

Commission of the
European Communities

CONTRACT

between the European Communities and
the European University Institute, Florence

The European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, hereinafter called “European Communities”, represented by the Commission of the European Communities, for the first part,

and

the European University Institute, Florence, hereinafter called “the Institute”, represented by its Principal, for the other part,

have agreed as follows:

Article 1

The object of this contract is the depositing at the Institute of the Community Historical Archives and their opening to the public by the Institute.

Article 2

1. The originals of the documents and records forming part of the “historical archives” within the meaning of Article 1(2) of Commission

decision No. 359/83/ECSC of 8 February 1983 concerning the opening to the public of the historical archives of the European Coal and Steel Community¹ and Article 1(2) of Council Regulation (EEC/Euratom) No. 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community² which are in the possession of the European Parliament, the Council, the Commission or the ECSC Consultative Committee shall be deposited at the Institute on the conditions laid down in this contract, insofar as they are accessible to the public pursuant to the decision or regulation cited. Additionally, a microform copy of these originals shall be deposited at the Institute.

2. Paragraph 1 shall be no bar to exclusion by Parliament, Council, Commission or ECSC Consultative Committee of certain originals from deposit, for legal reasons or needs of good operation. In that case, a microform copy shall be deposited at the Institute.
3. The provisions of this contract shall apply to the historical archives in possession of the Court of Justice, Court of Auditors or Economic and Social Committee on simple declaration by the institution concerned to the Commission of the European Communities.

Article 3

1. The depositing of the historical archives at the Institute shall in no way affect the ownership provisions or the special protection the European Community archives enjoy under the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965, in particular Article 2 thereof.

¹ OJ No. L 43, 15 February 1983, p. 14. (Correction OJ N L 55, 2/3/1983, p. 16)

² OJ No. L 43, 15 February 1983, p. 1.

2. The Institute shall ensure with the authorities of the Italian Republic that the privileges and immunities it enjoys under the Convention setting it up and the Headquarters Agreement concluded with the Italian Republic apply to activities coming under this contract.

3. Any action that might threaten the inviolability of the historical archives must immediately be reported by the Institute to each of the European Community institutions that have deposited with it all or part of their historical archives.

Article 4

1. To enable opening to the public of the historical archives in conformity with the decision and regulation cited, the documents and records covered by Article 2 of this contract shall be deposited at the Institute in annual instalments.

2. These documents and records shall as a general rule be deposited at the Institute in the form of files. Assembling the latter shall be the exclusive responsibility of each institution. The Institute undertakes not to change the classification established by the institutions nor to eliminate or destroy documents or records deposited with it. Furthermore, the Institute undertakes to keep in its possession all documents and records forming part of the historical archives that shall have been deposited with it pursuant to this contract.

3. The Institute shall, on request by an institution, return to it the originals of all documents or records it may temporarily need. These originals shall again be deposited with the Institute as soon as the institution is no longer using them.

Article 5

1. The Institute shall take the necessary measures to conserve and protect the documents and records deposited with it. In this connection, it will base itself on international standards relating to physical protection of archives and respect technical and security rules corresponding at least with those current for the conservation and management of public archives in Italy. The Commission, acting in concertation with the institutions depositing all or part of their historical archives at the Institute, and the Institute shall by common agreement, in good time and not later than the first deposit of historical archives, agree the necessary detailed rules for implementing these measures.
2. The historical archives covered by Article 2 of this contract shall be deposited at the Villa Il Poggiolo, the gratis permanent provision and conversion of which are to be agreed between the Institute and the Italian Republic, in accordance with the undertakings given by the Italian government.

Article 6

1. The Institute shall make the historical archives deposited with it accessible to the public in conformity with the decision and regulations cited.
2. The Institute shall allow access to the historical archives on appropriate conditions during ordinary working hours.
3. Paragraph 1 shall not prevent the European Community institutions themselves making their historical archives accessible to the public in the form of copies, or of originals should they be in possession of these, in accordance with the decision or regulation cited.

Article 7

1. Staff employed to run the historical archives at the Institute shall come under the latter's sole authority. However, before recruiting the person in overall charge, the Institute shall secure the agreement of the institutions that have deposited all or part of their historical archives with it.
2. The necessary appropriations for funding all expenditure resulting for the Institute from running the historical archives pursuant to this contract, except for those deriving from the provision and conversion of Villa Il Poggiolo, shall be provided for in the general budget of the European Communities in accordance with the rules relating to its establishment and implementation.
3. The cost of transporting the documents and records covered by Article 2 of this contract shall be payable by the institutions.
4. The Institute shall annually by 1 March communicate to the Commission its financial needs for running the historical archives in the current financial year. On that occasion it shall report to the institutions that have deposited all or part of their historical archives with it on the use of the funds made available to it under this contract during the previous financial year.
5. The Institute undertakes to utilize funds made available under this contract exclusively for its implementation, in accordance with the principles of economy and sound financial management. It agrees to the auditing by the Commission and the Court of Auditors of the utilization of these funds, in accordance with the provisions applying to the implementation of the general budget of the European Communities.

Article 8

1. The Institute shall annually draw up an activities report, which it shall by 1 July forward to the institutions within the meaning of Article 1(1) of the decision and regulation cited.
2. The Institute acknowledges the right of the institutions that have deposited all or part of their historical archives with it, or of any other inter-institutional body that may be set up for the purpose, to check on the sound management of these archives. Meetings may be organized at the Institute on the initiative either of the Institute itself or of one of the institutions that have deposited all or part of their historical archives with it, or of the aforesaid inter-institutional body, with an eye to resolving ordinary management problems and any difficulty that may arise in the implementation of this contract.

Article 9

1. The Court of Justice of the European Communities shall have sole competence to decide any dispute in relation to the interpretation or implementation of this contract which could not be solved amicably.
2. Subject to specific provisions of this contract, Italian law shall apply to it.

Article 10

1. This contract shall apply as from 17 December 1984.

2. Each contracting party may denounce this contract. Should the denunciation come from the European Communities, it shall act through the Commission and may relate either to the totality of the historical archives deposited at the Institute or to the historical archives deposited at the Institute by one or several institutions of the European Community.

3. The denunciation shall take effect one year after the date of its notification to the other contracting party.

Done on 17 December 1984

For the European Communities,
The Commission,

For the Institute
The Principal,

(sgd.) E. NOEL

(sgd.) W. MAIHOFER