

The Road towards Erasmus: Fundamentals and Challenges in Adopting the Programme¹

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Abstract: *This article focuses on the genesis of the Erasmus Programme, starting from the idea that it resulted from a long-term process that implied gradually developing competencies in the field of education and cleverly identified the arguments the context needed to launch such an initiative. Nowadays, the Erasmus Programme is largely considered the most successful European initiative in the field of education, and in the last 30 years, it has become part of the academic experience for millions of students. However, in 1986 the negotiations for adopting the programme reached a deadlock, and for a few days, the compromise seemed impossible. In this matter, we try to trace back the steps in creating the programme, with particular attention to European institutions' interactions. With this purpose, the article examines the stages of adopting the programme while highlighting the factors and arguments that fundament the proposal. It also reflects upon the personal contribution of certain European statesmen that developed and then fought so the programme would be adopted in a form that would allow further evolution. By analyzing the context of adopting the programme, we want to lay grounds to better understand the programme's later evolution.*

Keywords: education, competences, European Commission, member states, negotiations, cooperation, mobility.

Education is a sensitive subject in the specific competences of national states. This sensitivity and the heterogeneity of the national education systems in the European Community kept education out of the integration agenda for several decades. In fact, in the first treaties, there was no express mention of education, the ministers of resort met for the first time 20 years after the start of European cooperation and, supranational initiatives were suppressed by sovereignty claims from the member states. Despite this unfavorable context, cooperation was inevitable because education was presented as a close instrument favoring and enhancing areas where the Community had competences, such as the free movement of labor. Following this legitimization pattern, the European Commission has successfully identified arguments for launching several education initiatives, including Erasmus, in 1987.

The genesis of the Erasmus Programme was not without its challenges. Several vehement reactions seemed to confirm that the Member States were not prepared for such ambitious cooperation. The program was most likely saved by the stubbornness of the people who represented the Commission in these discussions. They insisted on the independence of the program from the individual wills of the Member States. This independence guaranteed the freedom to develop the Programme further and created the necessary precedent to expand with other programmes and initiatives in the field of education.

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The main argument of this article is that the Erasmus programme is the result of a process of gradually developing competencies in the field of education and cleverly identifying the arguments and the context needed to get the support necessary for such an ambitious program. As we unfold the story of the Programme’s genesis, we will focus on two issues: 1) Which were the previous steps that facilitated European cooperation in education? and 2) What are the arguments identified for supporting the Erasmus programme? In analyzing these issues, we will also highlight the European personalities that ensured that the Programme was „finally”² approved. At the same time, it is essential to mention that the programme’s approval does not imply a singular moment in time but is the result of a process that implied negotiations and compromises and culminated with a subsequent case before the European Court of Justice even after its official approval. Thus, the historical narrative of how the Programme came to be, it is layered and presents several critical moments in a short period, including previous events that created the favorable context for the proposal to move forward, reactions in favor and against the proposal, negotiations and the impasse, reaching a compromise and later developments at the European Court of Justice. In discussing all these events, official documents and interviews, where available, were used. When necessary, references to the relevant literature have been integrated into the article.

Developing European competences in education and the rationale for cooperation

For more than 20 years after the European cooperation had started in 1951, education was a bypassed subject mostly due to the national sensitivity that surrounded education. The development of a European education policy was slowly accomplished, without states being willing to give competences and with a careful stimulation on the part of the European supranational leadership. The changing balance of power between the Community and its members also facilitated this process together with the increasing need to streamline their competitiveness in a globalized world. The journey from virtual no competences in the field of education to support competencies took about 50 years, starting with the Treaty of Rome. The breakthrough came in the ’80s when several of the Commission’s most successful education programmes were launched, including Comett (1986), Erasmus (1987), Petra (1988), Tempus (1990), and Lingua (1990) and culminated with the joint efforts in order to create a European Higher Education Area. However, none of these initiatives would be possible without the advances made in the ’70s.

² On May 21, 1987 the European Commission gave a press release with the title „ERASMUS ADOPTED” where in the first paragraph they used the formula „[...] *the Council of Ministers finally adopted the Erasmus programme*” thus acknowledging the effort that was put behind making this programme a reality. You can access this press release at the following address: <http://aei.pitt.edu/60194/1/ISEC.10.87.pdf>.

Several authors talk about four stages in launching a European education policy (Brower, 1996; Field, 1998; Cobert, 2003; de Wit, 2007) that could be synthesized as it follows:

-1948-1968: a *pre-history*³ of European cooperation in the field of education, with some incidental cooperation. This period had an essential role in clarifying the forms of cooperation between national and supranational institutions;

-Stage 1 (1957-1973): characterized by a relatively low interest in education with cooperation limited to vocational training. States were very fond of their national education policies. To prevent a possible spillover effect from vocational training to education, in 1963, they established the limits of interpretation for Article 128 of the Treaty of Rome, with ten principles referring only to vocational training. Characterized by De Wit (2007) as a *laissez-faire period*, this period sees two crucial developments: the first meeting of the Ministers of Education within the Council of Ministers in 1971 and then in 1973 the inclusion of education under the Directorate-General for Research, Science and Education;

