

P6_TA(2005)0395

Lifelong learning *I**

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing an integrated action programme in the field of lifelong learning (COM(2004)0474 – C6-0095/2004 – 2004/0153(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0474)¹,
 - having regard to Article 251(2) and Articles 149(4) and 150(4) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0095/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the opinion of the Committee of the Regions²,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Foreign Affairs, the Committee on Budgets, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (A6-0267/2005),
1. Approves the Commission proposal as amended;
 2. Points out that the appropriations indicated in the Commission proposal beyond the year 2006 are subject to the decisions to be taken on the next multiannual financial framework;
 3. Calls on the Commission, once the next multiannual financial framework is adopted, to present, if appropriate, a proposal to adjust the financial reference amount of the programme;
 4. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

² Not yet published in OJ.

P6-TC1-COD(2004)0153

Position of the European Parliament adopted at first reading on 25 October 2005 with a view to the adoption of Decision No .../2005/EC of the European Parliament and of the Council establishing an integrated action programme in the field of lifelong learning

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 149(4) and 150(4) thereof,

Having regard to the proposal from the *Commission*,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty³,

Whereas:

- (1) Council Decision *1999/382/EC*⁴ established the second phase of the Community vocational training action programme 'Leonardo da Vinci'.
- (2) Decision *No 253/2000/EC* of the European Parliament and of the Council⁵ established the second phase of the Community action programme in the field of education 'Socrates'.
- (3) Decision *No 2318/2003/EC* of the European Parliament and of the Council⁶ established a multi-annual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme).

¹ OJ C 221, 8.9.2005, p. 134.

² OJ C 164, 5.7.2005, p. 59.

³ *Position of the European Parliament of 25 October 2005.*

⁴ OJ L 146, 11.6.1999, p. 33. Decision as last amended by Regulation (EC) No. 885/2004 (*OJ L 168, 1.5.2004, p. 1*).

⁵ OJ L 28, 3.2.2000, p. 1. Decision as last amended by *Regulation (EC) No. 885/2004.*

⁶ OJ L 345, 31.12.2003, p. 9.

- (4) Decision No 791/2004/EC of the European Parliament and of the Council¹ established a Community action programme to promote bodies active at European level in the field of education and training and to support specific activities in this field.
- (5) Decision No 2241/2004/EC of the European Parliament and of the Council² established a single framework for the transparency of qualifications and competences (Europass).
- (6) ***Decision No 2317/2003/EC of the European Parliament and of the Council³ established a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004-2008).***
- (7) ***The great disparity in the performance of educational systems in the European Union, as illustrated in the PISA 2003 report, is a matter of concern.***
- (8) The Bologna Declaration, signed by the Ministers for Education of 29 European countries on 19 June 1999, established an intergovernmental process aimed at creating a ‘European Area of Higher Education’ by 2010, *requiring* support at Community level.
- (9) The special meeting of the European Council in Lisbon on 23-24 March 2000 set a strategic goal for the European Union to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion, and invited the Education Council to undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities while respecting national diversity.
- (10) ***An advanced knowledge society is the key to higher growth and employment rates. Education and training are essential priorities for the European Union in order to achieve the Lisbon goals.***

¹ OJ L 138, 30.4.2004, p. 31.

² OJ L 390, 31.12.2004, p. 6.

³ ***OJ L 345, 31.12.2003, p. 1.***

- (11) On 12 February 2001 the Council adopted a report on the concrete future objectives of education and training systems. On 14 June 2002 it subsequently adopted a detailed work programme on the follow-up of these objectives, requiring support at Community level.
- (12) The meeting of the European Council in Göteborg on 15-16 June 2001 agreed a strategy for sustainable development and added an environmental dimension to the Lisbon process for employment, economic reform and social cohesion.
- (13) The meeting of the European Council in Barcelona on 15-16 March 2002 set the objective of making European Union education and training systems a world quality reference by 2010, and called for action to improve the mastery of basic skills, in particular by teaching at least two foreign languages from a very early age.
- (14) The Commission Communication “*Making a European Area of Lifelong Learning a Reality*” and the Council Resolution of 27 June 2002 on lifelong learning¹ affirm that lifelong learning should be enhanced by actions and policies developed within the framework of Community programmes in this field.
- (15) ***In its resolution on the above-mentioned Commission Communication², Parliament welcomed the European Investment Bank (EIB) i2i initiative, which extended its mandate to the granting of study loans to improve educational opportunities, and called on the Commission and Member States to facilitate EIB lending for lifelong learning.***
- (16) The Council Resolution of 19 December 2002 on the promotion of enhanced European cooperation in vocational education and training³ established a process of enhanced European cooperation in vocational education and training, requiring support at Community level. The Copenhagen Declaration, agreed by the Ministers for Education of 31 European countries on 30 November 2002, associated the social partners and the candidate countries *with* this process.

¹ OJ C 163, 9.7.2002, p. 1.

² ***OJ C 272 E, 13.11.2003, p. 449.***

³ OJ C 13, 18.1.2003, p. 2.

- (17) The Communication from the Commission on the Action Plan for skills and mobility noted the continuing need for action at European level to improve the recognition of education and training qualifications.
- (18) The Communication from the Commission on the Action Plan promoting language learning and linguistic diversity set out actions to be taken at European level during the period 2004-2006 and requires follow-up action.
- (19) *Promoting the teaching and learning of languages and linguistic diversity, including the official languages of the Community and its regional and minority languages, should be a priority of Community action in the field of education and training. Such action is particularly important in border regions of the Member States in relation to the languages used in neighbouring regions of other Member States.*
- (20) The interim evaluation reports of the existing Socrates and Leonardo da Vinci programmes and the public consultation on the future of Community activity in education and training revealed a strong and in some respects growing need for continuing cooperation and mobility in these fields at European level. They emphasised the importance of creating closer links between Community programmes and policy developments in education and training, expressed the wish that Community action should be structured so as to respond better to the lifelong learning paradigm, and pressed for a simpler, more user-friendly and more flexible approach to implementing such action.
- (21) Significant advantages would accrue from integrating Community support for trans-national cooperation and mobility in the fields of education and training into a single programme, which would permit greater synergies between the different fields of action, and offer more capacity to support developments in lifelong learning, and more coherent, streamlined and efficient modes of administration. *A single programme would also encourage better cooperation between the various levels of education.*

- (22) An Integrated Programme should therefore be established to contribute through lifelong learning to the development of the European Union as an advanced knowledge society, with sustainable economic development, more and better *jobs*, *greater* social cohesion ***and a culture of respect for human rights and democracy.***
- (23) Given the specificities of the schools, higher education, vocational training and adult education sectors, and the consequent need for Community action to be based on objectives, forms of action and organisational structures tailored to them, it is appropriate to retain individual programmes within the framework of the Integrated Programme targeted at each of these four sectors, while maximising the coherence and commonality between them.
- (24) In its Communication “Building our common Future: Policy challenges and Budgetary means of the Enlarged Union 2007-2013”, the Commission set out a sequence of quantified targets to be achieved by the new generation of Community education and training programmes, which require a significant increase in mobility and partnership actions.
- (25) Given the demonstrated beneficial impacts of trans-national mobility on individuals and on education and training systems, the high volume of unfulfilled demand for mobility in all sectors, and its importance in the context of the Lisbon target, it is necessary to increase substantially the volume of support for trans-national mobility in the four sectoral programmes.
- (26) ***The standard Erasmus student mobility grant has remained at an average of about EUR 150 per month since 1993. In real terms, this represents a 25% cut in its value, and acts as an ever greater obstacle to participation of less privileged students in the programme. In order to cover more adequately the real additional costs borne by students studying abroad, the standard student mobility grant should be increased incrementally over the lifetime of the programme, from EUR 210 per month in 2007 to EUR 300 per month in 2013.***

- (27) *More provision should be made for the mobility needs of individual school pupils at secondary level and of individual adult learners, hitherto not covered by Community programmes, by introducing new types of mobility action into the Comenius and Grundtvig sub-programmes. The opportunities offered by individual teacher mobility for the development of long-term cooperation between schools in neighbouring regions should also be exploited more fully. Over the lifetime of the Integrated Programme, the Comenius sub-programme should aim to involve approximately 10 000 secondary pupils in individual mobility, and the participation of approximately 10 000 teachers in individual mobility between schools, especially in adjacent regions.*
- (28) *Small- and medium-sized enterprises play an important role in the European economy. Hitherto, however, participation by such enterprises in the Leonardo programme has been limited. Steps should be taken to improve the attractiveness of Community action to such enterprises, in particular by ensuring that more mobility opportunities are available for apprentices. Suitable arrangements, analogous to those that exist under Erasmus, should be made for the recognition of the outcomes of such mobility.*
- (29) *Given the particular educational challenges facing the children of occupational travellers and mobile workers in Europe, full use should be made of the opportunities available under the Comenius programme to support transnational activities targeted at their needs.*
- (30) *Increased mobility throughout Europe, far from undermining quality, must on the contrary consistently be accompanied by constantly higher standards.*
- (31) *If the Erasmus Mundus programme is to be incorporated as an element of the integrated programme, the total budget must be increased accordingly.*
- (32) In order to respond to the increased need to support activities at European level designed to achieve these policy objectives, to provide a means of supporting trans-sectoral activity in the fields of languages and ICT, and to strengthen the dissemination and exploitation of results of the programme, it is appropriate to complement the four sectoral programmes with a transversal programme.
- (33) In order to respond to the increasing need for knowledge and dialogue *about* the European integration process and its development, it is important to stimulate excellence in teaching, research and reflection in this field by supporting higher education institutions specialising in the study of the European integration process, European associations in the fields of education and training and the Jean Monnet Action.

