

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Development*

**2007/0145(COD)**

13.6.2008

## **OPINION**

of the Committee on Development

for the Committee on Culture and Education

on the proposal for a decision of the European Parliament and of the Council establishing an action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus Mundus) (2009-2013) (COM(2007)0395 – C6-0228/2007– 2007/0145(COD))

Draftsman(\*): Alessandro Battilocchio

(\* ) Procedure with associated committees - Rule 47 of the Rules of Procedure

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## SHORT JUSTIFICATION

### Overlapping legislation

For the period 2004-2008, the External Cooperation Window of the Erasmus Mundus programme was outside the Erasmus Mundus Decision, and brought under regulations for EC external actions. For the next programming period, covering 2009-2013, the Commission proposes to include the External Cooperation Window within the new Erasmus Mundus Decision. However, funding will still be taken from the external financing instruments - specifically those applying to particular geographic areas<sup>1</sup>. The result is that the funds for the external aspects of Erasmus Mundus will be subject to two pieces of legislation - the external financing instrument covering the country concerned, and also the Erasmus Mundus Decision itself.

It is unusual, but not unprecedented, for Community law to overlap in this way. In this instance, there is an advantage for the European Parliament: under the external instruments, detailed programming is done by comitology with limited parliamentary involvement, but the Erasmus Mundus Decision will allow Parliament to participate to a greater extent in detailed policymaking under codecision. However, great care must be taken to make sure the overlapping laws do not contradict each other, since this would cause legal confusion. This is a particular concern in relation to the Erasmus Mundus proposal and existing development legislation.

In the area of development, funding for the Erasmus Mundus programme is drawn from two sources:

- The European Development Fund (EDF), for ACP countries. Although this is outside the Community budget, and its legal base, the Cotonou Agreement, is outside Community law, it is implemented by means of a Council Regulation within Community law<sup>2</sup>.
- The Development Cooperation Instrument (DCI) for non-ACP developing countries

Programming is underway for both DCI and EDF, but is more advanced for DCI which has been implemented since the beginning of 2007. For EDF, implementation was intended to begin at the start of 2008 but has been delayed due to problems with ratifying the revised Cotonou Agreement.

### Consistency with development legislation

From a development perspective, it is important to ensure that funds used for the Erasmus Mundus programme still further the objective of poverty reduction in developing countries. For DCI funding, this is also legally obligatory: Erasmus Mundus funds are drawn from DCI

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<sup>1</sup> Instrument for Pre-Accession (IPA), European Neighbourhood and Partnership Instrument (ENPI), Development Cooperation Instrument (DCI) European Development Fund (EDF), Industrialised Countries Instrument (ICI)

<sup>2</sup> Council Regulation (EC) No 617/2007 of 14 May 2007

geographic programmes, which are subject to the requirement that 100% of measures financed must meet the criteria for classification as Official Development Assistance (ODA) as defined by the OECD/DAC<sup>1</sup>. Your draftsman proposes amendments to ensure the Erasmus Mundus Decision remains compatible with this provision of DCI.

Scholarships are included within the definition of ODA<sup>2</sup>, but are subject to the general requirement that all ODA-eligible funds must be administered with the main objective of "the promotion of the economic development and welfare of developing countries"<sup>3</sup>. In practical terms, this can be furthered by the inclusion of requirements that scholarships be provided for courses relevant to development and that the student be encouraged to return to his country of origin to use his new knowledge and skills for the benefit of that country's development. Your draftsman proposes amendments to include these requirements for Erasmus Mundus students financed from development instruments.

Other amendments aim to ensure compatibility between the objectives of the development legislation and those parts of the Erasmus Mundus programme using development funding.

### **Financial aspects and programming under DCI and the 10th EDF**

No figures are given in the Erasmus Mundus legislative proposal for the sums to be drawn from the external financing instruments for the Erasmus Mundus programme. Indicative figures, set out in the explanatory statement, suggest that EUR 240 million is to be used from DCI and EUR 30 million is to be used from the 10th EDF. These figures cover the period 2009-2013.