-Stage 2 (1974-1985): early steps, with increasing concern towards education but relatively modest results. Several forms of cooperation are established, but they are intergovernmental. However, we can refer to this period as the founding years because in this period the practical (Joint Education Programme), the philosophical (Andoninno's report on a People's Europe) and legal arguments (European Court of Justice decisions on the Grevier case) were provided in order to create several of the Communities' most successful programmes in the field of education. This is best described as a „turning the tide”⁴ period;

-Stage 3 (1986-1992): with the help of the European Court of Justice and significant popular support, the Commission manages to launch several successful initiatives in the field of education. This period was described by the Wit (2007) as „*the great leap forward*”, for which he theorized four distinct changes: „[...] *first the open-door mobility of individual students; second, the development of research and development policy of the E. C.; third, student mobility as an integrated part of study; and fourth, the widening of scope to other regions, including countries within Western, Central and Eastern Europe as well as countries outside Europe, particularly in concert with development aid programmes*”;⁵

-Stage 4 after the Treaty of Maastricht: large-scale development. These initiatives were taken on a well-established legal basis, benefited of an increased budget, and enjoyed popularity due to the wide recognition for the initial success of the previous European programmes in education.

Implementing European initiatives in the field of education has proven a complex task, mostly due to the specific characteristics and needs of each member

³ European Commission, *The History of European Cooperation in Education and Training*, Luxembourg, Office for Official Publications of the European Communities, 2006, p. 17, accesible at: <https://publications.europa.eu/en/publication-detail/-/publication/2686e4f1-7bcf-4c15-bf68-56db0639cbbb>.

⁴ J. Field, *European Dimensions: Education, Training, and the European Union*, Jessica Kingsley Publishers, 1998, p. 33.

⁵ H. De Wit, „European Integration in Higher Education: The Bologna Process towards a European Higher Education Area” in *International Handbook of Higher Education-Part of the Springer International Handbooks of Education, volume 18*, Springer, Dordrecht, 2007, p. 465.

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state. It is against this background that the Commission was assigned with the difficult task of advancing initiatives that took the rich diversity of the Community into account while striving for some convergence. All this had to be achieved under the provision that states have the exclusive authority over their national education systems. This premise led to rather vague initiatives, such as the Action Programme that run under the Commission supervision starting 1976, but those were preferable than no measures at all. In most scenarios, the incentive came from the need to foster more European integration and the necessity of having a firm answer to the increasing demands of a globalized world. Similar reasons are identified by Field (1998), stating that several European politicians saw education as „[...] *the means of creating the new European citizens of the future*”. In the same context, a more influential factor was the growing economic uncertainty among European politicians in the context of the 1973 oil crisis simultaneous with the need to take into account the environmental constraints of further economic growth. Thus the „[...] *policy makers ‘minds turned increasingly towards the role of (renewable) human resources and knowledge-based innovation and growth rather than focusing primarily on the manipulation of (depletable) natural resources*”.⁶

Analyzing the incentives for cooperation in education, Jan Brouwer (1996) proposed a more concrete pattern of factors that would motivate member states to cooperate. He identified seven factors connected to the legitimization of cooperation in the field of education: the importance of training and education for the process of European cooperation and integration; the need for more harmonization between the different national systems; the need for the creation of solutions to challenges resulting from the free movement of persons; closer cooperation between national policies for education and actions of the European Commission in other fields; more involvement of European youth in the building of Europe; the need for a systematic exchange of information; and the need for linking European actions with other intergovernmental bodies, such as U. N. E. S. C. O., O. E. C. D. and the Council of Europe, as well as the incorporation of education in development cooperation.⁷ We do not agree with all the reasons listed by Brouwer (1996), especially concerning harmonization. From all actions taken by the member states, including what they agreed upon in the treaties, there is no obvious conclusion concerning their desire for „[...] *more harmonization between the different national systems*”. In almost all situations, states required for their specificities to be taken into account and respected as such. The Commission knew this well and, as we said, considered it while drafting proposals covering education. In this regard, while discussing the diversity of the national education systems of the member states in a European File from 1985, Commission stated the following: „[...] *The diversity of the education systems in the Community is a source of wealth which must be preserved. But it is in everyone’s interest to draw on the experience and achievements of*

⁶ *Ibidem*, p. 29.

⁷ Jan Brouwer as cited in J. J. Forest, P. G. Altbach, (editors), *International Handbook of Higher Education-Part of the Springer International Handbooks of Education, volume 1*, Springer, Dordrecht, 2006, p. 465.

neighboring countries. Community action aims to improve mutual awareness of different forms of education and encourage exchanges between national, regional and local officials”⁸

In this framework, it is better to consider that the interest of all involved parties was instead to increase the compatibility between the different national education systems in order to better cooperate in matters of the labor market. John McCormick further developed this perspective in one of the bestselling textbooks concerning the European Union, *Understanding the European Union-A Concise Introduction*: „[...] *An important element in worker mobility is education and youth training, in which the E. U. has become more involved since Maastricht by encouraging educational exchanges and addressing the critical issue of language training. The inability to speak foreign languages poses a barrier to the free movement of workers, and stands as a reminder of the differences among Europeans, so the E. U. has set up an array of programmes to help promote cooperation*”⁹

