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Text #8

Decree # 2016-1527 of November 14, 2016 modifying Decree # 2012-279 of February 28 concerning the *Institut Mines-Télécom*

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Persons concerned: *Institut Mines-Télécom*; *Ecoles Nationales Supérieures des Mines* of Albi-Carmaux, Alès, Douai, Nantes, Saint-Etienne and Paris.

Subject: modification of the Articles of Association of the *Institut Mines-Télécom*.

Date of effect: the text comes into effect on January 1st 2017, with the exception of Articles 37, 42 and 45 which will come into effect on the day following the date of publication of the decree.

Notice: the decree modifies Decree # 2012-279 of February 28, 2012 concerning the *Institut Mines-Télécom*, a public establishment of a scientific, cultural and professional nature, placed under the joint control of the Minister for Industry and the Minister for Electronic Communications. It includes the recent provisions of the Education Code and increases the autonomy of the internal schools of the *Institut Mines-Télécom*. The *Ecoles des Mines* of Albi-Carmaux, Alès, Douai, Nantes and Saint-Etienne, which were public establishments attached to the *Institut Mines-Télécom*, become internal schools of the Institute just as the telecommunications schools. The *Ecole des Mines* of Douai is merged with Telecom Lille and the *Ecole des Mines* of Nantes with Telecom Bretagne to create two new schools of the Institute.

References: the decree and Decree # 2012-279 as modified by the present decree can be consulted on the Légifrance website (<http://www.legifrance.gouv.fr>).

The Prime Minister,

Upon the report from the Minister for the Economy and Finance,

In view of the Education Code and in particular Articles L. 123-1, L. 711-6, L. 717-1 and L. 718-16;

In view of the Research Code, and in particular Articles L. 114-3-1 and L. 531-1 to L. 531-11;

In view of the Labor Code and in particular Articles L. 1224-1 and L. 1224-3;

In view of Law # 83-634 of July 13, 1983 as modified containing the rights and obligations of civil servants, together with Law # 84-16 of January 11, 1984 as modified containing statutory provisions related to the State civil service;

In view of Decree # 91-1033 of October 8, 1991 as modified concerning the *Ecole Nationale Supérieure des Mines de Paris (Mines ParisTech)*;

In view of Decree # 2000-677 of July 18, 2000 as modified containing statutory provisions common to the contractual employees of the *Ecoles Nationales Supérieures des Mines* and of the *Ecoles Nationales Supérieures des Techniques Industrielles et des Mines* under the control of the Minister for Industry;

In view of Decree # 2009-64 of January 16, 2009 as modified for the creation of the General Council of Industry, Energy and Technology;

In view of Decree # 2012-279 of February 28, 2012 as modified concerning the *Institut Mines-Télécom*;

In view of Decree # 2012-1246 of November 7, 2012 concerning budgetary management and public accounting;

In view of the decision of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Albi-Carmaux (*Mines Albi-Carmaux*) of November 6, 2015;

In view of the decision of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Alès (*Mines Alès*) of November 6, 2015;

In view of the decision of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Douai (*Mines Douai*) of November 18, 2015;

In view of the decision of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Saint-Etienne (*Mines Sainte-Etienne*) of November 25, 2015;

In view of the decision of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Nantes (*Mines Nantes*) of November 27, 2015;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Albi-Carmaux (*Mines Albi-Carmaux*) of April 19, 2016;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Douai (*Mines Douai*) of April 19, 2016;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Nantes (*Mines Nantes*) of April 19, 2016;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Alès (*Mines Alès*) of April 21, 2016;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Paris (*Mines ParisTech*) of April 29, 2016;

In view of the opinion of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Saint-Etienne (*Mines Saint-Etienne*) of May 11, 2016;

In view of the opinion of the Technical Committee of the *Institut Mines-Télécom* of May 11, 2016;

In view of the opinion of the Joint Technical Committee of the *Ecoles des Mines* and of the *Institut Mines-Télécom* of May 11, 2016;

In view of the decision of the Board of Directors of the *Institut Mines-Télécom* of May 25, 2016;

In view of the opinion of the National Council for Higher Education and Research of June 20, 2016;

The Council of State (Public Works Division) having been heard,

Decrees:

Chapter I: Provisions modifying Decree # 2012-279 of February 28, 2012 concerning the *Institut Mines-Télécom*

Article 1

The above-mentioned Decree # 2012-279 of February 28, 2012 is modified as follows by Articles 2 through 31 of the present Decree.

