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REGULATION (EEC) No 337/75 OF THE COUNCIL
of 10 February 1975
establishing a European Centre for the Development of Vocational
Training

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas on the basis of Article 128 of the Treaty, the Council, in its Decision of 2 April 1963 ⁽³⁾, laid down general principles for implementing a common vocational training policy;

Whereas under Article 118 of the Treaty the Commission has the task of promoting close cooperation between Member States in the social field, particularly in matters relating to basic and advanced vocational training;

Whereas the Council, in its resolution of 21 January 1974 ⁽⁴⁾ concerning a social action programme, made one of the objectives of that programme the implementation of a common vocational training policy with a view to attaining progressively the principal objectives thereof, especially approximation of training standards, in particular by setting up a European Vocational Training Centre; whereas, furthermore, the Council decided that this objective should be given priority;

Whereas the implementation of a common vocational training policy gives rise to ever more complex problems, and whereas the solution of those problems requires a large degree of involvement on the part of those concerned, and more especially on the part of both sides of industry;

Whereas the setting up of a European Centre for the Development of Vocational Training — a body independent of the departments of the Commission, but which must cooperate with them to the full — is necessary for the effective implementation of that common policy, and whereas the Treaty has not provided the specific powers necessary for setting up such a centre (SIC! Centre);

Whereas the centre (SIC! Centre) will be set up within the framework of the European Communities and will function in accordance with Community law; whereas the conditions under which certain general provisions will apply should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

A European Centre for the Development of Vocational Training, hereinafter called 'the centre', (SIC! Centre,) is hereby set up.

In each of the Member States, the centre (SIC! Centre) shall enjoy the most extensive legal capacity accorded to legal persons.

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The Centre shall be non-profit making. It shall have its seat in Thessaloniki.

⁽¹⁾ OJ No C 127, 18. 10. 1974, p. 20.

⁽²⁾ OJ No C 125, 16. 10. 1974, p. 41.

⁽³⁾ OJ No 63, 20. 4. 1963, p. 1338/63.

⁽⁴⁾ OJ No C 13, 12. 2. 1974, p. 1.

▼B*Article 2*

1. The aim of the centre (SIC! Centre) shall be to assist the Commission in encouraging, at Community level, the promotion and development of vocational training and of in-service training.

To that end, within the framework of the guidelines laid down by the Community, it shall contribute, through its scientific and technical activities, to the implementation of a common vocational training policy.

It shall, in particular, encourage the exchange of information and the comparison of experience.

2. The main tasks of the centre (SIC! Centre) shall be:

- to compile selected documentation relating in particular to the present situation, the latest developments and research in the relevant fields, and to matters of vocational training structure;
- to contribute to the development and coordination of research in the above fields;
- to disseminate all useful documentation and information;
- to encourage and support any initiative likely to facilitate a concerted approach to vocational training problems. The centre's (SIC! Centre's) activity in this respect shall deal in particular with the problem of the approximation of standards of vocational training with a view to the mutual recognition of certificates and other documents attesting completion of vocational training;
- to provide a forum for all those concerned.

3. In its activities the centre (SIC! Centre) shall take into account the links which exist between vocational training and the other branches of education.

Article 3

1. The centre (SIC! Centre) shall take the measures necessary for the attainment of its objectives. It may in particular:

- organize courses and seminars;
- conclude study contracts and commission or, where necessary, carry out pilot projects or individual projects to assist the implementation of the centre's (SIC! Centre's) work programme;
- publish and distribute useful documentation, including a Community vocational training bulletin.

2. In carrying out its tasks, the centre (SIC! Centre) shall establish appropriate contacts, particularly with specialized bodies, whether public or private, national or international, with public authorities and educational institutions and with workers' and employers' organizations.

Article 4▼M1

1. The Centre shall be administered by a Management Board comprising ►A3 78 members ◀ of whom:

- (a) ►A3 twenty-five members ◀ shall represent the Governments of the Member States;
- (b) ►A3 twenty-five members ◀ shall represent the employers' professional organizations;
- (c) ►A3 twenty-five members ◀ shall represent the employees' trade union organizations;
- (d) three members shall represent the Commission.

The members referred to in (a), (b) and (c) shall be appointed by the Council on the basis of one member per Member State for each of those groups.

The Commission shall appoint the members who are to represent it.

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2. The term of office of members shall be three years. It shall be renewable. Upon the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.
3. The Management Board shall elect its Chairman and three Vice-Chairmen from among its members, to serve for a period of one year.
4. The Chairman shall convene the Management Board at least twice a year or at the request of at least one-third of its members.
5. Decisions by the Management Board shall be taken by an absolute majority of its members.

Article 5

The Management Board shall adopt its rules of procedure, which shall enter into force when approved by the Council, acting on the Opinion of the Commission.