This perspective aligns with concrete actions undertaken by European institutions. The Commission tried to connect other policies with the labor market and the need to generate a skilled labor force. This way, it was pursued „[...] *to lay the foundations of an ever-closer union among the peoples of Europe*” and „[...] *to improve the living and working conditions of their peoples*”¹⁰

Simultaneously, even if there was virtually no reference to education in the treaties before Maastricht, several tangential connections could be made, which later on were used as a basis for Community Action in the field of education. In a European File regarding „The European Community and Education” the Directorate-General for Information within the European Commission tried to make a case for developing initiatives in the field of education by making the following arguments: „[...] *Bringing together the peoples of Europe implies a greater understanding of the way of life and language of neighboring countries and also requires the extension of exchange programmes, particularly for young people. The European Treaties give every Community citizen the right to live and work in the country of his or her choice. To make this right effective, a number of linguistic and administrative obstacles need to be removed. Schools receiving the children of migrant workers must be able to give them a suitable education*”¹¹

This argument allows for the interpretation of education as a tool in order to achieve other objectives the Community had previously established. At a certain level, the Commission starts building upon the idea that reaching the Community’s objectives would not be possible without making a compromise regarding cooperation in education, for the good of all. It insisted on arguments such as: „[...] *Improving living and working conditions depends on education*”¹² To further advance these ideas, education was connected with several other areas, like developing one’s personality, helping disadvantaged groups, employment, and public expenditure.

⁸ Commission of the European Communities (1985), *European File-The European Community and Education*. 3/85, 1985, p. 4, retrieved from: <http://aei.pitt.edu/14698/1/EUR-FILE-3-85.pdf>.

⁹ J. McCormick, *Understanding the European Union: a Concise Introduction*, London, Palgrave Macmillan, 2002, p. 151.

¹⁰ ***, *Treaty of Rome*, 1957, p. 2, accessible at: https://ec.europa.eu/romania/sites/romania/files/tratatul_de_la_roma.pdf.

¹¹ Directorate-General for Information, *European File-The European Community and Education*. 18/79, 1979, p. 1.

¹² *Ibidem*.

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However, as one can notice, if the arguments regarding European unity were connected to a distant desire, mostly unknown and to a certain degree, insignificant to the broad public, the second category involving the livelihood of people were closer to citizen interest and thus more likely to create emotional support in favor of the Commission’s initiative.

Keeping in mind all these reasons, no matter how questionable or reality-based they are, the Commission had the simple strategy of pushing states to yield competences step by step, until the point of no return. Still, although the European Union only has support competencies in education, this was something unimaginable 50 years ago. The Erasmus programme and its genesis story is a good case study on how the Commission worked towards creating competencies in education.

The foundations of the proposal for the Erasmus Programme

The opportunity for the Erasmus programme was unanimously accepted, but deciding to approve the programme was rather difficult, and at times, it seemed impossible. Several developments facilitated breaking the deadlock, but the contribution of the human factor was most important.

When they started discussing the idea behind this Programme, the context was very much in favor of developing this initiative. The idea enjoyed political and popular support, and it had already been tested to a certain degree among member states. The political and popular support came in a time of general distrust in the European Community manifested at the beginning of the ’80s. While talking about this context, Feyen (2012) made the following description: „[...] *Going back in the early 1980s: the process of European integration has reached a still stand. <Euroscrosis> is the term that would be later coined to describe the period of economic stagnation in which the European Communities had been stuck since the middle of the 1970s. But, as if this wasn’t enough, the European Community also had to combat a crisis of political legitimation, symbolized by a low turnout of voters in the second direct elections to the European Parliament in 1984. The Community increasingly lacked support, especially among younger people—a generation that had been born two decades after the end of the Second World War. European citizens might sooner or later have started questioning the E. C.’s existence and maybe the whole process of European integration*”¹³

In this context, the heads of states’ meeting at Fontainebleau in 1984 established an ad-hoc committee with the task to „[...] *respond to the expectations of the people of Europe by adopting measures to strengthen and promote its identity and its image both for its citizens and for the rest of the world*”¹⁴ This Committee had representatives from all member states and has become known as the „Adonnino committee” after its

¹³ B. Feyen in F. Benjamin, K. Ewa (editors), *The ERASMUS Phenomenon-Symbol of a New European Generation?*, volume 1, Pieterlen, Peter Lang, 2013, p. 22.

¹⁴ European Council, *European Council Meeting at Fontainebleau Conclusions of the Presidency*, 1984, p. 8, accessible at: https://www.consilium.europa.eu/media/20673/1984_june_-_fontainebleau__eng_.pdf.

