CONVENTION DEFINING THE STATUTE OF THE EUROPEAN SCHOOLS

PREAMBLE

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

considering that, for the education together of children of the staff of the European Communities in order to ensure the proper functioning of the European Institutions, establishments bearing the name 'European School', have been set up from 1957 onwards;

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

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

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

— experience in the operation of the Schools should be taken into account;

— adequate legal protection against acts of the Board of Governors or the Administrative Boards should be provided to the teaching staff as well as other persons covered by it; to this end a Complaints Board should be created, with strictly limited jurisdiction;

— the jurisdiction of the Complaints Board will be without prejudice to national courts' jurisdiction in relation to civil and criminal liability;

considering that a School has been opened in Munich on the basis of the Supplementary Protocol of 15 December 1975 for the education together of children of the staff of the European Patent Organization,

HAVE AGREED AS FOLLOWS:

TITLE I

THE EUROPEAN SCHOOLS

Article 1

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

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

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.

Article 2

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

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

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.

Article 3

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

It may comprise:

— a nursery school;

— five years of primary school;

— seven years of secondary school.

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

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).

3. (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.

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

Article 4

The education given in the Schools shall be organized on the following principles:

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

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

3. in order to encourage the unity of the School, to bring pupils of the different language sections together and to foster mutual understanding, certain subjects shall be taught to joint classes of the same level. Any Community language may be used for these joint classes, insofar as the Board of Governors decides that circumstances justify its use;

4. a particular effort shall be made to give pupils a thorough knowledge of modern languages;

5. the European dimension shall be developed in the curricula;

6. in education and instruction, the conscience and convictions of individuals shall be respected;

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

Article 5

1. Years of study seccessfully completed at the School and diplomas and certificates in respect thereof shall be recognized in the territory of the Member States, in accordance with a table of equivalence, under conditions determined by the Board of Governors as laid down in Article 11 and subject to the agreement of the competent national authorities.

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, hereafter 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:

(a) enjoy, in the Member State of which they are nationals, all the benefits attaching to the possession of the diploma or certificate awarded at the end of secondary school education in that country;

(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.

For the purposes of this Convention, the word 'university' applies to:

(a) universities;

(b) institutions regarded as of university standing by the Member State in whose territory they are situated.

Article 6

Each School shall have the legal personality necessary for the attainment of its purpose, as defined in Article 1. It shall for that purpose be free to manage the appropriations in its own section of the budget under the

conditions laid down in the Financial Regulation referred to in Article 13 (1). It may be a party to legal proceedings. It may in particular acquire and dispose of movable and immovable property.

As far as its rights and obligations are concerned, the School shall be treated in each Member State, subject to the specific provisions of this Convention, as an educational establishment governed by public law.

TITLE II

ORGANS OF THE SCHOOLS

Article 7

The organs common to all the Schools shall be:

1. the Board of Governors;
2. the Secretary-General;
3. the Boards of Inspectors;
4. the Complaints Board;

Each School shall be administered by the Administrative Board and managed by the Headteacher.

CHAPTER I

The Board of Governors

Article 8

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

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

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

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

(d) a representative of the pupils' parents designated by the Parents' associations in accordance with Article 23.

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.

3. A representative of the pupils may be invited to attend meetings of the Board of Governors as an observer for items concerning the pupils.

4. The Board of Governors shall be convened by its Chairman, on his own initiative or at the reasoned request of three members of the Board of Governors or of the Secretary-General. It shall meet at least once a year.

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.

Article 9

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:

(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;

(b) the closure of a School shall require a favourable vote by the Member of the Commission;

(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;

(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.

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.

3. In all voting, each of the members present or represented shall have one vote, whithout prejudice to the specific provision in Article 8 (1) (a).

Article 10

The Board of Governors shall supervise the implementation of this Convention; for this purpose, it shall have the necessary decision-making powers in educational, budgetary and administrative matters, and for the negotiation of the Agreements referred to in Articles 28 to 30. It may set up committees with responsibility for preparing its decisions.

