



COMMISSION OF THE EUROPEAN COMMUNITIES

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Amended proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a programme for the enhancement of quality in higher education
and the promotion of intercultural understanding through co-operation with
third countries (Erasmus Mundus) (2004-2008)**

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

Amended proposal for a

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establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus Mundus) (2004-2008)

1. BACKGROUND

Transmission of the Proposals to the Council and the European Parliament (COM 2002 (401)-final 2002/0165 (COD)) in accordance with article 175(1) of the Treaty: 18 July 2002

Opinion of the European Economic and Social Committee: 26 February 2003

Opinion of the Committee of Regions: 9 April 2003

Opinion of the European Parliament - first reading: 8 April 2003

2. OBJECTIVE OF THE COMMISSION PROPOSAL

Based on article 149, the proposal seeks to establish a Community programme whose overall aim is to enhance quality education by improving the perception of European higher education world-wide and by fostering co-operation with third countries in order to improve the development of human resources and to promote dialogue and understanding between peoples and cultures. The future programme will be a means to respond to the challenges faced by European higher education today, in particular, the need to stimulate the process of convergence of degree structure and enhance attractiveness world wide. These are themes central to the Sorbonne/Bologna/Prague process and to national reform in higher education in several Member states.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

Total number of amendments: 65

Amendments that can be accepted in full: 20

Amendments that can be accepted in principle: 18

Amendments that can not be accepted: 27

3.1. Amendments accepted in full by the Commission

3.1.1. Title

The Commission accepts amendment 1 giving the programme the name "Erasmus Mundus". This change will be reflected throughout the proposal.

3.1.2. Recitals

The Commission accepts amendment 4, which brings in an important reference to linguistic diversity; amendment 5, which introduces a politically important reference to the ideals of democracy and equality between men and women; amendment 11 which makes an editorial modification, rendering the text more precise; and amendment 14 which reinforces the text by spelling out the objectives of the programme in a new recital.

3.1.3. Articles

Concerning Article 1, the Commission accepts amendment 17, which slightly rephrases paragraph 1 and reflects the change in the name of the programme.

As regards Article 4, amendments 28, which refers to “increased” support to mobility, in line with the purpose of the programme, as well as amendment 31, which usefully simplifies the text, are accepted.

The Commission accepts amendment 32, which defines more precisely the bodies covered by this particular provision of Article 5.

Concerning Article 6, the Commission accepts amendment 34, which introduces earlier in the text a reference to joint actions; amendment 35, reinforcing the information role of the structures designated by Member States to co-operate with the Commission; amendment 36, asking Member States to ensure complementarity and coherence between this programme and similar national initiatives; and, finally, amendments 37 and 38, providing for co-operation between the Commission and Member States for the purpose of the programme, thereby completing the two previous paragraphs of this Article referring respectively to Commission and to Member States.

The Commission can accept amendment 43, which suppresses Article 9. The content of this article is merged with that of Article 11.

Amendment 47, which simplifies the text of the second paragraph of Article 13 on monitoring and evaluation, is also accepted.

3.1.4. Annex

The Commission accepts amendment 59, referring to partnerships between universities and industry with a view to collect and exchange information and facilitate access to employment as a possible activity under Action 3.

As regards Action 4, the Commission can accept amendment 62, expanding on the idea of an internet gateway for the programme; amendment 63, which results logically from the previous amendment as it suppresses a reference to an internet gateway later in the text; and amendment 66, which refers to a “limited number “ of surveys and thus reinforces the notion that this in an action of limited scope.

3.2. Amendments accepted in substance or principle by the Commission

3.2.1. Recitals

Amendment 9 proposes a new recital 7 referring to higher education institutions’ existing experience in co-operation with third countries. The recital reflects the Commission's

assumptions in this respect. In order to keep the text as lean as possible, this amendment is merged with amendment 10, also accepted in essence and which refers to the failure of the European Union's academic institutions to attract a fair share of internationally mobile students. These amendments are merged in a redrafted recital 7, which reads as follows:

"There is wide recognition of the potential of academic institutions in the European Union to increase their share of internationally mobile students, by combining their individual strengths and building on their educational diversity and on their wide experience in networking and in co-operating with third countries, in a manner that enables them to offer courses of great quality unique to Europe; such courses will allow the benefits of international mobility to be shared more widely within the Community and its partner countries."

3.2.2. Articles

Amendment 18 adds a new paragraph to Article 1 which refers to the respect for the European Union's and Member States' respective competences in education and training; the amendment can be accepted without the reference to training.

Amendment 20 adds a reference to European ideals of democracy and human rights to the first paragraph of Article 3. The amendment can be accepted without the word "European", as the ideals of democracy and human rights are universal.

Also regarding Article 3, amendment 21 simplifies the text but suppresses the word "enable", which conveys an important notion for the purpose of the programme. It also suppresses the equally important reference to highly qualified students. Therefore, the Commission proposes to take the wording of the Parliament in the following manner:

"To encourage and enable highly qualified students and scholars from all over the world to acquire European experience and/or qualifications."