leader, former Italian Prime Minister Pietro Adonnino. Its goal was to identify measures that are likely to strengthen the Community's identity and promote a Europe without internal borders.¹⁵ The Adonnino Committee submitted its first report to the European Council in Brussels on the 29th-30th of March 1985, proposing measures to improve the free movement of persons and goods, freedom of movement in working life including the right of establishment and right of residence, the equivalence of professional qualifications, and the introduction of a European vocational training certificate for all qualified workers.¹⁶ The Adonnino Committee continued its work, and a second report was submitted to the European Council in Milan on the 28th-29th of June 1985, that raised the issues of a uniform procedure for elections to the European Parliament, a right of petition for European citizens, „*cooperation between universities and student exchange programmes*”. The second report was presented at the Milan Council in 1985 and provided the Commission with the necessary arguments to further develop the Programme. In the fourth category of proposals made by the Committee: „*Youth, Education, Exchanges and Sport*”, the problems of university cooperation and mobility in higher education are discussed, stating that: „[...] *the already existing forms of cooperation should be developed and built upon, including the Community Joint Study Programme*”.¹⁷ To achieve these, several actions should be taken, including pursuing inter-university cooperation mainly oriented towards student mobility. In order to do so, „[...] *a comprehensive European inter-university programme of exchanges and studies should be implemented*”¹⁸ and „[...] *the possibility of introducing a European system of academic credits transferable throughout the Community should be examined*”.¹⁹ The European Council approved the proposals of the Committee and mandated the Commission „[...] *to take the necessary implementing measures*”²⁰ and to report its progress at the next meeting in December.

As European officials stated, the existing experience also encouraged the Community to deepen the cooperation among states further. In this regard, the Action Programme for education, launched by the Commission in 1976, primarily through the „*Joint Study Programmes*”, paved the way for Erasmus. The articles 13-16 of the resolution creating this Programme were dedicated to „[...] *cooperation*

¹⁵ cvce.eu. A People's Europe, accesible at: <https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/95a065c6-38e9-45da-8bbe-66f958a8b005>.

¹⁶ Committee on a People's Europe, *Report from the Ad Hoc Committee on a People's Europe*, 1985, accesible at: https://www.cvce.eu/en/obj/report_on_a_people_s_europe_29_march_1985-en-e5da4b30-6c79-483c-94bb-96b0fe0c6579.html.

¹⁷ Committee on a People's Europe, *Report by the Committee on a People's Europe submitted to the Milan European Council* (Milan, 28 and 29 June 1985), 1985, p. 15, accesible at: https://www.cvce.eu/en/obj/report_by_the_committee_on_a_people_s_europe_submitted_to_the_milan_european_council_milan_28_and_29_june_1985-en-b6f17ee2-da21-4013-9573-c2b159f86ff5.html.

¹⁸ *Ibidem*, p. 16.

¹⁹ *Ibidem*.

²⁰ ***, *Conclusions of the Milan European Council (28 and 29 June 1985)*, 1985, accesible at: https://www.cvce.eu/en/obj/conclusions_of_the_milan_european_council_28_and_29_june_1985-en-0e834680-c9b9-4dfc-9b64-bc77e17e8aa4.html. p. 2.

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in the field of higher education”, that would be done „[...] while respecting the independence of higher education institutions”.²¹ On this occasion, member states agreed on three courses of action: „[...] the encouragement of the development of links with and between organizations representing higher education institutions, the encouragement of short study visits for specific purposes for teaching and administrative staff and for staff and for researchers, the promotion of joint programmes of study or research between institutions in several Member States”.²²

However, these provisions show the intent to act, at a certain future time, but with no concrete action at the time being. That was, for example, the case with academic recognition of diplomas and study periods abroad; they would draft a report analyzing the current situation and then would organize consultations in order to facilitate the recognition but nothing clear on how they would act together in order to enforce academic recognition of diplomas.

The Joint Study programmes schemes intended to promote joint programme of study and research between institutions in several member states, but its focus was to stimulate academic mobility between the member states. In the first year, the Programme supported 32 projects and gradually increased to 200 in 1983-1984. The maximum allocated budget was 700.000 E. C. U., and starting with 1984, the Commission also added a budget line for student mobility.²³ Despite having modest results, this Programme acted as a blueprint for Erasmus. It tested ahead of a part of the architecture upon which the Erasmus mobility scheme would be built. It also created a concrete system of cooperation between European universities, which would later facilitate Erasmus’s implementation.

Contributions in launching the Programme

At the same time, the development of the Erasmus Programme would not have been possible without the contribution of several European politicians: Hywel Ceri Jones-who identified the premises for the programme, Peter Sutherland-the European commissioner that encouraged the development of the proposal, Michel Richonnier-who contributed in scaling up the initial proposal and Manuel Marin, the commissioner that ensured the adoption of the Programme. The initiative benefited from the full support of the head of the European Commission, Jaques Delors, who ended up being a fierce negotiator for the Programme and, when necessary, a mediator between the Commission, the European Council, the ministers of education meeting within the Council of Ministers.

In 1973 Hywel Ceri Jones was appointed to lead the newly formed directorate for education, vocational training, and youth policies of the European Commission. From this position, he headed the launch of the Action Programme

²¹ European Council, *Resolution of the Council and of the Ministers of Education, Meeting within the Council of 9 February 1976 comprising an Action Programme in the Field of Education*, 1976, p.3, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41976X0219&from=EN>.

²² *Ibidem*, p. 4.