It shall decide whether to set up *ad hoc* working parties on the basis of the requirements of the annual work programme. It shall regularly inform the Commission of the activities of the centre (SIC! Centre).

Article 6

1. The director of the centre (SIC! Centre) shall be appointed by the Commission from a list of candidates submitted by the Management Board.
2. The term of office of the director shall be renewable every five years.

Article 7

1. The director shall carry out the decisions of the Management Board and shall be responsible for the day-to-day administration of the centre (SIC! Centre). He shall be the legal representative of the centre (SIC! Centre).
2. He shall prepare and organize the work of the Management Board and provide the Secretariat for their meetings.
3. He shall coordinate the activities of the working parties.
4. He shall be responsible for all staff matters and for engaging and dismissing staff.
5. He shall be accountable to the Management Board for his activities.

Article 8

1. On the basis of a draft submitted by the director, the Management Board shall adopt the annual work programme in agreement with the Commission. The programme shall take into account the priority needs indicated by the Community institutions.
2. The centre (SIC! Centre) shall take into account the activities of other bodies working in the field of vocational training when planning its own work.

▼M1**▼M5***Article 10*

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre, which shall include an establishment plan.
2. The revenue and expenditure shown in the budget shall be in balance.

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Article 11

1. Each year the Management Board, on the basis of a draft drawn up by the Director, shall produce an estimate of revenue and expenditure for the Centre for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.

2. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as 'the budgetary authority') together with the preliminary draft general budget of the European Union.

3. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.

4. The budgetary authority shall authorise the appropriations for the subsidy to the Centre.

The budgetary authority shall adopt the establishment plan for the Centre.

5. The budget of the Centre shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.

6. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.

Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.

Article 12

1. The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ unless specifically required for the Centre's operation and with the Commission's prior consent.

Article 12a

1. The Director shall implement the budget of the Centre.

2. By 1 March at the latest following each financial year, the Centre's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 128 of the general Financial Regulation.

3. By 31 March at the latest following each financial year, the Commission's accounting officer shall forward the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report

⁽¹⁾ OJ L 357, 31.12.2002, p. 72 with Corrigendum in OJ L 2, 7.1.2003, p. 39.

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on the budgetary and financial management for that financial year shall also be forwarded to the European Parliament and to the Council.

4. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Centre's final accounts.

6. The Director shall, by 1 July at the latest following each financial year, forward the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published.

8. The Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

9. The Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 146(3) of the general Financial Regulation.

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N + 2, give a discharge to the Director in respect of the implementation of the budget for year N.

Article 12b

1. The Management Board shall adopt the annual report on the Centre's activities and prospects, and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Economic and Social Committee and to the Court of Auditors.

2. The Centre shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

▼M3*Article 13*

The staff of the Centre shall be subject to the regulations and rules applicable to the officials and other servants of the European Communities.

The Centre shall exercise, in respect of its staff, the powers devolved to the appointing authority.

The Management Board shall, in agreement with the Commission, adopt the appropriate implementing rules.

▼B*Article 14*

Members of the Management Board, the Director, the staff and all other persons participating in the activities of the centre (SIC! Centre) shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

▼ **M5***Article 14a*

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾ shall apply to documents held by the Centre.
2. The Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of Council Regulation (EC) No 1655/2003 of 18 June 2003 amending Regulation (EC) No 337/75 establishing a European Centre for the Development of Vocational Training and repealing Regulation (EEC) No 1416/76 ⁽²⁾.
3. Decisions taken by the Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint to the Ombudsman or form the subject of an action before the Court of Justice of the European Communities, under Articles 195 and 230 of the Treaty respectively.

▼ **B***Article 15*

The rules governing the languages of the European Communities shall apply to the centre (SIC! Centre).

Article 16

The Protocol on the privileges and immunities of the European Communities shall apply to the centre (SIC! Centre).

Article 17

1. The contractual liability of the centre (SIC! Centre) shall be governed by the law applicable to the contract in question. The Court of Justice of the European Communities shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the centre (SIC! Centre).
2. In the case of non-contractual liability, the centre (SIC! Centre) shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the centre (SIC! Centre) or its servants in the performance of their duties.
The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.
3. The personal liability of servants towards the centre (SIC! Centre) shall be governed by the relevant provisions applying to the staff of the centre (SIC! Centre).

Article 18

Member States, members of the Management Board and third parties directly and personally involved may refer to the Commission any act of the centre (SIC! Centre), whether express or implied, for the Commission to examine the legality of that act.

Referral shall be made to the Commission within 15 days of the day on which the party concerned first became aware of the act in question.

The Commission shall take a Decision (SIC! decision) within one month. If no Decision (SIC! decision) has been taken within this period, the case shall be deemed to have been dismissed.

Article 19

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

⁽²⁾ OJ L 245, 29.9.2003, p. 41.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.