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REPORT

on the proposal for a Council decision on the conclusion by the European Economic Community and the European Atomic Energy Community of the Convention defining the Statute of the European Schools
(COM(93) 0061 - C3-0142/93)

Committee on Culture, Youth, Education and the Media

Rapporteur: Mr A. M. OOSTLANDER

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- * Consultation procedure
simple majority
- **I Cooperation procedure (first reading)
simple majority
- **II Cooperation procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members to reject or amend the common position
- *** Assent procedure
absolute majority of Parliament's component Members to give assent
except for simple majority under Articles 8a, 105, 106, 130d and 228 EC
- ***I Codecision procedure (first reading)
simple majority
- ***II Codecision procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members either to adopt a declaration of intent to reject the common position, or to amend or confirm the rejection of the common position
- ***III Codecision procedure (third reading)
simple majority to approve the joint text
absolute majority of Parliament's component Members to reject the Council text

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By letter of 23 March 1993 the Council consulted the European Parliament, pursuant to Article 235 of the EC Treaty and Article 203 of the EAEC Treaty, on the proposal for a Council decision on the conclusion by the European Economic Community and the European Atomic Energy Community of the Convention defining the Statute of the European Schools.

At the sitting of 19 April 1993 the President of Parliament announced that he had referred this proposal to the Committee on Culture, Youth, Education and the Media as the committee responsible and to the Committee on Budgets and the Committee on Budgetary Control for their opinions.

At its meeting of 28 January 1993 the Committee on Culture, Youth, Education and the Media appointed Mr A. Oostlander rapporteur.

At its meetings of 18 February 1993, 30 June 1993, 21 September 1993, 25 November 1993, 2 December 1993, 27 January 1994, 24 February 1994 and 16 March 1994 it considered the Commission proposal and the draft report.

At the last meeting it adopted the draft legislative resolution by 19 votes to none with one abstention.

The following were present for the vote: Banotti, vice-chairman; Oostlander, rapporteur; André-Léonard, Barrera I Costa, Cingari, Coimbra Martins, Coppo-Gavazzi (for Hermans, pursuant to Rule 138(2) of the Rules of Procedure) De Cunha (for Galle, pursuant to Rule 138(2) of the Rules of Procedure), Dührkop Dührkop (for Rubert de Ventos), Elliott, Fontaine, Frémion, Hoppenstedt (for Guidolin), Izquierdo Rojo (for Barzanti, pursuant to Rule 138(2) of the Rules of Procedure), Lambrias (for Escudero), Maibaum, Pack, Raftopoulos, Rawlings, Schwartzberg (for Denys) and Stewart-Clark.

The opinions of the Committee on Budgets and the Committee on Budgetary Control are attached to this report.

The report was tabled on 22 March 1994.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A
LEGISLATIVE DECISION

Proposal for a Council decision on the conclusion by the European Economic Community and the European Atomic Energy Community of the Convention defining the Statute of the European Schools
(COM(93) 0061 - C3-0142/93)

The proposal is approved with the following amendments:

Commission text¹

Amendments

(Amendment No. 1)
Title

Convention defining the Statute of the European Schools

Agreement defining the Statute of the European Schools

(Amendment No. 2)
First recital

THE HIGH CONTRACTING PARTIES, MEMBERS OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN COMMUNITIES, hereinafter referred to as 'the Contracting Parties';

between the European Communities and the Member States, hereinafter referred to as 'the Parties to the Agreement' concerning the European Schools;

(Amendment No. 3)
New recital

New recital before the second recital

considering that a further opening up of the Schools, subject to the availability of infrastructure and funds, to other social groups, the introduction of a second course of studies for the secondary cycle (baccalaureate and intermediate certificate) and cooperation with local education establishments are the most appropriate way of satisfying the requirements of children of officials of the European Union who need a course of studies other than the one leading to the European baccalaureate;

¹ OJ No. C 93, 2.4.1993, p. 1

(Amendment No. 4)
New recital

considering that the directive on the education of the children of migrant workers (Directive 77/486/EEC) is gradually being applied in national systems and that further progress to improve mobility is expected;

(Amendment No. 5)
New recital

considering that the current pattern of migration between Member States and between Member States and third countries calls for the active dissemination of educational experience gained with the European Schools, which was one of the original intentions, in order to strengthen multilingual education in primary and secondary schools in national systems so that all children can share in the experience of the European Schools in multilingual education;

(Amendment No. 6)
New recital

considering that cooperation with the local educational establishments is the most appropriate way of catering to the children of staff working for the European Communities who need a different course of education to the one leading to the European baccalaureate;

(Amendment No. 7)
Third recital

considering that the European Communities are anxious to ensure the education together of these children and, for this purpose, make a contribution, to the budget of the European Schools;

considering that the European Union is anxious to ensure the proper care for all the staff's children and, for this purpose, makes a substantial contribution, to the budget of the European Schools;

(Amendment No. 8)
Fourth recital

considering that the European School system is 'sui generis'; considering that it constitutes a form of cooperation between the Member States and between them and the European Communities while fully acknowledging the Member States' responsibility for the content of teaching and the organization of their educational system, and for their cultural and linguistic diversity;

considering that the European School system is 'sui generis'; considering that it constitutes a form of cooperation between the Member States and the European Communities which has developed independently of national systems and therefore should come under the democratic control of the European Parliament, which in turn is the precondition for funding under the budget of the European Communities;

(Amendment No. 9)
Fifth recital, first indent

considering that:

- the Statute of the European School, adopted in 1957, should be consolidated to take account of all the relevant texts adopted by the Contracting Parties;

considering that:

- the Statute of the European School, adopted in 1957, should be made to reflect the changed legal, social and educational context of the European Schools in the European Community;

(Amendment No. 10)
Fifth recital, second indent

- it should be adapted, taking into account the development of the European Communities;

- it should be based on consistent application of the principle of subsidiarity with regard to administration, funding and democratic accountability;

(Amendment No. 11)
Fifth recital, third indent

- the decision-making procedure within the organs of the Schools should be modified;

- the decision-making procedure within the organs of the Schools should be modified so that they can respond to the new situation in the European Union and the new requirements in terms of educational policies;

(Amendment No. 12)
Article 1, first paragraph

This Convention defines the Statute of the European Schools (hereinafter referred to as 'Schools').

This Agreement defines the Statute of the European Schools (hereinafter referred to as 'Schools').

(Amendment No. 13)
Article 1, second paragraph

The purpose of the Schools is to educate together children of the staff of the European Communities. Besides the children covered by the Agreement provided for in Articles 28 and 29, other children may attend the Schools within the limits set by the Board of Governors.

The purpose of the Schools is to offer the children of the staff of the European Union an education which will enable them to complete their schooling with a final certificate which is recognized by all the Member States and which reflects their abilities. Besides the children covered by the Agreement provided for in Articles 28 and 29, other children may attend the Schools within the limits set by the Board of Governors.

(Amendment No. 14)
Article 1, third paragraph

The Schools are listed in Annex I, which may be amended by the Board of Governors to take account of decisions made under Articles 2, 28 and 31.

The Schools are listed in Annex I.

(Amendment No. 15)
Article 2(1)

1. The Board of Governors, acting unanimously, may decide to establish new Schools.

1. The Commission of the European Communities shall decide, in consultation with the Member State affected, on the establishment and location of new Schools.

(Amendment No. 16)
Article 2(2)

2. It shall determine their location in agreement with the host Member State.

2. Deleted

(Amendment No. 17)
Article 2(3)

3. Before a new School is opened in the territory of a Member State, an Agreement must be concluded between the Board of Governors and the host Member State concerning the free provision and maintenance of suitable premises for the new School.

3. Before a new School is opened in the territory of a Member State, an Agreement must be concluded between the Commission of the European Communities and the host Member State concerning the free provision and maintenance of suitable premises for the new School, and the question of funding.

(Amendment No. 18)
Article 3(1)

1. The instruction given in each School shall cover the course of studies up to the end of secondary school.

1. The instruction given in each School shall cover the course of studies up to the end of secondary school.

It may comprise:

It may comprise:

- a nursery school;
- five years of primary school;
- seven years of secondary school.

- a nursery school;
- primary school education;
- secondary school education at baccalaureate and intermediate level.

Technical education requirements shall as far as possible be covered by the Schools in cooperation with the educational system of the host country.

Preparatory vocational education requirements shall be covered by the Schools in cooperation with the educational system of the host country.

(Amendment No. 19)
Article 3(2)

2. Instruction shall be provided by teachers seconded or assigned by the Member States in accordance with decisions taken by the Board of Governors under the procedure laid down in Article 12(4).