The Board of Governors shall lay down the General Rules of the Schools.

The Board of Governors shall each year draw up, on the basis of a draft prepared by the Secretary-General, a report on the operation of the Schools and shall forward it to the European Parliament and to the Council.

Article 11

In educational matters, the Board of Governors shall determine which studies shall be undertaken and how they shall be organized. In particular, following the opinion of the appropriate Board of Inspectors, it shall:

1. adopt harmonized curricula and timetables for each year's studies and for each section which it has set up and make recommendations as to which methods should be used;

2. provide for supervision of the teaching by the Boards of Inspectors and fix the operating rules of the latter;

3. determine the age for entry to the different levels. It shall lay down rules for the promotion of pupils to the next year of study or to the secondary school and, in order to enable pupils to return at any time to their national schools, rules for the validation of years of study at the School in accordance with Article 5. It shall draw up the table of equivalence referred to in Article 5 (1);

4. arrange for examinations to be held as a means of certifying the work done in the School; it shall lay down rules for the examinations, appoint examining boards and award diplomas. It shall ensure that the papers for the examination are set at such a level as to give effect to the provisions of Article 5.

Article 12

In administrative matters, the Board of Governors shall:

1. lay down the Service Regulations for the Secretary-General, the Headteachers, the teaching staff and, in accordance with Article 9 (1) (a), for the administrative and ancillary staff;

2. appoint the Secretary-General and Deputy Secretary-General;

3. appoint the Headteacher and Deputy Headteachers of each School;

4. (a) determine each year, on a proposal from the Boards of Inspectors, the teaching staff requirements by creating or eliminating posts. It shall ensure a fair allocation of posts among the Member States. 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. Staff shall retain promotion and retirement rights guaranteed by their national rules;

   (b) determine each year, on a proposal from the Secretary-General, the administrative and ancillary staff requirements;

5. organize its operation and draw up its own Rules of Procedure.

Article 13

1. In budgetary matters, the Board of Governors shall:

(a) adopt the Financial Regulation, specifying in particular the procedure for establishing and implementing the budget of the Schools;

(b) adopt the budget of the Schools for each financial year, in accordance with paragraph 4 below;

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

3. The Board of Governors shall also forward the estimate of revenue and expenditure to the other organizations governed by public law provided for in Article 28 and to the organizations or institutions provided for in Article 29, whose financial contribution is such as to finance the bulk of a School's budget, so that they may determine the amount of their contributions.

4. The Board of Governors shall finally adopt the budget of the Schools before the start of the budgetary year and shall adapt it if necessary to the contributions of the European Communities and of the organizations or institutions referred to in paragraph 3.

Article 14

The Secretary-General shall represent the Board of Governors and direct the Secretariat in accordance with the Service Regulations for the Secretary-General provided for in Article 12 (1). He shall represent the Schools in legal proceedings. He shall be responsible to the Board of Governors.

CHAPTER 2

The Boards of Inspectors

Article 15

Two Boards of Inspectors shall be set up for the purposes of the Schools: one for the nursery schools and the primary schools, the other for the secondary schools.

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.

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.

Article 18

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;
2. compare views on the standard of work attained and the quality of the teaching methods;
3. address to the Headteachers and the teaching staff the results of their inspections.

Taking into account needs evaluated by the Board of Governors, each Member State shall provide the Inspectors with the facilities necessary for carrying out fully their task in the Schools.

CHAPTER 3

The Administrative Board

Article 19

Subject to Articles 28 and 29, each Administrative Board provided for in Article 7 shall comprise eight members, as follows:

1. the Secretary-General, who shall be Chairman;
2. the Headteacher of the School;
3. the representative of the Commission of the European Communities;
4. two members of the teaching staff, one representing the staff of the secondary school and the other the staff of the primary and nursery schools jointly;
5. two members representing the Parents' Association as provided for in Article 23;
6. a representative of the administrative and ancillary staff.

