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Report

drawn up on behalf of the Committee on Cultural Affairs and Youth

on the ~~Convention~~ setting up a European University Institute

Rapporteur: Mr E.A. KLEPSCH

The Convention setting up the European University Institute was referred on 20 December 1972 to the Political Affairs Committee, as then constituted, following a request from this committee dated 7 August 1972, in order that it should draw up a report on the subject. However, the Political Affairs Committee had no opportunity to deal with this question.

The matter now falls within the terms of reference of the Committee on Cultural Affairs and Youth.

Since the report in question is one which a committee originally requested authorization to prepare, authorization was requested once again by letter of 9 January 1974. By letter of 16 January 1974, the President of the European Parliament authorized the Committee on Cultural Affairs and Youth to draw up a report on the subject, at the same time revoking the authorization previously given to the Political Affairs Committee.

At its meeting of 9 January 1974, the Committee on Cultural Affairs and Youth appointed Mr KLEPSCH rapporteur.

The same committee considered and unanimously adopted the appended report at its meeting of 1 March 1974.

The following were present: Mr BROEKSZ, chairman; Mr KLEPSCH, rapporteur; Mr DELMOTTE, Lady ELLES, Mr LABAN, Mr Knud NIELSEN, Mr PETERSEN, Mr PREMOLI, Mr De SANCTIS, Mr SCHUIJT, Mr VERHAEGEN and Mr WALKHOFF

The Committee on Cultural Affairs and Youth hereby submits to Parliament the following motion for a resolution, together with explanatory statement :

MOTION FOR A RESOLUTION

on the Convention setting up a European University Institute

The European Parliament,

- aware of the need to provide a firm and durable basis for cultural ties between the peoples of Europe on the one hand and between Europe and the other civilizations of the world on the other,
- convinced that greater understanding of the cultural affinity existing between the peoples of Europe constitutes an essential condition of true political unity in Europe, and can therefore help to establish more stable international relations,
- having regard to the importance of a harmonious development of science and education for the increasingly necessary training of European citizens,
- drawing attention to the final communiqués issued at the Summit Conferences or Heads of State or Government held in Bonn in 1961 and in The Hague in 1969, in which the importance attached to the setting up of a European University Institute is confirmed,
- having regard to the results, of great importance for the creation of a European University Institute, of the 174th meeting of the Council of the European Communities of 16 November 1971, at which the Ministers of Education of the Member States were gathered together for the first time,
- having regard to the report of the Committee on Cultural Affairs and Youth (Doc.396/73),
- having regard to the reports drawn up by its responsible committees on the setting up of a European University, namely¹:
 - (a) the report by Mr Geiger on the structure of the European University,
 - (b) the interim report by Mr Janssens on the question of setting up a European University (Doc. 19/64)
 - (c) the report by Mr Schuijt on the Europeanizing of the universities,
 - (d) the report by Mr Hougardy on youth and education policy within the framework of the European Communities, and the resolutions adopted by the European Parliament in connection with these reports².

¹ Doc. 40/60, Doc. 19/64, Doc. 111/69, Doc. 232/71

² OJ No. 49, 27 July 1960; OJ No. 421, 27 May 1964; OJ No. 139, 28 October 1969; and OJ No. 19, 18 February 1972

1. Is pleased that the Convention setting up a European University Institute was signed on 19 April 1972 by the original Member States of the Community;
expects the Convention to be ratified promptly by all the original Member States, so that the Institute can really start its activities in the autumn of 1974;
2. Deplores the fact that, in spite of repeated urging by the European Parliament, the Convention establishes no clear institutional link between the European University Institute and the European Communities;
3. Expresses the wish that the Governments of the Member States should at an early date take the necessary steps to actively involve the Institutions of the European Communities in the administration and functioning of the European University Institute, so that it may acquire a genuinely Community character in keeping with the comprehensive task which it is expected, as a European Institute, to fulfil in the field of European integration;
4. Therefore proposes:
 - (a) that, in anticipation of the Community financing envisaged in Article 19(2) of the Convention, a procedure should be established whereby the Commission of the European Communities is given a say in the general administration of the Institute;
 - (b) that the representatives of the Member States, sitting in the High Council, should inform the European Parliament at least once a year of the progress of the Institute's activities and of all important decisions taken as regards the policy to be pursued;
 - (c) that contacts should, moreover, be established between the European Parliament and the European University Institute, which would, however, in no way derogate from the autonomy of the Institute;
5. Expects the groups of heads of department, of professors attached to the Institute, of other members of the teaching staff and of research workers to belong to the Academic Council in equal numbers to ensure that all members of the University are adequately represented and have an equitable say in the running of the Institute; expects also every member of the Academic Council to have a vote on all decisions, which should be taken by a majority vote.
6. Considers unsatisfactory the present arrangement as outlined in the Convention, whereby the Institute is merely accorded the status of a study and research centre for post-graduates, and desires that the Institute should in time be expanded to become a university with a broader range of faculties, open also to students who have not already completed a university course;