2. Instruction shall be provided by teachers seconded or assigned by the Member States in accordance with decisions taken by the Board of Governors under the procedure laid down in Article 12(4). The Member States shall assist in reintegrating teachers into their national systems on completion of their period of secondment or assignment.

(Amendment No. 20)
Article 3(3)(a)

(a) Any proposal to modify the fundamental structure of a School shall require a unanimous vote of the Member State representatives on the Board of Governors.

(a) Any proposal to modify the fundamental structure of a School shall require a two-thirds majority of the Board of Governors and the favourable vote of the Commission representative.

(Amendment No. 21)
Article 3(3)(b)

(b) Any proposal to modify the official status of the teachers shall require a unanimous vote of the Board of Governors.

(b) Any proposal to modify the official status of the teachers shall require a two-thirds majority vote of the Board of Governors.

(Amendment No. 22)
Article 4, point 1

1. the courses of study shall be undertaken in the languages specified in Annex II;

1. the courses of study shall be undertaken in the official Community languages;

(Amendment No. 23)
Article 4, point 2

2. that Annex may be amended by the Board of Governors to take account of decisions taken under Articles 2 and 32;

2. Deleted

(Amendment No. 24)
Article 4, point 7

7. measures shall be taken to facilitate the reception of children with special educational needs.

7. measures shall be taken to facilitate the reception of children with special educational needs. In addition, courses shall be offered in cooperation with national educational establishments which reflect the abilities of the children;

(Amendment No. 25)
Article 4, point 7a (new)

7a. the educational isolation of the schools shall be prevented through improved cooperation with the educational and administrative authorities of the host countries and with the aid of measures to increase access to the schools.

(Amendment No. 26)
Article 5(2)

2. The European baccalaureate, which is the subject of the Agreement of 11 April 1984 amending the Annex to the Statute of the European School laying down the regulations for the European baccalaureate, hereinafter referred to as the 'European baccalaureate Agreement', shall be awarded upon completion of the cycle of secondary studies. The Board of Governors, acting by a unanimous vote of the Member State representatives, shall be able to make any adaptations to that Agreement which may prove necessary.

Holders of the European baccalaureate obtained at the School shall:

2. The European baccalaureate, the contents of which shall be laid down by the Board of Governors, shall be awarded upon completion of the cycle of secondary studies. The Board of Governors shall enact regulations enabling the cycle of secondary studies to be completed at intermediate and at vocational level.

Holders of the European baccalaureate or of the diploma of intermediate or vocational education obtained at the School shall:

(Amendment No. 27)
Article 5(2)(b)

(b) be entitled to seek admission to any university in the territory of any Member State on the same terms as nationals of that Member State with equivalent qualifications.

(b) be entitled to seek admission to further education in any Member State on the same terms as nationals of that Member State with equivalent qualifications.

(Amendment 28)
Article 5(2)(c) (new)

(c) The diplomas for which the Schools provide education may also be awarded to pupils of other (international) schools.

(Amendment No. 29)
Article 8(1), first sentence

1. Subject to Article 28, the Board of Governors shall consist of the following members:

1. The Board of Governors shall consist of the following members:

(Amendment No. 30)
Article 8(1)(a)

(a) the representative or representatives at ministerial level of each of the Member States of the European Communities authorized to commit the Government of that Member State, on the understanding that each Member State has only one vote;

(a) the permanent representative or representatives of each of the Member States of the European Communities.

(Amendment No. 31)
Article 8(1)(b)

(b) a member of the Commission of the European Communities;

(b) a representative of the Commission of the European Communities who shall chair the Board of Governors and shall have 7 votes; the representative of the Commission of the European Communities shall act in accordance with an annual mandate to be approved by the European Parliament;

(Amendment No. 32)
Article 8(1)(c)

- (c) a representative designated by the Staff Committee (from among the teaching staff) in accordance with Article 22;
- (c) three representatives designated by the Staff Committee in accordance with Article 22;

(Amendment No. 33)
Article 8(1)(d)

- (d) a representative of the pupils' parents designated by the parents' associations in accordance with Article 23.
- (d) three representatives of the pupils' parents designated by the parent's associations in accordance with Article 23.

(Amendment No. 34)
Article 8(2)

2. The representatives at ministerial level of each of the Member States and the member of the Commission of the European Communities may appoint persons to represent them. Other members who are unable to attend shall be represented by their alternates.
2. Members who are unable to attend shall be represented by their alternates.

(Amendment No. 35)
Article 8(3)a (new)

- 3a. An official of the secretariat of the European Parliament's Committee on Budgets shall be invited to attend meetings of the Board of Governors as an observer.

(Amendment No. 36)
Article 8(3)b (new)

- 3b. An official of the secretariat of the Committee on Culture, Youth, Education and the Media, the committee responsible for these matters, shall be invited to attend meetings of the Board of Governors as an observer.

(Amendment No. 37)
Article 8(5)

5. The office of chairman shall be held for one year by a representative of each Member State in turn, in the following order of Member States: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom.

5. Deleted

(Amendment No. 38)
Article 8(6) (new)

6. The Board of Governors shall be responsible for implementation of this Agreement.

(Amendment No. 39)
Article 9(1), introductory sentence

1. Save in cases where unanimity is required by this Convention, decisions of the Board of Governors shall be adopted by a two-thirds majority of the members comprising it, subject to the following provisions:

1. Decisions of the Board of Governors shall be adopted by a majority, subject to the following provisions:

(Amendment No. 40)
Article 9(1)(a)

(a) adoption of a decision affecting the specific interests of a Member State, such as the significant extension of the premises or the closure of a School established in its territory, shall require a favourable vote by the representative of that Member State;

(a) adoption of a decision affecting the specific interests of a Member State, such as the significant extension of the premises or the closure of a School established in its territory, shall require a favourable vote by the representative of that Member State and of the Commission;

(Amendment No. 41)
Article 9(1)(a)

- (a) adoption of a decision affecting the specific interests of a Member State, such as the significant extension of the premises or the closure of a School established in its territory shall require a favourable vote by the representative of that Member State;
- (a) adoption of a decision on the significant extension of the premises or the closure of a School established in its territory shall require a favourable vote by the representative of that Member State;

(Amendment No. 42)
Article 9(1)(c)

- (c) the representative of an organization governed by public law who has obtained a seat and a vote on the Board of Governors pursuant to an agreement based on Article 28 shall vote on all matters relating to the School covered by such agreement;
- (c) the representative of an organization governed by public or private law which has concluded a participation agreement with the competent authorities of a School shall be entitled to take part in the discussions on all matters relating to the School covered by such agreement;

(Amendment No. 43)
Article 9(1)(d)

- (d) the right to vote of the representative of the Staff Committee mentioned in Article 8(1)(c), and the representative of the pupils' parents mentioned in Article 8(1)(d) shall be restricted to the adoption of decisions on educational matters under Article 11, with the exclusion of decisions concerning adaptations to the European baccalaureate Agreement and decisions having financial or budgetary effects.
- (d) the right to vote of the representatives of the Staff Committee mentioned in Article 8(1)(c), and the representatives of the pupils' parents mentioned in Article 8(1)(d) shall be restricted to the adoption of decisions on educational matters under Article 11 with the exclusion of decisions concerning adaptations to the European baccalaureate Agreement and the requirements for other examinations and decisions having financial or budgetary effects.

(Amendment No. 44)
Article 9(2)

2. In cases where unanimity is required by this Convention, the adoption of decisions of the Board of Governors shall not be prevented by abstentions by Members who are present or represented. Delete.

(Amendment No. 45)
Article 10(1), first clause

The Board of Governors shall supervise the implementation of this Convention;

The Board of Governors shall supervise the implementation of this Agreement;

(Amendment No. 46)
Article 11, new subparagraph before first subparagraph

1. develop a policy aimed at improving cooperation with the educational establishments of the country in question and the local and administrative bodies, in order to prevent educational isolation of the Schools;

(Amendment No. 47)
Article 12(4)(a), third sentence

It shall settle with the Governments questions relating to the assignment or secondment of the secondary school teachers, primary school teachers and education counsellors of the School.

It shall settle with the Governments questions relating to the assignment or secondment of the secondary school teachers, primary school teachers and education counsellors of the School, while ensuring the equal application of the principles of the Statute to all teaching staff.

(Amendment No. 48)

Article 13(1)(c)

(c) approve the annual revenue and expenditure account and forward it to the competent authorities of the European Communities.

(c) forward the annual revenue and expenditure accounts of the Schools to the authority of the European Communities which is authorized to grant discharge.