Article 2

I.-In Articles 7, 13, 15, 20, 27 and 36, the words: “internal schools” are replaced by the word “schools”.

II.-In Articles 13, 23, 24, 28, the words: “internal school” are replaced by the word “school”.

Article 3

I.-In Paragraph 3 of Article 7, in Articles 9 and 20, in Paragraph 4 of Article 22, in Articles 23 and 24, in the first three paragraphs of Article 29 and in Article 36, the word “students” is replaced by the word “users”.

II.-In the fourth and fifth paragraphs of Article 29, the word “student” is replaced by the word “user”.

Article 4

Article 1 is replaced by the following provisions:

“Art. 1.-The *Institut Mines-Télécom*, a major establishment pursuant to Article L.717-1 of the Education Code, is a public establishment of a scientific, cultural and professional nature, placed under the joint control of the Minister for Industry and of the Minister for Electronic Communications.

“Its headquarters are seated in the Paris region by a joint ruling of the said ministers. It may be transferred within that region by a decision of the Board of Directors.

“The Minister for Higher Education takes part in the definition of its teaching project. To that effect, he is represented on the Board of Directors and involved in any accreditations or authorisations.”

Article 5

I.-In the fourth paragraph of Article 2, after the word “innovation” the words “and the dissemination of scientific and technical culture” are added.

II.-The fifth paragraph of the same Article is replaced by two paragraphs as follows:

“The mission of the Institute is also to design and implement an overall strategy encompassing the schools which make up the Institute and to which the schools affiliated to it may contribute under the conditions set out in Article L. 718-16 of the Education Code.

“That overall strategy takes account of the strategic priorities of public policy in matters of industry and digital economics and of the national strategy of higher education and enables the schools making up the *Institut Mines-Télécom* to take part in the territorial coordination organized in the region in which they are sited.”

Article 6

I.-The last two sentences of Article 3 are deleted.

II.-The following paragraph is added to the end of Article 3:

“For each school, a joint ruling of the Ministers for Industry and for Electronic Communications sets the specific missions and powers of the school and its customary name.”

Article 7

I.-In the first paragraph of Article 4, the reference “L. 712-4” is deleted.

II.-In the second paragraph of the same Article, the words “those of Article L. 953-2” are deleted.

Article 8

I.-The first paragraph of Article 5 is modified as follows:

1° After the word “Articles” the reference “L. 711-1” is added;

2° The words “and L. 953-2” are deleted.

II.-At the end of Article 5, the following paragraph is added:

“The authority responsible for budgetary supervision under Article 35 of the present Decree exercises the attributions given to the Regional Director of Public Finances by the texts adopted for the application of Article L. 711-1 of the Education Code.”

Article 9

The second paragraph of Article 6 is modified as follows:

1° Before the word “strategy” the word “overall” is added;

2° The words “internal and affiliated schools mentioned in Article 19” are replaced by the words “of the establishment. The Director General may invite the Directors of the affiliated schools to take part in the meetings of the college of Directors.”

Article 10

I.-The 2nd paragraph of Article 7 is modified as follows:

1° After the words “qualified persons” the words “with at least four of each gender” are added;

2° After the word “establishment” the words “after concertation with the alumni associations” are added.

II.-The last paragraph of the same Article is replaced by the following paragraph:

“The representatives of staff and users are elected by secret ballot voting for members of a list, in one round, with proportional representation of the highest remainder, the possibility of incomplete lists and without splitting of votes, by distinct colleges. The lists are compiled alternately with one candidate of each gender. The election procedures are set by a joint ruling of the Minister for Industry and of the Minister for Electronic Communications.”

