

## I

(Acts whose publication is necessary)

**DECISION No 17882/2001/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 31 December 2001  
Establishing the "Act on European Community Colleges"**

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Disregarding the Treaty establishing the European  
Community and in particular Article 149 thereof,

Having in regard proposals from the Commission,

Having regard to opinions of the Economic and Social  
Committee,

Having regard to opinions of the Committee of the  
Regions,

Having regard to opinions of other European states,

Acting in accordance with the procedure laid down in  
Article 251 of the Treaty, in the light of the joint text  
approved on 9 March 2000 by the Conciliation  
Committee,

Whereas:

- (1) The Treaty provides that the latter's action shall, inter alia, contribute to the development of quality education and training. It states that the Community is to promote the development of the highest possible level of knowledge for its peoples through a wide access to education and through a continuous updating of knowledge.
- (2) The European Parliament and the Council set up an action programme regarding cooperation in the field of youth, by their Decision No 818/95/EC of 14 March 1995, adopting the third phase of the "Youth for Europe" programme<sup>(1)</sup>. It is appropriate to pursue and strengthen cooperation and Community action in that field on the basis of the experience acquired from that programme.

- (3) The extraordinary European Council on employment held in Luxembourg on 20 and 21 November 1997, states that life-long education and training have a fundamental role to play in implementing the guidelines set out in the Council-resolution of 15 December 1997<sup>(2)</sup>. This should enhance employability, adaptability and the culture of entrepreneurship and promote equal opportunities in the Member States.
- (4) The Commission set out guidelines on the creation of an open and dynamic education area capable of achieving the objective of life-long education and training in its communication "Towards a Europe of knowledge".
- (5) The Commission states in its White Paper "Teaching and learning - Towards the learning society", that the emergence of the learning society encourages the acquisition of new knowledge and to this end provides motivation to learn at every opportunity. Moreover, it highlights the advantages of mobility for people and competitiveness in the European Union in its Green Paper "Education, training, research: the obstacles to transnational mobility".
- (6) There is a need to promote active citizenship, to strengthen the links between measures pursued under this programme and to step up the fight for respect for human rights and against racism, and exclusion in all its forms. Special attention should be focused on removing discrimination and on promoting equal opportunities for women and men.
- (7) The actions of this Act should reach people in general and not just those associated with

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<sup>1</sup> OJ L 87, 20.4.1995, p.1

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<sup>2</sup> OJ C 30, 28.1.1998, p.1

organisations. The Commission and the Member States should therefore provide an adequate circulation of information and appropriate feedback for those actions.

- (8) Exchanges are crucial for the integration and development in the European Union, since they contribute to mutual trust, strengthening of democracy, tolerance, willingness to cooperate and solidarity between people.
- (9) The European Parliament states, in its resolution of 14 May 1998 on the information and communication policy in the European Union<sup>(3)</sup>, that the selection of projects should be more transparent and the reasons for the choice should be clearer to those who submit the projects.
- (10) The European Parliament and the Council, in their Decision No 253/2000/EC on education, and the Council, in its Decision 1999/382/EC of 26 April 1999 on training, have established Community action programmes for the education and training fields respectively, which contribute to a Europe of knowledge.
- (11) The policy of cooperation in the youth field needs to be further developed, since it contributes to the promotion of non-formal education and life-long learning.
- (12) The European Parliament adopted a resolution on 2 July 1998 on promoting the role of voluntary organisations and foundations in Europe<sup>(4)</sup>. The voluntary sector should also play an important role in enabling people to participate, particularly those with the greatest difficulties.
- (13) The Commission and the Member States should foster cooperation with non-governmental organisations active in youth and social fields, as well as in the areas of the environment, culture, sport and combating various forms of exclusion.
- (14) The Agreement on the European Economic Area (EEA Agreement) provides for greater cooperation in the field of education, training and youth between the European Community and its Member States and the States of the European Free Trade Association (EFTA). It lays down procedures for the participation of the EFTA States in Community programmes of education, training and youth.
- (15) This Act is open for the participation of other states.
- (16) The Commission, the Member States and the states accessing themselves to this Decision should monitor and continually evaluate this Act in order to allow for readjustments.
- (17) The objectives of the proposed action concerning the development and strengthening of a cooperation policy in the field cannot be sufficiently achieved by the Member States because of the complexity and diversity of the field (in accordance with the principles of subsidiarity and proportionality as defined in Article 5 of the Treaty of Amsterdam). Therefore, they can be better achieved by the Community owing to the transnational dimension of Community actions and measures. This Decision does not go beyond what is necessary to achieve those objectives.
- (18) The Commission should adopt the measures necessary to the implementation of this Decision in accordance with Council Decision 1999/468/EC of 28 June 1999. This will lay down the procedures for implementing powers conferred on the Commission<sup>(5)</sup>.