(Amendment No. 49)

Article 13(1)(d) (new)

(d) as a general rule, it shall grant discharge to the Administrative Boards of the Schools and the representative of the Board of Governors only after the European Parliament has granted discharge to the Commission in the framework of the general expenditure.

(Amendment No. 50)

Article 13(1)(e) (new)

(e) it shall take all measures needed to comply with the opinions which the European Parliament has delivered pursuant to its discharge and, at the request of the European Parliament, shall submit a report containing the measures in question.

(Amendment No. 51)

Article 13(2)

2. The Board of Governors shall, by no later than 30 April of each year, establish an estimate of revenue and expenditure of the Schools for the following financial year and forward it forthwith to the Commission, which shall, on that basis, establish the necessary forecasts in the preliminary draft general budget of the European Communities.

The budgetary authority of the European Communities shall fix the amount of the European Communities' contribution under its budgetary procedure.

2. The Board of Governors shall, by no later than 30 April of each year, establish an estimate of revenue and expenditure of the Schools for the following financial year and forward it forthwith to the European Parliament and the Commission of the European Communities, which shall, on that basis, draw up the preliminary draft general budget of the European Communities.

The budgetary authority of the European Communities shall fix the amount of the European Communities' contribution under its budgetary procedure.

(Amendment No. 52)
Article 16

Each Member State which is a Contracting Party shall be represented by one Inspector on each Board. He shall be appointed by the Board of Governors on a proposal from the Party concerned.

The Boards of Inspectors shall be chaired by the representative on the Board of Inspectors of the Member State which holds the chairmanship of the Board of Governors.

Each Member State which is a Party to the Agreement shall appoint one Inspector for each Board of Inspectors.

The Boards of Inspectors shall be chaired by the representative of the Commission of the European Communities.

(Amendment No. 53)
Article 17

It shall be the task of the Boards of Inspectors to ensure the quality of the education provided by the Schools and to this end to ensure that the requisite inspections are carried out in the Schools.

They shall submit to the Board of Governors the opinions and proposals provided for in Articles 11 and 12 respectively and, if need be, proposals for changes in curricula and for the organization of studies.

It shall be the task of the Boards of Inspectors to ensure the quality of the education provided by the Schools and to this end to ensure that the requisite inspections are carried out in the Schools.

They shall submit to the Board of Governors the opinions and proposals provided for in Articles 11 and 12 respectively and, if need be, proposals for changes in curricula and for the organization of studies. In this respect they shall consult the Ad Hoc Committee of Educationalists.

(Amendment No. 54)
Article 18, introductory sentence and point 1

The task of the Inspectors shall be to:

- (1) ensure, in their respective cycles of instruction, supervision of the work of teachers from their national administrations;

The task of the Inspectors shall be to:

- (1) ensure, in their respective cycles of instruction, supervision of the work of teachers from their national administrations and, in particular, to ensure that the right of return of teachers to their national systems of education is ensured after secondment so that such systems can benefit from their experience;

(Amendment No. 55)
Article 19, point 3

- | | |
|---|--|
| 3. <u>the</u> representative of the Commission of the European Communities; | 3. <u>a</u> representative of the Commission of the European Communities |
|---|--|

(Amendment No. 56)
Article 20, point 5 (new)

5. prepare, in cooperation with the Board of Governors and with the assistance of the Ad Hoc Committee of Educationalists, reforms in the School such as to give rise to cooperation with educational institutions of the country of establishment.

(Amendment No. 57)
Chapter 5 and Article 21a(1) (new)

Ad Hoc Committee of Educationalists

1. An Ad Hoc Committee of Educationalists shall be established which shall advise on the educational reforms which are needed to
- establish various alternative courses at the Schools;
 - cooperate with educational institutions of the countries of location.

(Amendment No. 58)
Article 21a(2) (new)

2. The members of the Ad Hoc Committee shall be appointed by the Board of Governors in consultation with the Member States.

(Amendment No. 59)
Article 21a(3) (new)

2. The members shall determine their own working methods, with the proviso that they shall submit a report on their activities at least once a year to the Board of Governors, the competent authorities of the Member States and the European Parliament.

(Amendment No. 60)
Article 22, second paragraph

The Committee shall contribute to the proper functioning of the Schools by enabling the opinion of the staff to emerge and be expressed.

The Committee shall contribute to the proper functioning of the Schools by enabling the opinion of the staff to emerge and be expressed. The Committee shall receive the requisite appropriations from the budget for the Schools in order to be able to function as a consultative body.

(Amendment No. 61)
Article 22, fourth paragraph

Once a year the Staff Committee shall designate a member and an alternate from among the teaching staff to represent the staff on the Board of Governors.

Once a year the Staff Committee shall designate three members and their alternates from among the teaching staff to represent the staff on the Board of Governors.

(Amendment No. 62)
Article 23, third paragraph

Once a year the Parents' Associations of the Schools shall designate a member and an alternate to represent the Associations on the Board of Governors.

Once a year the Parents' Associations of the Schools shall designate three members and three alternates to represent the Associations on the Board of Governors.

(Amendment No. 63)
Article 23, fourth paragraph (new)

The Parents' Association shall receive from the School the resources it needs to be able to function as a consultative body.

(Amendment No. 64)
Article 25, introductory sentence and point 1

The budget of the Schools shall be financed by:

1. contributions from the Member States through the continuing payment of the remuneration for seconded or assigned teaching staff and, where appropriate, a financial contribution decided on by the Board of Governors acting unanimously;

The budget of the Schools shall be financed by:

1. contributions from the Member States through at least the continuing payment of remuneration for seconded or assigned teaching staff;

(Amendment No. 65)
Article 25(2)

2. The contribution from the European Communities, which is intended to cover the difference between the total amount of expenditure by the Schools and the total of other revenue;

2. The contribution from the European Communities;

(Amendment No. 66)
Article 26

The Court of Justice of the European Communities shall have sole jurisdiction in disputes between Contracting Parties relating to the interpretation and application of this Convention which have not been resolved by the Board of Governors.

The Court of Justice of the European Communities shall have sole jurisdiction in disputes between the Parties to this Agreement relating to the interpretation and application of this Agreement which have not been resolved by the Board of Governors.

(Amendment No. 67)
Article 27(2)

The Complaints Board shall have sole jurisdiction in the first and final instance, once all administrative channels have been exhausted, in any dispute concerning the application of this Convention to all persons covered by it with the exception of administrative and ancillary staff, and regarding the legality of any act based on the Convention or rules made under it, adversely affecting such persons on the part of the Board of Governors or the Administrative Board of a school in the exercise of their powers as specified by this Convention. When such disputes are of a financial character, the Complaints Board shall have unlimited jurisdiction.

The Complaints Board shall have sole jurisdiction in the first and final instance, once all administrative channels have been exhausted, in any dispute concerning the application of this Agreement to all persons covered by it with the exception of administrative and ancillary staff, and regarding the legality of any act based on the Agreement or rules made under it, adversely affecting such persons on the part of the Board of Governors or the Administrative Board of a school in the exercise of their powers as specified by this Agreement. When such disputes are of a financial character, the Complaints Board shall have unlimited jurisdiction.

(Amendment No. 68)
Article 27(4) and (5)

4. The Statute of the Complaints Board shall be adopted by the Board of Governors, acting unanimously.

4. The Statute of the Complaints Board shall be adopted by the Board of Governors, acting by a two-thirds majority.

The Statute of the Complaints Board shall determine the number of members of the Board, the procedure for their appointment by the Board of Governors, the duration of their term of office and the financial arrangements applicable to them. The Statute shall specify the manner in which the Board is to operate.

The Statute of the Complaints Board shall determine the number of members of the Board, the procedure for their appointment by the Board of Governors, the duration of their term of office and the financial arrangements applicable to them. The Statute shall specify the manner in which the Board is to operate.

5. The Complaints Board shall adopt its rules of procedure, which shall contain such provisions as are necessary for applying the Statute.

5. The Complaints Board shall adopt its rules of procedure, which shall contain such provisions as are necessary for applying the Statute.

The rules of procedure shall require the unanimous approval of the Board of Governors.

The rules of procedure shall require approval by a two-thirds majority of the Board of Governors.

(Amendment No. 69)
Article 28, first sentence

The Board of Governors, acting unanimously, may conclude participation Agreements concerning an existing School or one to be established in accordance with Article 2 with any organizations governed by public law which, by reason of their location, have an interest in the operation of the Schools.

The Board of Governors, acting by a two-thirds majority, may conclude participation Agreements concerning an existing School or one to be established in accordance with Article 2 with any organizations governed by public law which, by reason of their location, have an interest in the operation of the Schools.

