No. 12053

FRANCE

and

FEDERAL REPUBLIC OF GERMANY

Agreement concerning the establishment of French-German lycées (Gymnasien), the introduction of a French-German baccalauréat (Abitur) and the establishment of conditions for the award thereof (with annex). Signed at Paris on 10 February 1972

Authentic texts: French and German.

Registered by France on 9 October 1972.

FRANCE

et

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Convention concernant l'établissement de lycées franco-allemands, portant création du baccalauréat franco-allemand et fixant les conditions de la délivrance de son diplôme (avec annexe). Signée à Paris le 10 février 1972

Textes authentiques: français et allemand.

Enregistré par la France le 9 octobre 1972.

[Translation — Traduction]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE ESTABLISHMENT OF FRENCH-GERMAN LYCÉES (GYMNASIEN), THE INTRODUCTION OF A FRENCH-GERMAN BACCALAURÉAT (ABITUR) AND THE ESTABLISHMENT OF CONDITIONS FOR THE AWARD THEREOF

Considering that, under the Treaty of 22 January 1963,² the French Republic and the Federal Republic of Germany agreed to develop cultural cooperation between their two countries,

Desiring to promote better understanding between the two countries by establishing closer relations in the field of education, particularly through measures which serve to bring the two educational systems closer together,

The Government of the French Republic and the Government of the Federal Republic of Germany

Have agreed as follows:

Article 1

The two Contracting Parties agree to establish, in so far as possible and following consultation between them, French-German lycées (Gymnasien) both in France and in the Federal Republic of Germany.

The French-German lycées (Gymnasien) shall be secondary educational establishments providing instruction on the basis of co-ordinated, mutually agreed curricula.

Instruction at the French-German lycées (Gymnasien) shall lead to a French-German baccalauréat (Abitur) which is the subject of this Agreement.

Provisions governing the operation of the French-German lycées (Gymnasien) do not appear in this Agreement but will be the subject of subsequent arrangements.

Article 2

1. A French-German Baccalauréat (Abitur) having full validity in both signatory countries shall be established. This diploma shall entitle persons to

¹ Came into force on 10 February 1972 by signature, in accordance with article 38.

² United Nations, Treaty Series, vol. 821, p. 323.

whom it is awarded to all the prerogatives attaching to the French baccalauréat in France and to the German Abitur in the Federal Republic of Germany.

- 2. Candidates taking the French-German baccalauréat (Abitur) examination must demonstrate:
- (a) That they have a sufficiently broad and detailed knowledge of the language and culture of the other country;
- (b) That they satisfy the requirements laid down in the joint co-ordinated curricula of the French-German lycées (Gymnasien).
- 3. The French-German baccalauréat (Abitur) shall be awarded upon completion of the course of secondary instruction provided by the French-German lycées (Gymnasien) to students who pass an examination given in accordance with the procedures set out below.

Article 3

An examination centre shall be established at every French-German lycée (Gymnasium) which has at least one terminal class.

Article 4

The organisation of French-German baccalauréat (Abitur) examinations shall be the responsibility of an examining board whose composition and functions are defined in the following articles.

Article 5

- 1. The chairman of the examining board for all the examination centres shall be appointed annually by agreement between the competent national authorities: the Minister of National Education in the case of France and the President of the Permanent Conference of Ministers of Education of the Länder in the case of the Federal Republic of Germany. The post shall be occupied alternately by representatives of the two countries.
- 2. The chairman shall be assisted by a vice-chairman having the nationality of the other country who may deputize for him in the exercise of his duties. The vice-chairman shall be appointed in the same manner as the chairman.

Article 6

The examining board shall also include at each examination centre:

- (a) The directors of the French-German lycée (Gymnasium) which is serving as the examination centre;
- (b) The teachers who teach the subjects in which written and oral examinations

- are being held to the terminal class in the French and German sections and the teachers referred to in article 24, paragraph 1;
- (c) Teachers on the staff of national lycées (Gymnasien) in France and the Federal Republic of Germany who are designated as external members of the examining board by the competent national authorities.

At each examination centre the chairman of the examining board shall appoint a director and an assistant director of the centre who shall be responsible for the physical arrangements for the examinations.

