

AGREEMENT

between the European Economic Community and the Republic of Austria establishing cooperation in the field of education and training within the framework of the Erasmus programme

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter called the 'Community' and

THE REPUBLIC OF AUSTRIA,

hereinafter called 'Austria',

hereinafter both called the 'Contracting Parties',

WHEREAS the Community has adopted the European Community Action Scheme for the Mobility of University Students, hereinafter referred to as Erasmus;

WHEREAS the Contracting Parties have a common interest cooperation in this field, as part of the wider cooperation between the Community and the EFTA countries in the field of education and vocational training with the aim of contributing to a dynamic and homogeneous development in this field;

WHEREAS in particular cooperation between the Community and Austria with a view to pursuing the objectives fixed for Erasmus, within the context of a network of inter-university cooperation involving the Community and the EFTA countries as a whole by its nature enriches the impact of Erasmus actions so as to strengthen the skill levels of human resources in the Community and Austria;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefit from the participation of Austria in Erasmus;

WHEREAS a successful cooperation in this field implies a general commitment by both sides to make complementary efforts to stimulate student mobility,

HAVE AGREED AS FOLLOWS:

Article 1

Cooperation between the Community and Austria shall be established in the field of inter-university cooperation and mobility in the context of the implementation of Erasmus. The Actions of the Erasmus programme are set out in Annex I.

Article 2

For the purposes of the Agreement, the term 'university' shall be used to cover all types of post-secondary education and training establishments which offer, where appropriate within the framework of advanced training, qualifications or diplomas of that level, whatever such establishments may be called in the Contracting Parties.

Students registered in those establishments, regardless of the field of study, are eligible for support within the Erasmus programme, up to and including doctorate level, provided that the period of study carried out at the host university, which is compatible with the curriculum at the student's home university, forms part of his or her vocational training.

The Erasmus programme does not cover research and technological development activities.

Article 3

Unless otherwise provided in this Article, references in Annex I to this Agreement to the Member States of the Community shall be understood for the purposes of the present Agreement as referring also to Austria.

As far as the different Actions of Erasmus are concerned, the participation of universities from Austria in Erasmus activities shall be subject to the specific conditions and rules set out in the present Article.

1. Action 1: Establishment and operation of a European University Network

The content and objectives of this Action shall be those indicated in Action 1 of Annex I to the present Agreement.

- (1) Universities from Austria may formally participate in and receive funding for participation in Inter-university

Cooperation Programmes (ICPs). In order to create a Network of Inter-university Cooperation between the Community and Austria, preference shall be given to multilateral ICPs. In line with this principle ICPs shall include universities from at least two Community Member States. However, in the first year of operation of the present Agreement, ICPs including one or more universities from at least one Community Member State shall exceptionally be eligible for financial support.

- (2) Activities within Action 1 solely between universities from Austria and from EFTA countries, even where such countries have a cooperation agreement with the Community concerning Erasmus, shall not be eligible for financial support.
- (3) Under the circumstances set out in paragraphs (1) and (2), universities from Austria shall benefit from the measures referred to under this Action on the same basis as universities from Community Member States and under the same conditions.

2. Action 2: Erasmus student grants scheme

The content and objectives of this Action shall be those indicated in Action 2 of Annex I to the present Agreement.

- (1) Erasmus student grants may be awarded to students from Austria for the purpose of facilitating a period of study in a Member State of the Community and vice versa. Such students shall be nationals or permanent residents in Community Member States or Austria. Grants shall not be awarded to students from Austria for the purpose of facilitating a period of study in another EFTA country (or vice versa), even where that country has a cooperation agreement with the Community concerning Erasmus.
- (2) The Erasmus grants for students moving from universities in Austria shall be administered through the competent authority in Austria, which shall be designated by Austria for this purpose.
- (3) Under the circumstances set out in paragraphs (1) and (2), university students from Austria may benefit from the measures referred to under Action 2 of Annex I to this Agreement, on the same basis as university students from Community Member States and under the same conditions.

3. Action 3: Measures to promote mobility through the academic recognition of diplomas and periods of study

The content and objectives of this Action shall be those indicated in Action 3 of Annex I to the present Agreement.

Relevant institutions and bodies in Austria shall be eligible to participate in and benefit from the measures referred to under this Action on the same basis as similar institutions and bodies in the Community Member States and under the same conditions.

4. Action 4: Complementary measures to promote student mobility in the Community

The content and objectives of this Action shall be those indicated in Action 4 of Annex I to the present Agreement.

Relevant institutions and bodies in Austria shall be eligible to participate in and benefit from the measures referred to under this Action on the same basis as similar institutions and bodies in the Community Member States and under the same conditions.