Under DCI, there appears to be little consistency in the way Erasmus Mundus is included in Strategy Papers. In some cases, the programme appears to be financed under some Country Strategy Papers - eg: Brazil, Argentina and India. In other cases it is included in Regional Strategy Papers - mentioned by name in the RSP for Latin America, and under the title "Higher Education" in the RSP for Asia. It is not possible to work out from the Strategy Papers the breakdown of DCI Erasmus Mundus funding by country or region.

For the 10th EDF, draft Strategy Papers are not made available to the European Parliament but are provided to the ACP-EU Joint Parliamentary Assembly. At time of writing, not all Country Strategy Papers had been made public. There was no reference was found to the Erasmus Mundus programme in those CSPs that were available. No information could be found about the content of the 10th EDF Regional Strategy Papers.

## **AMENDMENTS**

The Committee on Development calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following amendments in its report:

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<sup>1</sup> DCI Article 2(4), 1st para

<sup>2</sup> Mentioned in OECD/DAC Creditor Reporting System Purpose Codes 11420 and 43081

<sup>3</sup> OECD/DAC Factsheet "Is it ODA?", October 2006

## Amendment 1

### Proposal for a decision Article 1 - paragraph 4

*Text proposed by the Commission*

4. The development of human resources in specific third countries, and more particularly the action of the programme referred to in Article 4(1)(b), shall be implemented in accordance with Regulations (EC) No 1085/2006, 1638/2006, 1905/2006 and 1934/2006 **and** Decisions (EC) No 599/2005 and 608/2006.

*Amendment*

4. The development of human resources in specific third countries, and more particularly the action of the programme referred to in Article 4(1)(b), shall be implemented in accordance with Regulations (EC) No 1085/2006, 1638/2006, 1905/2006 and 1934/2006, Decisions (EC) No 599/2005 and 608/2006 **and the ACP-EC Partnership Agreement. In particular, Article 2(4) of Regulation (EC) No 1905/2006 shall be respected.**

*Justification*

*Ensures the Erasmus Mundus decision will be fully compatible with the Cotonou Agreement and DCI, particularly the DCI provision requiring 100% of geographical programme funding to meet the OECD/DAC requirements for classification as ODA.*

## Amendment 2

### Proposal for a decision Article 3 – paragraph 2a (new)

*Text proposed by the Commission*

*Amendment*

**2a. For actions funded under Regulation (EC) No 1905/2006, the objectives shall be limited to those in conformity with that Regulation, particularly Article 2(4) thereof.**

*Justification* Ensures the continued applicability of the DCI provision requiring 100% of geographical programme funding to meet the OECD/DAC requirements for classification as ODA

### **Amendment 3**

#### **Proposal for a decision Article 4 – paragraph 1a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For actions funded under Regulation (EC) No 1905/2006, the actions shall be limited to those pursuing the objectives of that Regulation and in conformity with Article 2(4) thereof.***

*Justification*

*Ensures DCI funding cannot be used for objectives incompatible with DCI, especially any objectives or actions which do not fulfil the DCI provision requiring 100% of geographical programme funding to meet the OECD/DAC requirements for classification as ODA*

### **Amendment 4**

#### **Proposal for a decision Article 4 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***However, in the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, actions shall only benefit institutions, academics or other persons from developing countries.***

*Justification*

*Prevents development funding under DCI or the EDF being used to benefit EU nationals. Such a use would not fall within the OECD/DAC definition of ODA.*

## Amendment 5

### Proposal for a decision

#### Article 6 – paragraph 1 – point a

*Text proposed by the Commission*

(a) ensure the effective and efficient implementation of the Community actions provided for by the programme in conformity with the Annex and, as regards the action of the programme referred to in Article 4(1)(b), with the legal instruments mentioned in Article 1(4);

