

CONSOLIDATED

CONVENTION SETTING UP A EUROPEAN UNIVERSITY INSTITUTE

As amended by the Amending Convention of 1992

Convention setting up a European University Institute

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

RESOLVED to foster the advancement of learning in fields which are of particular interest for the development of Europe, especially its culture, history, law, economics and institutions;

DESIRING to promote cooperation in these fields and to stimulate joint research;

HAVING DECIDED to realize the intentions expressed on the subject in the Declarations made by the Heads of State or of Government meeting at Bonn on 18 July 1961 and at The Hague on 1 and 2 December 1969;

CONSIDERING that a further contribution should be made to the intellectual life of Europe and that in this spirit a European Institute should be set up at the highest university level;

HAVE DECIDED to set up a European University Institute and to lay down the conditions under which it will function, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Leon HUREZ,
Minister of Education (F);

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr Rolf LAHR,
Ambassador of the Federal Republic of Germany in Rome;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Jacques DUHAMEL,
Minister for Cultural Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr Aldo MORO,
Minister for Foreign Affairs;
Mr Riccardo MISASI, Minister of Education;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Jean DUPONG,
Minister of Education;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr Th. E. WESTERTERP,
State Secretary, Ministry of Foreign Affairs;

WHO, having exchanged their Full Powers, found in good and due form, have agreed as follows:

CHAPTER I

PRINCIPLES GOVERNING THE SETTING UP OF THE INSTITUTE

Article 1

By this Convention, the Member States of the European Communities (hereinafter called the "Contracting States") jointly set up the European University Institute (hereinafter called the "Institute". It shall have legal personality.

The seat of the Institute shall be in Florence.

Article 2

1. The aim of the Institute shall be to contribute, by its activities in the fields of higher education and research, to the development of the cultural and scientific heritage of Europe, as a whole and in its constituent parts. Its work shall also be concerned with the great movements and institutions which characterize the history and development of Europe. It shall take into account Europe's cultural and linguistic pluralism and relations with cultures outside Europe.

This aim shall be pursued through teaching and research at the highest university level.

As part of the general programme of its scientific activities, the Institute shall develop interdisciplinary research programmes on the major issues confronting contemporary European society, including matters relating to the construction of Europe.

2. The Institute should also be a forum for the exchange and discussion of ideas and experience in subjects falling within the areas of study and research with which it is concerned.

Article 3

1. The Contracting States shall take all the measures necessary to facilitate the pursuit of the aim of the Institute while observing freedom of research and teaching.

2. The Contracting States shall encourage the spread of the Institute's influence in the scientific and university world. To this end, they shall assist the Institute to establish appropriate bonds of cooperation with the universities and scientific institutions in

their territories and with the European and international bodies concerned with education, culture and research.

3. Within its terms of reference, the Institute shall cooperate with universities and with any national or international teaching or research body wishing to cooperate. It may conclude agreements with States and international bodies.

Article 4

The Institute and its staff shall enjoy such privileges and immunities as are necessary for the performance of their tasks, under the conditions laid down in the Protocol annexed to this Convention, which forms an integral part thereof.

The Institute shall conclude a headquarters agreement with the Italian Government, to be approved unanimously by the High Council.

CHAPTER II

ADMINISTRATION

Article 5

The authorities of the Institute shall be:

- a) the High Council,
- b) the Principal of the Institute,
- c) the Academic Council.

Article 6

1. The High Council shall be composed of representatives of the Governments of the Contracting States; each Government shall have one vote in the Council and shall delegate to it two representatives.

The High Council shall meet at least once a year in Florence.

2. The office of President of the High Council shall be held for one year by a representative of each of the Contracting States in turn.

3. The Principal of the Institute, the Secretary and a representative of the European Communities shall take part in meetings of the High Council but shall not vote.

4. The High Council shall be responsible for the main guidance of the Institute; it shall direct its activities and supervise its development. It shall facilitate on the one hand relations between Governments on matters concerning the Institute, and on the other hand relations between Governments and the Institute.

The High Council shall take the decisions necessary for the performance of the tasks thus entrusted to it in accordance with paragraphs 5 and 6.

5. Acting unanimously, the High Council shall:

- a) draw up the rules governing the activities of the Institute and the financial rules provided for in Article 26;
- b) adopt the procedure for the selection of the working languages in accordance with Article 27;
- c) draw up the service rules of the staff of the Institute; these service rules shall lay down the procedure for settling disputes between the Institute and persons covered by them;
- d) decide upon the creation of permanent posts for professors assigned to the Institute;
- g) invite, on terms which it shall lay down, the persons specified in Article 9 (3) to take part in the activities of the Academic Council;
- h) conclude the headquarters agreement between the Institute and the Italian Government, and any instrument referred to in Article 3 (3);
- i) appoint the first Principal and the first Secretary of the Institute;
- j) allow, if necessary, derogation from Article 8 (3);
- k) alter the arrangement into departments provided for in Article 11 or create new departments;
- l) grant the approval referred to in Article 33;
- m) take the measures referred to in Article 34.