A representative of the Member State in which the School is located may attend meetings of the Administrative Board as an observer.

Two representatives of the pupils shall be invited to attend meetings of the Administrative Board of their School as observers for items of business which concern them.

Article 20

The Administrative Board shall:

1. prepare the estimates of revenue and expenditure of the School in accordance with the Financial Regulation;
2. supervise the implementation of the School's section of the budget and draw up its annual revenue and expenditure account;
3. ensure that suitable physical conditions and an atmosphere conducive to the proper operation of the School are maintained;
4. perform such other administrative duties as may be entrusted to it by the Board of Governors.

The procedures for the convening of meetings and for decision-making by the Administrative Boards shall be laid down in the General Rules of the Schools provided for in Article 10.

CHAPTER 4

The Headteacher

Article 21

The Headteacher shall discharge his duties in accordance with the General Rules provided for in Article 10. He shall have authority over the staff assigned to the School in accordance with the procedures stipulated in Article 12 (4) (a) and (b).

He shall have the competence and the qualifications required in his country for directing an educational establishment providing a leaving certificate entitling the holder to university entrance. He shall be responsible to the Board of Governors.

TITLE III

STAFF REPRESENTATION

Article 22

A Staff Committee shall be established comprising elected representatives of the teaching staff and of the administrative and ancillary staff of each School.

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

The procedures for the election and operation of the Staff Committee shall be determined in the Service Regulations for the teaching staff and for the administrative and ancillary staff provided for in Article 12 (1).

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.

TITLE IV

THE PARENTS' ASSOCIATION

Article 23

For the purpose of maintaining relations between the pupils' parents and the School authorities, the Board of Governors shall recognize for each School the Association which is representative of the pupils' parents.

The Parents' Association so recognized shall designate each year two representatives on the Administrative Board of the School concerned.

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.

TITLE V

THE BUDGET

Article 24

The financial year of the Schools shall correspond to the calendar year.

Article 25

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;
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;
3. contributions from non-Community organizations with which the Board of Governors has concluded an Agreement;
4. the School's own revenue, notably the school fees charged to parents by the Board of Governors;
5. miscellaneous revenue.

The arrangements for making available the contribution from the European Communities shall be laid down in a special agreement between the Board of Governors and the Commission.

TITLE VI

DISPUTES

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.

Article 27

1. A Complaints Board is hereby established.

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 of 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 conditions and the detailed rules relative to these proceedings shall be laid down, as appropriate, by the Service Regulations for the teaching staff or by the conditions of employment for part-time teachers, or by the General Rules of the Schools.

3. The members of the Complaints Board shall be persons whose independence is beyond doubt and who are recognized as being competent in law.

Only persons on a list to be compiled by the Court of Justice of the European Communities shall be eligible for membership of the Complaints Board.

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

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.

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

6. The judgments of the complaints Board shall be binding on the parties and, should the latter fail to implement them, rendered enforceable by the relevant authorities of the Member States in accordance with their respective national laws.

7. Other disputes to which the Schools are party shall fall within national jurisdiction. In particular, national courts' jurisdiction with regard to matters of civil and criminal liability is not affected by this Article.

TITLE VII

SPECIAL PROVISIONS

Article 28

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. By concluding such an Agreement, any such organization may then have a set and a vote on the Board of Governors for all matters regarding the School in question if its financial contribution is such as to finance the bulk of the School's budget. It may also obtain a seat and a vote on the Administrative Board of the School in question.

Article 29

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 may grant them a seat and a vote on the Administrative Board of the School in question.

Article 30

The Board of Governors may negotiate with the Government of a country in which a School is located any additional Agreement required to ensure that the School can operate under the best possible conditions.

Article 31

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.

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.

3. The Board of Governors, acting in accordance with the voting method set out in Article 9, may decide to close a School. It shall, by the same procedure, take such steps in regard to that School as it considers necessary, in particular as regards the situation of teaching, administrative and service staff and the distribution of the assets of the School.

