

Decree on the Federal Institute for Materials Research and Testing

§ 1 Status, Purpose

- (1) The Federal Institute for Materials Research and Testing (BAM) is an institute of public law without legal capacity within the authority of and directly accountable to the Federal Ministry of Economics and Technology (BMW_i); it is a Senior Federal Authority.
- (2) BAM shall promote the development of German industry by performing the tasks assigned to it by law or decree.

§ 2 Task, Field of Activity

- (1) BAM shall carry out materials research and testing with the aim of enhancing safety in engineering and chemical technology; it shall promote knowledge and technology transfer.
- (2) Its field of activity shall include research and development, testing, analysis and approval as well as advice and information.
- (3) BAM is obligated to make the results of its work available to and usable for the public.

§ 3 Organisation

- (1) BAM is structured in departments and divisions. Its activities are organised within working groups and projects.
- (2) Cost and performance analysis shall be used to enhance the efficacy of task completion. BAM's strategy and development are codified in a target agreement with BMW_i which is usually reappraised and renewed every third year.
- (3) In agreement with BMW_i, the Advisory Board and, if applicable, scientific committees, BAM develops a research programme which is updated every two years.

§ 4 Tasks within Public Administration

- (1) BAM shall advise the Federal Government.
- (2) BAM shall perform tasks commissioned by BMW_i or, with the consent of the Ministry, by other Federal Ministries.
- (3) BAM shall comply with requests from administrative bodies and courts within its area of competence.

§ 5 Third-party Mandates

- (1) BAM can accept third-party mandates within its area of competence.
- (2) Specifically, it should accept those regulatory or standardisation mandates that are in the interest of Germany and where other private or state institutions are not available to undertake them.
- (3) Performing third-party funded research projects is subject to BAM's third-party codex approved by BMW_i.

§ 6 Cooperation

- (1) BAM shall acquire additional knowledge for the completion of its tasks through national and international cooperation with universities and scientific institutes, research establishments, materials testing offices, and industry.
- (2) In agreement with BMW_i, it shall contribute to the work of national and international regulatory and standardisation committees.

§ 7 Fees

BAM shall charge fees for the execution of mandates in accordance with a schedule of fees issued for this purpose.

§ 8 Management and Substitution

- (1) BAM is headed by the President and, in such cases where he/she is unavailable, by the Vice-President.
- (2) The President – and, in such cases where he/she is unavailable, the Vice-President – represents the Federal Republic of Germany both in and out of court in all affairs concerning BAM.
- (3) The President, the Vice-President and, if applicable, an additional member form the Presidential Board. The Presidential Board identifies the principles of the technical work and work programmes. Final decisions are made by the President.
- (4) The President can use the support of a Board of Directors. The Board of Directors comprises the Presidential Board and the Heads of Department. Details shall be specified in a business distribution scheme.

§ 9 Reporting

The President shall report to BMW_i and the Advisory Council at least once annually. He/she shall submit a review of BAM's all key parameters and highlight the relevant key issues of BAM's work, as well as their importance for the enhancement of safety in engineering and chemical technology.

§ 10 Advisory Council

- (1) BMW_i and BAM's management shall be advised by an Advisory Council in all fundamental issues; in particular, on BAM's long-term strategy and development of the research programme.
- (2) The Advisory Council shall consist of up to 20 honorary members. The members shall be appointed by BMW_i.
- (3) Meetings of the Advisory Council shall be attended by those BAM employees specified in § 8 (4) and BMW_i's representatives. Other Federal Ministries, in agreement with BMW_i, can delegate representatives.
- (4) Other details shall be regulated in the Advisory Council's decree.

§ 11 Scientific Committees

After consultation with BMW_i, BAM can establish scientific committees which can provide advice on specialist key issues.

§ 12 Entry into Force

This decree enters into force on 1 July 2011; simultaneously, the decree of 13 October 1995 (Federal Gazette – Bundesanzeiger – No. 202 of 26 October 1995) and the decrees amending it become ineffective.

Berlin, 31 May 2011

For the Federal Minister of Economics and Technology

B. Heitzer