- (34) It is necessary to provide sufficient flexibility in the formulation of this Decision to allow for appropriate adjustments in the actions of the Integrated Programme to respond to changing needs during the period 2007 to 2013, and to avoid the inappropriately detailed provisions of previous phases of Socrates and Leonardo da Vinci.
- (35) In all its activities, the Community must eliminate inequalities, and promote equality, between men and women, as provided for in Article 3 of the Treaty.
- (36) Further to Article 151 of the Treaty, the Community must take cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures. ***Particular attention should be paid to the synergy between culture and other fields such as education. Intercultural dialogue should also be encouraged.***
- (37) There is a need to promote active citizenship ***and respect for human rights and democracy***, and to step up the fight against exclusion in all its forms, including racism and xenophobia.
- (38) ***Special attention should be given to groups which are under represented in education and training systems in the European Union.***
- (39) The special learning needs of people with disabilities should be actively addressed ***in the implementation of all parts of the programme, including through the use of higher grants to reflect the additional costs of disabled participants, and the provision of support for the learning and use of sign languages and braille.***
- (40) ***Note should be taken of the achievements of the European Year of Education through Sport (2004) and of the potential educational benefits of cooperation between educational institutions and sports organisations that the Year highlighted.***
- (41) The candidate countries for membership of the European Union and the EFTA countries which are members of the EEA may participate in Community programmes in accordance with agreements to be signed between the Community and *those* countries.

- (42) The European Council in Thessaloniki on 19 and 20 June 2003 *endorsed* the Council conclusions of 16 June on the Western Balkans, including its annex “The Thessaloniki Agenda for the Western Balkans: moving towards European integration”, which provides that Community programmes should be opened to the Stabilisation and Association Process countries on the basis of framework agreements to be signed between the Community and those countries.
- (43) The Community and the Swiss Confederation have declared their intention of undertaking negotiations to conclude agreements in areas of common interest such as Community education, training and youth programmes.
- (44) The Integrated Programme should be regularly monitored and evaluated in cooperation between the Commission and the Member States in order to allow for readjustments, particularly with respect to the priorities for implementing the measures. The evaluation should include an external evaluation to be conducted by independent, impartial bodies.
- (45) *The European Parliament Resolution of 28 February 2002* on the implementation of the Socrates Programme¹ drew attention to the disproportionately onerous administrative procedures for grant applicants under the second phase of the programme.
- (46) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities² and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002³ laying down detailed rules for the implementation of *Regulation (EC, Euratom) No 1605/2002*, which safeguard the Community’s financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

¹ OJ C 293 E, 28.11.2002, p. 103.

² OJ L 248, 16.9.2002, p. 1.

³ OJ L 357, 31.12.2002, p. 1. *Regulation as last amended by Regulation (EC, Euratom) No 1261/2005 (OJ L 201, 2.8.2005, p. 3).*

- (47) ***Radical administrative simplification of application procedures is essential for the successful implementation of the programme. In the absence of an appropriate legal framework, administrative and accounting requirements should be proportionate to the size of the grant.***
- (48) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.
- (49) Since the objectives of the proposed action concerning the contribution of European cooperation to quality education and training cannot be sufficiently achieved by the Member States because of the need for multilateral partnerships, trans-national mobility and Community-wide exchanges of information, and can therefore, by reason of the nature of the actions and measures necessary, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (50) This Decision *lays down*, for the entire duration of the programme, a financial framework *constituting the prime* reference, within the meaning of point 33 of the *Interinstitutional Agreement* of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure¹, *for the budgetary authority during the annual budgetary procedure.*
- (51) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission²

HAVE DECIDED AS FOLLOWS:

¹ OJ C 172, 18.6.1999, p. 1.

² OJ L 184, 17.7.1999, p. 23.

TITLE I
GENERAL PROVISIONS

Chapter I
The Integrated Programme

Article 1
Establishment of the Integrated Programme

1. This Decision establishes an integrated programme for Community action in the field of lifelong learning, hereinafter referred to as ‘the Integrated Programme’.
2. The general objective of the Integrated Programme is to contribute through lifelong learning to the development of the Community as an advanced knowledge society, with sustainable economic development, more and better jobs and greater social cohesion, while ensuring good protection of the environment for future generations. In particular, it aims to foster interchange, cooperation and mobility between education and training systems within the Community so that they become a world quality reference.
3. The Integrated Programme shall have the following specific objectives:
 - (a) to contribute to the development of quality lifelong learning *and to the convergence of educational systems in the Member States towards higher quality standards* and to promote innovation and a European dimension in systems and practices in the field;
 - (b) *to create interaction between companies, training providers, higher education establishments and scientists in order to provide education and training of the best quality;*
 - (c) *to support the realisation of a European area of lifelong learning;*
 - (d) to help improve the quality, attractiveness and accessibility of the opportunities for lifelong learning available within Member States;
 - (e) to reinforce the contribution of lifelong learning to personal fulfilment, social cohesion, active citizenship, *intercultural dialogue*, gender equality and the participation of people with special needs;
 - (f) to help promote creativity, competitiveness, employability and the growth of an entrepreneurial spirit;

- (g) to contribute to increased participation in lifelong learning by people of all ages ***and regardless of social and academic background, paying special attention to sections of the population that are under represented in education and training in Europe;***
 - (h) to promote language learning and linguistic diversity;
 - (i) to reinforce the role of lifelong learning in creating a sense of European citizenship, ***based on understanding and respect for human rights and democracy,*** and encouraging tolerance and respect for other peoples and cultures;
 - (j) to promote co-operation in quality assurance in all sectors of education and training in Europe;
 - (k) to exploit results, innovative products and processes and to exchange good practice in the fields covered by the Integrated Programme ***in order to improve the quality of education and training through identification of best practices.***
4. In accordance with the administrative provisions set out in the Annex, the Integrated Programme shall support and supplement action taken by the Member States.
 5. As set out in Article 2, the objectives of the Integrated Programme shall be pursued through the implementation of four sectoral programmes, one transversal programme, and the Jean Monnet programme, hereinafter collectively referred to as ‘the Specific Programmes’.
 6. This Decision shall be implemented over the period from 1 January 2007 until 31 December 2013. However, preparatory measures, including decisions by the Commission in accordance with Article 9, may be implemented as from the entry into force of this Decision.
 7. The provisions of this Decision relating to the Integrated Programme shall also govern the Specific Programmes, to which specific provisions shall also apply.

Article 2
Specific Programmes

1. The sectoral programmes shall be the following:
 - (a) the Comenius programme, which shall address the teaching and learning needs of all those in pre-school and school education up to the level of the end of upper secondary education, and the institutions and organisations providing such education;
 - (b) the Erasmus programme, which shall address the teaching and learning needs of all those in formal higher education and vocational education and training at tertiary level, whatever the length of their course or qualification may be and including doctoral studies, and the institutions and organisations providing such education and training;
 - (c) the Leonardo da Vinci programme, which shall address the teaching and learning needs of all those in vocational education and training including initial and continuing vocational training, other than advanced vocational education and training at tertiary level, as well as the institutions and organisations providing or facilitating such education and training;
 - (d) the Grundtvig programme, which shall address the teaching and learning needs of those in all forms of adult education, as well as the institutions and organisations providing or facilitating such education.
2. The transversal programme shall comprise the following four key activities:
 - (a) policy cooperation in lifelong learning within the Community;
 - (b) promotion of language learning;
 - (c) development of innovative ICT-based content, services, pedagogies and practice for lifelong learning;
 - (d) dissemination and exploitation of results of actions supported under the programme and previous related programmes, and exchange of good practice.

3. The Jean Monnet programme shall support institutions and activities in the field of European integration. It shall comprise the following three key activities:
 - (a) the Jean Monnet Action;
 - (b) operating grants to support specified institutions dealing with issues relating to European integration;
 - (c) operating grants to support other European institutions and associations in the fields of education and training.