²³ De Wit, „European Integration in Higher Education”, p. 468.

that represented progress in the cooperation among states, but as we have previously shown, the results were modest, and it was used just for financing Joint Study Programmes and short-time study visits. However, Jones had much bigger ambitions. Influenced by the increasing popular support towards a European dimension, especially manifested through the Adonnino committee's reports, he wanted to create a programme for improving the transition from school to work.²⁴

When in 1985, Peter Sutherland was appointed Commissioner for Competition in the Dolores Commission, he was also in charge of the Social Affairs, Education, and Employment portfolio until Spain joined the European Community as a full member. On this occasion, he was presented with the opportunity to create the Erasmus programme, and he accepted to support it, provided that the process would be finished under his one year mandate on education. Sutherland seemed to be enthusiastic about „[...] *a modern revival of the fine medieval tradition of mobility of scholars between centers of learning he also wanted it explicit that Erasmus be a programme which <dovetailed with the Single Market policy focus of the Commission>*”.²⁵ In a later interview, he would also declare: „[...] *The ultimate objective was the process of integration between Europeans rather than the purely educational advantages that it would give. The reality was that we needed to create a new attitude to the E. U., which we still need to do today, this requires [...] people to recognize a common cultural and value-based system the European countries share; and not to feel alien and different from others*”.²⁶

The Commission appointed Michel Richonnier with the task of preparing the Programme. In his proposal for Erasmus, he wanted to exceed expectations and asked people „[...] *to think in terms of a budget, not 20% or 30% bigger than the pilot programmes but 200% bigger. He kept saying to us <Think Big! If we wanted to succeed>*”.²⁷ He then went on saying: „[...] *[A] mentality of cooperation can and must be encouraged in particular among Europeans before they have completed their studies [...] a higher level of mobility among the 6mn students at 3600 institutions must be regarded as a crucial development in policies of ensuring the economic and social development in the Community as a whole*”.²⁸

Though daring, his proposal gained the support of Commissioner Sutherland, and the requested budget for Erasmus was approximately 40 times higher than the one of the traditional educational projects of the European Community in the field of education. Richonnier was also credited with identifying the juridical solution for adopting Erasmus within Article 128 of the Treaty of Rome that would allow decisions with a simple majority.²⁹ Thereby, the proposal

²⁴ A. Corbett, „Ideas, Institutions and Policy Entrepreneurs: towards a New History of Higher Education in the European Community”, in *European Journal of Education*, no. 38 (3), 2003, p. 324.

²⁵ Peter Sutherland as cited in: *Ibidem*, p. 325.

²⁶ Katherine Donnelly (2017). *A World of Opportunity has opened up for All*, accessible at: <https://www.independent.ie/irish-news/education/from-erasmus-to-erasmus/katherine-donnelly-a-world-of-opportunity-has-opened-up-for-all-36143423.html>

²⁷ A. Corbett, „Ideas, Institutions and Policy Entrepreneurs”, p. 325.

²⁸ Idem, *Universities and the Europe of Knowledge: Ideas, Institutions and Policy Entrepreneurship in European Union Higher Education Policy, 1955-2005*, Springer, 2005, p. 135.

²⁹ Association des françaises et français des institutions communautaires et europeennes (2019), *In memoriam Michel Richonnier*, accessible at: <http://www.affce.eu/lettres/memoriam-michel-richonnier>.

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for Erasmus was adopted by Dolores Commission in December 1985³⁰ and then submitted to the Council on the 3rd of January, 1986.

The European mobility scheme should have started on the 1st of January, 1987 with the following five objectives, from which three were practical: promote „*broad and intensive cooperation*” between the universities of the member states of the Community, facilitate the increase in study mobilities among the member states to a minimum of 10% of the total student population by 1992, increase the mobility of the teaching staff, and with the last two idealistically oriented towards creating a European identity: „[...] *to strengthen the interaction between citizens in different Member States with a view to consolidating the concept of a People’s Europe*” and „[...] *ensure the development of a pool of graduates with direct experience of intra-Community cooperation, thereby creating the basis upon which intensified cooperation in the economic and social sectors can develop at community level*”.³¹ The required budget for three years (1987-1989) was 175 M. E. C. U., out of which 25 were necessary for 1987. With this money, they would support four types of actions, each with its subsequent sub-actions. The interesting part in this proposal was that there were two types of grants: a partial grant of an average of 2000 E. C. U. and a full grant of 5000 E. C. U. Most of the grants were to be awarded from the first category; with 5000 grants anticipated for the first year, 10.000 for the second year, and 25.000 for the third year while out of the second one 500 people would benefit in the first year, 1000 in the second year and 2500 in the third year.³²

In popular culture, both Sutherland and Marin are referred to as the „*Father of Erasmus*”. Beyond this symbolic reference, the Programme is in itself a proof of the emerging European identity: for its materialization, the idea came from a British, was backed-up by an Irish, was further developed by a French, and finally, a Spaniard made sure it will get adopted.

The idea of the name came from Alan Smith, the coordinator of the Joint Study Programme Scheme, who „*simply played with letters and words*”³³ and created the following acronym: **E**uropean **C**ommunity **A**ction **S**cheme for the **M**obility of **U**niversity **S**tudents=ERASMUS. It was catchy and easy to remember, and of course, it was historically charged due to the reference to Erasmus of Rotterdam. Erasmus was a Dutch philosopher, theologian, and humanist, „[...] *who lived and worked in several parts of Europe, in quest of the knowledge, experience and insights which only such contacts with other countries could bring. By leaving his fortune to the University of Basel, he became a precursor of mobility grants*”.³⁴ As a side note, the term has gained a special significance, and it has a meaning on its own, with students all over Europe being able to understand the meaning behind the phrase „*I am an Erasmus student*”.