6. The High Council shall, acting by a qualified majority, take decisions other than those provided for in paragraph 5, in particular those concerning:

- a) the appointment of the Principal and the Secretary of the Institute;
- b) the approval of the Institute's budget and giving a discharge to the Principal in respect of the implementation of the budget;
- c) the approval, on a proposal from the Academic Council, of the general teaching policy;
- d) the creation of a Research Council, the structure and powers of which it shall determine after consulting the Academic Council;
- e) the creation or closure of interdisciplinary centres within the Institute, after consulting the Academic Council and the Research Council;
- f) the adoption of its rules of procedure.

7. Where decisions require a qualified majority, votes shall be weighted as follows:

Belgium	5
Denmark	3
Germany	10
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Luxembourg	2
Netherlands	5
Austria	4
Portugal	5
Finland	3
Sweden	4
United Kingdom	10

The decisions shall be carried if they have received a minimum of 62 votes in favour and the approval of at least 10 Governments.

8. Abstentions shall not prevent the adoption by the High Council of decisions which require unanimity.

Article 7

1. The Principal shall direct the Institute. He shall carry out or supervise the carrying out of acts and decisions pursuant to this Convention and shall take any administrative decisions which do not fall within the terms of reference of any of the other authorities of the Institute.

2. He shall be responsible for the administration of the Institute. He shall represent it in law.

He shall prepare the draft annual budget and the draft triennial financial forecasts and shall submit them to the High Council after consulting the Academic Council.

He shall appoint the heads of department, the interdisciplinary centre directors and the other members of the teaching staff nominated in accordance with Article 9 (5) (e) and Article 9 (2).

He shall appoint members of the administrative staff of the Institute.

3. The Principal of the Institute shall be chosen by the High Council after consultation with the Academic Council. The arrangements for the co-operation between the High Council and the Academic Council to prepare this decision shall be adopted by the High Council, voting unanimously, after consulting the Academic Council.

He shall be appointed for five years. The High Council, deciding unanimously after consulting the Academic Council, may extend his term of office for a maximum period of three years.

The rules provided for in Article 6 (5) (a) shall lay down the terms on which his term of office may be terminated on his initiative or on that of the Institute.

Article 8

1. A Secretary shall assist the Principal of the Institute in the performance of his organizational and administrative duties.
2. His term of office and the length of his appointment shall be laid down in the rules provided for in Article 6 (5) (a).
3. The Secretary and the Principal of the Institute may not be of the same nationality, unless unanimously decided otherwise by the High Council.

Article 9

1. The Academic Council shall have general powers with regard to research and teaching, without prejudice to the terms of reference of the other authorities of the Institute.

It shall be presided over by the Principal of the Institute.

2. An executive committee, chaired by the Principal of the Institute, assisted by the Secretary, and consisting of the Principal, the heads of department, the directors of the centres provided for in Article 11 (3), and one research student representative, shall assist the Principal at his request in performing the Institute's tasks.

The executive committee shall prepare the work of the Academic Council. It shall nominate teaching staff members other than those referred to in paragraph (5) (e). It shall draw up the list of members of the Entrance Board and the Graduation Board.

It shall carry out the specific tasks entrusted to it by the Academic Council.

It shall regularly report to the Academic Council and the High Council on the manner in which it has carried out its aims.

3. The following shall be members of the Academic Council:

- a) the Principal of the Institute;
- b) the Secretary of the Institute, who shall take part in the work but shall not vote;
- c) heads of department;
- d) interdisciplinary centre directors;
- e) all or some of the professors assigned to the Institute;
- f) all or some of the lecturers assigned to the Institute;
- g) representatives of the other members of the teaching staff;
- h) representatives of the research students;
- i) representatives of the members of other categories participating within the Institute in the carrying out of its aims.

The High Council may, under conditions which it shall lay down, invite persons with particular qualifications who are nationals of Member States and represent various

aspects of economic, social and cultural life to take part in the activities of the Academic Council.

4. The rules provided for in Article 6 (5) (a) shall determine:

- a) the number of members of the Academic Council representing the categories of persons indicated in paragraph 3 (e), (f), (g), (h) and (i), the procedure for their appointment and the length of their term of office;
- b) the rules for majority votes in the Academic Council;
- c) the rules governing the operations of the executive committee.

5. The Academic Council shall:

- a) approve the study programmes and, after consulting the Research Council, the research programmes of the departments;
- b) after consulting the Research Council, approve the research programmes of the interdisciplinary centres;
- c) participate in the preparation of the draft annual budget and the draft triennial financial forecasts;
- d) take any implementing measures concerning research and teaching which do not fall within the terms of reference of any of the other authorities of the Institute;
- e) meeting in a session restricted to members of the teaching staff who have at least equal status with the persons concerned, nominate the heads of department, the interdisciplinary centre directors, the professors and the lecturers to be engaged as full-time members of the teaching staff of the Institute;
- f) determine the conditions for the award of the degree and certificate provided for in Article 14;
- g) examine the draft report on activities prepared by the Principal of the Institute and submitted to the High Council.