HAVE DECIDED AS FOLLOWS:

### *Article 1*

#### ***Establishment***

1. This decision establishes the possibility for the citizens of the European Union and of the states accessing themselves to this Decision to set up European Community Colleges. This establishment is hereinafter referred to as the Act on European Community Colleges.
2. The Act on European Community Colleges may be complementary to the Youth Community Action programme from 1 January 2007 and the European Union Life-long Learning policy.
3. The Act on European Community Colleges shall supplement actions taken by the Member States and the states accessing themselves to this Decision while fully respecting their cultural and linguistic diversity.

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<sup>3</sup> OJ C 167 1.6.1998, p.230

<sup>4</sup> OJ C 226, 20.7.1998, p.66

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<sup>5</sup> OJ L 184 17.7.1999, p.23

## *Article 2*

### ***European Community Colleges***

1. The European Community College is an institution that promotes debates on common European issues by offering courses of general educative nature.

2. European Community Colleges are independent institutions offering courses in pursuance of 3.

3. European Community Colleges are boarding colleges in which participants and educators live and learn together.

4. European Community College educators are those having knowledge, skills and experience relevant for the courses offered at the Community College and do not have to be academically qualified.

5. European Community College offer courses on particular and general subjects on common European issues.

(1) The courses have a minimum duration of one (1) week. It is pre preferable that the courses last for four (4) weeks as a minimum.

(2) The courses function through various non-formal learning methods (debates, workshops, excursions, lectures etc.).

(3) European Community Colleges do not conduct examinations as the main objective of the courses is learning by living together.

(4) The European Community Colleges shall issue certificates of participation, on request, to those who have attended and finished a course.

6. The participants of each European Community College course represent different geographical, cultural and social backgrounds.

## *Article 3*

### ***Objectives***

1. In order to enable the citizens of European Union and the states accessing themselves to this Decision to acquire knowledge, skills and competences

and to exercise responsible citizenship with the aim of becoming an active part of society, the objectives of this Act by establishing European Community Colleges are as follows:

(1) To contribute to the education of general nature by learning and living together during Community College courses. The idea of each individual Community College has a European basis and dimension.

(2) To increase active citizenship competences at a European level by means of non-formal education.

## *Article 4*

### ***Approval and supervision of European Community Colleges***

1. Each European Community College shall receive approval by the Community College Council once the following conditions have been fulfilled:

(1) The European Community College shall be a private institution and its statutes are subject to approval by the Community College Council.

(2) The European Community College shall conduct its activities as a private independent institution.

(3) The funds of the Community College must exclusively benefit the European Community College's educational activities.

(4) The European Community College promotes the dialogue on common European issues in respect to democratic principles and human rights.

(5) A General Assembly supporting the establishment and activities of the European Community College should be established.

(6) A Board shall be in charge of general management of the European Community College. It is responsible both to the General Assembly of the Community College and to the Community College Council.

(7) The European Community Colleges during their courses should have at their disposal, suitable and sufficient accommodation, facilities and equipment for participants, educative and organizational staff members.

(8) The European Community Colleges should have the ability to carry out activities on a fairly sound financial basis.

(9) The European Community Colleges should not own buildings in joint ownership.

2. The Community College Council shall lay down detailed rules concerning the provisions of 4.1 including rules on the contents of such statutes, and on closing dates of applications as well as application procedures.

3. The Community College Council shall withdraw the approval of any European Community College, which does not comply with the provisions foreseen in this Act.

4. The Community College Council is entitled to withdraw the approval if there is not a sufficient guarantee that the European Community College complies with the requirements 4.1(2) concerning independence and administration of the Community College funds.

5. The European Community Colleges are subject to supervision by the Community College Council. The European Community College is entitled to provide any information on the request of the Community College Council.

### *Article 5*

#### ***The Community College Council***

1. The Community College Council consists of double the number of the Members States of the European Union and of the states accessing themselves to this Decision plus one (1).

(1) The government of each European Union Member State and the states accessing themselves to this Decision may appoint one member of the Community College Council. Each appointed member should have a background in the adult education sector.

(2) Governments of European states not mentioned above have the right to appoint observers to the Community College Council.

(3) The European Parliament shall appoint the rest of the members of the Community College Council. They have to be Members of the European Parliament with a background or an interest in the adult education sector.

2. The Community College Council constitutes itself every fourth year. The governments and the Members of the European Parliament either have to confirm their sitting members of the Community College Council, or have to appoint new ones.

3. The Community College Council elects a Board of 5 persons that represent the Community College Council and prepares sessions of the Council.

(1) The rights, duties, responsibilities and composition of the Community College Councils Board are defined in accordance with this Act.

