FNR will normally conduct an assessment of the proposed PI's achievements and scientific stature. Salary costs of a retired researcher cannot be covered by the FNR.

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2 FNR ATTRACT Fellows are automatically granted permission to become PI in all FNR programmes and therefore do not need to request formal approval before submitting a proposal.

3 These rules were inspired by similar rules that are implemented by the Swiss National Science Foundation (SNSF) in their own funding schemes, cf. section 1.8 of the General implementation regulations for the Funding Regulations of the SNSF.
1.2. Why does the FNR require a proper employment contract as a general rule?

By law, an FNR-funded project must be framed by a contractual agreement between the FNR on one hand, and the beneficiary institution on the other hand\(^4\). We therefore require the PI to be a researcher who is himself contractually tied to the beneficiary institution, and the normal way to ensure this is a proper employment contract. In an FNR-funded project, the institution has a number of contractual obligations towards the FNR regarding the execution of the project, the budget and the reporting. Some of these obligations are then delegated to the PI. For this to work in all circumstances, the PI must be a person who has a contractual tie to the institution, with clear lines of hierarchical subordination and reporting (towards the head of the institution). This is automatically enforced through an employment contract. Through the employment contract, the head of the institution has the power to issue directives towards the PI and the PI has an obligation to report to the head of the institution (this is implicit through the labour law regulations). The mere existence of an employment contract thus creates the hierarchical subordination of the PI to the head of the institution\(^5\).

If the PI who has no employment contract with the beneficiary institution, the situation is much more complicated. In that case, the head of the institution has formally no power to issue directives towards the PI. So this would potentially be a PI who is in charge of running an FNR-funded project but who does not have any contractual obligation towards anyone. If the FNR requests a report from the beneficiary institution, the institution would have no means to oblige the PI to produce the report. Such a PI could potentially act in an administrative vacuum. In case of problems related to research integrity, this PI would have no obligation whatsoever to hand out data or to cooperate in any way since he has no contractual obligations, neither towards the institution (lack of employment contract) nor towards the FNR (since the FNR contract is with the institution). There are similar problems when it comes to questions related to IP ownership. Inventions made as part of an employment contract always belong to the employer. But if no employment contract exists, the ownership of the IP generated through an FNR-funded project is ill defined and could lead to legal disputes.

To avoid these difficulties, the FNR requires that the PI has a proper employment contract with the host institution. Only in special circumstances can exceptions be granted.

\(^4\) Thus, the contract is \textit{not} directly between the FNR and the PI, in contrast to the practice of funding agencies some other countries (e.g. DFG-Germany).

\(^5\) There is no legal exemption from this for university professors, who, in that respect, are just employees like all others.
2. FNR requirements for supervisors of FNR-funded PhDs

By definition, the supervisor is the intellectual authority guiding the doctoral candidate and taking the responsibility for the good conduct and implementation of the PhD project. The supervisor is thus the individual who does the main supervision of the doctoral candidate and earns the credit for it.

Supervisors of FNR-funded PhDs must fulfil the requirements of PI (section 1.) and must have adequate supervision rights, i.e. they have been formally entrusted by the degree awarding institution with the supervision of PhD candidates.

For prospective supervisors whose application for supervision rights is in the process of evaluation, supervision rights must be available at the latest when the FNR-funded project starts.

In the special case where the PhD supervisor is based in Luxembourg and the degree awarding institution is a university abroad, the FNR acknowledges that the requirement for supervision rights needs to be differentiated, depending on the rules and requirements of the degree awarding institution. The university rules for external supervisors and the practical arrangements with the degree awarding institution need to be described in the project proposal and are subject to evaluation by the FNR.

As a general rule, supervisors of FNR-funded PhDs must have an employment contract for at least 3 years of the duration of the PhD project they are to supervise. Moreover, PhD candidates must be employed at the same institution than their supervisor, except for AFR-PPP, where it is possible for a PhD candidate to be employed at a company, while the supervisor is employed at a public research institution.

For research projects funded under CORE, OPEN, INTER, ATTRACT and PEARL with one or more PhDs, the FNR expects that the project PI assumes the role of PhD supervisor.