*Amendment*

(a) ensure the effective and efficient implementation of the Community actions provided for by the programme in conformity with the Annex and, as regards the action of the programme referred to in Article 4(1)(b), with the legal instruments mentioned in Article 1(4), ***in particular their objectives and principles;***

*Justification*

*Ensures development funding is used to further development objectives, and in the case of DCI draws attention to the DCI provision requiring 100% of geographical programme funding to meet the OECD/DAC requirements for classification as ODA*

## Amendment 6

### Proposal for a decision

#### Article 7 – paragraph 1

*Text proposed by the Commission*

1. All measures necessary for the implementation of the action referred to in Article 4(1)(b) ***are*** not governed by this Decision and ***are following*** the procedures of the legal instruments referred to in Article 1(4).

*Amendment*

1. All measures necessary for the implementation of the action referred to in Article 4(1)(b) ***shall not be*** governed by this Decision and ***shall follow*** the procedures of the legal instruments referred to in Article 1(4).

*Justification*

*Inserts language stressing the obligatory nature of following the procedures in the external financing instruments.*

## **Amendment 7**

### **Proposal for a decision**

#### **Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In the case of measures funded under Regulation (EC) No 1905/2006, the objectives of Article 2 of that Regulation shall be upheld, particularly paragraph 4 thereof.***

*Justification*

*Ensures DCI funding is used in conformity with the DCI provision requiring 100% of geographical programme funding to meet the OECD/DAC requirements for classification as ODA*

## **Amendment 8**

### **Proposal for a decision**

#### **Article 7 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall inform the European Parliament and the Committee referred to in Article 8 on a regular basis of the measures taken.***

*Justification*

*Ensures appropriate feedback is provided from the Commission to the European Parliament and the Erasmus Mundus management committee*

## **Amendment 9**

### **Proposal for a decision**

#### **Article 10 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In the case of measures funded under Regulation (EC) No 1905/2006, subparagraph (a) of this Article shall not apply and implementation shall be carried***



***out with regard to the development policy of the Community and particularly to the objective of eradicating poverty in partner countries and regions.***

*Justification*

*Ensures DCI funding is used for development purposes and rules out the possibility of using it for purposes benefiting the EU but outside the realm of development policy.*

**Amendment 10**

**Proposal for a decision  
Article 11 – paragraph 1**

*Text proposed by the Commission*

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 Lifelong Learning Programme, the Seventh Framework Programme for Research, with external cooperation programmes and with the European Fund for the Integration of third-country nationals.

*Amendment*

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 Lifelong Learning Programme, the Seventh Framework Programme for Research, with ***development policy and*** external cooperation programmes and with the European Fund for the Integration of third-country nationals.

*Justification*

*Ensures consistency with development policy (as required by Art 178 of the EC Treaty).*

**Amendment 11**

**Proposal for a decision  
Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. For actions funded under Regulation (EC) No 1905/2006, evaluation shall include follow-up with the nationals of***

*developing countries following expiry of their periods of study or research in the EU and shall assess their subsequent contribution to the economic or social development of their country of origin.*

*Justification*

*To assess how far Erasmus Mundus scholarships contribute to the development objectives of the financing instrument DCI, it will be necessary for follow-up to be carried out with former students.*

**Amendment 12**

**Proposal for a decision**

**Annex – Action 2 – paragraph 1**

*Text proposed by the Commission*

The Community will select partnerships of high academic quality which, for the purposes of the programme, will be called ‘Erasmus Mundus partnerships’. They pursue and are in line with the objectives of article 3.