(Amendment No. 70)
Article 29, first paragraph

The Board of Governors, acting unanimously, may also negotiate agreements other than participation Agreements with organizations or institutions governed by public or private law which have an interest in the operation of one of the Schools.

The Board of Governors, acting by a two-thirds majority, may also negotiate agreements other than participation Agreements with organizations or institutions governed by public or private law which have an interest in the operation of one of the Schools.

(Amendment No. 71)
Article 31(1)

1. Any Contracting Party may denounce this Convention by written notification to the Luxembourg Government; the latter shall inform the other Contracting Parties upon receipt of the notification. Denunciation shall be notified by 1 September of any year in order to take effect on 1 September the following year.

1. Any Party to the Agreement may denounce this Agreement by written notification to the Commission of the European Communities; the latter shall inform the other Parties to the Agreement upon receipt of a notification. Denunciation shall be notified by 1 September of any year in order to take effect on 1 September the following year.

(Amendment No. 72)
Article 31(2)

2. A Contracting Party which denounces this Convention shall abandon any share in the assets of the Schools. The Board of Governors shall decide which organizational measures, including staff measures, are to be taken as a result of denunciation by any of the Contracting Parties.

2. A Member State which denounces this Agreement shall abandon any share in the assets of the Schools. The representatives of the Parties to the Agreement shall decide which organizational measures, including staff measures, are to be taken as a result of denunciation by any of the Parties to the Agreement.

(Amendment No. 73)
Article 31(4)

4. Any Contracting Party may request that this Convention be amended. To that end, it shall notify the Luxembourg Government of its request. The Luxembourg Government shall make the necessary arrangements with the Contracting Party holding the Presidency of the Council of the European Communities to convene an intergovernmental Conference.

4. Any Party to the Agreement may request that this Agreement be amended. To that end, it shall notify the Commission of the European Communities of its request, which shall consider proposals for changes within the framework of the Board of Governors. The Commission of the European Communities shall submit proposals for changes to the European Parliament pursuant to Article 126 of the Treaty on European Union.

(Amendment No. 74)
Article 32, second paragraph

Accession shall take effect on 1 September following the day on which the instruments of accession are deposited with the Luxembourg Government.

Accession shall take effect on 1 September following the day on which the Member State in question has submitted a request for accession.

(Amendment No. 75)
Article 32, first paragraph

Applications for the accession to this Convention of any State becoming a member of the Community shall be made in writing to the Luxembourg Government, which shall inform each of the other Contracting Parties thereof.

Applications for the accession to this Agreement of any State becoming a member of the Community shall be made in writing to the Commission of the European Communities, which shall inform each of the other Parties to the Agreement thereof.

(Amendment No. 76)
Article 33

This Convention shall be ratified by the Member States as Contracting Parties in accordance with their respective constitutional requirements. As regards the European Communities, it shall be concluded in accordance with the Treaties establishing them. The instruments of ratification and the acts notifying the conclusion of this Convention shall be deposited with the Luxembourg Government, as depositary of the Statute of the European Schools. That Government shall inform all the other Contracting Parties of the deposit.

This Agreement shall be ratified by the Member States as Parties to the Agreement in accordance with their respective constitutional requirements. As regards the European Union, it shall be concluded in accordance with the Treaty establishing it. The instruments of ratification and the acts notifying the conclusion of this Agreement shall be deposited with the Commission, as depositary of the Statute of the European Schools. The Commission shall inform all the other Contracting Parties of the deposit.

This Convention shall enter into force on the first day of the month following the deposit of all instruments of ratification by the Member States and of the acts notifying conclusion by the European Communities.

This Agreement shall enter into force on the first day of the month following the deposit of all instruments of ratification by the Member States and of the acts notifying conclusion by the European Communities.

This Convention, drawn up in a single original in the Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all nine texts being equally authentic, shall be deposited in the archives of the Luxembourg Government, which shall transmit a certified copy to each of the other Contracting Parties.

This Agreement, drawn up in a single original in the Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all nine texts being equally authentic, shall be deposited in the archives of the European Commission, which shall transmit a certified copy to each of the other Parties to the Agreement.

(Amendment No. 77)
Article 34

This Convention cancels and replaces the Statute of 12 April 1957 and the Protocol thereto of 13 April 1962.

Save as otherwise provided in this Convention, the European Baccalaureate Agreement shall remain in force.

The supplementary Protocol concerning the Munich School, drawn up with reference to the Protocol of 13 April 1962 and signed at Luxembourg on 15 December 1975, shall be unaffected by this Convention.

The references in the acts previous to this Convention which concern the Schools shall be understood as relating to the corresponding articles of this Convention.

This Agreement cancels and replaces the Statute of 12 April 1957 and the Protocol thereto of 13 April 1962.

The European Baccalaureate Agreement shall be applied in accordance with this Agreement.

The supplementary Protocol concerning the Munich School, drawn up with reference to the Protocol of 13 April 1962 and signed at Luxembourg on 15 December 1975, shall be unaffected by this Agreement.

The references in the acts previous to this Agreement which concern the Schools shall be understood as relating to the corresponding articles of this Agreement.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council decision on the conclusion by the European Economic Community and the European Atomic Energy Community of the Convention defining the Statute of the European Schools (COM(93)0061 - C3-0142/93)

(consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(93) 0061)¹,
 - having been consulted by the Council pursuant to Article 235 of the EC Treaty and Article 203 of the EAEC Treaty (C3-0142/93),
 - having regard to the report of the Committee on Culture, Youth, Education and the Media and the opinions of the Committee on Budgetary Control and the Committee on Budgets (A3-00160/94),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty and Article 119, second paragraph, of the EAEC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be opened if the Council should intend to depart from the text approved by Parliament;
 5. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No. C 93, 2.4.1993, p.1

B

EXPLANATORY STATEMENT

Introduction

1. On 31 May 1990 the Council and the Ministers of Education, meeting within the Council, called for a new convention to be drafted for the European Schools (ES). The Council believes that a new convention is needed to make the European Communities a formal contracting party and to enable the system of intergovernmental decision-making in the Board of Governors (BG) to operate more efficiently. On 25 February 1993 the Commission presented to the Council a proposal for a Convention defining a new Statute for the ES (COM(93) 0061 final). On 23 March 1993 the Council decided to consult Parliament about the draft convention (pursuant to Article 235 of the EEC Treaty, Article 203 of the EAEC Treaty and Article 95 of the ECSC Treaty). The Education Council set up a working party which is studying possible ways of improving management in the medium to long term in the fields of teaching, finance and administration. Parliament debated the ES in depth in connection with the budget for 1993. The persistent criticisms from the Court of Auditors, the problems with regard to the lawfulness of subsidies and the application of the subsidiarity principle led to part of the ES's Community funding being blocked in 1993. This working document has been drawn up with the aim of asking a few fundamental questions about the new Statute and the future of the ES in the Community.

2. Parliament has debated the ES before in connection with the Merten report (8); res., OJ No. 53, 24.3.1966; the Walkhoff report (113/75); res., OJ No. C 239/11, 20.10.1975; the Papietro report (1-390/83); res., OJ No. C 242/81, 12.9.1983; the Peus report (A2-244/86); res., OJ No. C 125/63, 7.4.1987. The following documents have dealt with budgetary problems: the Kellett-Bowman report (1-345/81); res., OJ No. C 234/107, 10.7.1981; the Schön report (1-1333/83); res., OJ No. C 77/157, 19.3.1984; the Schön interim report (A2-180/86); res., OJ No. C 125/61, 7.4.87. The Commission has published a communication about the ES in the context of intercultural and European education (SEC(89) 1585 final).

Background

3. Since 1953, ten ES have been set up. Not all Member States have ES within their territories. Some States, such as France, are explicitly opposed to having them. The aim of France's education policy is to set up French schools in other countries. Germany, the UK, Denmark, the Netherlands and Greece have also set up schools in the Community (inter alia in Brussels). As a result, the international education available is diverse. The ES were originally intended to provide an appropriate education for the children of Community staff.

Over the past 40 years, the ES have developed as experimental laboratories, becoming institutions where a unique but selective form of education is given. They are selective in the following respects:

- level: the education provided compels children who are not capable of attaining European Baccalaureate (EB) standard to leave the ES and seek places in the national education systems of the Member States. The EB pass-rate is artificially high, because of prior selection of pupils. But this

immediately calls into question the justification of providing Community support for the ES.