Article 11

In Article 10, after the words “the personnel he appoints” the words “the Secretary General” are added.

Article 12

I.-Paragraph 4 of Article 13 is replaced by the following provisions:

“4° The internal organization of the Institute and in particular the creation of schools, training centers and joint services pursuant to Article 3 of the present decree;”.

II.-In paragraph 13 of the same Article, the words “Joint Technical Committee” mentioned in Article 32” are replaced by the words “Technical Committee of the Institute”.

III.-After paragraph 16 of the same Article, a 17th and 18th paragraph are added as follows:

“17° The multi-year master plan on handicap policy. Each year, the Director General presents a report to the Board of Directors on the implementation of this plan, together with indicators of results and monitoring;

“18° The appointment of the persons or schools representing the Institute in the subsidiaries and groupings mentioned in paragraph 10 of the present Article or in any association or foundation in which the Institute is involved.”

IV.- In the same article, the paragraphs “The Board of Directors approves the by-laws of each of the internal schools.” and “It appoints the persons or internal schools representing the Institute in the subsidiaries and groupings mentioned in Paragraph 10 of the present Article.” are deleted.

V.- In the same article, in the words “subsidiaries of the Institute and their accounts”, the word “provisional” is deleted.

VI.-The final paragraph of the same article is replaced by the following provisions:

“It may delegate to the Director General and to the Directors of the internal schools according to the conditions and limits it sets, the attributions mentioned in Paragraph 3 as far as the modifications of the budget are concerned, in Paragraphs 5, 6 and 8 as far as the leases and rents are concerned and in Paragraphs 10, 12, 14, 15 and 18. The Directors report to the Board of Directors according to the conditions set by the by-laws of the Institute on the decisions taken within the framework of the attributions thus delegated.”

Article 13

Article 14 is replaced by the following provisions:

“Art. 14. - The Director General is appointed for five years by a decree adopted upon the report of the Ministers for Industry and for Electronic Communications, following an opinion from the Board of Directors.

“A call for applications is published in the Official Journal of the French Republic. In support of his/her application, each candidate for the post of Director General presents a project for the Institute. A joint ruling from the Ministers for Industry and for Electronic Communications specifies the procedures of the public call for applications and defines the composition of the committee in charge of giving a founded opinion on the applications received and of selecting them. This committee is comprised of at least one person from the academic world and one person from the economic world chosen for their competences in the fields of

activity of the Institute, and one member from the General Council of Economics, Industry, Energy and Technology.

“The opinion of the Board of Directors mentioned in the first paragraph for the candidate proposed relates to his/her aptitude to fill the post and to the relevance of his/her project for the establishment.”

“The appointment may be renewed once for an equal period upon a proposal from the Board of Directors by a decree adopted upon the report of the Ministers for Industry and for Electronic Communications. In the event of a refusal by either one of the two ministers of the proposal from the Board of Directors to proceed with the renewal of the term, a new call for applications is made.”

“The office of Director General is incompatible with exercising any elective office within the Institute.”

“Under the authority of the Director General, a Secretary General is put in charge of the management of this establishment. He is appointed by a joint ruling from the Ministers for Industry and for Electronic Communications upon a proposal from the Director General.”

Article 14

I.-Paragraph 9 of Article 15 is replaced by a 9th paragraph as follows: “He is in charge of maintaining order, safety and security as well as the discipline of the staff belonging to the Institute”.

II.-In paragraph 10 of the same article, the words “staff disciplinary committee” are replaced by the words “staff disciplinary bodies”.

III.-In the last paragraph of the same article, before the words “He may delegate”, the indication « 12° » is deleted.