7. Strongly urges that the Community should take steps promptly, within the framework of a Community education policy, to increase the mobility of professors, scientific research workers and students, as also to promote a common system of scholarships and the mutual recognition of diplomas;
8. Considers that the principle of non-discrimination on the basis of nationality (Article 7 of the EEC Treaty) in the appointment of professors and lecturers and in the admission of students to the Institute should be expressly affirmed in the Convention and feels, moreover, that it is important that the Convention should guarantee that none of the official languages of the Institute are discriminated against;
9. Desires that an appropriate form of cooperation be established with the European College in Bruges which allows the autonomy and individual character of both institutions to be strictly respected and whose purpose is to harmonize the activities and scientific research of both Institutions so as to promote the fruitful study of European integration;
10. Points out that the importance of the European University Institute must not remain confined to Europe, so that the provision of Article 2 of the Convention: 'the work of the Institute shall take into account relations with cultures outside Europe' does not remain a dead letter and consequently desires that the Institute should open its doors from the very start to professors and students from third countries;
11. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities and to the Governments of the Member States.

EXPLANATORY STATEMENTI. Introduction

1. Years after the idea of a European University was put forward by Italy at the Messina Conference in 1956, the Convention setting up a European University Institute was signed on 19 April 1972 by the six original Member States of the European Community. Shortly after their accession to the Community, the new Member States also agreed to become parties to the Convention. Negotiations are currently in progress with the new Member States regarding the necessary amendments to the Convention. The Convention will come into force as soon as all original Member States have ratified it in accordance with their respective constitutional provisions; the new Member States need only deposit an act of accession with the Italian Government. Ratification procedures seem to be well advanced and it is hoped that the Institute, which will have its seat in Florence, will be able to begin its work in the academic year of 1974-1975.

This report will not concern itself with the comprehensive 'travaux préparatoires' of the Convention. That would undoubtedly require a separate study, and in any case the relevant documents provide an adequate picture of this work.

The report will deal only with the Convention itself, particular attention being given to the possibility of increasing the part to be played by the Community Institutions, which will be necessary if we are to be able to speak with justification of a truly European Institute.

Moreover, reference can be made to the report by Mr Geiger on the structure of the European University (Doc. 40/60), the interim report by Mr Janssens on the question of the foundation of a European University (Doc. 19/64) and the report by Mr Schuijt on the Europeanization of the universities (Doc. 111/69) and the report by Mr Hougardy on youth and education policy within the framework of the European Communities (Doc. 232/71), in which the European University is also discussed.

2. Objectives

The objectives of the Institute can be described as follows:

- (a) to foster the advancement of learning in fields which are of particular interest for the development of Europe, especially its culture, history, law, economics and institutions (preamble);

- (b) to promote cooperation in these fields and to stimulate joint research (preamble);
- (c) to make a further contribution to the intellectual life of Europe (recital);
- (d) to contribute, by its activities in the fields of higher education and research, to the development of the cultural and scientific heritage of Europe, as a whole and in its constituent parts. Its work shall also be concerned with the great movements and institutions which characterize the history and development of Europe. It shall take into account relations with cultures outside Europe (Article 2);
- (e) to be a forum for the exchange and discussion of ideas and experience in subjects falling within the areas of study and research with which the Institute is concerned (Article 2, paragraph 2);
- (f) to cooperate with universities and any national or international teaching or research body wishing to cooperate; the Institute may conclude agreements with States and international bodies (Article 3, paragraph 3);
- (g) to organize periods of practical training and colloquia in which persons already having professional experience in the disciplines under which studies and research are carried out at the Institute may take part (Article 12, paragraph 3);

3. Institutional organization

The Institute shall have three principal authorities (Article 5):

- (a) the High Council, composed of representatives of the Member States, and responsible for the proper functioning of the Institute in general (Article 6);
- (b) the Principal of the Institute, assisted by a secretary, and responsible for the day-to-day administration of the Institute (Article 7 and 8);
- (c) the Academic Council, which, in addition to its administrative tasks, will be responsible for activities in the field of teaching and research (Article 9);

4. Fields of study

Under Article 11, the Institute shall, from the time it is set up, consist of four departments devoted to the following disciplines:

- (a) history and civilization
- (b) economics;
- (c) law;
- (d) political and social sciences.

5. Teaching staff

The teaching staff will consist of heads of department, professors, assistants and other teachers, appointed from the most highly qualified citizens of the Member States, who command great respect in their field; this will ensure that the work of the Institute is of a very high academic standard. The Institute may also call upon the services of competent teachers from other States.