4. In addition to the objectives set out in Article 1, the Specific Programmes shall have the following specific objectives:
 - (a) the Comenius programme:
 - (i) to develop understanding among young people and educational staff of the diversity of European cultures *and languages* and their value;
 - (ii) to help young people acquire the basic life-skills and competences necessary for their personal development, for future employment and for active European citizenship;
 - (b) the Erasmus programme:
 - (i) to support the realisation of a European Higher Education Area;
 - (ii) to reinforce the contribution of higher education and advanced vocational education to the process of innovation;
 - (c) the Leonardo da Vinci programme:
 - (i) to facilitate adaptation to labour market changes *and requirements* and to the evolution of skills needs;
 - (ii) *to facilitate the mobility of working students;*
 - (iii) *to enhance the attractiveness of vocational education and training and mobility for employers and individuals;*

- (d) the Grundtvig programme:
 - (i) to respond to the educational challenge of an ageing population in Europe;
 - (ii) to help provide adults with alternative pathways to improving their knowledge and competences;
- (e) the transversal programme:
 - (i) to promote European cooperation in fields covering two or more sectoral programmes;
 - (ii) to promote the convergence of Member States' education and training systems;
- (f) the Jean Monnet programme:
 - (i) to stimulate teaching, research and reflection activities in the field of European integration studies;
 - (ii) to support the existence of an appropriate range of institutions and associations focusing on issues relating to European integration and on education and training in a European perspective.

Article 3 Definitions

For the purpose of this Decision, the following definitions shall apply:

1. "pre-school" means organised educational activity undertaken before the start of obligatory primary schooling;
2. "pupil" means a person enrolled in a learning capacity at a school;

3. “school” means all types of institutions providing general (nursery or other pre-school, primary or secondary), vocational and technical education and, exceptionally, in the case of measures to promote language learning, non-school institutions providing apprenticeship training;
4. “teachers/educational staff” means persons who, through their duties, are involved directly in the educational process in the Member States;
5. “student” means a person registered in a higher education institution, whatever their field of study, in order to follow higher education studies leading to a degree or diploma, up to and including the level of doctorate;
6. “higher education institution” means:
 - (a) any type of higher education institution, according to national legislation or practice, which offers qualifications or diplomas at that level, whatever such establishments may be called in the Member States;
 - (b) any institution providing advanced vocational training at International Standard Classification of Education (ISCED) levels 5 or 6;
7. “Joint Masters” means Masters courses in higher education that:
 - (a) involve a minimum of three higher education institutions from three different Member States;
 - (b) implement a study programme which involves a period of study in at least two of those three institutions;
 - (c) have built-in mechanisms for the recognition of periods of study undertaken in partner institutions based on, or compatible with, the European credit transfer system;
 - (d) result in the awarding of joint, double or multiple degrees, recognised or accredited by the Member States, from the participating institutions;

8. “initial vocational training” means any form of initial vocational training, including technical and vocational teaching, apprenticeship and vocationally oriented education, which contributes to the achievement of a vocational qualification recognised by the competent authorities in the Member State in which it is obtained;
9. “continuing vocational training” means any vocational training undertaken by a person in the Community during his or her working life;
10. “adult education” means all forms of non-vocational adult learning, whether of a formal, non-formal or informal nature;
11. “study visit” means a short-term visit, made to study a particular aspect of lifelong learning in another Member State, to exchange good practice or to learn a new methodology or skill;
12. “mobility” means moving physically to another country, in order to undertake study, work experience, other learning or teaching activity or related administrative activity, supported as appropriate by preparatory *or refresher courses* in the host language;
13. “placement” means a stay in an enterprise or organisation in another Member State, supported as appropriate by preparatory *and refresher courses* in the host language, with a view *to facilitating adaptation to the requirements of the Community-wide labour market*, to acquiring a specific skill or to improving understanding of the economic and social culture of the country concerned;
14. “unilateral” means involving a single institution;
15. “bilateral” means involving partners from two Member States;
16. “multilateral” means involving partners from at least three Member States. The Commission may regard associations or other bodies with membership from three Member States or more as multilateral;

17. “partnership” means a bilateral or multilateral agreement between a group of institutions or organisations in different Member States to carry out joint European activities in lifelong learning;
18. “network” means a formal or informal grouping of bodies active in a particular field, discipline or sector of lifelong learning;
19. “project” means a cooperation activity developed jointly by a formal or informal grouping of organisations or institutions;
20. “project coordinator” means the organisation or institution in charge of the implementation of the project by the multilateral grouping which signs the grant agreement with the Commission;
21. “project partners” means the organisations or institutions other than the coordinator, which form the multilateral grouping;
22. “enterprise” means all undertakings in the public or private sector whatever their size, legal status or the economic sector in which they operate, and all types of economic activities, including the social economy;
23. “social partners” means, at national level, employers’ and workers’ organisations in conformity with national laws and/or practices and, at Community level, employers’ and workers’ organisations taking part in the social dialogue at Community level;
24. “learning provider” means all institutions or organisations providing lifelong learning within the context of the Integrated Programme, or within the limits of its Specific Programmes;
25. “guidance and counselling” means a range of activities such as information, assessment, orientation and advice to assist learners *and teaching staff* to make choices relating to education and training programmes or employment opportunities;

26. “dissemination and exploitation of results” means activities designed to ensure that the results of the Integrated Programme and its predecessors are appropriately recognised, demonstrated and implemented on a wide scale;
27. “lifelong learning” means all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences within a personal, civic, social and/or employment-related perspective. It includes the provision of counselling and guidance services.

Article 4
Access to the Integrated Programme

Those referred to below and operating in accordance with the legislation of the Member States shall have access to the Integrated Programme:

- (a) pupils, students, trainees and adult learners;
- (b) staff involved in any aspect of lifelong learning;
- (c) people in the labour market;
- (d) learning providers;
- (e) the persons and bodies responsible for systems and policies concerning any aspect of lifelong learning at local, regional, national ***and European*** level;
- (f) enterprises, social partners and their organisations at all levels, including trade organisations and chambers of commerce and industry;

- (g) bodies providing guidance, counselling and information services relating to any aspect of lifelong learning;
- (h) associations working in the field of lifelong learning, including students', trainees', pupils', teachers', parents' and adult learners' associations;
- (i) research centres and bodies concerned with lifelong learning issues;
- (j) *non-profit-making* organisations, voluntary bodies, non-governmental organisations ("NGOs").

Article 5
Community actions

1. The Integrated Programme shall comprise support for the following actions:
 - (a) the mobility of people in lifelong learning in Europe ***including support through grants for mobility and grants for the organisation of mobility to higher education institutions, promoters of mobility and enterprises sending and/or receiving persons (for example the organisation and management of projects and provisions necessary for high-quality mobility)***;
 - (b) bilateral and multilateral partnerships;
 - (c) multilateral projects designed to ***develop and improve the quality of*** national education and training systems;
 - (d) unilateral and national projects;
 - (e) multilateral projects and networks;

- (f) observation and analysis of policies and systems in the field of lifelong learning, the establishment of reference material, including surveys, statistics, analyses and indicators, action to support transparency and recognition of qualifications and prior learning, and action to support cooperation in quality assurance **and to support pilot projects to develop innovative approaches to increase the employability of learners within Europe;**
 - (g) operating grants to support certain operational and administrative costs of organisations active in the field covered by the Integrated Programme;
 - (h) other initiatives in line with the objectives of the Integrated Programme ('Accompanying Measures').
2. Community support may be awarded for preparatory **and refresher** visits in respect of any of the actions set out in this Article.
 3. The Commission may organise such seminars, colloquia or meetings as are likely to facilitate the implementation of the Integrated Programme, and undertake appropriate information, publication and dissemination actions **and actions to increase acceptance of the Programme**, as well as programme monitoring and evaluation.
 4. The actions referred to in this Article may be implemented by means of calls for proposals, calls for tenders, or directly by the Commission.

Article 6
Tasks of the Commission and the Member States

1. The Commission shall ensure the implementation of the Community actions provided for by the Integrated Programme.
2. The Member States shall
 - (a) take the necessary steps to ensure the *effective and* efficient running of the Integrated Programme at Member State level, involving all the parties concerned with all aspects of lifelong learning in accordance with national practice;
 - (b) establish or designate and monitor an appropriate structure for the coordinated management of the implementation of the Integrated *Programme* actions at Member State level (national agencies), including budgetary management, in conformity with the provisions of Article 54(2)(c) of *Regulation* (EC, Euratom) No 1605/2002 and of Article 38 of *Regulation* (EC, Euratom) No 2342/2002, in accordance with the following criteria:
 - (i) an organisation established or designated as a national agency shall have legal personality, and be governed by the law of the Member State concerned. A ministry may not be designated as a national agency;
 - (ii) national agencies must have an adequate number of staff, with professional and linguistic capacities appropriate for work in an environment of international cooperation in the field of education and training;
 - (iii) they must have an appropriate infrastructure, in particular as regards information technology and communications;
 - (iv) they must operate in an administrative context which enables them to carry out their tasks satisfactorily and to avoid conflicts of interest;
 - (v) they must be in a position to apply the financial management rules and contractual conditions laid down at Community level;
 - (vi) they must offer adequate financial guarantees, issued preferably by a public authority, and their management capacity must be appropriate to the level of Community funds they will be called upon to manage;