Article 15

Article 16 is replaced by the following provisions:

“Art. 16. - The Scientific Committee is made up of twenty-eight members:

“- a chairperson and twenty-three persons appointed for their competence by the Ministers for Industry and for Electronic Communications after an opinion from the Minister for Research

“- four representatives from the professors, research Directors and tutors working in the schools, elected by their peers, or their replacements.

“The mandate is for a renewable term of four years.

“The representatives of the professors, research Directors and tutors, together with their replacements, are elected by secret ballot with a single round majority uninominal poll according to the procedures specified in the by-laws of the Institute.

“The Scientific Committee advises the Institute on its research and innovation strategy and assesses its scientific orientations. For the purpose of the latter, it calls upon the assessments made the High Committee for the Evaluation of Research and Higher Education. It may be organized in sections according to the fields examined and may call upon the opinion of experts from outside the committee.

“The Director General and a representative appointed by the Director of each school attend the meetings of the Scientific Committee in an advisory capacity.”

Article 16

The title of Chapter III becomes “The schools of the Institute”.

Article 17

Article 19 is replaced by the following provisions:

“Art. 19. - The provisions of this chapter are applicable to the following *Ecoles Nationales Supérieures*:

“1° The *Ecole Nationale Supérieure des Mines* of Saint-Etienne;

“2° The *Ecole Nationale Supérieure des Mines* of Alès;

“3° *Télécom ParisTech*;

“4° *Télécom SudParis*;

“5° *Télécom Ecole de Management*;

“6° The *Ecole Nationale Supérieure des Mines* of Albi-Carmaux;

“7° The *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire*;

“8° The *Ecole Nationale Supérieure Mines-Télécom* Lille Douai.

“They are also applicable to any new school of the *Institut Mines-Télécom* created pursuant to Article 3 of the present decree and to any school integrated upon its demand within the Institute pursuant to Article L. 718-16 of the Education Code.”

Article 18

I.-The first two paragraphs of Article 21 are replaced by two paragraphs as follows:

“Each of the schools is run by a Director. For each school resulting from a merger, one or several Assistant Directors may be nominated according to the number of schools merged. The attributions of the Assistant Directors are defined by the Board of Directors.

“Each Director or Assistant Director is appointed for a renewable term of a maximum of five years by a joint ruling from the Minister for Industry and the Minister for Electronic Communications made following the opinion from the School Board and from the Board of Directors of the Institute.”

II.-In the third paragraph of the same article, after the words: “Deputy Directors” the words “other than the Assistant Directors” are added. After the words “Secretaries General” the words “of the schools” are added.

Article 19

I.- In the first paragraph of Article 22, the words “appointed by a ruling from the Minister for Industry as far as the *Ecoles Nationales Supérieures des Mines* are concerned and by a ruling from the Minister for Electronic Communications as far as the *Ecoles Nationales Supérieures des Télécommunications* are concerned” are replaced by the words “appointed from among the members mentioned in Paragraph 1 or Paragraph 5 by a joint ruling from the Minister for Industry and the Minister for Electronic Communications”.

II.- A paragraph is inserted before the first paragraph of Article 22 as follows:

“In each school, a School Board deliberates on the affairs specific to the school according to the conditions defined in Article 23.”

III.-In paragraph 2 of the same Article, the words “a representative of the General Council for Industry, Energy and Technology” are replaced by the words “one or several representatives of the State”.

IV.- In Paragraph 3, after the words “staff of the school” the words “elected by their peers” are added.

V.-Paragraph 4 is modified as follows:

1° After the words “engineering training” the words “or management training” are added;

2° After the words: “one in doctoral studies” the words, “elected by their peers” are added.

VI.- Paragraph 5 is modified as follows:

1° The word “of” is replaced by the words “one or several”;

2° After the words “alumni” the following words are added: “appointed after concertation with the alumni associations concerned”.

VII. - In the paragraph following paragraph 6, after the words “The Director of the school” the following words are added: “the Director or the Assistant Directors,”.

VIII. - In the following paragraph, after the words “or represented there” the words “by one of his/her deputies” are deleted.