Article 4

1. Austria shall make an annual contribution to the financing of the Erasmus programme, beginning in the calendar year following entry into force of this Agreement up to and including the calendar year in which the last academic year of operation of this Agreement begins.

2. This annual financial contribution of Austria shall be established in proportion to the total annual budget for the Erasmus programme.

3. The proportionality factor governing the contribution by Austria shall be determined by the ratio between its gross domestic product (GDP), at market prices, and the sum of the gross domestic product, at market prices, of the Member States of the Community and Austria. This ratio shall be calculated year by year on the basis of the latest available OECD statistical data.

4. At the beginning of each year, the Commission shall inform Austria of the amount of the appropriations available in the Community budget, for that year in respect of the Erasmus programme. Amendments of this amount occurring during the year shall be communicated to Austria by the Community.

5. In addition to the annual contribution referred to in paragraph 1 above, Austria shall make not later than by the entry into force of this Agreement an initial contribution of ECU 92 200 to cover the costs of prior preparatory work carried out by the Commission in connection with the implementation of this Agreement.

6. The rules governing the financial contributions by Austria to the development of the Erasmus programme shall be those set out in Annex II to the present Agreement.

Article 5

Subject to the special requirements referred to in Article 4 of the present Agreement regarding participation by universities

from Austria, the terms and conditions for the submission and evaluation of applications and the terms and conditions for the granting and conclusion of contracts under the Erasmus programme shall be the same as those applicable to universities in the Community.

Article 6

1. A joint committee is hereby established.
2. The committee shall be responsible for the implementation of the present Agreement.
3. The Community delegation shall take the appropriate steps to ensure coordination between the implementation of this Agreement and the decisions taken by the Community in respect of the implementation of Erasmus.
4. For the purpose of the proper implementation of the Agreement, the Contracting Parties shall exchange information and, at the request of either Party, shall hold consultations within the committee.
5. The committee may deliver opinions and elaborate guidelines concerning the implementation of the Erasmus programme as far as the participation of Austria is concerned.
6. The committee shall adopt its own rules of procedure.
7. The committee shall consist of representatives of the Community, on the one hand, and on the other, representatives of Austria.
8. The committee shall act by mutual agreement.
9. The committee shall meet at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

Article 7

Decisions concerning the selection of projects described in Annex I (Actions 1, 3 and 4) shall be taken by the Commission of the European Communities.

Decisions concerning the award of Erasmus grants for students moving from Austrian universities (Action 2) shall be taken by the competent authority in Austria in close cooperation with the participating universities. For this purpose, guidelines will be provided to the above competent authority by the Commission of the European Communities.

Article 8

The Contracting Parties shall make efforts to facilitate the free movement and residence of students, teachers and university administrators moving between Austria and the Community for the purpose of participating in activities covered by the present Agreement.

Article 9

Austria shall submit to the Commission, to assist the latter in drafting its annual report on Erasmus as well as a report on the experience acquired in the application of the programme, a contribution describing the national measures taken by Austria in this regard. A copy of these reports shall be transmitted to Austria.

Article 10

In regard to the application process, contracts, reports to be submitted and other administrative arrangements for the Erasmus programme, the languages used shall be the official languages of the Community.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Austria.

Article 12

1. The present Agreement shall be concluded for a period covering the five academic years following entry into force. It may be renewed for a further period of five years by agreement between the Contracting Parties. A review of the present agreement shall be completed before the end of the third academic year after entry into force.

2. Should the Community revise the Erasmus programme, the present Agreement may be renegotiated or terminated. Austria shall be notified of the exact content of the revised programme within one week after its adoption by the Community. The Contracting Parties shall notify each other within three months after the Community decision has been adopted if a renegotiation or termination of the Agreement is requested. In the event of termination, the practical arrangements for dealing with outstanding commitments shall be the subject of negotiations between the Contracting Parties.

3. Either Contracting Party may at any time request a revision of the Agreement. To this end, it shall submit a request to the other Contracting Party. The Contracting Parties may instruct the joint committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

Article 13

The present Agreement shall be approved by the Contracting Parties in accordance with their existing procedures. Subject to the Contracting Parties' having notified each other of the completion of the procedures necessary for this purpose, it

shall enter into force on the first day of the second month following such notification. However, if such notification has not taken place by the end of September of any year, the provisions of the Agreement shall only become operational with effect from the second academic year following such notification.

Article 14

The present Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic.

Hecho en Bruselas, el nueve de octubre de mil novecientos noventa y uno.

Udfærdiget i Bruxelles, den niende oktober nitten hundrede og enoghalvfems.

Geschehen zu Brüssel am neunten Oktober neunzehnhunderteinundneunzig.