Article 8

- 1. The date of the regular examinations and the deadline for registration shall be set each year by the chairman of the examining board in agreement with the competent national authorities.
- 2. A student who fails to register for the regular examination or who, although duly registered, fails to complete the examination for any reason other than *force majeure* may not take the examination until the following year.
- 3. A make-up examination may be held for students who, for reasons of force majeure are unable to register or appear for the regular examination or are unable to complete it; the chairman of the examining board shall set the date for the make-up examination and shall grant authorization for candidates to take it.

Article 9

- 1. Students at the French-German lycées (Gymnasien) who have completed at least the last two classes and students from other establishments who after passing an entrance examination, have attended the terminal class at a French-German lycée (Gymnasium) may register for the French-German baccalauréat (Abitur) examination.
- 2. A candidate may take the examination a second time after repeating the terminal class. In exceptional cases, authorization to take the examination a third time after repeating the terminal class a second time may be granted by the competent authorities.

Article 10

Candidates for the French-German baccalauréat (Abitur) must have made their choice, at the time of entering the next to the last class or of taking the entrance examination for the terminal class, from among the various study programmes and options available at the establishment.

In determining the results of the examination, the examining board shall, under the conditions laid down in article 13 and the subsequent articles, take into consideration:

- The preliminary marks;
- The first round of tests;
- The second oral round of tests;
- The physical education and sports test;
- The optional tests.

Article 12

All examination marks shall be expressed in whole numbers on a scale from 1 to 10, 10 representing the highest mark and 6 the pass mark.

All the marks in the various parts of the examination shall be assigned coefficients.

Article 13

- 1. The preliminary marks referred to in article 11 shall be determined in the following manner:
- (a) In each study programme, the student shall receive a mark for every compulsory subject taken in the last two classes, with the exception of physical education and sports. This mark shall represent the average of the quarterly marks given in the two classes. Work done outside the classroom shall not count for more than half in the determination of such marks;
- (b) In the case of students from another establishment who are admitted to the terminal class of a French-German lycée (Gymnasium) after passing an entrance examination, the preliminary marks shall be based on the results of that examination rather than on the marks obtained in the next to the last class;
- (c) If, in calculating this average, any decimals appear, the mark shall be rounded off to the next highest or lowest figure, depending on the student's academic performance at the time the mark is determined.
- 2. Students shall be informed as soon as possible of the preliminary marks thus determined.

Article 14

The first round of tests shall be compulsory for all candidates. In all study programmes, these tests shall consist of a written test in the mother tongue, a written and oral test in the language of the other country and written tests corresponding to the study programmes and option chosen.

- 1. Teachers at the French-German lycées (Gymnasien) who are members of the examining board shall propose two questions for each subject for which there is a written test.
- 2. The directors shall convey the proposals to the chairman of the examining board, who shall submit them for consideration to the external members of the board. The latter may amend them or substitute others.
- 3. The chairman of the examining board shall select the questions for the first round of written tests from these proposals.
- 4. The questions will be the same for both sections, with the exception of the tests in the mother tongue and the language of the other country and, in part, the philosophy test. The common questions shall appear in both languages.

Article 16

- 1. Each paper must be corrected separately by two teachers from the school, the first being the candidate's class teacher. After discussing the paper, they shall propose a joint mark.
- 2. The competent external member of the examining board shall review the two corrections and approve the marks awarded or, if he does not agree, refer the matter to the chairman of the examining board, who shall rule on it.

Article 17

- 1. Following the first round of tests, the chairman or vice-chairman shall convene the examining board to discuss the results.
- 2. The examining board shall prepare a compilation of preliminary marks and marks for the first round of tests for each candidate, taking into account the respective coefficients.
- 3. The over-all average for each candidate shall be calculated by adding together the preliminary marks and the marks awarded in the first round of tests and dividing that figure by the sum of the coefficients.
- 4. For each subject an average mark shall be calculated by dividing the sum of the points obtained in that subject by the sum of the coefficients assigned to it. If in any subject, the preliminary mark is the only mark available, it shall take the place of the average.