6. The Academic Council may, on its own initiative, submit proposals to the High Council concerning questions falling within the terms of reference of that Council.

Chapter III

ACADEMIC STRUCTURE

A. Academic organization

Article 10

The Institute shall be divided into departments, which shall constitute the basic research and teaching units.

Article 11

1. From the time it is set up the Institute shall consist of four departments:

- history and civilization,
- economics,
- law,
- political and social sciences.

Acting unanimously, the High Council, after consulting the Academic Council and in the light of experience, may alter this arrangement or set up new departments. The Academic Council may make recommendations to this end.

2. Within the limits of the funds allocated to it in the budget, and the programmes adopted by the Academic Council, each department shall enjoy a large measure of autonomy in carrying out its studies and research work and shall be provided with the staff necessary for its activities.

3. The Institute may, taking account of the departments set up at the Institute, include one or more interdisciplinary study and research centres. A decision on setting up, or closing, such centres, and on their aim, specific structures and general conditions of operation shall be taken by the High Council acting by a qualified majority after consulting the Academic Council and the Research Council.

Article 12

1. The main research work shall be carried out in seminars or by research teams. Work in one seminar may be combined with that of other seminars in the same department or in other departments.

The organization of the various seminars and research teams shall be the responsibility of the heads of department. Research work shall be carried out with the active collaboration of teaching staff and research students, who shall jointly lay down their methods of work and the lines along which it should proceed.

2. The research work to be carried out in the seminars or by research teams must be defined within the limits of the study and research programmes provided for in Article 9 (5) and take account of the aim of the Institute.

The subject matter of the work projects to be undertaken in each seminar and by each research team shall be notified to the Academic Council by the heads of department after they have obtained the approval of the professors and lecturers.

3. The Institute may organize periods of practical training and colloquia in which persons already having professional experience in the disciplines under which studies and research are carried out at the Institute may take part.

Article 13

1. The Institute shall have a library and a documentation service, financed by the annual operating budget.

2. The Italian Republic undertakes to carry out all the necessary measures and to conclude all the agreements required to give teaching staff and research students access to archives, libraries and museums in Florence and, if necessary, in other Italian cities.

The procedure for applying this provision shall be laid down in the headquarters agreement.

Article 14

1. The Institute shall have the power, in the disciplines under which studies and research are carried out at the Institute, to confer a doctorate of the European University Institute upon research students who have completed a minimum of two years' study at the Institute and have submitted an original piece of research of high quality approved by the Institute, which must be published in accordance with the provisions laid down pursuant to paragraph 4.

2. The Institute shall also have the power to confer a degree lower than a doctorate on research students who have completed a minimum of one year's study at the Institute and have met the specific conditions for that degree adopted pursuant to paragraph 4.

3. On leaving the Institute, Institute research students on whom neither of the degrees provided for in paragraphs 1 and 2 has been conferred shall receive from the Institute at their request a certificate attesting to the study and research they have carried out at the Institute.

4. The conditions for the award of the degrees and the issue of the certificate provided for in this Article shall be laid down by the Academic Council; these conditions shall require the approval of the High Council.

B. Teaching staff and research students

Article 15

1. The teaching staff shall consist of heads of department, interdisciplinary centre directors, professors, lecturers and other teachers.

2. Members of the teaching staff shall be chosen from among nationals of the Contracting States whose qualifications are such as to ensure that the work of the Institute is of a high standard. The Institute may also call upon the services of nationals of other States.

3. The Contracting States shall, so far as they are able, take all appropriate measures to facilitate the mobility of persons engaged as members of the teaching staff of the Institute.

Article 16

1. For the purposes of this Convention, the Institute's "research students" are students or research students with qualifications from a national university showing their suitability to undertake or continue research work, who meet the conditions laid down in Article 27 (3) and have been admitted to the Institute.

2. Admission to the Institute shall be open to nationals of the Contracting States.

Nationals of other States may be admitted subject to limits and conditions to be laid down in the rules to be adopted by the High Council after consulting the Academic Council.

3. Admission to the Institute shall be granted by the Entrance Board in accordance with the provisions of this Convention and the rules adopted by the High Council. The Board shall take account of applicants' qualifications and, as far as possible, of their place of origin.

The competent authorities of the Contracting States shall assist the Institute in administering the admission procedure.

Article 17

1. Each of the Contracting States shall, to the extent of the funds available, encourage the award of grants to those of its nationals admitted to the Institute whose circumstances so require, and shall take, where necessary, all appropriate measures for the adaptation of provisions governing the award of grants.

2. The financial rules may make provision for the creation of a special fund for the award of certain grants. This fund could, in particular, be endowed from private contributions.

3. The preceding provisions shall not prevent research students at the Institute from receiving grants awarded by the European Communities to persons carrying out research work connected with the construction of Europe.

CHAPTER IV

FINANCIAL PROVISIONS

Article 18

1. There shall be an operating budget for each financial year.

2. All items of revenue and expenditure of the Institute shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.

The revenue and expenditure shown in the budget shall be in balance.