IX.- The penultimate paragraph of Article 22 is replaced by the following provisions:

“According to the conditions provided in Articles D. 719-47-1 through D. 719-47-4 of the Education Code, the composition and the workings of the School Boards and, as applies, the composition and the role of the committees for cooperation with strategic partners are set by a joint ruling of the Minister for Industry and the Minister for Electronic Communications.”

Article 20

I.- In the second paragraph of Article 23, the words “of the general orientations set by the Board of Directors of the establishment” are replaced by the words “of the overall strategy mentioned in Article 2”.

II.- Paragraph 1 of the same Article is modified as follows:

1° The words “The specific objectives” are replaced by the words “The strategy”;

2° The words “initial and continuing training and research” are replaced by the words “initial and continuing training, research and partnerships”.

III.- At the end of paragraph 3, after the word “courses” the words “and curricula” is added.

IV.- Paragraphs 7, 8 and 9 are replaced by the following provisions:

“7° The actions of the school in international affairs and partnerships;

“8° The annual report of the Director of the school;

“9° The setting of fees and other contributions of users and staff of the school without prejudice to the competences of the Board of Directors of the Institute together with the rules for exemption as provided for in the last paragraph of Article 37 of the present Decree”.

V.- The following is sentence added to the end of Article 23:

“10° The part specific to the school of the Institute’s multi-year master plan related to handicap policy.”

Article 21

I.- In the first paragraph of Article 27, the words “of the general orientations set by the Board of Directors of the establishment” are replaced by the words “of the overall strategy mentioned in Article 2”.

II.- In paragraph 1 of the same Article, after the words “School Board” the word “and” is deleted. At the end of paragraph 1, the words “and implements the decisions thereof” are added.

III.- In paragraph 2, the words “of the general orientations” are replaced by the words “of the strategy”.

IV.- Paragraph 4 is modified as follows:

1° The words “directs and manages” are replaced by the words “has authority over”;

2° The words “in liaison with the Director General of the Institute” are replaced by the words “that he directs and manages”.

V.- In paragraph 5, the words “after consultation of the School Board, to the approval of the Board of Directors of the Institute” are replaced by the words “to the approval of the School Board”.

VI.- In paragraph 6, the words “upon delegation from the Director General of the Institute” are deleted.

VII.- Paragraph 7 is modified as follows:

1° The words “the regulation” are replaced by the words “the regulations”;

2° At the end of paragraph 7, the following words are added: “and submits them, after having consulted the Teaching Committee, to the approval of the School Board”.

VIII.- Paragraph 8 is modified as follows:

1° After the word “he” the words “drafts and” are added;

2° The words “the orientations” are replaced by the words “the strategy”;

3° At the end of paragraph 8, the words “and its promotion” are added.

IX.- At the end of paragraph 10, the following words are added: “in particular, those of the local communities where the school is sited and the various training and research agencies”.

X.- In paragraph 12, the words “within the framework of the delegation of signature granted to him” are replaced by the words “committing his school under the conditions, and within the limits set by the Board of Directors of the Institute pursuant to the provisions of Article 13 of the present Decree”.

Article 22

I.- In the first paragraph of Article 28, after the word “degree”, the words “other than the doctorate” are added”.

II.- In the first paragraph of the same article, the words “for the granting of tenure” are deleted.

III.- In paragraph 2, the words “for the refusal of granting of tenure” are deleted.

IV.- The last paragraph is modified as follows:

1° The words “as far as the *Ecoles Nationales Supérieures des Télécommunications* are concerned” and the words “as far as the *Ecoles Nationales Supérieures des Mines* are concerned” are deleted;

2° Before the word “set” the word “jointly” is added;

3° After the words “list of diplomas” the words “of the school” are added;

4° In the last sentence, after the word “degrees” the words “of the school” are added.

Article 23

I.- In the second paragraph of Article 29, the words “in addition to the Director of the school or his representative” are deleted.