- instruction: because of the lack of alternative courses, it is not possible to take into account the ambitions, talents and preferences of children or their parents. The changes to the instruction provided at ES which are indicated in the new Statute, which for example states that 'Technical education requirements shall as far as possible be covered' (Article 3(1)), do not hold out any prospect of an education geared to a child's capabilities and level.
- isolation. Given current views concerning integration with the education system of the host country, little survives of the original intention that the ES should influence the outside world. Only by structuring the ES in a manner tailored to the responsibilities of the host countries could this problem be alleviated.

4. At secondary level, international schools, like the ES, are linked to higher education. Under the patronage of the International Schools Association (ISA), an international curriculum has developed which prepares pupils for an International Baccalaureate (IB). In 1990 the IB was offered at 115 schools in Europe. In addition, an 'international curriculum for the middle years' has been developed for pupils aged 11-16 (ISA curriculum), which concludes with a Diploma of International Secondary Education. Like the ES, such international schools exist to deal with the consequences of mobility. However, the Community's current education policy is based on the assumption that everyone should have access to the European dimension in education. If one accepts the principle of 'justice for all', it is reasonable that all children should be able to share in the advantages of multilingual education afforded by ES. As migration is taking place on a large scale, it is no longer obviously appropriate to create a few special facilities for limited groups. If one compares the costs per pupil in the ES system and in the Flemish system, taking the latter as representative of good education, it is clear that the ES receive more support (Table 1). Differences of scale are an important factor here. The option of adjusting national systems at all levels of education - and not only higher education - so that they can provide facilities for children of migrant workers should have priority, and this places the ES in a different light.

5. The need to strengthen the European dimension at secondary level is also stressed by educationalists. At the conference in Namur in 1990, it was observed that national schools currently offer a traditional curriculum and are not yet well equipped to receive children from other systems or to prepare their own children for a lengthy period in a different education system. As an answer to this problem it was proposed that separate international schools should no longer be set up but that efforts should be made to support the attempts of numerous schools to provide intercultural education in one form or another. The experiences of European and international schools should be used to this end.

6. For educational establishments in the Member States, the Community has adopted the principle of accessibility of the European dimension and opted for a corresponding approach to policy. The European dimension in secondary education is promoted by establishing a network of exchanges between schools and promoting the European dimension in the teaching profession. Far more should be done in this sphere in future in order to achieve large-scale effects. The directive on intercultural education (Directive 77/486/EEC) adopted by the Council on 25 July 1977 could serve as a basis. The directive also has an

effect on children receiving international education at the ES. Parliament reaffirmed the value of the directive in January 1993, and made recommendations for strengthening it. Parliament referred to the importance of equality of opportunity and the need to adjust national education systems in order to find a specifically European way of coping democratically with a variety of languages and cultures. The ES should export their experiences to these systems. One possibility would be to encourage the development of systems with multilingual classes at secondary schools in Europe, and integration of ES with national schools.

7. Another reason why it would be an obvious course to seek ways of bringing about integration is because a number of international conventions have already been concluded under the auspices of the Council of Europe and UNESCO on mutual recognition of diplomas affording access to higher education, namely the European Convention on the Equivalence of Diplomas Leading to Admission to Universities (Paris, 1953) and the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the European Region (Paris, 1979). As these conventions come to be implemented more fully, there will be less need for specific arrangements of the EB and IB type. In addition, there is a need for bridging arrangements in lower secondary and technical education as well, to ensure that pupils do not encounter legislative or administrative obstacles in moving between schools. It is questionable whether the new Statute will provide the impetus for a change in this direction.

Parliament is also very interested in the Statute's provisions concerning the powers of Parliament itself and the Commission in the post-Maastricht era. These give rise to the following comments.

The new Statute

8. The legal basis (pursuant to Article 235 of the EEC Treaty)

- Substantively, it is a moot point whether 'action' is 'necessary' in order 'to attain ... one of the objectives of the Community'.
- It is also open to question whether, instead of taking Article 235 of the EEC Treaty as the legal basis, it should not be assumed that the Community is concluding an international agreement in connection with which the other articles of the EEC Treaty apply. Article 228 of the EEC Treaty seems more applicable, as the Community is concluding an agreement with one or more States. A further question is whether concluding an agreement on 9 (soon to be 10) schools is not too cumbersome an arrangement, which complicates administration and prevents integration into national systems.

9. Application of the subsidiarity principle

- Member States conclude agreements on cooperation with one another and with the Communities in the field of the ES. The intergovernmental cooperation arrangement opted for is an attempt to maintain respect for the Member States' responsibility pursuant to Articles 126 and 127 of the Maastricht Treaty for the content of education, for the organization of their education systems and for their linguistic and cultural diversity. But administrative subsidiarity should be accompanied by financial subsidiarity, and yet the Community is required to pay most of the costs of the ES (Articles 13 and 25 of the Statute).

- Despite repeated requests from the European Parliament, the proposal for a convention makes no provision for Parliament to play any part in determining the policy of the ES. Parliament certainly needs to be involved in policy-making with regard to the ES where political issues are at stake. However, it is open to question whether it is desirable to strengthen the link between the Community and the ES through this convention.
- The new Statute provides for a different type of decision-making within the Board of Governors (Article 9) but preserves the extensive powers vested in this body. From the democratic point of view it is unhealthy to combine intergovernmental decision-making with Community funding.

10. The role of officials

- In practice the power enjoyed by the Board of Governors partly devolves upon the Secretary-General and his officials, who prepare decisions for the Board of Governors, or in other words on officials who can legally represent their national ministers (Article 8(2)).

In connection with this it must be asked whether it is acceptable for the Community to be represented - de facto - by a Commission official (Article 8(1)(b)). This will create dual loyalties, and the interests of the Community may be outweighed by the interests of EC officials/parents.

- The Board of Governors has far-reaching powers in the educational, administrative and financial spheres (Articles 10 to 13), thus in practice substantially restricting individual schools' freedom of management (Article 6). Moreover, the Board of Governors, represented by the Secretary-General and the Commission representative, may directly intervene in the everyday running of a school (Article 19(1)). This is a violation of the subsidiarity principle.

11. Freedom of education

- Various Member States have created systems under which parents can administer schools, on the basis of the constitutional guarantee of freedom of education. The new Statute improves parents' position by giving a representative of the Parents' Associations (Article 23) a place on the Board of Governors (Article 8(1)(d)) and representatives of each Parents' Association places on the Administrative Board of each school (Article 19(5)). But even so, the position of parents remains relatively marginal.

12. Target group

- Article 1 of the Statute states that the ES are open to children of the staff of European Community institutions and to children whose parents work for the institutions referred to in Articles 28 and 29, which conclude agreements with the ES, and also to other children. In practice, it is mainly schools outside Brussels and Luxembourg which need external pupils (Table 2) in order to make up numbers. In addition, nearly a third of ES pupils are nationals of the country where the school is located or have as their mother tongue the language used at schools in the country where it is located (Table 3). It is not clear, therefore, why the Community should have to create special facilities for these children.

- The priority assigned to children legally entitled to attend the ES promotes discrimination of a kind which affects their everyday operation. This has the greatest impact on ES outside the Community's main institutional centres, as they need to make up pupil numbers.
- In order to ensure that officials' fringe benefits are based on the principle of equality, and at the same time ensure justice for all, consideration should be given to whether granting vouchers to parents might give them the requisite opportunity to select freely a school which accords with their preferences.

13. Financial provisions

- Article 25 of the Statute requires the Community to cover the difference between the ES' total expenditure and the total of other revenue. This financial situation is fundamentally unacceptable: Member States evade their obligation to provide funding and compel the Community to foot the bill instead. Moreover, the Community pays the lion's share of the costs (Table 4). On average, the Community's contribution has risen by more than 10% per annum in recent years (Table 5). By placing the budget heading for the ES in the budget chapter for policy expenditure by the Commission, the budget for the ES could be more carefully considered.
- Article 2 of the Statute lays down that the Board of Governors, in agreement with the host Member State, may decide to establish new schools. This article makes the Community's subsidy obligation open-ended, as the Board of Governors decides the budget for the ES, after which payment obligations arise (Article 13(2)).
- Before a new school is opened, the Board of Governors must conclude an agreement with the host Member State concerning 'the free provision and maintenance of suitable premises for the new School' (Article 2(3)). This has caused considerable problems in some countries because they did not feel a sufficient sense of responsibility for the educational facilities being set up on their own territory.
- Lastly, there is the question of whether the Community's contribution to the ES should acquire the status of 'compulsory expenditure'. This would eliminate Parliament's role as the arm of the budgetary authority with the final say with regard to this expenditure, and it would merely be consulted, which would be unacceptable.