The financial rules shall list the revenue of the Institute.

3. The financial year shall run from 1 January to 31 December.

4. Revenue and expenditure shall be expressed in euro.

Article 19

1. The financial contributions of the Contracting States to cover the expenditure provided for in the Institute's budget shall be determined on the following scale:

Belgium	5.11 %
Denmark	2.09 %
Germany	17.89 %
Greece	1.51 %
Spain	6.41 %
France	17.89 %
Ireland	0.53 %
Italy	17.89 %
Luxembourg	0.16 %
Netherlands	5.11 %
Austria	2.73 %
Portugal	0.76 %
Finland	1.23 %
Sweden	2.80 %
United Kingdom	17.89 %

2. From 1 January 1978, financing shall be on a basis to be determined, during a study to be initiated on 1 January 1977, in the light of developments in the European Communities by that date and the alternative of financing by the Community.

Article 20

1. The expenditure shown in the budget shall be authorized for one financial year, save as otherwise provided in rules to be laid down in accordance with Article 26.

2. In accordance with conditions to be laid down pursuant to Article 26, any appropriations, other than those relating to staff expenditure, which are unexpended at the end of the financial year may be carried forward to the next financial year only.

3. Appropriations shall be classified under different chapters grouping items of expenditure according to their nature or purpose and subdivided, as far as may be necessary, in accordance with the financial rules.

Article 21

1. The Principal shall implement the budget in accordance with the financial rules and within the limits of the appropriations granted. He shall report on his management to the High Council.

2. The financial rules may lay down provisions concerning the transfer of appropriations from one chapter to another or from one subdivision to another.

Article 22

If, at the beginning of a financial year, the budget has not yet been voted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the financial rules; this arrangement shall not, however, have the effect of placing at the disposal of the Institute appropriations in excess of one twelfth of those provided for in the draft budget in course of preparation.

Provided that the other conditions laid down in the preceding paragraph are observed, the High Council, acting by a qualified majority, may authorize expenditure in excess of one twelfth.

Contracting States shall pay every month, on a provisional basis and in accordance with the scales laid down for the preceding financial year, the amounts necessary to ensure application of this Article.

Article 23

1. The High Council shall appoint two auditors of different nationalities for a period of four years. These auditors' term of office shall not be renewable.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

The auditors shall submit their report to the High Council annually.

The Principal shall supply any such information and assistance as the auditors may require in the performance of their duties.

2. The financial rules shall lay down the terms on which the Principal shall be given a discharge in respect of the implementation of the budget.

Article 24

I. The Principal shall draw up draft triennial financial forecasts and, after consulting the Academic Council, shall submit them to the High Council for examination and appraisal.

2. The procedure for implementing paragraph I shall be laid down in the financial rules.

Article 25

1. The Italian Republic shall provide the Institute, free of charge, with land in Florence and the buildings which the Institute requires for its activities, and shall undertake the upkeep thereof.

The Italian Republic shall, on the same conditions, place at the disposal of the teaching staff, research students and the administrative staff of the Institute, a fully equipped restaurant and social centre on the Institute's premises.

2. The procedure for implementing paragraph 1 shall be laid down in the headquarters agreement.

Article 26

1. The High Council, acting unanimously on a proposal from the Principal of the Institute or from one of the members of the High Council, shall adopt the financial rules, specifying in particular:

- a) the procedure for establishing and implementing the annual budget and for presenting and auditing accounts;
- b) the procedure for the preparation of the triennial financial forecasts;
- c) the methods and procedure for the payment and deployment of the Member States' contributions;
- d) the rules and procedure concerning the responsibility of authorizing officers and accounting officers.

2. The financial rules provided for in paragraph I may provide for the setting up of a Budget and Finance Committee composed of representatives of the Contracting States which would be responsible for preparing the deliberations of the High Council on budgetary and financial matters.

CHAPTER V

MISCELLANEOUS PROVISIONS

Article 27

1. The official languages of the Institute shall be Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

2. For each academic activity, two working languages shall be selected from the languages listed in paragraph 1, taking into account the linguistic knowledge and preferences of the teaching staff and research students.

The procedure for selecting these languages shall be determined by the High Council acting unanimously.

3. The teaching staff and research students must have an adequate knowledge of two of the languages listed in paragraph 1.

The Academic Council may allow exceptions to be made for specialists engaged in certain work at the Institute.

Article 28

In each of the Contracting States, the Institute shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property, conclude contracts and be a party to legal proceedings. To this end it shall be represented by the Principal.

Article 29

Any dispute between Contracting States, or between one or more Contracting States and the Institute, concerning the application or interpretation of the Convention which cannot be settled by the High Council may, on application by one of the parties to the dispute, be submitted to arbitration.

In that event, the President of the Court of Justice of the European Communities shall determine the arbitration body to be called upon to settle the dispute.

The Contracting States undertake to carry out the decisions of the arbitration body.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Article 30

1. The High Council shall meet immediately after the entry into force of this Convention.
2. The High Council shall conclude the headquarters agreement and shall set up the other authorities provided for in this Convention.
3. The first eight members of the teaching staff of the Institute shall be chosen by unanimous decision of a provisional Academic Committee composed of two representatives from each of the Contracting States, at least one of whom must be a teacher at university level.