³⁰ European Commission, *Proposal for a Council Decision adopting the European Community Action Scheme for the Mobility of University Students (Erasmus)-COM(85) 756 final*, 1985, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51985PC0756&from=SL>.

³¹ *Ibidem*, p. 2.

³² *Ibidem*, p. 3.

³³ B. Feyen in F. Benjamin, K. Ewa (editors), *The ERASMUS Phenomenon*, p. 21.

³⁴ European Commission, *Erasmus 2012-13: the Figures Explained*, 2014, accessible at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_14_476.

Reactions and challenges to the proposal

Even though the Education ministers agreed on the programme's general design and objectives, there were some mixed reactions from the members of the European Council. Great Britain, France, and Germany even used their veto power against the Programme. They were the unhappiest with the overall budget and the legal base upon which the initiative was built. Margaret Thatcher is reported to have said in connection to Erasmus that „[...] *The European Community does not have to give Erasmus scholarships; it is a national competence! So we really want an Erasmus program, but without Erasmus scholarships*”.³⁵ To this, the commissioner Marin replied that: „[...] *Erasmus without student scholarship would be like serving up cookery books to the hungry instead of a real meal*”.³⁶

As we have previously discussed, the treaties contained no provisions concerning the European Community's involvement in education matters, but in order to fundament its proposal, the Commission had a different interpretation in mind. While drafting the proposal, the European Commission identified Article 128 of the Treaty of Rome as a legal basis for the Programme: „[...] *The Council shall, acting on a proposal from the Commission and after consulting the Economic and Social Committee, lay down general principles for implementing a common vocational training policy capable of contributing to the harmonious development both of the national economies and of the common market*”.³⁷

This article does not refer to education but to vocational training, and its limitations were previously set in 1963 that established ten principles, none of which included references to education.³⁸ Nevertheless, the Commission considered that it had enough arguments to base its proposal for this article, especially in the light of the European Court of Justice decision in the Grevier case,³⁹ from the 13th of February, 1985, that allowed a broader interpretation of vocational training. The decision given in the Grevier had two important provisions. First, registration fees, or similar fees, which are not imposed by higher education institutions on nationals of the individual state, may not be imposed on nationals of the Member States of the European Community. Second, attendance at an art course at a non-university institution of higher education represents

³⁵ Association des françaises et français des institutions communautaires et europeennes, *In memoriam Michel Richonnier*.

³⁶ Office for Cooperation in Education, „Waiting for Erasmus-A Drama in Five Acts”, in *The joint study programme newsletter of the Commission*, no. 1/87, 1987, p. 1, accesible at: http://aei.pitt.edu/81794/1/1987_Volume_1_Joint_Study_Programme.pdf.

³⁷ ***, *Treaty of Rome*, p. 45.

³⁸ ***, *COUNCIL DECISION of 2 April 1963 Laying Down General Principles for Implementing a Common Vocational Training Policy (63/266/EEC)*, 1963, p. 2, accesible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31963D0266&from=EN>.

³⁹ *Françoise Gravier v City of Liège (C-293/83)* was a freedom of movement case concerning non-discrimination in access to vocational education in member states.

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professional training, as this course of study „prepares for professional activity”.⁴⁰ The outcome of the case mentioned earlier alongside with a broader definition of the term „university” which covered „[...] all types of post-secondary education and training establishments”,⁴¹ and the assimilation of some gradual competences in the field of education should be considered enough by the Commission to motivate the use of Article 128. To this, several states insisted that the legal base for a decision should also include Article 235 of the Treaty of Rome, thus allowing them to maintain control over future developments of the Programme: „[...] If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the Assembly, take the appropriate measures”.⁴²

This article created the premises of a tedious future collaboration and entailed difficult negotiations for the Commission to develop and finance the Programme. On the other hand, using this legal basis would favor the member states by creating the premises to veto the further development of the Programme. Otherwise, a simple majority meant that the smaller states could impose a decision on the bigger states, like France, Germany, and Great Britain, which were already discontented with financing such programmes. At the same time, it meant greater power for the Commission and developing greater competencies in the field of education for the European Commission. This hesitation to „share” more competences in the field of education was also motivated by the irreversibility of the act in itself because once the states accepted the transfer of competences, they will no longer be able to adopt unilateral measures in that field (if the treaties do not say otherwise). The European Court of Justice already established this principle in 1971, in the case of the Commission vs. the French Republic.⁴³

Thus, the states that were particularly attached to their sovereign role in education were reluctant to cooperate at a supranational level, especially since this would come at extra cost for the ones that were net payers: France, Germany, and Great Britain.

Otherwise, besides these two major concerns expressed by the Council, the Programme enjoyed general support. The European Parliament voted on the 16th of May 1986, with a majority of 143 to 3 to entrust the programme with its full support. The Community’s Economic and Social Committee which unanimously voted in April for this Programme. A similar stand was taken by the academic

⁴⁰ Commission of the European Communities, *The Joint Study Programme Newsletter of the Commission*. 2/85, 1985, p. 1, accessible at: http://aei.pitt.edu/81787/1/1985_Volume_2_Joint_Study_Programme.pdf.