- (c) take responsibility for the proper management by the national agencies referred to in sub-paragraph (b) above of credits transferred to national agencies to support projects, and in particular for the respect by national agencies of the principles of transparency *and* equality of treatment, *of* the avoidance of double-funding with other sources of Community funds, and of the obligation to monitor projects and to recover any funds due for reimbursement by beneficiaries;
- (d) take the necessary steps to ensure the appropriate audit and financial oversight of the national agencies referred to under sub-paragraph (b) above, and in particular:
 - (i) before the national agency starts work, provide the Commission with the necessary assurances as to the existence, relevance and proper operation within it, in accordance with the rules of sound financial management, of the procedures applied, the control systems, the accounting systems and the procurement and grant award procedures;
 - (ii) provide the Commission with a declaration of assurance each year as to the reliability of the financial systems and procedures of the national agencies, and the probity of their accounts;
- (e) in the event of irregularity, negligence or fraud imputable to a national structure established or designated under sub-paragraph (b) above, and where this gives rise to claims by the Commission *against* the national agency which are not completely recovered, be responsible for the funds not recovered;
- (f) designate upon request from the Commission the learning providers or the types of learning providers to be considered eligible to participate in the Integrated Programme in their respective territories;
- (g) adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Integrated Programme;
- (h) *disseminate information about the programmes through the most appropriate media so as to make it more readily accessible to the specific groups at whom it is aimed;*
- (i) take steps to ensure that potential synergies with other Community programmes and financial instruments and with other relevant programmes operating in the Member State in question are realised at Member State level.

3. The Commission, in cooperation with the Member States, shall ensure
 - (a) the transition between the actions carried out within the context of the preceding programmes in the fields of education, training and lifelong learning and those to be implemented under the Integrated Programme;
 - (b) the adequate protection of the Communities' financial interests, in particular by introducing effective, proportionate and dissuasive measures, administrative checks and penalties;
 - (c) appropriate information, publicity and follow-up with regard to actions supported under the Integrated Programme.

Article 7
Participation of third countries

1. The Integrated Programme shall be open to the participation of:
 - (a) EFTA countries which are members of the EEA, in accordance with the conditions laid down in the EEA Agreement;
 - (b) Turkey and the candidate countries of Central and Eastern Europe benefiting from a pre-accession strategy, in accordance with the general principles and general terms and conditions for the participation of these countries in Community programmes established in the respective Framework Agreement and Association Council Decisions;
 - (c) the countries of the Western Balkans, in accordance with the provisions to be determined with *those* countries following the establishment of framework agreements concerning their participation in Community programmes;
 - (d) the Swiss Confederation, on the basis of a bilateral agreement to be concluded with *that* country.
2. Key activity 1 of the Jean Monnet programme referred to in Article 2(3)(a) shall also be open to higher education institutions in any other third country.
3. Third countries participating in the Integrated Programme shall be subject to all the obligations and will fulfil all the tasks set out in this Decision in relation to Member States.

Article 8
International cooperation

Under the Integrated Programme, and in accordance with Article 9, the Commission may cooperate with third countries and with the competent international organisations, in particular the Council of Europe, the Organisation for Economic Co-operation and Development (OECD) and the United Nations Educational, Scientific and Cultural *Organization* (UNESCO).

Chapter II
Implementation of the Integrated Programme

Article 9
Implementing measures

1. The measures necessary for the implementation of the Integrated Programme relating to the following matters shall be adopted by the Commission, in accordance with the management procedure referred to in Article 10(2):
 - (a) the annual plan of work;
 - (b) the annual budget and the distribution of funds between the Specific Programmes;
 - (c) the arrangements for ensuring internal consistency within the Integrated Programme;
 - (d) the arrangements for monitoring and evaluating the Integrated Programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of all matters within Title I other than those specified in paragraph 1 of this Article shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Article 10
Committee

1. The Commission shall be assisted by a Committee, hereinafter referred to as “the Committee”.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at two months.

3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The Committee shall adopt its rules of procedure.
5. Member States may not be represented by persons employed in, or having operational responsibility for, national agencies referred to in Article 6(2)(b).

Article 11
Social partners

1. Whenever the Committee is consulted on any matter concerning the application of this Decision in relation to vocational education and training, representatives of the social partners, appointed by the Commission on the basis of proposals from the European social partners, may participate in the work of the Committee as observers. The number of such observers shall be equal to the number of representatives of the Member States.
2. Such observers shall have the right to request that their position be recorded in the minutes of the *proceedings* of the Committee.

Article 12
Horizontal issues

In implementing the Integrated Programme, due regard shall be paid to ensuring that it contributes fully to furthering the horizontal policies of the Community, in particular by:

- (a) promoting an awareness of the importance of cultural *and linguistic* diversity and *multiculturalism* within Europe, as well as of the need to combat *prejudice*, racism and xenophobia;
- (b) making provision for learners with special needs, and in particular by helping to promote their integration into mainstream education and training;
- (c) promoting an awareness of the importance of contributing to sustainable economic development;
- (d) promoting equality between men and women and contributing to combating all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 13
Joint Actions

As part of the process of building up a Europe of knowledge, the actions supported under the Integrated Programme may be implemented in accordance with the procedures referred to in Article 10(2) jointly with related Community programmes and actions, particularly those in the field of culture, the media, youth, research and development, employment, enterprise, environment and information and communication technologies.

Article 14
Consistency and complementarity

1. The Commission shall, in cooperation with the Member States, ensure overall consistency and complementarity with other relevant Community policies, instruments and actions, in particular with the European Social Fund, with the human resource and mobility actions of the Community's Framework Programme in research and development, and with the Community's statistical programme. The Commission shall ensure an efficient link-up between the Integrated Programme and the programmes and actions in the area of education and training undertaken within the framework of the Community's pre-accession instruments, other cooperation with third countries and the competent international organisations.
2. The Commission shall keep the Committee regularly informed about other relevant Community initiatives taken in the field of lifelong learning, including cooperation with third countries and international organisations.
3. In implementing actions under the Integrated Programme, the Commission and the Member States shall have regard to the priorities set out in the employment guidelines adopted by the Council, as part of a coordinated employment strategy.
4. In partnership with the European social partners, the Commission shall endeavour to develop an appropriate coordination between the Integrated Programme and the social dialogue at Community level, including at sectoral levels.
5. In implementing the Integrated Programme, the Commission shall secure the assistance as appropriate of the European Centre for the Development of Vocational Training (*CEDEFOP*) in areas related to its competence and in accordance with the arrangements set out in Regulation (EEC) No 337/75 of the Council¹. Where appropriate, the Commission may also secure the support of the European Training Foundation within the scope of its mandate and in accordance with the arrangements set out in Council Regulation (EEC) No 1360/90, of 7 May 1990².
6. The Commission shall keep the Advisory Committee on Vocational Training regularly informed of relevant progress under the Leonardo da Vinci *programme*.

¹ OJ L 39, 13.2.1975, p. 1. Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).

² OJ L 131, 23.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 1648/2003 (OJ L 245, 29.9.2003, p. 22).

Chapter III
Financial provisions - Evaluation

Article 15
Funding

1. The *indicative* financial framework for the implementation of ***this Decision for the period of 7 years as from 1 January 2007*** is set at ***EUR 14 377*** million. *Within this framework, the allocations* to be committed to the Comenius, Erasmus, Leonardo da Vinci and Grundtvig programmes shall not be less than as set out in point B.9 of the Annex. Those *allocations* may be amended by the Commission in accordance with the procedures referred to in Article 10(2).
2. Up to 1% of the budget of the Integrated Programme may be used to support the participation in partnership, project and network actions organised under the Integrated Programme of partners from third countries which do not participate in the Integrated Programme under the provisions of Article 7.
3. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 16
Monitoring and evaluation

1. The Commission shall regularly monitor the Integrated Programme in cooperation with the Member States. This monitoring shall include the reports referred to in paragraph 4 and specific activities.
2. The Commission shall arrange for regular independent external evaluations of the Integrated Programme.
3. Member States shall submit to the Commission by 30 June 2010 and 30 June 2015, respectively, reports on the implementation and the impact of the Integrated Programme.

4. The Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions:
 - (a) an interim evaluation report on the results achieved and on the qualitative and quantitative aspects of the implementation of the Integrated Programme by 31 March 2011;
 - (b) a communication on the continuation of the Integrated Programme by 31 December 2011;
 - (c) an *ex-post* evaluation report by 31 March 2016.

TITLE II
THE SPECIFIC PROGRAMMES

Chapter I
The Comenius programme

Article 17
Access to the Comenius programme

Within the framework of the Integrated Programme, the Comenius programme is aimed at:

- (a) pupils in pre-school and school education up to the end of upper secondary education;
- (b) schools, as specified by Member States;
- (c) teaching, support and administrative staff within those schools;
- (d) associations and representatives of those involved in school education;
- (e) public and private organisations responsible for the organisation and delivery of education at local, regional and national levels;
- (f) research centres and bodies concerned with lifelong learning issues;
- (g) higher education institutions.

