

A.3 PROTOCOLS ON THE SETTING UP OF EUROPEAN SCHOOLS WITH REFERENCE TO THE STATUTE OF THE EUROPEAN SCHOOL

CONTENTS

- 3.1 Protocol of 13 April 1962 on the Setting-up of European Schools with reference to the Statute of the European School, signed at Luxembourg on 12 April 1957**

- 3.2 Supplementary Protocol to the Protocol on the Setting-up of European Schools**

- 3.3 Protocol on provisional application of the Supplementary Protocol to the Protocol of 13 April 1962 on the Setting-up of European Schools**

A.3 PROTOCOLS ON THE SETTING UP OF EUROPEAN SCHOOLS WITH REFERENCE TO THE STATUTE OF THE EUROPEAN SCHOOL

GENERAL

1. The Protocol on the Setting-up of European Schools was signed at Luxembourg on 13 April 1962. It was ratified by the six Member States.
It was published in the document numbered 84-D-68 on 5 September 1984.
Ireland and the United Kingdom acceded to the Protocol on the Setting-up of European Schools with effect from 1 September 1972.
Denmark acceded to the Protocol on the Setting-up of European Schools with effect from 1 September 1973.
Greece acceded to the Protocol on the Setting-up of European Schools with effect from 1 September 1980.
Spain acceded to the Protocol on the Setting-up of European Schools with effect from 1 September 1986.
Portugal acceded to the Protocol on the Setting-up of European Schools with effect from 1 September 1987.
2. The Supplementary Protocol was signed at Luxembourg on 13 April 1962.

3.1 PROTOCOL OF 13 APRIL 1962 ON THE SETTING-UP OF EUROPEAN SCHOOLS WITH REFERENCE TO THE STATUTE OF THE EUROPEAN SCHOOL SIGNED AT LUXEMBOURG ON 12 APRIL 1957

The Governments

OF THE KINGDOM OF BELGIUM
OF THE FEDERAL REPUBLIC OF GERMANY
OF THE FRENCH REPUBLIC
OF THE ITALIAN REPUBLIC
OF THE GRAND DUCHY OF LUXEMBOURG
OF THE KINGDOM OF THE NETHERLANDS

duly represented by:

Baron François de SELYS-LONGCHAMPS, Belgian Ambassador Extraordinary and Plenipotentiary to Luxembourg;

Mr Bernd MUMM von SCHWARZENSTEIN, German Ambassador Extraordinary and Plenipotentiary to Luxembourg;

Mr Edouard-Félix GUYON, French Ambassador Extraordinary and Plenipotentiary to Luxembourg;

Mr Giorgio BOMBASSEI FRASCANI de VETTOR, Italian Ambassador Extraordinary and Plenipotentiary to Luxembourg;

Mr Eugène SCHAUS, Minister of Foreign Affairs of the Grand Duchy of Luxembourg and

Mr Emile SCHAUS, Minister of Education of the Grand Duchy of Luxembourg;

Jonkheer Otto REUCHLIN, Netherlands Ambassador Extraordinary and Plenipotentiary to Luxembourg.

HAVING REGARD TO the Statute of the European School, signed at Luxembourg on 12 April

1957, and to the Annex to the Statute of the European School laying down Regulations for the European Baccalaureate, signed at Luxembourg on 15 July 1957;

Considering the success of this experiment with the education and instruction together of children of various nationalities, on the basis of a common curriculum;

Considering the cultural interest which the participating States have in broadening the basis of an undertaking in tune with the spirit of cooperation with which they are imbued;

Considering that it is desirable to repeat the European School experiment in other places;

HAVE AGREED and DECIDED as follows:

Article 1 For the education and instruction together of children of the staff of the European Communities, establishments bearing the name 'European Schools' may be set up on the territory of the Contracting Parties.

Other children, irrespective of their nationality, may also be admitted to them.

These establishments shall, subject to the following articles, be governed by the provisions of the Statute of the European School, signed at Luxembourg, on 12 April 1957, and of the Regulations for the European Baccalaureate, signed at Luxembourg on 15 July 1957.