II.- After the sixth paragraph of the same Article, two paragraphs are added as follows

“Any sanction provided for under the present Article and applied in the case of cheating or any attempt at cheating in a monitoring test or examination results for the person concerned in the nullity of the corresponding test or examination. The person concerned is considered to have been present at the test or examination without having taken it. The Disciplinary Committee decides whether there is cause in addition to pronounce with respect to that person the nullity of the set of tests or of the examination session.”

“When a sanction for cheating or for any attempt at cheating is pronounced after the authorization to continue with the studies or after the award of the diploma, the relevant administrative authority withdraws, as the consequence of the resultant definitive nullity, the authorization to continue with the studies or the diploma, and, as applies, refers the matter to the jury for a further deliberation on the results of the person concerned.”

Article 24

At the end of Article 31, the sentence “The Scientific Board of the Institute is consulted on these provisions” is deleted.

Article 25

Article 32 is repealed.

Article 26

I.- In I of Article 33, the words “and the establishments mentioned in Article 19” are deleted.

II.- In II of the same Article, the references “L. 413-1 through L. 413-3” are replaced by the references “L. 531-1 through L. 531-3”.

III.- In IV, the references “L. 413-5 and L. 413-7” are replaced by the references “L. 531-5 and L. 531-7”.

IV. - V is modified as follows:

1° The words “or in the establishment to which he/she belonged” are deleted;

2° The reference “L. 413-6” is replaced by the reference “L. 531-6”.

Article 27

I.-I of Article 34 is modified as follows:

1° The words “and the establishments mentioned in Article 19” are deleted;

2° The reference “L. 413-8” is replaced by the reference “L. 531-8”;

3° The reference “L. 413-9” is replaced by the reference “L. 531-9”.

II.- In II of the same Article, the references “L. 413-10 and L. 413-11” are replaced by the references “L. 531-10 and L. 531-11”.

Article 28

I.- In the first paragraph of Article 35, the words “and by the above-mentioned decree of June 27, 2008” are replaced by the words “and by Articles R. 719-51 et seq. of the same code for their application”.

II.- The second paragraph of the same Article is modified as follows:

1° The words “and of Article 12 of the above-mentioned Decree of June 27, 2008” are replaced by the words “and by Article R. 719-65 of the Education Code”;

2° The words: “Article 16 of the same Decree” are replaced by the words “Article R. 719-69 of the Education Code”.

III.-After the first paragraph, the following paragraphs are added:

“The revenue of the Institute consists of the consolidation of the revenue of each school, as recorded in their own budget, and of the joint revenue. Such revenue is, amongst others, as follows:

“1° The public subsidies and financial contributions from private individuals;

“2° The registration fees and dossier charges of the examinations;

“3° The tuition fees;

“4° The tuition costs and other contributions from users towards to the food and lodging costs or any other costs for their account and, in general, the contributions from anyone, including members of the staff, whether or not they are permanent, accepted by each Director, in order to benefit from the services of the school;

“5° The proceeds from the apprenticeship tax paid by those subject to the said tax and the proceeds from continuing professional training;

“6° The proceeds from agreements and contracts, in particular for studies or research carried out for the account of third parties, the resources from continuing training activities, from congresses and from various events;

“7° The revenue from the real estate, goods and chattels of the Institute;

“8° The proceeds from the exploitation of patents and licenses;

“9° The proceeds from loans, donations and legacies;

“10° The proceeds from the rental of premises or facilities of the school and from the sales of their publications;

“11° The revenue from the portfolio and authorized shareholdings.

“The accountant is authorized to collect securities from users to cover eventual damage to and deterioration of the premises and equipment.”

Article 29

I.- The following paragraph is inserted after the second paragraph of Article 36:

“Partial exemption from tuition fees may be granted to users who are not civil servants within the framework of the rules set by the Board of Directors of the Institute.”

II.- At the end of the last paragraph of the same Article, the words “the Board of Directors of the Institute” are replaced by the words “each School Board”.