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.

Article 32

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.

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

From that date, the composition of the organs of the Schools shall be altered accordingly.

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 notifiying 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 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 Convention, drawn up in a single original in the Danish, 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.

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.

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y cuatro.

Udfærdiget i Luxembourg den enogtyvende juni nitten hundrede og fire og halvfems.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertvierundneunzig.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα τέσσερα.

Done at Luxembourg on the twenty-first day of June in the year one thousand nine hundred and ninety-four.

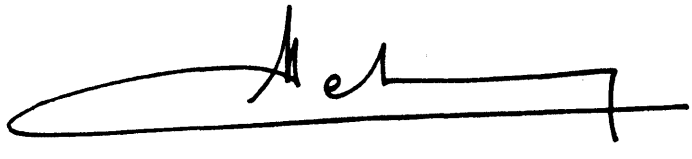
Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt-quatorze.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantaquattro.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd vierennegentig.

Feito no Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e quatro.

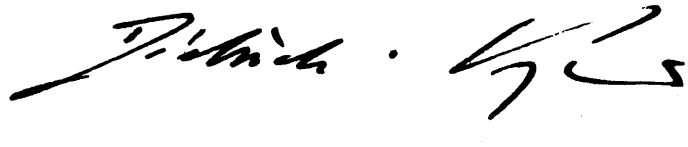
Pour le royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



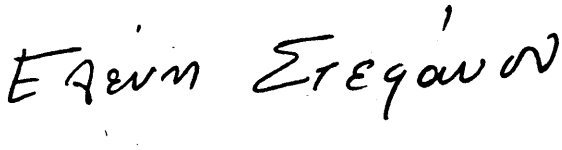
På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland



Για την Ελληνική Δημοκρατία



Por el Reino de España

Pour la République française

Thar cheann Na hÉireann
For Ireland

Per la Repubblica italiana

Pour le grand-duché de Luxembourg

Voor het Koninkrijk der Nederlanden

Pela República Portuguesa

For the United Kingdom of Great Britain and Northern Ireland

Por la Comunidad Europea y la Comunidad Europea de la Energía Atómica
For Det Europæiske Fællesskab og Det Europæiske Atomenergifællesskab
Für die Europäische Gemeinschaft und die Europäische Atomgemeinschaft
Για την Ευρωπαϊκή Κοινότητα και την Ευρωπαϊκή Κοινότητα Ατομικής Ενέργειας
For the European Community and the European Atomic Energy Community
Pour la Communauté européenne et la Communauté européenne de l'énergie atomique
Per la Comunità europea e la Comunità europea dell'energia atomica
Voor de Europese Gemeenschap en de Europese Gemeenschap voor Atoomenergie
Pela Comunidade Europeia e pela Comunidade Europeia da Energia Atómica

Por la Comunidad Europea del Carbón y del Acero
For Det Europæiske Kul- og Stålfællesskab
Für die Europäische Gemeinschaft für Kohle und Stahl
Για την Ευρωπαϊκή Κοινότητα Άνθρακα και Χάλυβα
For the European Coal and Steel Community
Pour la Communauté européenne du charbon et de l'acier
Per la Comunità europea del carbone e dell'acciaio
Voor de Europese Gemeenschap voor Kolen en Staal
Pela Comunidade Europeia do Carvão e do Aço

ANNEX I

European Schools to which the Statute applies:

European School, Bergen

European School, Brussels I

European School, Brussels II

European School, Brussels III (*)

European School, Culham

European School, Karlsruhe

European School, Luxembourg

European School, Mol

European School, Munich

European School, Varese

(*) The Board of Governors decided to establish this School at their meeting of 27/29 October 1992.

ANNEX II

Languages in which basic instruction is given:

Danish

Dutch

English

French

German

Greek

Italian

Portuguese

Spanish