The Commission can accept the reference to the Charter of Fundamental Rights as suggested by amendment 23; however this reference will be inserted in recital 6, which would read as follows:

"There is a need to step up Community efforts to promote dialogue and understanding between cultures world-wide, and to disseminate the ideals of democracy, including equality of women and men, specially as mobility fosters the discovery of new cultural and social environments and facilitates understanding thereof. In so doing, the Community shall ensure that no group of citizens or third country nationals is excluded or disadvantaged, having regard to article 21 paragraph 1 of the Charter of Fundamental Rights of the European Union."

Amendment 24 includes in Article 3 a provision regarding 'brain drain'. The Commission shares the concern underlying this amendment, but considers it inappropriate to include such a provision in Article 3; rather, it proposes to make reference to it in a new recital 7 bis, which would read:

'In promoting international mobility, the Community should be mindful of the phenomenon commonly known as "brain drain".'

Amendment 26 changes the name of 'European Union Masters Courses' into 'Erasmus Mundus Masters Courses' in Article 4. The Commission can accept this part of the

amendment. The substance of the remaining text of the amendment is covered in the Annex, under Action 1, paragraph 2, which lists the basic requirements that Masters Courses must fulfil.

The substance of amendment 70, seeking to introduce in Article 4 a provision encouraging the use of two languages in the context of Masters Courses, can be accepted. However, this provision is directly linked to Masters Courses and therefore should be covered in the Annex, Action 1.2. as proposed by amendment 69 hereunder.

The Commission suggests that the substance of amendment 39, which proposes a new article regarding programme management, be taken up in a new recital 9 ter, which would read as follows:

"The Community action shall be managed in a manner that is transparent, user-friendly, open and comprehensible to all."

Amendment 41 introduces in Article 7 a reference to selection procedures and to a panel; the amendment cannot be accepted in its present form. The Commission proposes to include the substance of this amendment in a new section of the Annex on selection procedures which would read as follows:

"SELECTION PROCEDURES

The selection procedures will be laid down as provided for in article 7(1). The assessment of proposals under Action 1 and under Action 3 shall be carried out by an Assessment Board presided by a person which it elects, composed of high level personalities from the academic world and representative of the diversity of higher education in the European Union. The Assessment Board shall ensure that Erasmus Mundus Masters Courses and Partnerships are of the highest academic quality. "

Amendment 46 concerns Article 11 and entails the obligation for the Commission to inform the programme committee on initiatives taken in other areas of education, training and youth. The substance is acceptable and could be integrated in the second paragraph of Article 11, the wording of which is largely similar to that of the amendment. The Commission proposes to refer not to education, training and youth but to "all relevant fields". The paragraph thus reads as follows:

"The Commission shall keep the Committee regularly informed about Community initiatives taken in relevant fields, and ensure efficient linkage and, where appropriate, joint actions, between this programme and the programmes and actions in the area of education undertaken within the framework of the Community's co-operation with third countries, including bilateral agreements, and the competent international organisations."

3.2.3. Annex

The notion of quality contained in amendment 48 can be accepted, but it will be included in the section on selection procedures referred to above. The references to hosting provided to students are part of the requirements listed under paragraph 2, point (h) of Action 1.

Amendment 49 proposes to add to Action 1 a new paragraph containing a reference to selection criteria and the guaranteeing of continuity. The Commission's original proposal lists the basic criteria for the selection of Erasmus Mundus Masters Courses. Further reference to selection will be included in an Annex as indicated above. The basis on which the selection

shall ascertain the potential for continuity is to be determined at operational level; therefore, this part of the amendment cannot be accepted.

Amendment 50 indicates that Masters Courses should be representative of various fields of study and gives two examples. The substance of this amendment is acceptable, but the Commission feels that no examples of fields of study should be given in the text, since this might create a misleading impression. However, the notion of representativeness has been included in Action 1.3, which reads as follows:

"Erasmus Mundus Masters Courses will be selected for a five-year period, subject to a light-weight annual renewal procedure based on progress reporting, which period could include a year's preparatory activities before the actual course begins to run. Balanced representation of different fields of study will be sought over the duration of the programme. The Community may provide financial support for Erasmus Mundus Masters Courses and funding would be subject to the annual renewal procedure."

The Commission can accept the substance of Amendment 51, which makes reference to the use of two languages. However, this reference concerns specifically Masters Courses and should be placed in the Annex, Action 1.2(i) as suggested by amendments 53 and 69. The latter amendments can be accepted in substance; the wording has had to be adapted so that it is clear that this provision does not impose any requirement on the language of instruction of the Masters Courses and that it leaves in the hands of higher education institutions the decision as to the most appropriate means to implement this provision. The text of this point thus reads as follows:

"without prejudice to the language of instruction, provide, as appropriate, for students' language preparation and assistance so that they have the opportunity to use at least two European languages spoken in the Member States where the higher education institutions involved in the Erasmus Mundus Masters Courses are situated."

3.3. Amendments not accepted by the Commission

3.3.1. Recitals

Amendment 2 includes a reference to Member States in recital 1 which is not consistent with the recital as it refers to the specific role of the European Community in the field of education, in accordance with article 149 of the Treaty.