Where the average mark for any subject contains a decimal, it shall be rounded off to the next lowest figure if the fraction is less than 0.5 and to the next highest figure if the fraction is 0.5 or greater.

5. On the other hand, the over-all average referred to in paragraph 3 of this article may not be rounded off.

6. Candidates shall be informed of the results of the first round of tests by the chairman of the examining board.

Article 18

- 1. Following the first round of tests, candidates who have obtained an over-all average of 6.5 or more shall be exempted from the oral tests of the second round and shall be declared to have passed the examination provided that they did not receive a mark of less than 6 in any of the compulsory tests of the first round and did not receive more than one preliminary mark of less than 6.
- 2. Candidates with an over-all average of less than 5 shall not be permitted to take the oral tests of the second round and shall be failed.
- 3. Candidates who are not declared by the examining board to have passed following the first round of tests and who have obtained an over-all average of at least 5 must take the oral tests of the second round.
- 4. If a candidate's results in one of the written tests of the first round other than the test in the language of the other country are unsatisfactory and if the candidate has a preliminary mark of at least 6 in the same subject, he may ask to take an oral make-up test in that subject. The final mark shall then be the arithmetic mean of the marks awarded in the written test and in the oral-make-up test, both of which shall be assigned the same coefficient.

Article 19

The physical education and sports test shall be compulsory except for those candidates who are exempted on medical grounds by the chairman of the examining board.

Article 20

- 1. Candidates may ask to take one or two optional tests.
- 2. Candidates who are exempted from the physical education and sports test shall, however, be entitled to take three optional tests.
- 3. Optional tests shall be conducted by the director of the examination centre before the first round of tests.

Article 21

- 1. Only whole points above 6 shall be taken into consideration in the physical education and sports test and the various optional tests.
- 2. The marks to be taken into consideration in calculating the over-all average shall therefore be 7, 8, 9 and 10.

Following the first round of tests, marks obtained in the physical education and sports test or in optional tests shall be taken into consideration only in the case of candidates who have passed and shall be used as the basis for awarding mentions of better than "satisfactory".

Article 23

- 1. The second round of tests will consist of oral tests in the subjects comprising each study programme. The chairman of the examining board shall determine the number and type of tests that each candidate is to take.
- 2. In addition, a candidate may ask to take one or two tests in subjects in which his preliminary marks are unsatisfactory; he shall so inform the director of the examination centre before the beginning of the oral tests.
- 3. A candidate who fails to receive a passing mark in any written test of the first round other than the test in the language of the other country may ask to take an additional oral test in the same subject under the conditions laid down in article 18, paragraph 4.

Article 24

1. In the oral tests, candidates shall be questioned in each subject in the language in which that subject was taught in the terminal class, the questioning to be conducted by their teacher and by another teacher of the other nationality who teaches the same subject to classes of the second cycle at the school.

An external member of the examining board who teaches the same subject may join them and take part in the questioning.

2. Marks shall be awarded by agreement between the two examiners or, if they disagree, by decision of the external member of the examining board.

Article 25

Following the second round of tests, the operations described in article 17 above shall be carried out, taking into consideration the marks obtained in the oral tests.

Marks obtained in the physical education and sports test and in optional tests shall be taken into consideration in accordance with the provisions of article 21 above in determining whether a candidate has passed and, where appropriate, as the basis for awarding mention of better than "satisfactory".

Article 26

1. Following the oral tests of the second round, candidates with an over-all average of 6 or more for all the elements of the examination shall be declared to

have passed, provided that they did not receive more than two marks of less than 6 in the entire set of tests of which not more than one may be in the compulsory tests of the first round.

- 2. During a transitional period embracing the first five examinations, the examining board may pass candidates who obtain the necessary over-all average and who do not have more than one mark of less than 6 in the first round of tests and, in all, do not have more than three average marks of less than 6, of which only one may be less than 5.
 - 3. Candidates who do not satisfy these conditions shall be failed.

Article 27

The chairman of the examining board shall draw up a report on the tests and the board's deliberations, such report to include in particular the marks awarded to each candidate in each test, the candidate's average mark for each subject and his over-all average. The chairman shall send a certified copy of the report to the competent authorities.