*Amendment*

The Community will select partnerships of high academic quality which, for the purposes of the programme, will be called ‘Erasmus Mundus partnerships’. They pursue and are in line with the objectives of article 3, ***in so far as these are in conformity with the legal base from which the funding is derived.***

*Justification*

*Ensures respect for the provisions of DCI and the Cotonou Agreement in the selection of partnerships.*

**Amendment 13**

**Proposal for a decision**

**Annex – Action 2 – paragraph 2 – introductory part**

*Text proposed by the Commission*

For the purpose of the programme, Erasmus Mundus partnerships shall:

*Amendment*

For the purpose of the programme, ***and in conformity with the legal base from which the funding is derived,*** Erasmus Mundus partnerships shall:

### *Justification*

*Ensures there are no contradictions between the Erasmus Mundus Decision and other legislation governing use of the same funds.*

#### **Amendment 14**

##### **Proposal for a decision**

##### **Annex – Action 2 – paragraph 2 – point c**

###### *Text proposed by the Commission*

c) exchange students at all levels of higher education (from bachelor to post-doctoral), academics and higher education staff for mobility periods of variable length, including the possibility of placement periods. *Mobility must* take European nationals to third countries *and* third-country nationals to European countries. The scheme will also allow the hosting of third-country nationals who are not linked to the third-country institutions involved in the partnerships, as well as include specific provisions for vulnerable groups, as appropriate to the political and socio-economic context of the respective region/country;

###### *Amendment*

c) exchange students at all levels of higher education (from bachelor to post-doctoral), academics and higher education staff for mobility periods of variable length, including the possibility of placement periods. ***Except in the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, mobility may*** take European nationals to third countries. ***Mobility shall take*** third-country nationals to European countries. The scheme will also allow the hosting of third-country nationals who are not linked to the third-country institutions involved in the partnerships, as well as include specific provisions for vulnerable groups, as appropriate to the political and socio-economic context of the respective region/country;

### *Justification*

*Ensures funding from DCI and the Cotonou Agreement may only be used to provide scholarships for nationals of developing countries to study at EU universities, rather than for the benefit of EU nationals.*

#### **Amendment 15**

##### **Proposal for a decision**

##### **Annex – Action 2 – paragraph 2 – point d**

###### *Text proposed by the Commission*

d) have built-in mechanisms for the recognition of periods of study and

###### *Amendment*

d) have built-in mechanisms for the ***mutual*** recognition of periods of study and

research undertaken in partner institutions based on, or compatible with, the European credit transfer and accumulation system;

research undertaken in partner institutions based on, or compatible with, the European credit transfer and accumulation system *as well as equivalent systems in third countries*;

## Amendment 16

### Proposal for a decision

#### Annex – Action 2 – paragraph 2 – point f

##### *Text proposed by the Commission*

f) establish transparent conditions for the award of mobility grants which pay due regard, inter alia, to gender issues *and* equity issues;

##### *Amendment*

f) establish transparent conditions for the award of mobility grants *based on merit* which pay due regard, inter alia, to gender issues, equity issues *and linguistic abilities*;

##### *Justification*

*Ensuring candidates have a minimum level of proficiency in the language of instruction is vital to maintaining high academic standards.*

## Amendment 17

### Proposal for a decision

#### Annex – Action 2 – paragraph 2 – point h

##### *Text proposed by the Commission*

h) put in place appropriate arrangements to facilitate access for, and hosting of, European and third-country students, academics and higher education staff (information facilities, accommodation, assistance with visas, etc.);

##### *Amendment*

h) put in place appropriate arrangements to facilitate access for, and hosting of, European and third-country students, academics and higher education staff (information facilities, accommodation, assistance with visas, *including payment of visa fees*, etc.);

##### *Justification*

*Students should not be disadvantaged by differing visa requirements between Member States, and particularly the differing charges applied to visas. Provision is therefore made for the visa fees to be covered by the scholarship funding.*

## **Amendment 18**

### **Proposal for a decision**

#### **Annex – Action 2 – paragraph 2 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

***ja) in the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, ensure that nationals of developing countries study or carry out research in areas that are relevant to the economic development of their countries of origin;***