Amendment 3 adds to recital 5 a reference to the Mediterranean region, which creates an imbalance in a text that does not otherwise refer to any specific geographical region.

Amendment 6 proposes a new recital that would make reference to the forthcoming revision of current programmes. Such a prospective statement would not be appropriate as a recital. Recitals should spell out the basis and rationale for the programme.

The reference to programmes for development co-operation proposed by amendment 7 would lead to confusion as the programme concerns primarily higher education in the European Union.

The Commission is not in a position to play a role of follow-up and recognition in promoting co-operation between higher education institutions as amendment 8 would require. In particular, Member States have exclusive competence in matters of recognition.

The present proposal concerns higher education, including professional education at a level equivalent to higher education. Vocational training is not covered by the present proposal and therefore amendments 12 and 15 cannot be accepted.

Amendment 13 assumes that degrees awarded under Erasmus Mundus need to be recognised or validated once they have been awarded. This is a false assumption. Only Masters awarding recognised degrees will be eligible under Erasmus Mundus.

Erasmus Mundus is based on the respect of academic neutrality and independence of universities. Amendment 16 cannot be accepted because European Community action cannot in any way interfere with these principles.

3.3.2. Articles

The definition of “scholar” in the Commission’s proposal covers not only individuals with outstanding academic experience but also individuals with outstanding professional experience. Amendment 19 changes the definition of “scholar” in Article 2 in a manner that would exclude from this action individuals with outstanding professional experience and would thus deprive Erasmus Mundus Masters Courses of potential highly valuable contributions. This runs against existing practice at Masters level and therefore this amendment cannot be accepted.

Amendment 27 seeks a simplification of the text in Article 4, but it would lead to confusion as it would merge approaches that relate to different actions. Amendment 30, which follows logically from amendment 27, cannot be accepted for the same reason.

Regarding Article 6, the wide obligation on the Commission to involve relevant organisations in the implementation of the programme, which amendment 33 would impose, cannot be accepted. Consultation is the only precise form of involvement envisaged for these organisations. Amendment 42, concerning Article 8, asks for these organisations to be involved in the work of the programme committee; this is also not acceptable as it would affect the principles governing ‘comitology’.

Amendment 40 adds to Article 7 a reference to a definition in the Annex regarding the breakdown of funds between actions. This amendment would introduce an undesirable rigidity in the implementation of the programme.

At this stage, the Commission is not in a position to accept amendment 44 raising the budget of the programme to 300 million euros.

Amendment 45 refers to vocational education and training programmes in Article 11 which may lead to confusion as to the primary focus of Erasmus Mundus, namely, higher education.

3.3.3. Annex

The Commission’s proposal recognises in Action 1 the importance of adequate hosting arrangements for third country students. However, by requiring that Masters Courses put in place, inter alia, high quality hosting arrangements, particularly in conjunction with regional and local authorities, amendment 52 imposes a specific condition on Masters Courses which would not necessarily have a positive effect on their quality and many would not be able to fulfil.

The Commission is not in a position to accept amendment 54 because Masters Courses cannot be required to foresee relations with research centres, as many are professionally-, and not research-oriented, nor with enterprises, since this requirement would not apply to Masters in the field of arts.

Amendment 55 introduces an operational provision regarding the examination of progress reports by a committee of experts in the framework of annual renewal procedures for Masters Courses. This provision relates to the implementation modalities of the programme and is inappropriate for a legislative text.

Amendment 56 introduces the notion of degree recognition in Action 2. Such notion goes beyond the scope of the programme and therefore the Commission is not in a position to accept this amendment.

The Commission is of the view that there should be a balanced representation of different fields of study covered by Masters Courses over the duration of the programme (as proposed above in relation to amendment 50). However, it would be inappropriate for the decision to give examples of fields of study, as amendment 57 proposes. This amendment also refers to objective and quality criteria in the framework of the Action 2. The Commission is of the view that higher education institutions can be trusted to determine the appropriate admission criteria.

Regarding Action 3, the Commission is not in a position to accept amendment 58, which in effect proposes that the selection of Erasmus Mundus Masters Courses give priority to those that have established partnerships with third country higher education institutions. While partnerships are an important component of the programme, this provision would de facto impose an obligation which would not necessarily ensure Masters Courses' higher quality.

The indication of a 3% limit on the budget of Action 4 proposed in amendment 60 is not acceptable as it entails an unnecessary budget restriction on this Action. Budget allocation per Action will be determined as provided for in article 7.

The Commission proposal clearly indicates that the participation of less-advantaged students from third countries will be encouraged. Amendment 61 asks for particular consideration to be given to organisations working on behalf of the disadvantaged. This amendment would place excessive operational emphasis on a particular category of organisations in the context of Action 4. Similarly, amendments 64 and 65 would place excessive operational emphasis on mainstreaming and equal treatment for men and women. These amendments cannot be accepted.

3.4. Amended proposal

Having regard to Article 250, paragraph 2, of the EC Treaty, the Commission modifies its proposals as indicated above.