Article 28

The members of the examining board shall observe secrecy concerning the conduct of examinations and the deliberations of the board.

Article 20

Students who pass the French-German baccalauréat (Abitur) examination shall be awarded a diploma signed by the chairman and the vice-chairman of the examining board on behalf of the competent French and German authorities.

Article 30

The diplomas awarded to successful candidates for the French-German baccalauréat (Abitur) shall bear the following mentions:

- "Pass" when the candidate obtains an over-all average of at least 6 but less than 6.5;
- "Fair" when the candidate obtains an over-all average of at least 6.5 but less than 7.5:
- "Good" when the candidate obtains an over-all average of at least 7.5 but less than 8.5;
- --- "Very Good" when the candidate obtains an over-all average of at least 8.5.

Article 31

Any candidate who is found guilty of cheating or of attempting to cheat or of having aided in any cheating or attempt at cheating shall be disqualified from the examination. In less serious cases, the examining board shall decide, on the basis of a report from the director of the examination centre, what steps should be taken.

Article 32

The question of which courts are competent to deal with any disputes arising out of the implementation of this Agreement shall be decided by each country in accordance with the rules applicable to disputes of a like nature, i.e. those relating to the *baccalauréat* in the case of France and those relating to the *Abitur* in the case of the Federal Republic of Germany. Territorial competence shall be determined according to the location of the examination centre.

Article 33

The first French-German baccalauréat (Abitur) examination shall be held in 1972 pursuant to this Agreement.

Article 34

The provisions relating to the implementation of this Agreement and the co-ordinated curricula may be amended or supplemented by exchange of letters between the Minister for Foreign Affairs and the Minister of National Education of the French Republic, on the one hand, and the Minister for Foreign Affairs of the Federal Republic of Germany, on the other hand.

Article 35

This Agreement may be amended or supplemented only by an agreement concluded in the same form between the High Contracting Parties.

Article 36

This Agreement is concluded for a term of five years. It shall thereafter be automatically extended for further five-year terms unless denounced two years prior to the expiry of a term.

Article 37

This Agreement shall also apply to Land Berlin unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the French Republic within three months after the Agreement's entry into force.

This Agreement shall enter into force on the date of signature.

DONE at Paris on 10 February 1972, in duplicate in the French and German languages, both texts being equally authentic.

For the Government of the French Republic:

For the Government of the Federal Republic of Germany:

[Signed]
MAURICE SCHUMANN

[Signed]
WALTER SCHEEL

[Signed]
OLIVIER GUICHARD

ANNEX

Provisions relating to the implementation of the agreement between the Government of the French Republic and the Government of the Federal Republic of Germany concerning the establishment of French-German "Lycées (Gymnasien)," the introduction of a French-German "baccalauréat (Abitur)" and the establishment of conditions for the award thereof

I. EXTERNAL MEMBERS OF THE EXAMINING BOARD (cf. article 6 of the Agreement)

The external members of the examining board in various subjects—three teachers of each nationality for each examination centre—shall be chosen by the national authorities. They must have a good knowledge of the language of the other country.

II. Make-up examination (cf. article 8, paragraph 3 of the Agreement)

The chairman of the examining board shall determine, on the basis of the statements made and certificates presented, the validity of the reasons given for a candidate's absence and shall decide the number and kind of tests he must repeat.

III. REGISTRATION FOR THE EXAMINATION (cf. articles 3 and 9 of the Agreement)

Candidates must register for the examination with the administration of the French-German lycée (Gymnasium) which they attend.

Candidates may register between 15 and 31 January of each year. When registering a candidate shall indicate which tests he has selected from among the optional oral tests and, where a choice is offered, from among the compulsory written tests.

Examination fees shall be payable upon registration. The fees shall be equal to the fee for the baccalauréat for all candidates taking the examination at an examination centre in France and to the fee for the Abitur for all candidates taking the examination at an examination centre in the Federal Republic of Germany.