Article 30

The following Article is inserted after Article 36:

“Art. 36-1.- As a waiver to Article 188 of Decree # 2012-1246 of November 7, 2012 on public accounting and budgetary management, the *Institut Mines-Télécom* and the *Ecole Nationale Supérieure des Mines* of Paris may constitute an accountancy grouping, after approval by their Boards of Directors under the conditions provided for in the present Article.

“An agreement between the two establishments specifies the operational procedures and the host of the accountancy grouping.

“A single accountancy post is created in the host establishment of the grouping. The accountant of that establishment, as the accountant of the grouping, is responsible for keeping the accounts of each of the two establishments that are members of the grouping.

“The accountant of the grouping is personally and financially responsible for the accountancy operations performed by the staff common to the two establishments and placed under his authority.”

Article 31

Articles 38, 46, 47 and 49 through 53 are repealed.

Chapter II: Provisions modifying Decree # 91-1033 of October 8, 1991 and Decree # 2000-677 of July 18, 2000

Article 32

A paragraph is inserted after the first paragraph of I of Article 5 of the above-mentioned Decree of October 8, 1991 worded as follows: "The provisions of Articles 33 and 34 of Decree # 2012-279 of February 28, 2012 are applicable to the contractual staff of the *Ecole Nationale Supérieure des Mines* of Paris."

Article 33

An Article 20-1 is inserted after Article 20 of the above-mentioned decree of October 8, 1991, worded as follows:

"Art. 20-1.- As a waiver to Article 188 of Decree # 2012-1246 of November 7, 2012 on public accounting and budgetary management, the *Ecole Nationale Supérieure des Mines* of Paris may form an accountancy grouping with the *Institut Mines-Télécom* under the conditions provided for in Article 36-1 of Decree # 2012-279 of February 28, 2012 concerning the *Institut Mines-Télécom*."

Article 34

The above-mentioned Decree of July 18, 2000 is modified as follows:

I.- The first Article is replaced by the following provisions:

"Art. 1.- The provisions of the present Decree apply to the contractual agents of the *Institut Mines-Télécom* recruited by the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès, Douai, Nantes and Albi-Carmaux, and to those recruited by the *Ecole Nationale Supérieure des Mines* of Paris for research scientific, technical and administrative jobs before Decree #2012-279 of February 28, 2012 came into effect."

II.- In Article 2, the words "contractual agents of the *Ecoles Nationales Supérieures des Mines* and of the *Ecoles Nationales Supérieures des Techniques Industrielles et des Mines* under the control of the Minister for Industry" are replaced by the words « contractual agents under Article 1 of the present decree".

III.- In Article 3, the words "of each school" are replaced by the words "of the *Institut Mines-Télécom* and of the *Ecole Nationale Supérieure des Mines* of Paris". The words "subject to the provisions of Article 4 hereinbelow" are deleted. The words "by ruling of the Minister for Industry" are replaced by the words "by a joint ruling of the Minister for Industry and of the Minister for Electronic Communications."

IV.- Article 4 is deleted.

Chapter III: Transitional and final provisions

Section I: General transitional provisions

Article 35

I. – The property, rights and obligations of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès, Douai, Nantes and Albi-Carmaux are transferred to the *Institut Mines-Télécom* as from the date on which the present decree comes into effect.

II. – The civil servants employed in the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès, Douai, Nantes and Albi-Carmaux are maintained within the *Institut Mines-Télécom* under the same conditions of status and residence. The contracts of the contractual agents of the said schools in existence as of the date when the present decree comes into effect are transferred to the *Institut Mines-Télécom*.

III. – The accreditations for granting engineering degrees from the schools of Saint-Etienne, Alès and Albi-Carmaux are transferred to the *Institut Mines-Télécom*.

Article 36

The joint Advisory Committees and the joint Disciplinary Committee in existence as of the date when the present decree comes into effect pursuant to Articles 3 and 4 of Decree # 2000-677 of July 18, 2000 are maintained until the institution of the new Joint Advisory Committees of the *Institut Mines-Télécom* and the appointment of their members elected according to the conditions and date set for professional elections in central government and its public establishments.