Article 18
Operational objectives

In addition to the objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the Comenius programme shall be:

- (a) *to promote the convergence of the educational systems of Member States towards higher quality standards, in particular through the exchange and dissemination of good practice;*
- (b) to increase the volume and improve the quality of exchanges involving pupils and educational staff in different Member States;
- (c) to increase the volume and improve the quality of partnerships between schools in different Member States, so as to involve at least **1** pupil in **15** in joint educational activities during the period of the programme;
- (d) to encourage the learning of *foreign languages, that is to say, a second or additional* foreign language;
- (e) to reinforce the quality and European dimension of teacher training;
- (f) to improve pedagogical approaches and school management.

Article 19
Actions

1. The following actions may be supported by the Comenius programme:
 - (a) mobility of individuals as referred to in Article 5(1)(a). In arranging for or supporting the organisation of such mobility, the necessary preparatory measures shall be adopted and care shall be taken to ensure that adequate supervision and support is available for young people in mobility. Such mobility may include:
 - (i) exchanges of pupils and staff;
 - (ii) placements in schools or enterprises abroad for pupils or for educational staff;

- (iii) participation in training courses for teachers;
 - (iv) study and preparatory visits for mobility, partnership, project or network activities;
 - (v) assistantships for teachers and potential teachers;
- (b) development of partnerships as referred to in Article 5(1)(b) between:
- (i) *schools, with a view to developing joint learning projects between the pupils ('Comenius school partnerships')*
 - (ii) *organisations responsible for any aspect of school education, with a view to fostering regional cooperation ('Comenius-Regio partnerships');*
- (c) multilateral cooperation projects as referred to in Article 5(1)(e). They may include projects aimed at:
- (i) developing, promoting and disseminating *educational best practices, including new* teaching methods or materials;
 - (ii) developing or exchanging experience on systems of providing information or guidance particularly adapted to the learners *and teaching staff* concerned by the Comenius programme;
 - (iii) developing, promoting and disseminating new teacher training courses or course content;
- (d) networks as referred to in Article 5(1)(e). They may include networks aimed at:
- (i) developing education in the discipline or subject area in which they operate, for their own benefit and for that of education more widely;
 - (ii) acquiring and disseminating relevant good practice and innovation;
 - (iii) providing content support to projects and partnerships set up by others;
 - (iv) promoting the development of needs analysis and its practical applications within school education;

- (e) other initiatives aimed at promoting the objectives of the Comenius programme as referred to in Article 5(1)(h) ('Accompanying Measures').
2. The operational details of the actions referred to in paragraph 1 shall be decided in accordance with the procedure referred to in Article 10(2).

Article 20 Budget

Not less than 85% of the budget available for the Comenius programme shall be devoted to support for mobility as referred to in Article 19(1)(a) and for Comenius partnerships as set out in Article 19(1)(b).

Article 21 Implementing measures

1. The measures necessary for the implementation of the Comenius programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2):
 - (a) the annual plan of work;
 - (b) the annual budget and the distribution of funds between the various actions of the Comenius programme;
 - (c) the general guidelines for implementing the Comenius programme, the selection criteria and procedures;
 - (d) the distribution of funds among the Member States for the actions to be managed through the "National agency procedure" set out in the Annex;
 - (e) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the Comenius programme relating to all matters other than those specified in paragraph 1 shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Chapter II The Erasmus programme

Article 22 Access to the Erasmus programme

Within the framework of the Integrated Programme, the Erasmus programme is aimed at:

- (a) students and trainees learning in all forms of higher education and advanced vocational education and training (ISCED levels 5 and 6);
- (b) higher education institutions, as specified by Member States;
- (c) teaching and administrative staff within those institutions;
- (d) associations and representatives of those involved in higher education, including relevant student, university, and teacher/trainer associations;
- (e) enterprises, social partners and other representatives of working life;
- (f) public and private organisations responsible for the organisation and delivery of education and training at local and regional levels;
- (g) research centres and bodies concerned with lifelong learning issues.

Article 23 Operational objectives

In addition to the objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the Erasmus programme shall be:

- (a) to increase the volume and improve the quality of student and teaching staff mobility throughout Europe, so as to contribute to the achievement by 2011 of at least 3 million individual participants in student mobility under the Erasmus and its predecessor programmes;

- (b) to increase the volume and improve the quality of multilateral cooperation between higher education institutions in Europe;
- (c) to increase the degree of convergence of higher education and advanced vocational education qualifications gained in Europe;
- (d) to foster co-operation between higher education institutions and enterprises.

Article 24
Actions

1. The following actions may be supported by the Erasmus programme:

- (a) mobility of individuals as referred to in Article 5(1)(a). Such mobility may include:
 - (i) mobility of students for studies or training abroad in higher education institutions, as well as placements in enterprises, training centres or other organisations;
 - (ii) mobility of teaching staff in higher education institutions in order to teach or receive training in a partner institution abroad;
 - (iii) mobility of other staff in higher education institutions and staff of enterprises for purposes of training or teaching;
 - (iv) Erasmus intensive programmes organised on a multilateral basis.

Support may also be awarded to the home and host higher education institutions or enterprises for action to ensure quality at all stages of the mobility arrangements, including *preparatory and refresher language courses*.

- (b) joint projects as referred to in Article 5(1)(e), focusing *inter alia* on innovation and experimentation in the areas mentioned in the specific and operational objectives;
 - (c) networks as referred to in Article 5(1)(e) run by consortia of higher education institutions and representing a discipline or a cross-disciplinary field, ('Erasmus thematic networks') which aim to develop new learning concepts and competencies. Such networks may also include representatives from other public bodies or from enterprises or associations;
 - (d) other initiatives aimed at promoting the objectives of the Erasmus programme, as referred to in Article 5(1)(h) ('Accompanying Measures').
2. Individuals participating in mobility under paragraph 1(a)(i) ('Erasmus students') shall be:
- (a) students in higher education institutions who, after completing at least their first year of studies, spend a study period in another Member State within the framework of the mobility Action of the Erasmus programme, regardless whether they have been awarded financial support under that programme. Such periods shall be fully recognised under the interinstitutional agreements between the sending and host institutions. The host institutions shall not charge tuition fees to such students;
 - (b) students enrolled on Joint Masters programmes in a country other than the one in which they gained their *Bachelor's* degree;
 - (c) students in higher education institutions taking part in placements in enterprises, ***public authorities*** or training centres.
3. The operational details of the actions set out in paragraph 1 shall be decided following the procedure referred to in Article 10(2).

Article 25
Budget

Not less than 85% of the budget available for the Erasmus programme shall be devoted to support for mobility as referred to in Article 24(1)(a).

Article 26
Implementing measures

1. The measures necessary for the implementation of the Erasmus programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2):
 - (a) the annual plan of work;
 - (b) the annual budget and the distribution of funds between the various actions of the Erasmus programme;
 - (c) the general guidelines for implementing the Erasmus programme, the selection criteria and procedures;
 - (d) the distribution of funds among the Member States for the actions to be managed through the “National agency procedure” set out in the Annex;
 - (e) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the Erasmus programme relating to all matters other than those specified in paragraph 1 of this Article shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Chapter III
The Leonardo da Vinci programme

Article 27
Access to the Leonardo da Vinci programme

Within the framework of the Integrated Programme, the Leonardo da Vinci programme is aimed at:

- (a) young people learning in all forms of vocational education and training up to the end of upper secondary education (up to ISCED level 3);
- (b) learners in continuing vocational education and training (ISCED level 4);
- (c) people in the labour market;
- (d) learning providers in the fields covered by the Leonardo da Vinci programme;
- (e) teaching and administrative staff within those learning providers;
- (f) associations and representatives of those involved in vocational education and training, including trainees', parents' and teachers' associations;
- (g) enterprises, social partners and other representatives of working life, including chambers of commerce and other trade organisations;
- (h) bodies providing guidance, counselling and information services relating to any aspect of lifelong learning;
- (i) persons and bodies responsible for systems and policies concerning any aspect of lifelong learning at local, regional and national level;
- (j) research centres and bodies concerned with lifelong learning issues;
- (k) *non-profit-making* organisations, voluntary bodies, NGOs.