IV. SUBJECTS FOR WHICH PRELIMINARY MARKS ARE TO BE AWARDED (cf. articles 11, 12 and 13 of the Agreement)

Preliminary marks shall be awarded for the following 10 subjects:

- 1. In all paren study programmes a coefficient of I being assigned to each subject:
 - Mother tongue;
 - Language of the other country;
 - Philosophy;
 - Mathematics;
 - Biology;
 - History;
 - Geography;
 - Civics.
- 2. In addition:
 - (a) In study programme A, option A 1 (English):
 - English (coefficient: 1);
 - Physics (coefficient: 0.5), counting as one subject only;
 - Chemistry (coefficient: 0.5), counting as one subject only.
 - (b) In Study programme A, option A 2 (Latin):
 - Latin (coefficient: 1);
 - Physics (coefficient: 0.5), counting as one subject only;
 - Chemistry (coefficient: 0.5), counting as one subject only.

For these two options, physics and chemistry are taken together with the coefficient 1.

- (c) In study programmes C and D:
- Physics (coefficient: 1);
- Chemistry (coefficient: 1).

V. First ROUND OF TESTS (cf. articles 12 and 14 of the Agreement)

- A. The first round of tests shall include:
- 1. In all study programmes:
 - A 43-hour written test in the mother tongue (coefficient: 3);
 - A 4-hour written test in the language of the other country (coefficient: 1.5);
 - An oral test in the language of the other country (coefficient: 1.5).
- 2. In addition:
 - (a) In study programme A, option A 1 (English):
 - A 4-hour written test in philosophy (coefficient: 3);
 - A 3-hour written test in mathematics (coefficient : 3).

- (b) In study programme A, option A 2 (Latin):
- A 3-hour written test in Latin (coefficient: 3).
- Either a 4-hour written test in philosophy or a 3-hour written test in mathematics (each with a coefficient of 3); candidates will be examined orally in the second round of tests on the subject not chosen for the written test.
- (c) In study programme C:
- A 4-hour written test in mathematics (coefficient: 3);
- A 3-hour written test in physics, the test period not including any time needed to prepare practical work (coefficient: 3).
- (d) In study programme D:
- A 4-hour written test in mathematics (coefficient: 3);
- A 3-hour written test in either chemistry or biology, the test period not including any time needed to prepare practical work (coefficient: 3); candidates will be examined orally in the second round of tests on the subject not chosen for the written test.

B. Description of the first round of tests (cf. articles 12 and 14 of the Agreement)

1. Written test in the mother tongue. The three topics shall be the same for all study programmes:

Candidates must choose one of the three, namely:

- A general literary or artistic topic;
- A literary topic relating to one or more authors covered by the curriculum of the last two classes; or
- A commentary on a short excerpt from the work of an author covered by the curriculum of the last two classes, the text in question not having been dealt with in class.

Candidates may not take any text or paper with them into the examination.

- 2. Test in the language of the other country
 - (a) Written test (duration: 4 hours)

The topic shall be the same for all study programmes.

This test is designed to give all candidates an opportunity to express themselves in the language of the other country. It shall consist of a commentary on a fairly short, moderately difficult text which is self-contained, preferably from a modern or contemporary author. Explanatory notes shall be provided in the case of any particularly difficult expressions.

The questions will lead candidates step by step to an understanding of the text and thus enable them to compose their commentaries. The last question will afford candidates an opportunity to express themselves at greater length—drawing directly upon the text or basing themselves on it—on either of two more general themes, the treatment taking the form of a personal essay or brief dissertation.

The text offered shall not require any particular knowledge of the history of literature. It may be taken from an author dealt with in class, provided that the passage in question was not explained in class.

No dictionaries or other auxiliary material may be used.

(b) Oral test (duration: 20 minutes) at most, following 20 minutes of preparation. This test is designed to bring out the special bilingual and bicultural nature of the French-German lycées (Gymnasien). The second examiner shall be a specialist in the mother tongue of the national section to which the candidate belongs.

The main purpose of this exercise is to test the candidate's knowledge of the language and culture of the other country. In the last part of the test, the second examiner shall ask a few questions in the mother tongue which bring out the relationship between the foreign-language text and the literature and civilization of the candidate's own country.

A single mark shall, by agreement between the two examiners, be awarded for both parts of the test.