6. Research students

Article 16 lays down that admission to the Institute shall be open to persons with qualifications from national universities showing their suitability to undertake or continue research work who have an adequate knowledge of two of the five official languages of the Institute. Admission to the Institute shall be granted by an Entrance Board. The Institute shall have the power to confer a doctorate of the Institute upon research students who have completed a minimum of two years' study at the Institute and have submitted, and had accepted by the Institute, an original piece of research of high quality.

According to Article 12, paragraph 1, the main research work shall be carried out in seminars and by research teams. The studies and research work must be defined within the limits of the study and research programmes drawn up by the Academic Council (Article 9, paragraph 5). A large part of the research work shall be carried out on a multi-disciplinary basis, without prejudice, however, to the large measure of autonomy granted to the four departments mentioned above within the limits of the grants allocated to them in the budget and the programmes adopted (Article 11, paragraph 2).

7. Languages

The Institute shall have five official languages: German, English, French, Italian and Dutch (Article 27). For practical reasons two working languages shall be selected for each seminar or other academic activity, due regard being had to the linguistic knowledge of the teaching staff and students concerned. We consider it necessary for the Convention to guarantee that no one language is discriminated against.

8. Financing

According to Article 19 of the Convention, the Institute shall be financed from contributions made by the Member States and calculated on the basis of a special scale. However, paragraph 2 of this Article stipulates that from 1 January 1978, financing shall be on the basis of criteria to be determined during a study to be initiated on 1 January 1977, in the light of developments in the European Communities by that date and the alternative of financing by the Community.

II.9.

One of the first points to attract the attention of someone examining the Convention is the fact that the Member States of the Community have jointly set up the Institute (Article 1). Although Article 9, paragraph 2, of the Euratom Treaty lays down that an Institution of university status shall be established, the way in which it will function to be determined by the Council, acting by a qualified majority, on a proposal from the Commission, the Institute is based only on inter-governmental cooperation. The fact that the Community has no say in the policy of the Institute is all the more regrettable since it will have to concern itself to a considerable extent with studying the problems of European integration in the broadest sense. In drawing up its study and research programmes, the Institute will, after all, have to take into account the problems of European integration, which constitutes one of the most important events of our time, and by its actions contribute towards the development of the cultural and scientific heritage of Europe in both its unity and its diversity. The European problems, to which the work of the Institute will, within the framework of its study and research programmes be related, must be seen in the widest possible context, both at European level and at the level of all manner of relations, past and present, between Europe and the rest of the world.

10. The European University Institute must not of course be turned in upon itself but should be open to world problems. In Article 2 of the Convention it is rightly stipulated that account should be taken of relations with cultures outside Europe. In this context the countries that come to mind are those associated with the Community, in respect of which Article 131 of the EEC Treaty lays down that they should be led to the economic, social and cultural development to which they aspire, as well as countries which might be associated with the Community in the future.

11. Article 3, paragraph 2 of the Convention provides for appropriate bonds of cooperation between the Institute and European and international organizations concerned with education, culture and research. Obvious examples of such organizations are the Council of Europe, the OECD and UNESCO; however, appropriate cooperation and consultation with the European Communities is just as necessary and could be very fruitful, especially as the Community itself is faced by the task of formulating a Community policy in the fields of university education and culture. Suitable measures should be taken to define more precisely the activities of different international organizations, thereby ensuring that their tasks complement each other and do not overlap. This applies with particular force to the activities of the European College in Bruges. The fact that the Member States have proceeded on the principle that the Community should have no or hardly any powers in the field of higher education emerges very clearly from Article 6, paragraph 3, which stipulates that a representative of the European Community shall take part in meetings of the High Council but shall have no vote.

The Treaties of Rome contain a limitative enumeration of the powers conferred upon the Community institutions; these powers are defined more precisely as to object and aim. For Article 4 of the EEC Treaty stipulates that each Institution shall act within the limits of the powers conferred upon it by this Treaty, and Article 173 of the EEC Treaty empowers the Court of Justice to nullify, on appeal, any unauthorized acts of the Council and Commission. Consequently, the fact that so little attention is devoted in the Treaties of Rome, and in particular in the EEC Treaty, to the formulation of a Community education policy must be considered a handicap. The EEC Treaty contains only one article which concerns education directly and expressly, namely Article 57 on the mutual recognition of diplomas. With a view to developing a coherent common education and cultural policy, it would seem desirable to extend the scope of application of the European Treaties, particularly the EEC Treaty, to include these subjects. If this were done, any differences of opinion arising between the Member States or between one or more Member States and the Communities as regards the competence of the Communities in these fields would be brought within the sphere of Community law. The Court of Justice, by judging the legality of acts performed by the Community and Member States in the field of education and culture, could then contribute appreciably towards increasing the efficiency of Community policy in this field.