On the appointment of the Principal, the Secretary and these eight members of the teaching staff, measures taken by the Academic Council shall constitute valid decisions.

Article 31

The first Principal and the first Secretary of the Institute shall be appointed by the High Council acting unanimously.

Article 32

1. Any Member State of the European Communities besides the Contracting States may accede to this Convention by depositing an instrument of accession with the Italian Government.

2. Accession shall take effect on the date on which the High Council, acting unanimously and in agreement with the acceding State, has determined the adaptations which will need to be made to the provisions of this Convention, in particular to Articles 6 (7) and 19 (1).

Article 33

The Government of any Contracting State, the Principal of the Institute or the Academic Council may submit to the High Council draft proposals for revision of this Convention. If the High Council, acting unanimously, approves the convening of a conference of representatives of the Contracting States, such a conference shall be convened by the Government occupying the presidency of the High Council.

Article 34

If action on the part of one of the authorities of the Institute should appear necessary to attain one of the objectives set out in this Convention and this Convention has not provided the necessary powers, the High Council shall, acting unanimously, take the appropriate measures.

Article 35

1. This Convention shall apply to the European territory of the Contracting States, to the Azores, Madeira, the Canary Islands, Ceuta and Melilla, to the French overseas departments and the French overseas territories.

2. Notwithstanding paragraph 1 the Convention shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus; it shall not apply either to the Channel Islands or the Isle of Man unless the United Kingdom Government declares on accession to this Convention, or subsequently, that this Convention shall apply to one or more of such territories.

3. Notwithstanding paragraph 1, the Convention shall not apply to the Faroe Islands. The Government of the Kingdom of Denmark may, however, give notice, by declaration deposited by 31 December 1975 at the latest, with the Government of the Italian Republic, which shall transmit a certified copy to each of the Governments of the other Contracting States that this Convention shall apply to these islands.

4. Any Contracting State may, at the time of signature, acceptance, approval or ratification of this Convention, or when acceding to it, or at any later date, declare, by

notifying the Government of the Italian Republic, that this Convention shall apply to one or more of its territories outside Europe for whose international relations it is responsible and which are specified in the declaration.

Article 36

This Convention shall be submitted for acceptance, approval or ratification by the Contracting States in accordance with their respective constitutional requirements.

It shall enter into force on the first day of the month following receipt by the Italian Government of the last notification that these formalities have been completed.

Article 37

The Italian Government shall notify the Contracting States of

- a) each signature;
- b) the deposit of each instrument of acceptance, approval, ratification or accession, and any declaration provided for in Article 35 (2);
- c) the entry into force of this Convention;
- d) any amendment made to this Convention in accordance with Article 33.

Article 38

This Convention, drawn up in the Dutch, French, German and Italian languages, all four texts being authentic, shall be deposited in the archives of the Italian Government which shall transmit a certified copy to the Government of each of the other Contracting States.

The English, Danish and Irish texts of this Convention appearing in the Annex to the High Council decision specifying the amendments thereto rendered necessary by the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland shall be authentic under the conditions laid down in the above mentioned original texts and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

The Greek text of this Convention appearing in the Annex to the High Council decision specifying the amendments thereto rendered necessary by the accession of Greece shall be authentic in the same way as the texts mentioned in the above subparagraphs, and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

The Spanish text of this Convention appearing in the Annex to the High Council Decision specifying the amendments thereto rendered necessary by the accession of the Kingdom of Spain shall be authentic under the conditions laid down in the above subparagraphs, and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

The Portuguese text of this Convention, as it appears in the Annex to High Council Decision No 4/89 of 7 December 1989 amending the Convention setting up a European University Institute following accession by the Portuguese Republic, shall be authentic in the same way as the texts mentioned in the foregoing subparagraphs, and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

The Finnish and Swedish texts of this Convention, as they appear in the Annex to the High Council Decision No 1/97 of 19 June 1997 amending the Convention setting up a European University Institute following accession by the Finnish Republic and the Kingdom of Sweden, shall be authentic in the same way as the texts mentioned in the foregoing subparagraphs, and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

The German text of this Convention, as it appears in the Annex to the High Council Decision No 1/97 of 19 June 1997, amending the Convention setting up a European University Institute following accession by the Republic of Austria, shall be authentic in the same way as the texts mentioned in the foregoing subparagraphs, and the Government of the Italian Republic shall transmit a certified copy thereof to the Government of each of the other Contracting States.

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNIVERSITY INSTITUTE

THE STATES PARTIES TO THE CONVENTION setting up a European University Institute, signed at Florence on 19 April 1972,

DESIRING to define the privileges and immunities necessary to ensure the smooth running of that Institute,

HAVE AGREED on the following provisions:

CHAPTER I

Arrangements for the Institute

Article 1

The European University Institute (hereinafter called the "Institute") shall enjoy immunity from enforcement in the exercise of its official activities, except:

- a) in respect of a civil action brought by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Institute, or in respect of a motor traffic offence involving such a vehicle;
- b) in respect of the enforcement of an arbitration award or a judicial decision under a provision of the Convention or of this Protocol;
- c) where the High Council, acting unanimously, has waived such immunity in any particular case.