*Justification*

*Ensures the development objectives of DCI and the Cotonou Agreement are respected by ensuring students benefiting from funding under these instruments undertake study in areas relevant to the development of their countries of origin*

## **Amendment 19**

### **Proposal for a decision**

#### **Annex – Action 2 – paragraph 2 – point j b(new)**

*Text proposed by the Commission*

*Amendment*

***jb) in the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, put in place mechanisms to ensure that nationals of developing countries return to their countries of origin on the expiry of their periods of study or research to allow them to contribute to the economic development and welfare of the developing countries concerned.***

*Justification*

*To comply with the objectives of development instruments, incentives must be provided for recipients of scholarships financed from these instruments to return to their countries of origin and contribute to the development of the countries concerned.*

## Amendment 20

### Proposal for a decision

#### Annex – Action 2 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. In the case of partnerships including developing countries, priority shall be given to partnerships involving publicly funded higher education institutions in the developing countries.***

*Justification*

*To avoid concentration on the elites in third country societies and increase the possibility of Erasmus Mundus opportunities being opened to less wealthy and more disadvantaged groups, priority must be accorded to partnerships involving publicly-funded education institutions rather than just private universities.*

## Amendment 21

### Proposal for a decision

#### Annex – Action 2 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Scholarships will be open to European and third-country students and academics as defined in Article 2.

5. Scholarships will be open to European and third-country students and academics as defined in Article 2. ***In the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, scholarships will only be open to third-country students and academics as defined in Article 2 of this Decision.***

*Justification*

*Ensures funding from DCI or the Cotonou Agreement is not used to benefit EU nationals, thereby respecting the development objectives of these instruments.*

## Amendment 22

### Proposal for a decision

#### Annex – Action 2 – paragraph 6

##### *Text proposed by the Commission*

6. In assigning the scholarships under this action, the Commission shall support socio-economic disadvantaged groups and populations in vulnerable situations.

##### *Amendment*

6. In assigning the scholarships under this action, the Commission shall support socio-economic disadvantaged groups and populations in vulnerable situations ***without compromising the transparency conditions set out in point 2(f). In the case of measures funded under Regulation (EC) No 1905/2006 or the ACP-EC Partnership Agreement, priority shall be given to such groups and populations.***

##### *Justification*

*The Commission has agreed to prioritise disadvantaged and vulnerable groups, but there has been no indication of the means by which this shall be carried out. This amendment gives legislative force to the requirement to implement such prioritisation and combines it with the requirement to select students on merit.*

## PROCEDURE

<b>Title</b>	Erasmus Mundus programme (2009-2013)
<b>References</b>	COM(2007)0395 – C6-0228/2007 – 2007/0145(COD)
<b>Committee responsible</b>	CULT
<b>Opinion by</b> Date announced in plenary	DEVE 3.9.2007
<b>Associated committee(s) - date announced in plenary</b>	13.3.2008
<b>Drafts(wo)man</b> Date appointed	Alessandro Battilocchio 5.11.2007
<b>Discussed in committee</b>	1.4.2008
<b>Date adopted</b>	28.5.2008
<b>Result of final vote</b>	+: 27 -: 0 0: 0
<b>Members present for the final vote</b>	Margrete Auken, Alessandro Battilocchio, Thijs Berman, Danutė Budreikaitė, Marie-Arlette Carlotti, Beniamino Donnici, Fernando Fernández Martín, Juan Fraile Cantón, Alain Hutchinson, Filip Kaczmarek, Glenys Kinnock, Maria Martens, Gay Mitchell, Luisa Morgantini, Horst Posdorf, José Ribeiro e Castro, Frithjof Schmidt, Jürgen Schröder, Feleknas Uca, Jan Zahradil
<b>Substitute(s) present for the final vote</b>	John Bowis, Ana Maria Gomes, Miguel Angel Martínez Martínez, Manolis Mavrommatis, Mihaela Popa, Renate Weber, Gabriele Zimmer