3. Test in philosophy (duration: 4 hours)

The written test in philosophy calls for the candidate to write one of the following three papers:

- A dissertation in which the candidate draws on the philosophy studies in the curriculum of the last two classes;
- A commentary on a text by a philosopher, whether or not he is included in the curriculum; the text must not have been explained in class;
- A discussion of a more general topic in which the candidate may also draw on the knowledge acquired in the philosophy course.

No auxiliary material may be used.

To allow for the fact that in the German section since religion is compulsory the time spent on philosophy is three and a half hours a week instead of seven in the last two classes, special arrangements shall be made to ensure that candidates from the German section are not placed at a disadvantage. When preparing the topics, the two directors shall, by agreement with the teachers of philosophy, draw up a list of the material which has already been or is to be dealt with simultaneously in both sections.

At least one of the three topics must relate to this common material.

4. Latin translation test (duration: 3 hours)

The Latin text 20-30 lines in length, shall be moderately difficult. It must not have been explained in class.

Latin-French or Latin-German dictionaries may be used.

The directors shall, in consultation with the Latin teachers, determine which Latin-German or Latin-French dictionary or dictionaries may be used.

5. Mathematics test (duration: 3 hours for study programme A; 4 hours for study programmes C and D)

The tests, which will vary according to the study programmes, will consist of three parts relating to different sections of the curriculum. The use of a mathematics formulary is permitted. The two directors shall, in consultation with the mathematics teachers, determine which formularies may be used, to the exclusion of all others.

6. Physics test (duration: 3 hours)

The candidate must do two exercises: one based on the material in the curriculum and one in which he can apply what he has learned in class. In one of these he will have a choice between two questions.

No physics formulary may be used.

7. Chemistry test (duration: 3 hours)

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The candidate must answer two of the three questions presented to him. No chemistry formulary may be used.

8. Biology test (duration: 3 hours)

The candidate must answer two of the three questions presented to him.

VI. ORAL TESTS IN THE SECOND ROUND (cf. article 23 of the Agreement)

The following subjects may be tested orally in addition to the possible oral make-up test provided for in article 18, paragraph 4 of the Agreement:

- 1. In study programme A, option A 1 (coefficient: 2 for each subject):
 - English;
 - History;
 - Geography.
- 2. In study programme A, option A 2 (coefficient: 2 for each subject):
 - Philosophy or mathematics (candidates will be examined in the subject they did not choose in the written test of the first round);
 - History;
 - Geography.
- 3. In study programme C (coefficient: 2 for each subject):
 - Philosophy;
 - Chemistry;
 - History or geography (the subject will be decided by drawing lots).
- 4. In study programme D (coefficient: 2 for each subject):
 - Philosophy;
 - Chemistry or biology (candidates will be examined in the subject they did not choose in the written test of the first round);
 - History or geography (the subject will be decided by drawing lots).

The drawing of lots between history and geography preparatory to the oral test in study programmes C and D shall be conducted each year under the following conditions three months prior to the date on which the written tests are scheduled to begin, under the supervision of the chairman of the examining board;

Since history is to be taught in German in both sections and geography in French in both sections lots will be drawn on the language in which candidates are to be examined. Thus, if the mother tongue is drawn the students in the German section will be examined in history and those in the French section in geography; conversely, if the language of the other country is drawn the students in the German section will be examined in geography and those in the French section in history.

5. Each additional test which a candidate opts to take in accordance with the provisions of article 23, paragraph 2 of the Agreement shall be assigned the same coefficient as the preliminary mark in the subject in which the test is taken (cf. article 4 of this annex).

VII. Physical education and sports tests (cf. article 19 of the Agreement)

The physical education and sports tests shall be held in two parts:

- One at the end of the next to the last class;
- The other during the second term of the terminal class.

The final mark in the physical education and sports test shall be assigned the coefficient 1.

VIII. OPTIONAL TESTS (cf. article 20 of the Agreement)

- 1. The subjects in which optional tests may be taken are the following (each with the coefficient 1):
 - --- Art;
 - Music:
 - English (except for candidates in study programme A, option A 1);
 - Latin (except for candidates in study programme A, option A 2);
 - Religion (for candidates from the German section).
- 2. These tests may only be taken orally. However, the art test may include a graphic test.