Article 2

1. The premises and buildings of the Institute shall be inviolable. This provision shall not prevent the implementation of measures taken pursuant to Article 19 of this Protocol or authorized by the High Council acting unanimously.

2. The Institute shall not allow its premises and buildings to be used as a refuge by a person having just committed an offence in *flagrante delicto*, or in respect of whom a warrant for arrest has been issued, or who has been convicted or is subject to a deportation order.

3. The archives of the Institute shall be inviolable.

Article 3

Save as provided in Article I (a), (b) and (c), the property and assets of the Institute shall be immune from any form of administrative or provisional judicial constraint such as requisition, confiscation, expropriation or attachment.

Article 4

1. Without prejudice to national provisions safeguarding the artistic and cultural heritage of Contracting States, goods imported or exported by the Institute and strictly necessary for the exercise of its official activities shall be exempt from any turnover tax, customs duties and other taxes or charges, and from all prohibitions and restrictions on import or export.

2. The circulation of publications and other information material sent by or to the Institute in the course of its official activities shall not be restricted in any way.

3. For its official communications and the transmission of all its documents, the Institute shall enjoy in the territory of each Contracting State the treatment accorded by that State to international organizations. Official correspondence and other official communications of the Institute shall not be subject to censorship.

Article 5

1. Within the scope of its official activities, the Institute, its assets, income and other property shall be exempt from all direct taxes.

2. When the Institute makes substantial purchases which are strictly necessary for the exercise of its official activities, the price of which includes indirect taxes or sales taxes, the Contracting States shall, whenever possible, take the appropriate measures to remit or refund the amount of such taxes.

3. No exemption shall be accorded in respect of taxes and dues which amount merely to charges for public utility services.

Article 6

The Institute may receive and hold any kind of funds, currency, cash or securities; subject to national provisions on exchange control, it may dispose of them freely in the exercise of its official activities and hold accounts in any currency to the extent required to meet its obligations.

CHAPTER II

Arrangements concerning representatives of the Contracting States, and the Principal, Secretary, teaching staff and other persons connected with the Institute

Article 7

Representatives of Contracting States and their advisers taking part in the meetings of the High Council of the Institute shall, in the course of performing their duties and while they are travelling to and from places of meeting, enjoy the following privileges, immunities and facilities:

- a) immunity from personal arrest or detention and from seizure of their personal luggage, except when found in the act of committing an offence;
- b) immunity from legal proceedings, even after the termination of their mission, in respect of acts performed by them in their official capacity and within the limits of their functions, including their words spoken and written;
- c) inviolability for official papers and documents;
- d) all the customary administrative facilities, particularly with regard to travel or stay.

This Article shall also apply to the representative of the European Communities taking part in meetings of the High Council.

Article 8

The Contracting States, in close cooperation with the Institute, shall take all measures within their power to ensure that all necessary administrative facilities, particularly with regard to travel, stay and currency exchange, are granted to persons taking part in the work of the Institute, especially those referred to in Article 9 (3) of the Convention.

Article 9

I. The Principal, Secretary and, subject to Article 13, the teaching staff and other staff of the Institute shall:

- a) be immune from legal proceedings, even after they have left the service of the Institute, in respect of acts done by them in the exercise and within the limits of their functions including words written and spoken; this immunity shall not apply in the case of a motor traffic offence committed by such persons, nor in the case of damage caused by a motor vehicle belonging to or driven by such persons;
- b) together with those members of their families forming part of their households, benefit from such exemption from immigration restrictions or formalities for the registration of aliens as is customarily accorded to the staff of international organizations;
- c) in respect of currency or exchange regulations, be accorded the same privileges as are customarily accorded to the staff of international organizations;

d) have the right to import free of duty their furniture, effects and a motor car for their personal use at the time of first taking up their post in the State concerned for a period of one year or more and the right to re-export free of duty their furniture, personal effects and motor car for their personal use on termination of their duties in that State, subject in either case to the conditions and restrictions imposed by the national law of the State in which this right is exercised.

2. The Contracting States shall, in close cooperation with the Institute, take all appropriate measures to facilitate the entry, stay and departure of persons entitled to benefit from the provisions of this Article.

Article 10

The Contracting States shall, in close cooperation with the Institute, take all appropriate measures to facilitate the entry, stay and departure of research students.

Article 11

1. The scheme of social security benefits for the Principal, the Secretary, the teaching staff and other staff and research students shall be set out in the Service Rules and in other rules.

If provision is not made for such benefits, the persons referred to in the preceding subparagraphs may opt for the scheme either under the law of the State in which the Institute has its seat, or under the law of the Contracting State to which they were last subject, or under that of the Contracting State of which they are nationals.

This option may be exercised once only and shall take effect from the date of taking up employment with the Institute.