⁴¹ ***, *COUNCIL DECISION of 15 June 1987 adopting the European Community Action Scheme for the Mobility of University Students (ERASMUS) (87/327/EEC)*, 1987, p. 2, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31987D0327&from=EN>.

⁴² ***, *Treaty of Rome*, p. 78.

⁴³ European Court of Justice, *Judgment of the Court of 14 December 1971-Commission of the European Communities v French Republic*, 1987, p. 1018, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61971CJ0007>.

Community with the Liaison Committee of Rectors Conferences of European Community's the Member States, unanimously calling on the Council to approve the Programme, with a sufficient budget.⁴⁴

Even with the budgetary challenge, the Commission managed to convince the finance ministers in the member states that they will not impose new taxes on the member states to finance Erasmus. Moreover, on the 26th of November 1986, the budget of the Commission was adopted with the entire requested sum for Erasmus. However, two days later, the Ministers of Education failed to reach an agreement for a second time, invoking the same budgetary reasons, with France, Germany, and United Kingdom completely refusing the amount advanced by the Commission.⁴⁵ They allocated less than one-third to the programme than what the Commission was requesting and eliminated the grants for students.⁴⁶ At the same time, they decided on using both Article 128 and 235 as a basis for adopting the programme. Their intervention upon the proposal of Erasmus left the programme without much substance, reducing it to merely a network of universities while eliminating the central piece of the proposal-the financial support provided to individuals.

Final push for the Commission's vision of the Programme

In this context, on the 1st of December 1986, the Commission withdrew the proposal altogether, fearing that if adopted with such a small-scale budget, the Programme's objectives would be seriously jeopardized.⁴⁷ It was reported that at the press conference held on this occasion, Marin said that: „[...] *Erasmus must turn in his grave on learning that Europe was ready to spend a fortune for his cows and nothing for his students*”.⁴⁸ Following this decision, there was a public opinion backlash, but curiously, it was directed towards the ministers of education in the member states. The media even reported at the time that France, Germany, and Great Britain opposed the proposal because they did not want to finance grants for individuals from smaller member states.⁴⁹ Public support for relaunching the initiative also came from student associations and other higher education forums that approach the decedents in favor of the programme. For example, the Association des États Généraux des Étudiants de l'Europe is credited with changing the mind of the French president, François Mitterrand.

At the European Council in London held a couple of days later with the occasion of the end of the British presidency, the heads of states stressed out the

⁴⁴ Alan Smith, „ERASMUS-A New Programme to boost Student Mobility in Europe”, in *The joint study programme newsletter of the Commsission*, no. 2/86, 1986, p. 3, accesible at: http://aei.pitt.edu/81792/1/1986_Volume_2_Joint_Study_Programme.pdf.

⁴⁵ Office for Cooperation in Education, „Waiting for Erasmus-A Drama in Five Acts”, p. 1.

⁴⁶ B. Feyen in F. Benjamin, K. Ewa (editors), *The ERASMUS Phenomenon*, p. 30.

⁴⁷ Commission of the European Communities, *Erasmus Newsletter*, no. 2/87, 1987, p. 3, accesible at: http://aei.pitt.edu/81793/1/1987_Volume_-_No_2.pdf.

⁴⁸ Association des françaises et français des institutions communautaires et europeennes, *In memoriam Michel Richonnier*.

⁴⁹ B. Feyen in F. Benjamin, K. Ewa (editors), *The ERASMUS Phenomenon*, p. 31.

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importance of the Erasmus programme once more and called for further consideration of the Erasmus Student Mobility Program and for solving the problems concerning its budget.⁵⁰ The elements of the programme, including student grants were reconsidered at a higher level. At this level, the proposal benefited of the full support of the French president François Mitterrand but also it was faced with opposition from the British prime minister, Margaret Thatcher. Through the voice of Mr. Delors, the Commission welcomed this „*fresh impetus*” and the proposal was reintroduced. However, the negotiations continued for almost half a year until the Programme was formally adopted on the 14th of May 1987.

As a result of the complicated negotiations, the Programme had a different form than what it was initially proposed, but it was still better than what the Minister of Education had in mind in December 1986. The budget for the first three years received only 48,6% of the initially requested amount (85 M. E. C. U. out of 175 M. E. C. U.), and the full grants were eliminated, but the partial grants were reintroduced. These subventions would be awarded directly to individuals in member states, thus saving the mobility scheme-the cornerstone of the programme. Otherwise, the entire form of the Programme was more ambiguous and warranted more influence to the member states, especially due to the legal basis that included article 235. Some provisions like the University Teacher Exchange Programmes and European Community Travelling Scholars Programme were erased. Nonetheless, it did not take that much time to rebuild on the programme’s initial optimistic objectives. Of course, the programme’s initial success and the increasing enthusiasm it sparked among the members of the higher education system facilitated later developments.