14. The position of teachers

- In Article 25(1), Member States are asked to pay remuneration for seconded or assigned teaching staff. The Board of Governors, acting unanimously, decides on a supplementary contribution. The staff have their own service regulations. In general therefore, teachers receive a supplement to bring their salaries up to an agreed level. The necessary administration is carried out by each school individually. This is a huge task, in which mistakes can be made, which has resulted in criticism by the Court of Auditors. However, no alternative option has so far been adopted.

- Of course it is important to appoint good teachers in order to provide a good education. The other side of the coin is that the terms of employment are so attractive as to make teachers reluctant to return to their national systems at the end of a period of secondment.
- The Board of Governors has the power to take decisions affecting teachers. For example, it lays down their Service Regulations (Article 12(1)). Acting on a proposal from the Boards of Inspectors, it determines the teaching staff requirements by creating or eliminating posts (Article 12(4)(a)) and administrative and ancillary staff requirements (Article 12(4)(b)). Through the representative of the Staff Committee (Article 22) on the Board of Governors (Article 8(1)(c)), teachers can make their views on these matters known, but they do not have the right to vote on certain proposals, as they may vote only on educational matters. Within the national systems, the position of teachers' unions in negotiations on staff matters is recognized.

15. Settlement of disputes

The Statute (Article 26) immediately wheels out the big guns by assigning the Court of Justice of the EC sole jurisdiction in disputes between the Contracting Parties which cannot be resolved by the Board of Governors. A similar arrangement applies to the Complaints Board. National arrangements would be a better means of dealing with any conflicts which arise.

16. Inspection

The Board of Governors appoints the members of the Boards of Inspectors for nursery/primary schools and for secondary schools on a proposal from the Member States (Article 16, second paragraph); the Boards have the task of ensuring the quality of the education provided (Article 17). The variety of backgrounds from which they come guarantees debate and mutual scrutiny of views. However, it is an open question whether such specially created bodies can really assess quality, inter alia because the ES do not succeed in breaking out of their isolation.

17. Conclusions of the rapporteur following the vote on his report at the meeting of the Committee on Culture, Youth, Education and the Media held on 16 March 1994.

- A. whereas European Schools were set up in 1957 in order for the children of staff of the European Community to be educated together with a view to the proper functioning of the European Institutions,
- B. whereas the European Schools have their own Statute which provides for their establishment and operation,
- C. whereas that Statute is now due for renewal and whereas a new Statute has now been submitted to Parliament for consultation in the form of an agreement between the Member States, with the European Community - represented by the Commission - as one of the parties to the agreement,

- D. whereas the new Statute ignores Parliament's responsibility for policy on the European Schools, and neglects the opportunities for them to be democratically managed, since it continues and indeed intensifies a form of intergovernmental management, completely disregarding Parliament's past criticisms of this form of management,
- E. whereas the new Statute permits the Member States to pass on to the Community most of the obligations to provide funding, by compelling it to cover the difference between the total expenditure of the European Schools and the total of other revenue, thus creating a kind of open-ended funding arrangement,
- F. whereas the principle of subsidiarity applies not only to democratic rights but also to financial responsibilities, and whereas these cannot be divorced from one another or allocated in a contradictory manner,
- G. whereas the principle of subsidiarity means that the countries in which European Schools are established cannot evade their responsibility for providing facilities and staff, and whereas the largest part of the Community subsidy is needed to cover teachers' pay differentials which cannot be charged to the Member State in question,
- H. whereas the new Statute is unable to resolve some of the European Schools' problems, for example that:
- they provide no alternatives for children who are unable to pass the European Baccalaureate,
 - owing to the lack of alternative courses of studies, they are unable to take account of the aspirations, talents and preferences of children and their parents and/or guardians,
 - they reserve the European Baccalaureate for European Schools,
 - their attitude to cooperation with the education system of the host country places them in an educational vacuum which fails to reflect the original intentions,
- I. whereas the growth in migration between the Member States and third countries calls for the educational experience gained with the European Schools to be made available with a view to strengthening multilingual education in national primary and secondary schools, to enable all children in the Community to share in the experience obtained from multilingual education in the European Schools.
- J. whereas on 25 July 1977 the Council adopted a Directive on intercultural education (77/486/EEC) which could in the long term be of benefit to children attending the European Schools, and which, in January 1993, was confirmed by Parliament and provided with new recommendations for the promotion of equal opportunities for children,

- K. whereas the new Statute, while it represents a considerable improvement over the current one, requires further improvement to enable it to provide solutions to the above-mentioned educational and social problems and administrative illogicalities,
- L. whereas systems need to be developed to guarantee European Community staff equal facilities for as long as is necessary, regardless of whether or not they are able or willing to send their children to European Schools,
- M. whereas Parliament's amendments to the new Statute must be adopted before Parliament can accept it,

CONCLUSION

18. This report contains fundamental criticisms of the new Statute because:
- (a) the new Statute does not provide any scope for a change of course;
 - (b) there is a danger that the new Statute will deprive Parliament of its budgetary powers;
 - (c) the Statute contains such far-reaching provisions that it seems to be designed to create safeguards for which there are few precedents in EC legislation;
 - (d) the Statute does not bring to an end the violation of the principle of 'justice for all', as it cannot cater for children's various preferences, talents and ambitions and thus is purely a facility for those officials who have a preference for ES;
 - (e) the Statute does not provide for administrative subsidiarity in accordance with the letter and spirit of the Maastricht Treaty;
 - (f) the Statute does not treat the nature and extent of financial responsibility in the same way as administrative responsibility based on the subsidiarity principle;
 - (g) the Statute does not accord with developments in other legislation and provisions (the directive on intercultural education, recognition of matriculation examinations etc);
 - (h) the Statute necessitates further thinking about the future direction of the ES, particularly as the original ambitions of the ES with regard to influencing the outside world have not been attained.

The conclusion is that the Statute cannot be accepted in its present form and therefore requires fundamental revision.

ANNEX I

Table 1. Comparison of expenditure on pupils of Flemish and European Schools in 1990 (costs per pupil measured in Belgian francs; 1 ECU = 42.43 BFr.)

	population of pupils	total budget	costs per pupil	difference (in %)
E.S.	14.599	4.219.567.900	289.031	+83 %
Fl.S	1.286.900*	203.000.000.000**	157.742	-45 %

Source: European Schools and Higher Institute for Labour, Leuven-Heverlee.

* Measured populations of pupils in primary, secondary, special education, education outside university and university education.

** Also including costs for buildings and other real estate.

Table 2. Legally entitled pupils in European Schools in 1992/1993 (measured in absolute numbers and percentages)

	Total pupils	Entitled pupils	Entitled pupils (in %)
Brussels 1	3358	2415 (2238)*	72 (67)**
Brussels 2	2450	2153 (2073)	88 (85)
Luxembourg	3232	2153 (2434)	80 (75)
Mol	690	101 (57)	15 (8)
Varese	1248	479 (391)	38 (31)
Karlsruhe	1227	136 (78)	11 (6)
Bergen	886	141 (62)	16 (7)
Munich	970	632 (567)	65 (59)
Culham	851	293 (203)	34 (28)
Total	14912	8950 (8103)	54 (24)

* Without children of staff (teachers etc).

** Without children of staff (teachers etc).

Table 3. 'Native' pupils* and children of staff in the European Schools in 1992/1993 (measured in absolute numbers and percentages)

	Native	Staff	Total
Brussels 1	882 (26,3)	177 (5,3)	3358
Brussels 2	770 (31,4)	80 (3,3)	2450
Luxembourg	720 (22,3)	166 (5,1)	3232
Mol	257 (37,2)	44 (6,3)	690
Varese	486 (38,9)	88 (7,0)	1248
Karlsruhe	470 (38,3)	58 (4,7)	1227
Bergen	233 (26,3)	79 (8,9)	886
Munich	371 (38,2)	65 (6,7)	970
Culham	378 (44,4)	90 (10,5)	851
Total	4567 (30,9)	847 (5,7)	14912

* The expression 'native pupils' refers to pupils who are nationals of the country having an E.S. on its territory. Also included are the figures on pupils whose mother tongue is used within the educational system of the country having an E.S. on its territory.