Article 28
Operational objectives

In addition to the objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the Leonardo da Vinci programme shall be:

- (a) to increase the volume and to improve the quality of mobility throughout Europe of people involved in initial vocational education (*for example combined initial vocational training arrangements including training as defined in Article 3(8)*) and in continuing training, so as to increase placements in enterprises to at least 150 000 per year by the end of the Integrated Programme. *Individual participation by trainees in mobility programmes must be guaranteed in each Member State;*
- (b) to increase the volume and to improve the quality of co-operation between learning providers, enterprises, social partners and other relevant bodies throughout Europe;
- (c) to facilitate the development of innovative practices in the fields of initial and continuing training and their transfer, including from one participating country to others;
- (d) to improve the transparency and recognition of qualifications and competences, including those acquired through non-formal and informal learning;
- (e) *to facilitate measures seeking to improve in qualitative and quantitative terms placement opportunities for young people involved in alternating initial vocational training under an employment contract.*

Article 29
Actions

1. The following actions may be supported by the Leonardo da Vinci programme:
 - (a) mobility of individuals, as referred to in Article 5(1)(a). In arranging for or supporting the organisation of such mobility, the necessary preparatory measures shall be adopted and care shall be taken to ensure that adequate supervision and support is available for people in mobility. Such mobility may include:
 - (i) transnational placements in enterprises or in training institutions;
 - (ii) placements and exchanges aimed at the further professional development of trainers and guidance counsellors, of those responsible for training establishments and for training planning and career guidance within enterprises;
 - (iii) *measures seeking on the one hand to facilitate participation by undertakings, in particular SMEs, very small enterprises and craft enterprises, and on the other hand to improve mobility for those persons referred to under points (i) and (ii) and facilitate recruitment of placement programme participants;***
 - (b) partnerships, as referred to in Article 5(1)(b), focusing on themes of mutual interest to the participating organisations;
 - (c) multilateral projects, as referred to in Article 5(1)(c), in particular those aimed at improving training systems through the transfer of innovation involving the linguistic, cultural and legal adaptation to national needs of innovative products and processes developed in different contexts;

- (d) multilateral projects, as referred to in Article 5(1)(e), aimed at improving training systems through the development and transfer of innovation and good practice;
 - (e) thematic networks of experts and organisations, as referred to in Article 5(1)(e), working on specific issues related to vocational education and training;
 - (f) other initiatives aimed at promoting the objectives of the Leonardo da Vinci programme, as referred to in Article 5(1)(h) ('Accompanying Measures').
2. The operational details of such actions shall be decided following the procedure referred to in Article 10(2).

Article 30 Budget

Not less than 75% of the budget available for the Leonardo da Vinci programme shall be devoted to support for mobility *and partnerships* as referred to in Article 29(1)(a) *and (b)*.

Article 31 Implementing measures

1. The measures necessary for the implementation of the Leonardo da Vinci programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2).
- (a) the annual plan of work;
 - (b) the annual budget and the distribution of funds between the various actions of the Leonardo da Vinci programme;
 - (c) the general guidelines for implementing the Leonardo da Vinci programme, the selection criteria and procedures;

- (d) the distribution of funds among the Member States for the actions to be managed through the “National agency procedure” set out in the Annex;
 - (e) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the Leonardo da Vinci programme relating to all matters other than those specified in paragraph 1 of this Article shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Chapter IV The Grundtvig programme

Article 32 Access to the Grundtvig programme

Within the framework of the Integrated Programme, the Grundtvig programme is aimed at:

- (a) learners in adult education;
- (b) learning providers in adult education;
- (c) teaching and administrative staff within those learning providers and other organisations involved in adult education;
- (d) establishments involved in the initial or further training of adult education staff;
- (e) associations and representatives of those involved in adult education, including learners’ and teachers’ associations;
- (f) bodies providing guidance, counselling and information services relating to any aspect of adult education;

- (g) persons and bodies responsible for systems and policies concerning any aspect of adult education at local, regional and national level;
- (h) research centres and bodies concerned with adult education issues;
- (i) enterprises;
- (j) *non-profit-making* organisations, voluntary bodies, NGOs;
- (k) higher education institutions.

Article 33 Operational objectives

In addition to the objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the Grundtvig programme shall be:

- (a) to increase the volume and to improve the quality of mobility throughout Europe of people involved in adult education, so as to support the mobility of at least 25 000 of such individuals per year by 2013;
- (b) to increase the volume and to improve the quality of co-operation between organisations involved in adult education throughout Europe;
- (c) to facilitate the development of innovative practices in adult education, ***skills assessment and accreditation of prior experience*** and their transfer, including from a participating country to others;
- (d) to ensure that people from vulnerable social groups and in marginal social contexts, in particular ***older people and*** those who have left education without basic qualifications ***or are lacking in literacy***, are given alternative ***and readily accessible*** opportunities to ***take part in*** adult education;
- (e) to improve pedagogical approaches and the management of adult education organisations.

Article 34
Actions

1. The following actions may be supported by the Grundtvig programme:
 - (a) mobility of individuals, as referred to in Article 5(1)(a). In arranging for or supporting the organisation of such mobility, the necessary preparatory measures shall be adopted and care shall be taken to ensure that adequate supervision and support is available for people in mobility. Such mobility may include visits, placements, assistantships and exchanges for participants in formal and non-formal adult education, including the training and professional development of adult education staff;
 - (b) partnerships, as referred to in Article 5(1)(b), known as ‘Grundtvig learning partnerships’, focusing on themes of mutual interest to the participating organisations;
 - (c) multilateral projects, as referred to in Article 5(1)(e), aimed at improving adult education systems through the development and transfer of innovation and good practice;
 - (d) thematic networks of experts and organisations, as referred to in Article 5(1)(e), known as ‘Grundtvig networks’, working in particular on:
 - (i) developing adult education in the discipline, subject area or management aspect to which they relate;
 - (ii) identifying, *improving* and disseminating relevant good practice and innovation;
 - (iii) providing content support to projects and partnerships set up by others and facilitating interactivity between such projects and partnerships;
 - (iv) promoting the development of needs analysis and quality assurance within adult education;

- (e) other initiatives aimed at promoting the objectives of the Grundtvig programme, as referred to in Article 5(1)(h) ('Accompanying Measures').
2. The operational details of such actions shall be decided following the procedure referred to in Article 10(2).

Article 35 Budget

Not less than 60% of the budget available for the Grundtvig programme shall be devoted to support for mobility and partnerships as referred to in Article 34(1)(a) and (b).

Article 36 Implementing measures

1. The measures necessary for the implementation of the Grundtvig programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2).
 - (a) the annual plan of work;
 - (b) the annual budget and the distribution of funds between the various actions of the Grundtvig programme;
 - (c) the general guidelines for implementing the Grundtvig programme, the selection criteria and procedures;
 - (d) the distribution of funds among the Member States for the actions to be managed through the "National agency procedure" set out in the Annex;
 - (e) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the Grundtvig programme relating to all matters other than those specified in paragraph 1 shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Chapter V
The Transversal programme

Article 37
Operational objectives

In addition to the general objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the transversal programme shall be:

- (a) to support policy development at European level in lifelong learning, notably in the context of the Lisbon, Bologna and Copenhagen processes and their successors;
- (b) to ensure an adequate supply of comparable data, statistics and analyses to underpin lifelong learning policy development;
- (c) to monitor progress towards objectives and targets in lifelong learning, and to identify areas for particular attention;
- (d) to promote language learning and to support linguistic diversity in the Member States;
- (e) to support the development of innovative ICT-based content, services, pedagogies and practice for lifelong learning;
- (f) to ensure that the results of the Integrated Programme are appropriately recognised, demonstrated and implemented on a wide scale.

Article 38
Actions

1. The following actions may be supported under the key activity referred to in Article 2(2)(a):
 - (a) individual mobility, as referred to in Article 5(1)(a), including study visits for experts and officials designated by national, regional and local authorities, for directors of education and training establishments and guidance *and experience accreditation* services, and for social partners;

- (b) multilateral projects, as referred to in Article 5(1)(e), aimed at preparing and testing policy proposals developed at Community level;
- (c) multilateral cooperation networks, as referred to in Article 5(1)(e), of experts and/or institutions working together on policy issues. Such networks may include:
 - (i) thematic networks working on issues related to the content of lifelong learning or to lifelong learning methodologies and policies. Such networks may observe, exchange, identify and analyse good practice and innovation, and make proposals for a better and wider use of such practices across the Member States;
 - (ii) standing conferences on policy issues, aimed at coordinating policy at European level on strategic issues in lifelong learning;
- (d) observation and analysis of policies and systems in the field of lifelong learning, as referred to in Article 5(1)(f), which may include:
 - (i) studies and comparative research;
 - (ii) development of indicators and statistical surveys, including support for work undertaken in the field of lifelong learning in cooperation with Eurostat;
 - (iii) support for the operation of the Eurydice network and funding of the Eurydice European Unit set up by the Commission;
- (e) action to support transparency and recognition of qualifications and competences including those acquired through non formal and informal learning, information and guidance on mobility for learning purposes, and cooperation in quality assurance, as referred to in Article 5(1)(f), which may include:
 - (i) networks of organisations which facilitate mobility and recognition, such as Euroguidance and National Academic Recognition Information Centres (NARICs);
 - (ii) support for transnational web-based services such as Ploteus;
 - (iii) activities under the Europass initiative in accordance with Decision *No 2241/2004/EC*;