Article 2 The Board of Governors shall unanimously decide on the setting-up of new European Schools and shall determine where they shall be situated.

Article 3 The powers conferred by the Statute of the European School on the Board of Governors, on the Boards of Inspectors and on the Representative of the Board of Governors - the Chairman of the Administrative Board - shall be extended to any School set up in accordance with Article 1.

Each School shall have separate legal personality in accordance with Article 6 of the Statute of the European School.

Each School shall have its own Administrative Board and its Head.

Article 4 The Board of Governors may conclude any agreement concerning the establishments thus set up with the European Communities and with any other intergovernmental organizations or institutions which, by reason of their location, are interested in the operation of these establishments. They shall then have a seat and a vote on the Board of Governors on all matters regarding the establishment in question and a seat on the Administrative Board of the establishment.

Any decision taken by a qualified majority in accordance with Article 10 of the Statute of the European School shall, however, be valid if it has the approval of two thirds of the representatives of the Contracting Parties.

All decisions concerning the financing of an establishment shall be taken unanimously by the Parties represented on the Board of Governors.

Article 5 The Board of Governors may also conclude agreements with organizations or institutions governed by private law which are, by reason of their location, interested in the operation of a European School set up pursuant to this Protocol.

The Board of Governors may grant them a seat on the Administrative Board of the establishment in question.

Article 6 The financial year of each School shall correspond to the calendar year.

Article 7 In budgetary matters, by way of derogation from Article 13 of the Statute of the European School, the Board of Governors shall approve the draft budget and the accounts, in so far as they concern it, and transmit them to the appropriate authorities of the European Communities.

Article 8 The Government of any country where a School is situated, in accordance with Article 2 above, shall be entitled to make reservations, as provided for in Article 29 of the Statute of the European School.

Article 9 This Protocol shall require ratification. The instruments of ratification shall be deposited with the Luxembourg Government, as depositary of the Statute of the European School. That Government shall inform all the other signatory Governments of the deposit.

This Protocol shall enter into force on the day on which the fourth instrument of ratification is deposited.

This Protocol, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Luxembourg Government, which shall transmit a certified copy to each of the Contracting Parties.

3.2 SUPPLEMENTARY PROTOCOL TO THE PROTOCOL ON THE SETTING-UP OF EUROPEAN SCHOOLS

with reference to the Protocol signed at Luxembourg on 13 April 1962

The Governments

OF THE KINGDOM OF BELGIUM

OF THE KINGDOM OF DENMARK

OF THE FEDERAL REPUBLIC OF GERMANY

OF THE FRENCH REPUBLIC

OF IRELAND

OF THE ITALIAN REPUBLIC

OF THE GRAND DUCHY OF LUXEMBOURG

OF THE KINGDOM OF THE NETHERLANDS

OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

duly represented by:

Mr J. DESCHAMPS, Belgian Ambassador to Luxembourg;

Mr K. V. SKJØDT, Director, Danish Patent Office;

Mr Peter HERMES, State Secretary, Federal Ministry of Foreign Affairs;

Mr Emile CAZIMAJOU, Minister Plenipotentiary, Deputy Permanent Representative;

Mr John BRUTON, Parliamentary Secretary, Ministry of Industry and Commerce;

Mr F. CATTANEI, State Secretary, Ministry of Foreign Affairs;

Mr Marcel MART, Minister for Economic Affairs, Small Firms and Traders and Tourism;

Mr Th. M. HAZEKAMP, State Secretary, Ministry of Economic Affairs;

Lord GORONWY-ROBERTS, Deputy Secretary of State for Foreign and Commonwealth Affairs, Deputy Leader of the House of Lords;

HAVING REGARD TO the Statute of the European School, signed at Luxembourg on 12 April 1957, and to the Annex to the Statute of the European School laying down Regulations for the European Baccalaureate, signed at Luxembourg on 15 July 1957;

HAVING REGARD TO the Protocol on the Setting-up of European Schools, signed at Luxembourg on 13 April 1962,

WHEREAS it is desirable to extend the said Protocol to the European Patent Organisation, set up by the European Patent Convention of 5 October 1973,

HAVE AGREED as follows:

Article 1 Notwithstanding Article 1, paragraph 1 of the Protocol of 13 April 1962 on the Setting-up of European Schools, a European School may be set up in Munich for the education and instruction together of children of the Staff of the European Patent Office.