Table 4. Breakdown of main income categories in 1990 (measured in absolute figures and percentages in ECUs)

Income categories	Global figures	Per pupil
1. European Communities	66 328 301 (65)	4543
2. Other organizations	6 433 354 (6)	441
3. Member States	23 328 050 (23)	1598
4. Interests + child. ben.	1 549 433 (2)	107
5. Contribution by parents and miscellaneous	3 063 616 (3)	209
6. Charges on salaries	1 841 557 (2)	126
Total	102 544 311(100)	7204

Table 5. Evolution of EC donations for 1989-1994 (absolute figures in MECU)

1989 R	58,2	
1990 R	66,3	+ 13,9 %
1991 R	72,9	+ 9,95 %
1992 B	81,5	+ 11,8 %
1993 B	87,3	+ 7,1 %
1994 E	94,4	+ 8,1 %
		average + 10,2%

R = Results
B = Budget
E = Estimation

O P I N I O N

(Rule 147 of the Rules of Procedure)

of the Committee on Budgetary Control
for the Committee on Youth, Culture, Education, the Media and Sport
Draftsman: Mr Edward KELLETT-BOWMAN

At its meeting of 24 June 1993 the Committee on Budgetary Control appointed Mr Kellett-Bowman draftsman.

At its meeting of 4 November 1993 it considered the draft opinion.

At the last meeting it adopted the conclusions as a whole by 11 in favour, none against and 2 abstentions.

The following took part in the vote : Bourlanges (chairman); Blak and Napoletano (vice-chairmen); Kellett-Bowman (rapporteur); Fitzgerald (for Ruiz-Mateos), Goedmakers, Isler Beguin, Marck, Nielsen, Pasty, Simpson (for Price, pursuant to Rule 138(2)), Theato, Tomlinson and Wynn.

1. The EC finances some two-thirds of the European Schools' budget, at a cost of over 87 million ECU this year.
2. Both the existing statute of 1954¹ and the draft revised statute of the European Schools contain provisions relating to the budget, but not to discharge. Rules pertaining to discharge are laid down in the 1988 Financial Regulation of the Schools². The only discharge authority named in that text is the Board of Governors. (Discharge is given to the Administrative Board of each School, and to the Representative of the Board of Governors as far as the budget of the Office of the Representative is concerned.)
3. The European Parliament is not named as a discharge authority in the 1988 Financial Regulation of the Schools, although Article 79 of that document refers in the plural to 'the authorities responsible for giving discharge, including the Board of Governors'. Parliament is referred to by name only in Annex 2 to the Financial Regulation, entitled 'Statement in the minutes by the delegations, with the exception of the Belgian delegation'. That annex provides that the Board of Governors "shall normally await the decision to give discharge to the Commission taken by Parliament" before taking its own discharge decisions. However, the legal status of the annex is unclear.
4. The discharge decisions adopted by the Board of Governors since 1 January 1989, when the Schools' new Financial Regulation came into effect, were sent to the draftsman at his request. The draftsman found (a) that the Board of Governors had not always awaited Parliament's decision on the general discharge before giving its own discharge; (b) that its decisions closing the accounts for a given year and giving discharge for that year were taken at the same time; and (c) that the Board's discharge decisions neither called for measures to be taken in the light of the Court of Auditors' comments nor referred to Parliament's general discharge decisions.
5. Parliament has in the past incorporated comments relating to the European Schools in its general discharge decisions, which not only pronounce on past handling of the budget but call for improvements in future management. Parliament's decisions are of course addressed to the Commission, but the question is how far the Commission can be held responsible for either past or present budgetary and financial management of the Schools. Under the existing arrangements (1954 statute and agreement of 11 december 1957 between the Board of Governors and the ECSC), each member of the Board has a vote and decisions on educational and budgetary matters are taken unanimously; thus the Commission has a veto in these matters. Under the revised statute, the Commission still has one vote but loses its veto: most business would be decided by qualified majority. It is not clear how the Commission alone could ensure that the necessary improvements in budgetary and financial management are forthcoming if, while remaining a minority, it loses its veto in these areas.

¹ EE/1699/84 of 5.9.84

² EE/1915/88

Possible amendments to draft revised Statute

6. The draftsman proposes three amendments to the draft revised Statute. The first draft amendment aims to make explicit Parliament's role as discharge authority of the Schools' principal bankroller (the European Community). The second draft amendment seeks to create an organic link between the discharge decisions taken respectively by Parliament and by the Board of Governors. It provides that the Board of Governors would as a rule decide on discharge for the Schools only after Parliament has given the general discharge (it being understood that where Parliament postpones or refuses discharge for reasons unconnected with the Schools, that rule would not apply). The third draft amendment aims to make Parliament's discharge decisions binding on the Board of Governors. (A better place for some or all of these points might be the Schools' Financial Regulation - but that is not currently up for revision.

Commission text(1)

Amendments

(Amendment No 1)

Article 13, paragraph 1, point c)

- | | |
|--|--|
| c) <u>approve</u> the annual revenue and expenditure account <u>and forward it</u> to the <u>competent authorities</u> of the European Communities | c) <u>forward</u> the annual revenue and expenditure account to the <u>discharge authority</u> of the European Communities |
|--|--|

(Amendment No 2)

Article 13, paragraph 1, new point d)

- d) as a general rule, decide on the discharge to be given to the Administrative Boards and to the Representative of the Board of Governors only after the European Parliament has given discharge to the Commission in respect of the general budget;

(Amendment No 3)

Article 13, paragraph 1, new point e)

- e) take all appropriate steps to act on the comments concerning the European Schools appearing in the European Parliament's decisions giving discharge and, at the request of the European Parliament, report on the measures taken in the light of these comments.

(1) For full text, see COM (93) 61/final, OJ C 93, 2.4.93, p.3

O P I N I O N

(Rule 147 of the Rules of Procedure)

of the Committee on Budgets
for the Committee on Culture, Youth, Education and the Media

Draftsman: Mrs Theato

At its meeting of 27 January 1993 the Committee on Budgets appointed Mrs Theato draftsman.

At its meeting of 7 June 1993 it considered the draft opinion and adopted the conclusions by seven votes to none with two abstentions.

The following took part in the vote: von der Vring, chairman; Cornelissen, third vice-chairman; Theato, draftsman; Arias Cañete, Böge, Cassidy, Frimat, Kellett-Bowman and Marques Mendes.

I. GENERAL BACKGROUND

The Committee on Budgets has consistently, as expressly confirmed in the course of the 1993 budgetary procedure, regarded the European Schools as valuable establishments making a special contribution to the European ideal, deserving to continue and develop with our support. This is the basic approach of the present opinion, which will be amplified on individual points.

The draftsman would point out that all budgetary measures and reservations regarding the European Schools are designed to promote and support the role and importance of their organization, educationally pioneering example, staffing and equipment.

From their origins as a facility for the initially small number of children of officials at the ECSC High Authority on the basis of an intergovernmental agreement between the six Member States the schools have developed into a system comprising nine schools in which about 15 000 pupils are educated and cared for by over 1000 teachers from the twelve Member States, 700 part-time teachers and 150 administrative and service staff. 60% of the pupils are children of Community staff.

The schools' philosophy could not be more European in spirit, combining nationality - based mainly on mother tongue-teaching with the principle of a multi-lingual, international and unifying European education. The blend of national educational precepts with a European element via shared experience and Community forms of teaching is perfectly tailored to the European ideal.

The draftsman has formed her own impressions and is more than ever convinced that, despite the many shortcomings, problems and material constraints, vigorous and devoted efforts are being made in the schools to achieve the goals of the project.

Although in the past the Committee on Budgets and Parliament may have debated the schools in critical terms and adopted restrictive measures, the criticisms have not been directed against the schools or the teaching. The nub of the matter was and still is the institutional form of the schools and in particular the balance between the institutional representation and financial contributions of the Member States and the Community. Parliament cannot in the long term justify the provision of basic finance from the Community's own resources for a system which in its decision-making structures is governed by a body not responsible to the principal source of funding.

While the schools continue to be based on a partnership system in which the Community is one partner along with twelve others, financial contributions must reflect this relationship, or all parties must seek a new institutional framework.

II. THE FINANCING OF THE EUROPEAN SCHOOLS

The 131 801 446 ECU earmarked for the schools in 1993 will be financed as follows:

Contributions by the Member States	26 990 354 ECU
Contributions from the Community and other institutions	96 711 303 ECU
Own revenue	6 393 487 ECU
Crisis levy	1 706 302 ECU

131 801 446 ECU

The contribution from the Community's own resources estimated in the 1993 budget is 81 483 888 ECU, with a further 5 780 000 ECU entered in the reserves under Chapter A-100. These reserve appropriations may be transferred to the budgetary line if the Member States and the Board of Governors amend the Statute so that the organs of the Budgetary Authority are brought into line with the Community's contribution. With the appropriations entered in the reserve, the Community's financial contribution for 1993 would amount to 87 263 888 ECU, i.e. 66.2%. The Commission has entered 90 m ECU for the schools in its preliminary draft for 1994.