Following these events, in an editorial prepared by the Office for Cooperation in Education, the entire story of approving Erasmus was described as „*a drama in five acts*”:⁵¹ Act I-Stimulus for action with the heads of member states asking for the necessary developments regarding student mobility in order to fulfill the „People’s Europe” assumptions; Act II-Development of the plot with the Commission preparing the proposal and, an initial positive response from the other institutions with some reserves on the general budget; Act III-The first climax despite an agreement from the minister of finance on the budget, the education ministers fail to reach a decision; Act IV-The action was delayed since the Councils fails to reach an agreement, and the Commission formally withdrew; Act V-The denouement, after an intervention from the European Council, the proposal was reintroduced by the Commission and later approved.⁵²

Nevertheless, the Commission was not satisfied with the final result, and this led to a sixth act played in front of the European Court of Justice. As mentioned, a relevant change introduced in the document adopting the program regarded the

⁵⁰ The European Council, *London European Council-5-6 December 1986*, 1986, p. 5, accessible at: http://aei.pitt.edu/1409/1/London_dec_1986.pdf.

⁵¹ Office for Cooperation in Education, „Waiting for Erasmus-A Drama in Five Acts”, p. 1.

⁵² *Ibidem*.

legal basis for adopting the programme, that was distinct from the one proposed by the Commission. In the preamble of the *Council Decision of the 15th of June, 1987 adopting the European Community Action Scheme for the Mobility of University Students (ERASMUS)* was stated that the establishment of this Programme would be done in compliance with the treaty *Establishing the European Economic Community* (Treaty of Rome, 1954), articles 128 and 235. The Council explained the change with the following argument: „[...] *Whereas this action programme includes aspects relating to education which, at the present stage of development of Community law, may be regarded as falling outside the scope of the common vocational training policy as provided for in Article 128 of the Treaty; whereas these aspects of the programme can, together with the vocational training objectives to which they are closely linked, contribute to the harmonious development of economic activities throughout the Community; whereas to this extent the Treaty has not provided the necessary powers, and action for this purpose appears necessary to attain, in the course of the operation of the common market, one of the objectives of the Community*”.⁵³

The decision of the Council to use both articles was meant to protect the control of the states upon the later development of the programme, but the Commission was unwilling to accept such a compromise threatening future developments within the programme. Thus, the Commission attacked on the 7th of August 1987, the decision approving the Programme at the European Court of Justice, for a partial annulment. In its arguments, the Commission insists that „[...] *University education should be regarded as ‘vocational training’ within the meaning of Article 128*” and „[...] *emphasizes that student mobility is provided for in the Erasmus programme in connection with vocational training and the subsequent exercise of a profession, either in the State of the origin or in another Member State*”.⁵⁴

It took two years, but in the end, the European Court of Justice decided in favor of the European Commission in the *Judgment of the Court of the 30th of May 1989*, arguing that „[...] *The Court has already noted, in its judgment of the 13th of February 1985 in Case 293/83 Gravier v City of Liège (1985) E. C. R. 593, that the common vocational training policy referred to in Article 128 of the Treaty is gradually being established*”.⁵⁵ As a result of this decision, the Council modified the Decision establishing the programme on the 7th of December, 1989. The importance of this decision comes from the fact that it allowed further development for the Programme without a unanimous vote being necessary in the Council.

As shown, the creation of the Erasmus programme had a long story that depended on several factors, including identifying the right moment for the

⁵³ Council of the European Communities, *Council Decision of 15 June 1987 adopting the European Community Action Scheme for the Mobility of University Students (ERASMUS)*, 1987, p. 2, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31987D0327&qid=1567750965593&from=EN>.

⁵⁴ https://eur-lex.europa.eu/resource.html?uri=cellar:045f528c-5158-434a-9c54-b954f2058f30.0002.06/DOC_1&format=PDF, p. 1431.

⁵⁵ European Court of Justice, *Judgment of the Court of 30 May 1989-Commission of the European Communities v Council of the European Communities-European Community action scheme for the mobility of university students (Erasmus)-Action for annulment-Legal basis-Vocational training-Case 242/87*, 1989, accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1567955926502&uri=CELEX:61987CJ0242>.

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proposal, the necessary arguments, and the support of key people that could negotiate and gain support in favor of the programme.

The idea of an exchange programme between the member states with echo on the labor market gained support in a context marked by a general lack of popularity of the European idea. It was built upon previous initiatives that had the roles of testing certain components of the programme. However, it was more ambitious than any other form of existing collaboration, and this has not proven easy to be accepted by certain member states. Budgetary and legal basis provoked the most controversy and led to a deadlock in negotiations that required careful mediation and a bitter compromise for the Commission. After the Programme was „finally”⁵⁶ adopted by the Council of Ministers on May 14th, 1987, it still had an aftermath played in front of the European Court of Justice.

Thus, the process of launching the programme was not easy, and a certain reluctance remained from the member states. However, the programme’s initial success dispelled any doubt and led to greater support in favor of the programme. This aspect contributed in increasing the European collaboration in education and facilitated a spillover effect towards other levels of education and including outside Member States. Nevertheless, in many ways, the essence of the programme remained unchanged. The grants provided to individuals, for which the Commission had fought fiercely, remained the key element of the programmes for more than 30 years, providing support for millions of people. In this way, the Erasmus Programme became more successful than any other similar initiative set between member states and thus validated its utility.

⁵⁶ On May 21, 1987 the European Commission gave a press release with the title „ERASMUS ADOPTED” where in the first paragraph they used the formula „[...] *the Council of Ministers finally adopted the Erasmus programme*” thus acknowledging the effort that was put behind making this programme a reality. You can access this press release at the following address: <http://aei.pitt.edu/60194/1/ISEC.10.87.pdf>.