4. The Community College Council supervises the European Community Colleges and approves their statutes (cf. 4.1(1)).

5. The Community College Council has the right to withdraw an approval (cf. 4.3-4).

6. The Community College Council has the right to outline the distribution of finances and decides about the organisation of the European Community Colleges in general in accordance with this Act (cf. 6.5).

7. The Community College Council supervises and advises the European Community Colleges in accordance with this Act.

8. The Community College Council together with the budgetary authorities of the states involved decide on the payments of the states to the Community College Fund (cf. 6.2(1))

### *Article 6*

#### ***The Community College Fund***

1 The Community College Fund subsidises European Community Colleges.

2. The Community College Fund derives its means by payments of the European Union Member States and by the states accessing themselves to this Decision.

The payments are equal to a percentage of the GDP of the states involved.

(1) The percentage is changed by the Council, in cooperation with the budget authorities of the states involved (cf. 5,8).

3. Grants of the Community College Fund shall be applied to activities subject to this Act, provided the following preconditions are fulfilled

(1) At least 24 participants per year must be registered with the independent boarding European Community College (cf. 7.5) in the Community College year ending in the calendar year before the financial year, or as an average of this school year and the two previous Community College years. The Community College year begins on 1 August and ends on 31 July. The requirement is proportionally reduced if the Community College has less than 36 learning weeks during the Community College year.

(2) Participants admitted at European Community Colleges must be at least 18 years old.

(3) The European Community College shall register participation at the various courses. The Community College Council shall lay down detailed rules on these matters.

(4) Courses have a duration of minimum one (1) week. Courses shall as a minimum include five (5) whole learning days per week.

(5) The course should be conducted with a varied group of citizens of the European Union Member States and the states accessing themselves to this Decision. The Community College Council shall lay down special rules on this matter.

(6) The course is open to any person complying with the requirements of 6.3(2) and (8). Participation may not be made conditional on certain knowledge, education, occupation or profession or by membership of certain associations or organizations. The European Community College may though require language knowledge.

(7) The European Community College should generate income in addition to Community College Fund subsidies.

(8) Participation in any course is subject to payment of a fee paid by the participants. The European Community College shall decide the amount of such a

fee. The Community College Council is entitled to lay down rules on minimum participation fee.

### *Grants towards operational expenditure*

4. The Community College Council may require that salary expenditure accounts for a minimum share of the grant.

5. European Community College grants are provided on the basis of the number of participants per year (cf. 6.3(1)). For European Community Colleges that have carried on activities during the entire Community College year ending the year before the financial year, the average number of participants per year in the Community College year ending in the financial year and the preceding Community College year is applied. The number of participants per year equals the sum of participants in each teaching week of the Community College year divided by 40. For other European Community Colleges, the annual number of participants of the financial year is applied. For European Community Colleges in this category the annual number of participants equals the sum of participants in each learning week in the financial year divided by 40.

(1) The annual appropriation act stipulates the average grant per participant per year.

(2) The Community College Fund shall allocate grants hereof to the European Community Colleges subject to their application. The Community College Council may lay down detailed rules on the distribution of the grants.

(3) European Community Colleges are granted pro rata subsidies on the basis of number of participants per year.

### *Accounts and audits*

7. The financial year of the European Community College is the calendar year. The accounts are drawn up and audited according to rules laid down by the Community College Council. The accounts are subject to auditing by a state-certified or chartered accountant.

(1) European Community Colleges provide an annual report once a year to the European Community College Council on its financial situation and the accomplishment of the goals.

*Article 7****Local grants***

1. The municipality, county, state or region in which the European Community College is situated may subsidise construction work and similar investment expenses when the European Community College is established or when it is expanded in future.
2. The municipality, county, state or region in which the European Community College is situated may subsidise European Community Colleges operational costs. <sup>(6)</sup>

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<sup>6</sup> This Act was produced by the participants at the Schools for Europe Community College, which was hosted by the Association for Community Colleges (ACC) in December 2001, Aabenraa, Denmark.

Andrzej Pater, Warsaw, Anna Nielsen, Ølstykke, Dainis Lasmanis, Riga, Dasa Bolcina, Trieste, Eva Valvo, Pisa, Helena Soares Silva, Espinho, Jan-Christoph Napierski, Haan, John Petersen, Aabenraa, Klara Tjernberg, Linköping, Levente Geczi, Brasov, Linda Jakobsone, Riga, Ljupco Efremov, Kratovo, Marzia Pistolesi, Ponsacco, Mjellma Mehmeti, Skopje, Orsolya Arros, Odorheiu, Peter Ciaccio, Rome, Rebeca Pavon de Paz, Collado Villalba, Sandra Salmina, Riga, Siebren de Boer, Ljouwert, Silvia Cardi, Pisa.