The financial contributions from all the other institutions such as the Patent Office, Eurocontrol etc., total 9 195 999 ECU. The Member States (in addition to the provision of premises by the host countries) pay only the basic salaries of the full-time teachers they second, to a total of 26 925 337 ECU for 1993. These figures contain nothing towards the pay of the 700 or so part-time teachers, nor any contribution to subsidies for the operating or administrative expenditure of the schools, the activities of national inspectors, or overtime by the permanent teaching staff.

Under the Statute now proposed the Commission, as the executive arm of the Community and the representative of all the organs of the Community, will have one seat on the Board of Governors, in addition to the representatives of the twelve Member States and one representative each for the staff and the parents for matters not having financial effects. This essentially preserves the intergovernmental nature of the policy-making level and the imbalance in the internal decision-making structure between individual Member States and Community institutions. It also means that the Member States will be contributing only about 20.4% to the schools out of the revenue they received in taxation from the taxpayer as opposed to the 66.2% paid in by the Community from its own resources, and yet retain their clear domination of the Board of Governors.

In view of the percentages involved in the funding of the schools we can no longer strictly speak of a financial contribution from the Community budget. What we are talking about here, with two thirds of the schools' total budget, is the basic funding, to which all other parties are making contributions and subsidies. If we turn to voting in the Board of Governors, the Member State paying in most is covering no more than 4.8% of the total budget, and yet has the same voting strength as the Communities.

As a first step towards the removal of this imbalance, Parliament calls for the Community's representation on the Board of Governors to be roughly approximate to the Community's contribution.

III. SPENDING AND COST STRUCTURE OF THE EUROPEAN SCHOOLS

The overall budget for the European Schools for 1993 has been estimated at 131 801 445 ECU and a figure of 138 437 040 ECU is planned for 1994. Scheduled expenditure breaks down as follows:

Pay and allowances:	118 692 047 ECU
Administrative expenditure:	10 467 460 ECU
Furnishing and fittings:	796 996 ECU
Extraordinary expenditure:	7 224 234 ECU
Adjustment of salaries:	222 622 ECU
Contribution, Office of the Board of Governors	255 000 ECU
Operating expenditure	788 681 ECU
	<hr/>
	138 437 040 ECU

Just under 120 m ECU of planned spending in 1994 is accounted for by staff costs, i.e. about 86%.

In 1994 the 9 schools will have access to about 18 m ECU for operating and administrative expenditure. Even allowing for the fact that the host countries provide sites and school buildings free of charge, operating and administrative expenditure must be regarded as reasonable. The draftsman would go further; her visits to European Schools have confirmed her impression that in some cases the funds available for equipping and operating schools can justifiably be increased.

The host countries frequently refer to their provision of suitable sites and buildings for the schools as an extraordinary service to the European Schools. From a budgetary point of view it is worth pointing out that, even if we refrain from calculating the overall economic implications, there can be no doubt that the economic benefits gained by the host countries from having the Community institutions concerned on their territory far exceed the cost of the European Schools.

IV. FINANCIAL IMPLICATIONS OF THE SCHOOLS' INTERNAL ORGANIZATION

Despite years of effort by staff, pupils, parents and the officials and politicians dealing with the schools and the undeniable successes that have been achieved, a number of problems, mostly involving the financial aspects, remain in respect of the schools' internal organization and arrangements. The European Parliament will do what it can to help bring about financial provision for the improvements required, where they would make the organization of the schools more democratic and coincide with the objectives mentioned in the introductory section.

As we have seen, the European Parliament supports material improvements to the schools. Neither the premises nor the furnishing of classrooms always meet acceptable standards and the justified requirements of the schools. Teaching materials and equipment for pupils and staff are often inadequate for their purposes. These schools, in their particular situation and with their specific orientation towards language teaching, need a greater concentration than do national schools on the use of modern teaching methods.

There are aspects of staffing to which objections may be raised or which may be rejected as undemocratic:

- the ratio between about 1000 teaching staff on secondment and 700 part-time teachers would seem to be wrong. As the latter are employed to teach religion and ethics, to replace full-time staff on sick leave or to fill gaps, there are grounds for suspicion that the Member State representatives on the Board of Governors are thus seeking to keep the number of full-time staff on secondment inappropriately low. This suspicion is confirmed by the fact that in many cases part-time staff are teaching regular classes, and despite the relatively high number of part-time staff, cancellations of classes are a frequent occurrence.

Parliament calls on the Board of Governors and in particular the representatives of the Community institutions on that body to take action to increase the numbers of full-time teaching staff and reduce the number of part-time teachers.

The maximum class size is currently 33 (28 for first foreign language). Parliament calls on the Board of Governors to increase staffing so that these ceilings may be lowered. Parliament will be examining financial support for such action within the scope open to it during the 1994 budgetary procedure.

- the Regulations provide for a maximum duration of the secondment of teachers to the European Schools. This rule is however and has been repeatedly breached without any clear reason or justification. The staff of the schools now embodies a formal and subtly hierarchical two-tier society, which is highly undemocratic and for which there are no demonstrable grounds. The results have been frustration, demotivation and a feeling of being discriminated against on the part of some of the staff, and a deterioration of the climate in general.

These objections are all the more serious as it should be no problem to apply the principle of equal treatment, as seconded teachers with their national salaries are contained in the budgets of the Member States and staff who have taught a number of years at a European School should have no real difficulty in finding a post in their national educational systems, whether they are run on a national or a local authority basis. In any case, the structure of the individual national education systems cannot be allowed to decide whether appointments are permanent or limited.

Parliament urges the Board of Governors to abolish this discriminatory treatment forthwith and to correct the Regulations for teaching staff to this effect. It will do everything within its power during the 1994 budgetary procedure to have financial measures to remove this discrimination adopted. It notes with amazement that after the schools have been in existence for over 35 years it has still been for Parliament to take the lead in doing away with this shortcoming.

- the Statute and the internal organization of the schools make no provision for the establishment of a form of secondary school issuing a recognized ordinary school leaving certificate. Parliament calls on the Board of Governors to re-examine this question and make provisions to that effect.

The Committee on Budgets calls on the Committee on Culture, Youth, Education and the Media to include the following amendments to the draft convention defining the Statute of the European Schools:

Draft

Amendment by the
Committee on Budgets

(Amendment No. 1)

Preamble, second half of the third recital

while fully acknowledging the Member States' responsibility for the content of teaching and the organization of their educational system, and for their cultural and linguistic diversity;

while fully acknowledging the Member States' responsibility for the content of teaching, the organization and the funding of their educational system, and for their cultural and linguistic diversity;

(Amendment No. 2)

Article 3(3)(b)

(b) Any proposal to modify the official status of the teachers shall require a unanimous vote of the Board of Governors.

(b) Any proposal to modify the official status of the teachers shall require a two-thirds' majority vote of the Board of Governors.

(Amendment No. 3)

Article 8(1)(b)

(b) a member of the Commission of the European Communities;

(b) seven representatives of the Commission of the European Communities;

(Amendment No. 4)

Article 9(1)(a)

(a) adoption of a decision affecting the specific interests of a Member State, such as the significant extension of the premises or the closure of a School established in its territory shall require a favourable vote by the representative of that Member State;

(a) adoption of a decision on the significant extension of the premises or the closure of a School established in its territory shall require a favourable vote by the representative of that Member State;

Draft

Amendment by the
Committee on Budgets

(Amendment No. 5)

Article 12(4)(a), third sentence

It shall settle with the Governments questions relating to the assignment or secondment of the secondary school teachers, primary school teachers and education counsellors of the School.

It shall settle with the Governments questions relating to the assignment or secondment of the secondary school teachers, primary school teachers and education counsellors of the School, while ensuring the equal application of the Regulations to all teaching staff.

(Amendment No. 6)

Article 13(2), first sentence

2. The Board of Governors shall, by no later than 30 April of each year, establish an estimate of revenue and expenditure of the Schools for the following financial year and forward it forthwith to the Commission, which shall, on that basis, establish the necessary forecasts in the preliminary draft general budget of the European Communities.

2. The Board of Governors shall, by no later than 30 April of each year, establish an estimate of revenue and expenditure of the Schools for the following financial year and forward it forthwith to the European Parliament and the Commission, which shall, on that basis, establish the preliminary draft general budget of the European Communities.

(Amendment No. 7)

Article 19 (3)

3. the representative of the Commission of the European Communities;

3. a representative of the Commission of the European Communities

(Amendment No. 8)

Article 25(2)

2. the contribution from the European Communities, which is intended to cover the difference between the total amount of expenditure by the Schools and the total of other revenue;

2. the contribution from the European Communities;

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