- (f) other initiatives as referred to in Article 5(1)(h) ('Accompanying Measures') aimed at promoting the objectives of the key activity referred to in Article 2(2)(a).
2. The following strategic actions, designed to address teaching and learning needs at more than one life-stage, may be supported under the key activity referred to in Article 2(2)(b):
- (a) multilateral projects, as referred to in Article 5(1)(e), aimed, *inter alia*, at:
 - (i) developing new language learning materials, including online courses, and instruments for language testing;
 - (ii) developing tools and courses for language teacher training;
 - (b) networks as referred to in Article 5(1)(e), in the field of language learning and linguistic diversity;
 - (c) other initiatives in line with the objectives of the Integrated Programme, as referred to in Article 5(1)(h), including activities to make language learning more attractive to learners through the mass media and/or marketing, publicity and information campaigns, as well as conferences, studies and statistical indicators in the field of language learning and linguistic diversity.
3. The following actions may be supported under the key activity referred to in Article 2(2)(c):
- (a) multilateral projects, as referred to in Article 5(1)(e), aimed at the development and distribution of innovative methods, contents, services and environments;

- (b) networks as referred to in Article 5(1)(e), aimed at sharing and exchanging knowledge, experience and good practice;
 - (c) other action aimed at improving lifelong learning policy and practice, as described in Article 5(1)(f), which may include mechanisms for evaluation, observation, benchmarking, quality improvement and the analysis of trends with respect to technology and pedagogy.
4. The following actions may be supported under the key activity referred to in Article 2(2)(d):
- (a) unilateral and national projects, as referred to in Article 5(1)(d);
 - (b) multilateral projects, as referred to in Article 5(1)(e), aimed *inter alia* at:
 - (i) supporting the exploitation and implementation of innovative products and processes;
 - (ii) stimulating cooperation between projects operating in the same field;
 - (iii) developing good practice with regard to dissemination methods;
 - (c) the establishment of reference material as referred to in Article 5(1)(f), which may include the collection of relevant statistical data and studies in the field of dissemination, the exploitation of results and the exchange of good practice.

Article 39

Implementing measures

1. The measures necessary for the implementation of the transversal programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2):
- (a) the annual plan of work, and the selection criteria and procedures;
 - (b) the annual budget and the distribution of funds between the various actions of the transversal programme;

- (c) the guidelines for implementing the transversal programme and its key activities;
 - (d) the distribution of funds among the Member States for the actions to be managed through the “National agency procedure” set out in the Annex;
 - (e) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the transversal programme relating to all matters other than those specified in paragraph 1 shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

Chapter VI The Jean Monnet programme

Article 40 Access to the Jean Monnet programme

Within the framework of the Integrated Programme and the Annex, the Jean Monnet programme is aimed at:

- (a) students and researchers in the field of European integration in all forms of higher education (ISCED levels 5 and 6) within and outside the Community;
- (b) higher education institutions within and outside the Community;
- (c) teaching and administrative staff within those institutions;
- (d) associations and representatives of those involved in education and training within and outside the Community;
- (e) public and private organisations responsible for the organisation and delivery of education and training at local and regional levels;
- (f) research centres and bodies concerned with issues relating to European integration within and outside the Community.

Article 41
Operational objectives

In addition to the general objectives of the Integrated Programme set out in Articles 1 and 2, the operational objectives of the Jean Monnet programme shall be:

- (a) to stimulate excellence in teaching, research and reflection in European integration studies in higher education institutions within and outside the Community;
- (b) to enhance knowledge and awareness among specialist academics and among European citizens generally of issues relating to European integration;
- (c) to support key European institutions dealing with issues relating to European integration;
- (d) to support the existence of high-quality European associations active in the fields of education and training.

Article 42
Actions

1. The following actions may be supported under the key activity referred to in Article 2(3)(a):
 - (a) unilateral and national projects, as referred to in Article 5(1)(d), which may include:
 - (i) Jean Monnet Chairs, centres of excellence and teaching modules;
 - (ii) associations of professors, other teachers in higher education, and researchers specialising in European integration;
 - (iii) support for young researchers specialising in European integration studies;
 - (iv) information and research activities relating to the Community with the aim of promoting discussion, reflection and knowledge about the process of European integration;

- (b) multilateral projects and networks, as referred to in Article 5(1)(e), which may include support for the establishment of multilateral research groups in the field of European integration.
2. Operating grants as referred to in Article 5(1)(g) to support certain operational and administrative costs of the following institutions pursuing an aim of European interest may be awarded under the key activity referred to in Article 2(3)(b):
- (a) the College of Europe (Bruges and Natolin campuses);
 - (b) the European University Institute, Florence;
 - (c) the European Institute of Public Administration, Maastricht;
 - (d) the Academy of European Law, Trier;
 - (e) *the Europa-Institut of the University of Saarland;*
 - (f) *the International Centre for European Training (CIFE), Nice;*
 - (g) *the European Inter-University Centre for Human Rights and Democratisation, Venice;*
 - (h) *the European Agency for Development in Special Needs Education, Middelfart.*
3. Under the key activity referred to in Article 2(3)(c), operating grants as referred to in Article 5(1)(g) may be awarded to support certain operational and administrative costs of European institutions or associations active in the fields of education and training. ***Institutions eligible for such operating grants shall be selected on the basis of an invitation to submit proposals.***
4. Grants may be awarded on an annual basis or on a renewable basis within a framework partnership agreement with the Commission.

Article 43
Budget

Not less than **25%** of the budget available for the Jean Monnet programme shall be devoted to support for the key activity referred to in Article 2(3)(a), not less than **48%** to the key activity referred to in Article 2(3)(b), and not less than **17%** to the key activity referred to in Article 2(3)(c).

Article 44
Implementing measures

1. The measures necessary for the implementation of the Jean Monnet programme relating to the following matters shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(2):
 - (a) the annual plan of work, and the selection criteria and procedures;
 - (b) the annual budget and the distribution of funds between the various actions of the Jean Monnet programme;
 - (c) the guidelines for implementing the Jean Monnet programme and its key activities;
 - (d) the arrangements for monitoring and evaluating the programme and for the dissemination and transfer of results.
2. The measures necessary for the implementation of the Jean Monnet programme relating to all matters other than those specified in paragraph 1 shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

TITLE III
TRANSITIONAL AND FINAL PROVISIONS

Article 45
Transitional provision

Actions which are initiated on or before 31 December 2006 on the basis of Decision 1999/382/EC, of Decision No 253/2000/EC, of Decision No 2318/2003/EC, of Decision No 791/2004/EC or of Decision No 2241/2004/EC, shall be administered in conformity with those Decisions, except that the committees established by those Decisions shall be replaced by the committee established by Article 10 of *this* Decision.

Article 46
Entry into force

This Decision shall enter into force on the twentieth day following the date of its publication in the Official Journal of the European Union.

Done at

For the European Parliament
The President

For the Council
The President

ANNEX

ADMINISTRATIVE AND FINANCIAL PROVISIONS

A. Administrative Provisions

Procedures for the proposal and selection of the activities contained in the Integrated Programme are as follows:

1. National agency procedure

1.1 Procedure 1

The following actions, under which the selection decisions are taken by the appropriate national agencies, shall be managed through the ‘National agency procedure 1’:

- (a) the trans-national mobility of people in lifelong learning in Europe, as referred to in Article 5(1)(a);
- (b) bilateral and multilateral partnerships, as referred to in Article 5(1)(b);
- (c) unilateral and national projects, as referred to in Article 5(1)(d), where these are funded under Article 38(4)(a).

Requests for financial *assistance under* these actions shall be *submitted* to the appropriate national agencies designated by the Member States in accordance with Article 6(2)(b). The national agencies shall carry out the selection and allocate financial assistance to the applicants selected in accordance with the general guidelines to be established under Articles 9, 21, 26, 31, 36 and 39. The national agencies shall distribute grants to beneficiaries located in their respective Member States. Each partner in a bilateral or multilateral partnership shall receive funding *directly* from its respective national agency.

1.2 Procedure 2

The following action, under which the selection decisions are taken by the Commission, but evaluation and contracting procedures are undertaken by the appropriate national agencies, shall be managed through the ‘National agency procedure 2’:

- multilateral projects, as referred to in Article 5(1)(c).

Requests for financial *assistance under* this action shall be *submitted* to the national agency designated by the Member State of the coordinator of the project in accordance with Article 6(2)(b). The national agency of the Member State of the coordinator of the project shall carry out the evaluation of applications and submit to the Commission a shortlist of applications which it proposes to accept. The Commission shall decide upon the shortlist proposed, following which the National Agency shall allocate the appropriate financial assistance to the applicants selected in accordance with the general guidelines to be established under Article 31. Before submitting the shortlist to the Commission, the national agency of the country in which the project is coordinated shall liaise with those in the countries of all the other project partners. The national agencies shall distribute grants to selected project coordinators located in their respective Member States, which shall be responsible for distributing the funds to the partners involved in the projects.

2. Commission procedure

The following actions, under which project proposals are submitted to the Commission and the selection decisions are taken by the Commission, shall be managed through the ‘Commission procedure’:

- (a) unilateral and national projects, as referred to in Article 5(1)(d), except those funded under Article 38(4)(a);
- (b) multilateral projects and networks, as referred to in Article 5(1)(e);
- (c) observation and analysis of policies and systems in the field of lifelong learning, the establishment of reference material, including surveys, statistics, analyses and indicators, and action to support transparency and recognition of qualifications and prior learning, as referred to in Article 5(1)(f);
- (d) operating grants, as referred to in Article 5(1)(g);
- (e) other initiatives in line with the objectives of the Integrated Programme, (‘Accompanying Measures’) as referred to in Article 5(1)(h).