2. Members of the teaching staff and research students who are nationals of States other than the Contracting States shall be covered by appropriate provisions in the service rules or by other rules.

Article 12

1. The Principal, Secretary, teaching staff and other staff of the Institute shall be liable to a tax for the benefit of the Institute on salaries, wages and emoluments paid by the Institute, in accordance with the conditions and procedure to be laid down by the High Council within one year from the entry into force of the Convention. From the date on which this tax is applied, such salaries and emoluments shall be exempt from national income tax; but the Contracting States shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

2. The provisions of paragraph 1 shall not apply to pensions and annuities paid by the Institute to former Principals or Secretaries or to former members of the teaching staff or other members of staff.

3. In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Contracting States, the Principal, Secretary, teaching staff and other staff of the Institute who, solely by reason of the performance of their duties in the service of the Institute, establish their residence in the territory of a Contracting State other than their country of domicile for tax purposes at the time of entering the service of the Institute, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a Contracting State. This provision shall also apply to a spouse to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Article 13

The High Council shall, acting unanimously, determine the categories of persons among the staff to whom the provisions of Articles 9 to 12 shall apply, in whole or in part.

CHAPTER III

General provisions

Article 14

1. Privileges, immunities and facilities under this Protocol shall be accorded solely in the interests of the Contracting States or of the Institute and not for the personal advantage of the beneficiaries.
2. The competent authorities have not only the right but also the duty to waive an immunity when such immunity impedes the course of justice and when it is possible to dispense with the immunity without jeopardizing the purposes for which it is accorded.
3. The competent authorities referred to in paragraph 2 shall be:
 - the Contracting States, as regards their representatives meeting in the High Council of the Institute;
 - the Institutions of the European Communities, as regards the representative of the European Communities taking part in the meetings of the High Council of the Institute;
 - the High Council of the Institute, as regards the Principal and the Secretary;
 - the Principal of the Institute as regards members of the teaching staff and other members of staff of the Institute.

Article 15

This Protocol shall in no way affect the right of each Contracting State to take all precautionary measures necessary in the interests of its security.

Article 16

No Contracting State is obliged to accord the privileges and immunities referred to in Article 7, Article 9 (c) and (d) and Article 10 to its own nationals and permanent residents.

Article 17

For the purposes of this Protocol, the official activities of the Institute include its administrative functioning and its teaching and research activities in pursuance of the purposes set out in the Convention setting up a European University Institute.

Article 18

Without prejudice to the provisions of Article 9 (1) (d), no exemption shall be accorded in respect of goods for the personal benefit of the staff of the Institute. Goods imported or acquired under this Protocol shall not be sold, given away or hired out except under the conditions laid down by the Governments of the States which have granted exemptions.

Article 19

1. The provisions of this Protocol shall be applied in a spirit of close cooperation by the Principal of the Institute and the competent authorities of the Contracting States in order to facilitate, while respecting the independence of the Institute, the proper administration of justice, the application of social legislation, police, safety or public health regulations and to prevent any abuse of the privileges, immunities and facilities provided for in this Protocol. The procedure for cooperation mentioned in this paragraph may be laid down in the supplementary agreements provided for in Article 20.

2. The name, position and address of the persons benefiting from the provisions of Articles 9 to 12 and the arrangements for them shall be communicated from time to time to the Governments of the Contracting States.

Article 20

Supplementary agreements may be concluded between the Institute and one or more Contracting States for the purpose of implementing and applying this Protocol. The High Council shall, acting unanimously, take decisions concerning the application of this Article.

Article 21

The provisions of Article 29 of the Convention shall apply to disputes concerning this Protocol.

FINAL ACT

THE PLENIPOTENTIARIES OF THE HIGH CONTRACTING PARTIES,

assembled at Florence on 19 April 1972 for the signature of the Convention setting up a European University Institute,

HAVE ADOPTED THE FOLLOWING TEXTS:

- the Convention setting up a European University Institute,
- the Protocol on the Privileges and Immunities of the European University Institute.

At the time of signature of these texts, the Plenipotentiaries have:

- adopted the declarations in Annex I, and
- taken note of the declarations by the Government of the Federal Republic of Germany set out in Annex II.

ANNEX I

I. Declarations relating to certain provisions of the Convention

Article 6

Paragraph 1

- a) The rules of procedure of the High Council will determine the conditions under which Government representatives may enlist the assistance of experts.
- b) The rules of procedure make provision for the High Council to meet whenever necessary, and to meet in places within the territory of the Contracting States besides Florence.
- c) The High Council will take the necessary measures concerning the Institute's official publications; for this purpose it may use the services of the Official Publications Office of the European Communities.

Paragraph 5 (c)

The provisions of Article 6 (5) (c) do not prevent the High Council from designating the Court of Justice of the European Communities after consultation with the President of that Court, as the body appointed to settle disputes between the Institute and its staff.

Article 10

The carrying out of research work within a particular department merely means that the department is the main instigator. This in no way excludes enlisting the services of other departments to ensure that all scientific activities have the necessary interdisciplinary character.