Should, in the distant future, education and culture one day fall completely within the jurisdiction of the Communities, disputes on questions of competence might be entirely avoided.

However, as long as the European Treaties do not provide for the powers in question, Article 235 of the EEC Treaty shall continue to apply; this is in fact completely in harmony with the most recent summit conferences of Heads of State or Government. Under this article, the Council shall, acting unanimously, take the appropriate measures if action by the Community should prove necessary to attain one of the objectives of the Community and the necessary powers are not provided for by the Treaty.

12. It is, however, not clear why the representatives of the Member States who did not consider the Council of Ministers competent to set up the European University Institute did not meet in Council in order to conclude the Convention. Had this been done, it would at least have better expressed the close link between the objectives and activities of the new Institute and the problems of European integration with the Community framework.

13. We believe that the alternative of financing by the Community mentioned in Article 19, paragraph 2 of the Convention constitutes an important means of enabling the Communities to play a greater part in the Institute as a whole. This provision clearly opens the way for direct involvement in future by the Communities in the management and policy-making of the Institute. Should the Institute one day be financed from Community funds, the Community Institutions must inevitably have a real say in these matters. It may in this connection be recalled that the Treaty of 21 April 1970 provides that the budget of the Communities shall be financed entirely from its own resources as from 1 January 1975. A procedure could already now be evolved, giving the Commission a say in important policy questions, and at the same time consultation of and with the European Parliament could be provided for, for instance by means of an annual report submitted by the High Council.

14. Another possible way of giving the Communities greater influence would be to set up a Community scholarship scheme, to be financed under the Communities budget; the Convention does in fact itself give a lead in this respect. Article 17 stipulates that the Member States shall encourage the award of scholarships to students admitted to the Institute whose circumstances so require. A special fund can be created for the award of certain scholarships. Under paragraph 3 of the article, this does not preclude the possibility of the European Community awarding scholarships to research students who are working on subjects connected with European integration. Development of a European scholarship scheme will of course have to be coupled with measures to promote the exchange and mobility of professors, research workers and students, and the mutual recognition of diplomas.

15. Finally, only once in the entire convention is a modest task entrusted to a Community Institution, namely the Court of Justice. Article 29 states that the Court of Justice shall designate the arbitration body to be called upon to settle any dispute between the Member States or between one or more Member States and the Institute concerning the application or interpretation of the convention, where such dispute cannot be settled by the Council. Although a declaration annexed to the convention indicates that the text of Article 29 does not preclude designation of the Court of Justice as the arbitral body, and that the Court can also take cognizance of any dispute between the Institute and its staff, we feel that a far larger role could have been allotted to the Court of Justice in what for the Court is such a familiar and eminently important field, namely that of supervising the correct interpretation of treaty obligations entered into by the Member States, and considering also the tasks already assigned to the Court under the European Treaties.

16. It will be clear from what has been stated above about the aims and methods of the Institute that the role of the Institute remains limited to being a study and research centre for students who have already completed a course of university study. Article 2, paragraph 1 of the Convention states expressly that the aims of the Institute shall be pursued through teaching and research at the highest university level. Instruction is mainly given through participation in research work.

17. However much we welcome the high academic level of the studies and the positive impulses which will undoubtedly go forth from the Institute for the international cooperation that is necessary between universities, it is nevertheless regrettable that because of this limitation the Institute as defined in the convention does not meet the requirements that a university must fulfill. If the Institute is to differ essentially from the university centres for European studies that already exist, for instance the European College in Bruges, and the European institutes within the universities, it will have to be expanded to form a university in the true sense of the word, comprising a number of faculties, not only for postgraduates but from the very beginning also for students who are only just starting their studies and students who have not yet graduated. It is above all to young students who have not yet graduated that the Institute must afford the opportunity to make a thorough study of European problems for a while. Measures should therefore be taken to ensure that such students, having completed their study period in Florence, may return once more to the educational establishments in their own countries without suffering any adverse consequences as regards continuation of their studies. The number of departments may be extended in virtue of Article 11, paragraph 1. The High Council is empowered to decide on this matter, and the Academic Council can make recommendations.

18. Article 33 contains a provision under which the Convention may be revised. To this end, a conference of representatives of the Member States must be convened.

19. Finally, reference should be made to Article 34, which contains a provision similar to that of Article 235 of the EEC Treaty mentioned above, and to that of Article 203 of the EURATOM Treaty. Article 34 states:

'If action on the part of one of the authorities of the Institute should appear necessary to attain one of the objectives set out in this Convention and this Convention has not provided the necessary powers, the High Council shall, acting unanimously, take the appropriate measures'.

20. It can be concluded from the above considerations that ways must be found, some of which have been discussed here on the basis of the convention, in order to

- (a) establish a closer link between the European University Institute and Community Institutions;
and to
- (b) have the European University Institute grow into a university.