Requests for financial *assistance under* these actions shall be *submitted* to the Commission, which shall carry out the selection and allocate financial assistance to the applicants selected in accordance with the general guidelines to be established under Articles 9, 21, 26, 31, 36, 39 and 44.

B. Financial Provisions

The Commission shall ensure that the financial and administrative requirements placed on beneficiaries of grants awarded under the Integrated Programme are proportionate to the level of the grant. In particular, the Commission shall ensure that the financial rules and the application and reporting requirements for individual mobility and for partnerships remain user-friendly and sufficiently simple not to restrict access for less advantaged individuals and the institutions or organisations that work with them.

The Commission shall provide the national agencies with criteria which they shall follow with regard to selection and award procedures, as well as contract, payment and audit arrangements, for the funds they manage. These criteria shall take into account the size of the grants made; where grants amount to less than EUR 25 000 they shall provide for simplified systems at all stages involving applicants or beneficiaries. They shall enable national agencies to determine and limit the detail required from applicants for grants and to issue contracts following the award of grants on a simplified basis including only the following elements:

- *the contracting parties*
- *the duration of the contract, which shall be the period of eligibility of the expenditure*
- *the maximum amount of funding awarded*
- *a summary description of the action involved*
- *reporting and audit access requirements.*

They shall also enable national agencies to allow co-financing provided by beneficiaries to take the form of contributions in kind. These shall be verifiable as to fact, but need not be subject to financial evaluation.

1. Actions managed through the National agency procedure
- 1.1 The Community funds intended to provide financial support under the actions to be managed through the National agency procedure in accordance with Section A Point 1 of this Annex are to be allocated among the Member States in accordance with formulae determined by the Commission in accordance with Article 10(2), which may include elements such as the following:
 - (a) a minimum amount allocated to each Member State, to be determined in accordance with budgetary availability for the action concerned;
 - (b) the remainder will be allocated to the various Member States on the basis of:
 - (i) the difference in the cost of living between the Member States;
 - (ii) the distance between the capital cities of each of the Member States;
 - (iii) the level of demand and/or take-up for the Action concerned within each Member State;
 - (iv) each Member State's total number of:
 - pupils and teachers in school education for the school partnerships and mobility actions of the Comenius programme set out in Article 19(1)(a) and (b);
 - students and/or graduates in higher education for the mobility of students and intensive programmes actions of the Erasmus programme set out in Article 24(1)(a)(i) and (iv);
 - teachers in higher education institutions for the mobility of teachers and the mobility of other staff actions of the Erasmus programme set out in Article 24(1)(a)(ii) and (iii);
 - overall population and number of 15 to 35 year olds in relation to it, for the mobility, partnerships and bilateral and multilateral projects actions of the Leonardo da Vinci programme set out in Article 29(1)(a), (b) and (c).
 - adults for the mobility and partnership actions of the Grundtvig programme set out in Article 34(1)(a) and (b).

1.2 The Community funds thus distributed shall be administered by the national agencies provided for in Article 6(2)(b).

1.3 The Commission, acting in cooperation with the Member States, shall take the necessary measures to encourage balanced participation at Community, national and, where appropriate, regional level and, where appropriate, across the various fields of study. The proportion allocated to these measures shall not exceed 5% of the annual budget for financing each of the actions in question.

2. Designation of beneficiaries

The institutions listed in Article 42(2) of *this* Decision are hereby designated beneficiaries of grants under the Integrated Programme, in accordance with Article 168 of Regulation (EC, Euratom) No 2342/2002.

The constituent national units of the NARIC network, the Eurydice network, the Euroguidance network, the National Reference Points for Vocational Qualifications and the Europass National Centres act as instruments to implement the programme at national level, in conformity with the provisions of Article 54(2)(c) of Regulation (EC, Euratom) No 1605/2002 and of Article 38 of Regulation (EC, Euratom) No 2342/2002.

3. Types of beneficiary

In accordance with Article 114(1) of Regulation (EC, Euratom) No 1605/2002, grants may be awarded to natural persons. These may take the form of scholarships.

4. Flat-rate grants, scales of unit costs and prizes

Flat-rate grants and/or scales of unit costs, as provided for in Article 181(1) of Regulation (EC, Euratom) No 2342/2002 may be used in the case of the actions referred to in Article 5.

Flat rate grants may be used up to a maximum of EUR 25 000 per grant. They may be combined up to a maximum of EUR 100 000 or used in conjunction with scales of unit costs.

The Commission may provide for the award of prizes in relation to activities undertaken in the framework of the Integrated Programme.

5. *Public learning providers*

All schools and higher education institutions specified by Member States, and all learning providers who have received more than 50% of their annual revenues from public sources over the previous two years, or who are controlled by public bodies or their representatives, shall be treated by the Commission as having the necessary financial, professional and administrative capacity, together with the necessary financial stability, to carry out projects under this programme; they shall not be required to produce further documentation to demonstrate this.

6. Bodies pursuing an objective of general European interest

Where operating grants are awarded under this programme to bodies pursuing an objective of general European interest as defined in Article 162 of Regulation (EC, Euratom) No 2342/2002, these shall, in accordance with Article 113(2) of Regulation (EC, Euratom) No 1605/2002, not be subject on renewal to the principle of gradual decrease.

7. Applicants' professional competencies and qualifications

The Commission may decide in accordance with Article 176(2) of Regulation (EC, Euratom) No 2342/2002 that specified categories of beneficiaries have the professional competencies and qualifications required to complete the proposed action or work plan.

8. Participation of partners from third countries

Partners from third countries may participate in multilateral projects, networks or partnerships under the terms of Article 15(2) at the discretion of the Commission or the national agency concerned. The decision whether to support such partners shall be based on the degree of added value at European level likely to result from their participation in the project, network or partnership in question.

9. Minimum allocations

Subject to Article 15, the minimum *allocations* to sectoral programmes shall be, in relation to the financial framework set out in that Article:

| | |
|-------------------|------------|
| Comenius | 12% |
| Erasmus | 41% |
| Leonardo da Vinci | 23% |
| Grundtvig | 3% |

10. National Agencies

Community financial assistance shall be provided to support the activities of the national agencies established or designated by the Member States in accordance with Article 6(2)(b). Such assistance may be provided in the form of operating grants and shall not exceed 50% of the total eligible costs of the approved work programme of the national agency.

In accordance with Article 38(1) of Regulation (EC, Euratom) No 2342/2002, the function of National Agency may, in third countries participating in the Integrated Programme by virtue of Article 7(1) , be discharged *by* public-sector bodies or private-law bodies with a public-service mission governed by the law of the country concerned.

In accordance with the principle of proportionality, certification and reporting requirements will be kept to the appropriate minimum necessary level.

11. Technical assistance

The budgetary envelope of the Integrated Programme may also cover expenditure related to preparatory actions, monitoring, control, audit and evaluation directly necessary for the implementation of the programme and for the achievement of its objectives. These may in particular include studies, meetings, information activities, publications, expenditure on *computer* networks for the exchange of information and any other expenditure on technical and administrative assistance to which the Commission may need to have recourse for the implementation of the programme.

12. Anti-fraud provisions

Commission decisions taken under Articles 9, 21, 26, 31, 36, 39 and 44, the contracts and agreements resulting from them, as well as agreements with participating third countries, shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), including by *the European Anti-Fraud Office (OLAF)*, and for audits by the Court of Auditors, if necessary on-the-spot. Such controls may be carried out with national agencies, as well, where necessary, as with recipients of grants.

The beneficiary of an operating grant shall keep available for the Commission all the supporting documents, including the audited financial statement, regarding expenditure incurred during the grant year, for a period of five years following the last payment. The beneficiary of a grant shall ensure that, where applicable, supporting documents in the possession of partners or members be made available to the Commission.

The Commission may have an audit of the use made of the grant carried out either directly by its own staff or by any other qualified outside body of its choice. Such audits may be carried out throughout the lifetime of the agreement and for a period of five years from the date of payment of the balance. Where appropriate, the audit findings may lead to recovery decisions by the Commission.

Commission staff and outside personnel authorised by the Commission shall have appropriate right of access, in particular to the beneficiary's offices and to all the information, including information in electronic format, needed in order to conduct such audits.

The Court of Auditors and *OLAF* shall enjoy the same rights, especially of access, as the Commission.

In addition, the Commission may carry out on-the-spot checks and inspections under this programme in accordance with Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities¹.

For the Community actions financed under this decision, the notion of irregularity referred to in Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests² shall mean any infringement of a provision of Community law or any breach of a contractual obligation resulting from an act or omission by a legal entity, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, by an unjustified item of expenditure.

¹ OJ L 292, 15.11.1996, p. 2.

² OJ L 312, 23.12.1995, p. 1.