Έγινε στις Βρυξέλλες, στις εννέα Οκτωβρίου χίλια εννιακόσια ενενήντα ένα.

Done at Brussels on the ninth day of October in the year one thousand nine hundred and ninety-one.

Fait à Bruxelles, le neuf octobre mil neuf cent quatre-vingt-onze.

Fatto a Bruxelles, addì nove ottobre millenovecentonovantuno.

Gedaan te Brussel, de negende oktober negentienhonderd eenennegentig.

Feito em Bruxelas, em nove de Outubro de mil novecentos e noventa e um.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

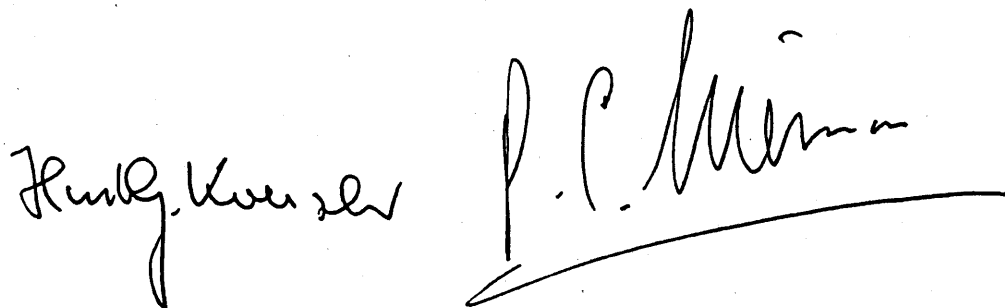
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

Two handwritten signatures are present. The one on the left is 'Henry Kissinger' and the one on the right is 'P. C. Minna'. A long horizontal line is drawn below the second signature.

Por el Gobierno de la República de Austria

For regeringen for Republikken Østrig

Für die Regierung der Republik Österreich

Για την Κυβέρνηση της Δημοκρατίας της Αυστρίας

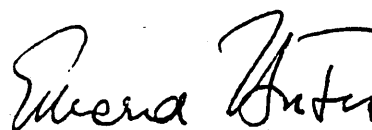
For the Government of the Republic of Austria

Pour le gouvernement de la république d'Autriche

Per il governo della Repubblica d'Austria

Voor de Regering van de Republiek Oostenrijk

Pelo Governo da República da Áustria

A handwritten signature, 'Emerica Zutter', is written in the bottom right corner of the page.

ANNEX I

ACTION 1

Establishment and operation of a European University Network

1. The Community will further develop the European University Network established within the Erasmus programme and designed to stimulate Community-wide exchange of students.

The European University Network will be composed of those universities which, in the framework of the Erasmus programme, have concluded agreements and organize programmes providing for exchanges of students and teachers with universities of other Member States and ensuring full recognition of study periods thus accomplished outside the home university.

The main aim of inter-university agreements is to give university students the opportunity to undertake a fully recognized period of study in at least one other Member State, as an integral part of their diploma or academic qualification. These joint programmes could include as necessary an integrated period of foreign language preparation as well as cooperation among teachers and administrative staff in order to prepare the conditions necessary for the exchange of students and for the mutual recognition of periods of study accomplished abroad. Wherever possible, the preparation in the foreign language should be commenced in the country of origin before departure.

Priority will be given to programmes involving an integrated and fully recognized period of study in another Member State. For each joint programme, each participating university will receive support of up to an annual ceiling of ECU 25 000 for a maximum period of three years in the first instance subject to periodic review.

2. Support will also be provided for exchanges of teaching staff for the purpose of carrying out integrated teaching assignments in other Member States.
3. Support will also be provided for joint curriculum development projects between universities in different Member States as a means of facilitating academic recognition and of contributing by means of an exchange of experience to the process of innovation and improvement of courses on a Community-wide basis.
4. In addition, grants of up to ECU 20 000 will be provided to universities organizing intensive teaching programmes of short duration involving students from several different Member States. This action will be of a complementary nature.
5. The Community will also provide support for teaching staff and university administrators to carry out visits to other Member States, to enable them to prepare programmes of integrated study with universities of these Member States and to increase their mutual understanding of the training aspects of the higher education systems of other Member States. Grants will also be provided to allow teaching staff to conduct a series of specialized lectures in several Member States.

ACTION 2

Erasmus student grants scheme

1. The Community will further develop a scheme for the direct financial support of students at universities as defined in Article 1 (2) (*) carrying out a period of study in another Member State. In determining the total expenditure for Actions 1 and 2 respectively, the Community will have regard to the number of students to be exchanged within the European University Network as it develops.
2. The Erasmus student grants are administered through the competent authorities of the Member States. In view of the development of the European university network, the Member States shall each be paid a minimum of ECU 200 000 (the equivalent of approximately 100 grants); the remainder shall be allocated to each Member State on the basis of the total number of students at universities as defined in Article 1 (2) (*), as well as on the total number of 18- to 25-year-olds in each Member State, the average cost of the journey between the country of the university of the student's country of origin and that of the host university as well as on the difference between the cost of living in the country of the home university and that of the host university.