Other children who are nationals of a Member State of the European Economic Community or of a State party to the European patent convention will also be admitted in accordance with rules to be adopted unanimously by the Board of Governors of the European Schools.

Article 2 The European Patent Office shall have a seat and a vote on the Board of Governors on all matters regarding the establishment set up pursuant to Article 1 and a seat on the Administrative Board of the establishment.

Article 3 By way of derogation from Article 26 of the Statute, the budget of the establishment set up pursuant to Article 1 of this Supplementary Protocol shall be financed in a manner to be laid down in an agreement to be concluded under Article 4 of the Protocol on the Setting-up of European

Schools. The Board of Governors shall ensure that this agreement contains provisions for financing the establishment, in particular by the European Patent Office.

Article 4 By way of derogation from Article 7 of the Protocol on the Setting-up of European Schools, the draft budget and the revenue and expenditure accounts of the establishment set up pursuant to Article 1 of this Supplementary Protocol shall be transmitted to the European Patent Office.

Article 5 This Supplementary Protocol shall require ratification. The instruments of ratification shall be deposited with the Government of Luxembourg, as depositary of the Statute of the European School. That Government shall inform all the other signatory Governments of the deposit.

The Supplementary Protocol shall enter into force on the day on which the fifth instrument of ratification is deposited.

This Supplementary Protocol, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, all six texts being equally authentic, shall be deposited in the archives of the Government of Luxembourg, which shall transmit a certified copy to each of the signatory Governments.

**3.3 PROTOCOL ON PROVISIONAL APPLICATION OF THE
SUPPLEMENTARY PROTOCOL TO THE PROTOCOL OF 13 APRIL 1962
ON THE SETTING UP OF EUROPEAN SCHOOLS**

The Contracting Parties to the Supplementary Protocol to the Protocol of 13 April 1962 on the Setting-up of European Schools, signed at Luxembourg on 15 December 1975,

duly represented by:

Mr J. DESCHAMPS, Belgian Ambassador to Luxembourg;

Mr K. V. SKJØDT, Director, Danish Patent Office;

Mr Peter HERMES, State Secretary, Federal Ministry of Foreign Affairs;

Mr Emile CAZIMAJOU, Minister Plenipotentiary, Deputy Permanent Representative;

Mr John BRUTON, Parliamentary Secretary, Ministry of Industry and Commerce;

Mr F. CATTANEI, State Secretary, Ministry of Foreign Affairs;

Mr Marcel MART, Minister for Economic Affairs, Small Firms and Traders and Tourism;

Mr Th. M. HAZEKAMP, State Secretary, Ministry of Economic Affairs;

Lord GORONWY-ROBERTS, Deputy Secretary of State for Foreign and Commonwealth Affairs, Deputy Leader of the House of Lords;

HAVING REGARD TO the Statute of the European School, signed at Luxembourg on 12 April 1957, and to the Annex to the Statute of the European School laying down Regulations for the European Baccalaureate, signed at Luxembourg on 15 July 1957;

HAVING REGARD TO the Protocol on the Setting-up of European Schools, signed at Luxembourg on 13 April 1962,

WISHING to ensure as far as reasonably possible immediate application of the provisions

of the Supplementary Protocol, pending its entry into force as provided for in Article 5 of the said Supplementary Protocol,

HAVE AGREED as follows:

Single article

The Supplementary Protocol to the Protocol of 13 April 1962 on the Setting-up of European Schools with reference to the Statute of the European School and to the said Protocol shall be provisionally applicable from the date of its signature, in so far as the constitutions and laws of the contracting parties so permit.