Article 12

- a) The seminars and research teams will be set up for as long as is necessary to study the selected topic or to complete the particular research project.
- b) With regard to methods of works, teaching at the Institute shall consist essentially in participation in research work. The length of time devoted to such research may vary, but at least two years' work and the submission of an original piece of research under the conditions laid down in Article 14 of the Convention will be required for the award of any particular degree.

Article 14

- a) The degrees provided for in Article 14 (1) may for example be:

"Doctor of laws of the European University Institute of Florence"

"Doctor of political science of the European University Institute of Florence".

- b) The problem of the comparative status of the Institute's doctorate will be studied in a wider context as soon as possible; the High Council may, if necessary, address recommendations on this point to the Governments of the Contracting States.
- c) The purpose of publishing a piece of research will be to make it available to anyone who is interested in it. The provisions to be adopted in implementation of Article 14 (3) will therefore stipulate that publication may be effected not only in a journal or book or booklet form, but also by any other suitable form, (micro-film, roneo, etc.).

Article 15

Paragraph 1

The appointment of professors to the Institute on a permanent basis will be for a period of three years and may be renewed.

Paragraph 3

This refers mainly to the retention of rights acquired under national arrangements and, where appropriate, the acquisition of such rights, as well as to the possibility of returning to an institution in the country of origin, particularly where the stay at the Institute is for a short period.

Article 16

Paragraph 1

Taking into account the academic level and requirements as regards organization of the work, the number of research students will, initially at least, probably be between 250 and 600.

Paragraph 3

- a) The provisions relating to the admission of ordinary students and research students must stipulate the academic standard which they must already have attained and the degree of knowledge of the official languages of the Institute required of them.
- b) The words 'take account as far as possible of their place of origin' should be interpreted as meaning that academic qualifications will be the main criterion which the Board takes into account, but that it must also take care to maintain equal representation of the various nationalities of the research students.

Article 17

It is advisable that the representatives of the Contracting States in the High Council should consult each other so that the level of grants and procedures for awarding them ' should be comparable in all the States.

Article 25

- a) The cost of the initial equipping of the newly constructed or extended buildings placed at the disposal of the European University Institute by the Italian Government will be borne by that Government.
- b) Furniture and teaching equipment is the type of investment which can be written off against normal budget appropriations and is thus closely tied to the functioning of the Institute; it is usual for provision to be made for such appropriations to be made in the annual budget.

Expenditure relating to additional equipment will come under the Institute's budget and will be financed according to the usual rules for financing the Institute's expenditure.

Article 26

The financial rules will stipulate that where the Contracting States pay their contributions in their national currencies:

- the available balances of these contributions will be deposited with the exchequers of the Contracting States or with bodies designated by these States;
- while on deposit, funds will retain the value corresponding to the parity on the day of deposit in relation to the currency unit in which the Institute's budget is drawn up.

Article 29

Second paragraph

Article 29 of the Convention does not preclude the Court of Justice of the European Communities from being designated as the arbitration body by the President of that Court.

Article 30

A Preparatory Committee composed of representatives of the Governments of the Contracting States and one representative from the Commission (without a vote) will meet after the signature of the Convention. It will carry out the necessary preparatory work, in particular the preparation of a draft headquarters agreement so that the Institute may be set up as soon as possible after the entry into force of the Convention.

II. Miscellaneous declarations

A. Financing and structure of the Institute

- a) The Principal will receive the salary and allowances of a professor plus an administrative allowance (about 20 % of the salary) during his term of office.
- b) The salary of the Secretary should be less than that of the Principal and may be equivalent to the salary of a professor.
- c) The Institute's research findings must be published and after the second or third year of its activity there should be a special budget heading for this.

B. Accommodation for research students

The Government of the Italian Republic will provide accommodation for research students at a moderate rent.

Any measures which may be taken in this connection must not be charged to the Institute's budget.

C. Possible accession of States which are not members of the European Communities

Four years after the entry into force of the Convention, the High Council, after consulting the Academic Council, will submit a report to the Contracting States concerning the possible inclusion in the Convention of a clause allowing States other than the Member States of the European Communities to accede to the Convention.

D. Re-examination of the question of denunciation .

The question of denunciation of the Convention will be re-examined at the same time as the report provided for in C.

E. European College at Bruges

The Contracting States take note of the following declaration made at the meeting of the Council and the Conference of Ministers of Education of the Member States, on 16 November 1971:

"The academic authorities of the Institutes of Florence and Bruges should work together to organize and set out in the most appropriate manner their respective curricula for parallel or converging activities."

ANNEXII

Declarations by the Government of the Federal Republic of Germany

The Government of the Federal Republic of Germany reserves the right to declare, when depositing its instrument of ratification of the Convention establishing a European University Institute, that this Convention shall equally apply to Land Berlin.

With regard to the definition of the expression "national", the Government of the Federal Republic of Germany refers to the declaration which it made on 25 March 1957 at the time of signature of the Treaties establishing the European Economic Community and the European Atomic Energy Community.