Moreover, the Commission will take the necessary steps to ensure balanced participation across the various subjects, to take account of the demand for programmes and of student flow and to deal with certain specific problems, in particular the financing of certain grants which, because of the structure of the exceptional programmes concerned, cannot be administered by national agencies. The proportion available for such measures shall not exceed 5 % of the total annual student grants budget.

3. The grant-awarding authorities of the Member States will issue grants up to a maximum of ECU 5 000 per student for a stay of one year, subject to the following conditions:
 - (a) the grants are intended to offset the additional costs of mobility, that is travel costs, foreign language preparation as necessary and higher cost of living in the host country (including, where appropriate, the extra cost of living away from the student's home country). They do not aim to cover the full cost of study abroad;
 - (b) priority will be given to students on courses which are part of the European University Network under Action 1 as well as to those students participating in the European Community Course Credit Transfer System (ECTS) pursuant to Action 3. Grants may also be provided for other students on courses for whom special arrangements are made outside the network in another Member State provided they fulfil the eligibility criteria;
 - (c) grants will be awarded only in cases where the period of study spent in another Member State will be granted full recognition by the student's home university. However, grants may be awarded exceptionally in cases where the period of study to be spent in another Member State will be granted full recognition by the degree-awarding university in that Member State, provided that this arrangement forms part of an inter-university agreement supported pursuant to Action 1;
 - (d) no tuition fees will be charged by the host university to incoming students; where appropriate, grant-holders will continue to pay tuition fees at their home university;
 - (e) grants will be awarded for a significant period of academic study in another Member State of three months to a full academic year, or to more than 12 months in the case of highly integrated programmes. Grants will not normally be awarded for the first year of university study;
 - (f) any grants or loans available to students in their own country will continue to be paid in full during their period of study at the host university for which they are receiving an Erasmus grant.

(*) Decision 87/327/EEC, as amended by Decision 89/663/EEC.

ACTION 3**Measures to promote mobility through the academic recognition of diplomas and periods of study**

The Community will undertake, through cooperation with the competent authorities in the Member States, the following actions in order to promote mobility through the academic recognition of diplomas and periods of study acquired in another Member State:

1. measures to promote the European Community Course Credit Transfer System (ECTS) on an experimental and voluntary basis in order to provide a means by which students undergoing or having completed higher education and training may receive credit for such training carried out at universities in other Member States. A limited number of grants of up to ECU 20 000 per year will be awarded to the universities participating in the pilot system;
2. measures to promote the Community-wide exchange of information on the academic recognition of diplomas acquired and periods of study spent in another Member State, notably by means of the further development of the European Community Network of national academic recognition information centres; annual grants of up to ECU 20 000 will be awarded to the centres to facilitate exchange of information, in particular by means of a computerized system for data exchange.

ACTION 4**Complementary measures to promote student mobility in the Community**

1. The complementary measures are intended to finance:
 - support to associations and consortia of universities, teaching staff, administrators or students acting on a European basis, in particular with a view to making initiatives in specific fields of training better known throughout the Community,
 - publications designed to enhance awareness of study and teaching opportunities in the other Member States or to draw attention to important developments and innovative models for university cooperation throughout the Community,
 - other initiatives designed to promote inter-university cooperation in the field of vocational training within the Community,
 - measures facilitating the dissemination of information on the Erasmus programme,
 - Erasmus prizes of the European Community to be awarded to students, staff members, universities or Erasmus projects which have made an outstanding contribution to the development of inter-university cooperation within the Community.
2. The cost of measures under Action 4 will not exceed 5% of the annual appropriations for the Erasmus programme.

ANNEX II

FINANCING RULES

Article 1

The financial regulation in force applicable to the general budget of the European Communities shall apply, notably to the management of the appropriations.

Article 2

At the beginning of each year, or whenever the Erasmus programme is revised so as to involve an increase in the amount entered in the Community budget for its implementation, the Commission shall send to Austria a call for funds corresponding to its contribution to the costs under the present Agreement.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

Austria shall pay its contribution to the annual costs under the Agreement according to the call for funds and at the latest one month after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Austria on the outstanding amount from the due date. The interest rate shall correspond to the rate applied by the EFMC (FECOM), for the month of the due date, for its operations in ecu ⁽¹⁾, increased by 1,5 percentage points.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities*, C series.