Article 37

The members of the Board of Directors and of the Scientific Board of the *Institut Mines-Télécom* in place on October 1, 2016 validly maintain their seat with all the prerogatives defined respectively in Articles 13 and 16 of the above-mentioned decree of February 28, 2012 until the appointment of their successors, that must take place at the latest within a period of nine months as from the date of publication of the present decree.

Article 38

The students registered with the *Ecole Nationale Supérieure des Mines* of Saint-Etienne, the *Ecole Nationale Supérieure des Mines* of Alès and the *Ecole Nationale Supérieure des Mines* of Albi-Carmaux are registered with the *Institut Mines-Télécom* and keep their teaching registration in their original school.

Article 39

The Technical Committee of the *Institut Mines-Télécom* is dissolved and the Joint Technical Committee of the *Institut Mines-Télécom* and the *Ecoles Nationales Supérieures des Mines* in existence as of the date when the present decree comes into effect becomes the Technical Committee of the *Institut Mines-Télécom* until the creation of a Technical Committee and the appointment of its members under the conditions and according to the date set for professional elections in central government and its public establishments.

Article 40

The Technical Committees of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès and Albi-Carmaux in existence as of the date when the present decree comes into effect maintain their jurisdiction until the creation of Special Technical Committees and the appointment of their members under the conditions and according to the date set for professional elections in central government and its public establishments.

Article 41

The chairperson and the members of the Boards of Directors of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès et Albi-Carmaux sit in equivalent offices on the School Boards of the said schools until the creation of School Boards under the conditions provided for in Article 22 of the above-mentioned decree of February 28, 2012 that must take place at the latest within a period of nine months as from the date of publication of the present decree.

Article 42

The members of the Boards of Directors of the *Ecoles Nationales Supérieures des Mines* of Douai and Nantes and of the School Board of *Télécom Bretagne* in place as of September 1, 2016 remain validly on the said boards until December 31, 2016.

Article 43

The Directors of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès and Albi-Carmaux remain in office until the end of their term of office. Upon the end of the said term, the Directors of the said schools will be appointed according to the conditions set in Article 21 of the above-mentioned decree of February 28, 2012.

The chairperson and the member of the Teaching Committees, the Research Committees and the Disciplinary Committees of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès and Albi-Carmaux remain in office until the creation of those bodies according to the procedures set by the by-laws of the schools approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

Article 44

The by-laws of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès and Albi-Carmaux and their course regulations remain in effect until the adoption of new by-laws and course regulations by the School Boards.

Article 45

I. – The Director of the Institute prepares the budget for the financial year of 2017 in liaison with the Directors of the internal schools of the Institute and with the Directors of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès, Douai, Nantes and Albi-Carmaux and with the Director of the *Télécom Lille* economic interest group.

The draft budget is submitted to the deliberation of the Board of Directors of the Institute according to the conditions provided for in Article 13 of the above-mentioned decree of February 28, 2012.

II. – The financial accounts of the *Ecoles Nationales Supérieures des Mines* of Saint-Etienne, Alès, Douai, Nantes and Albi-Carmaux for the 2016 financial year are drawn up respectively by the accountants in office as of the date of the closing of the financial year and closed by the Board of Directors of the Institute.

Section II: Transitional provisions specific to the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire*

Article 46

The *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* is the result of the merger on January 1, 2017 of the *Ecole Nationale Supérieure des Mines* of Nantes and of *Télécom Bretagne*.

Article 47

I. – The students registered with *Télécom Bretagne* and with the *Ecole Nationale Supérieure des Mines* of Nantes are registered with the *Institut Mines-Télécom* under the title of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire*. At the end of their studies, they are awarded a degree or a diploma by the establishment in which they were registered prior to the date when the present decree came into effect.

II. – The *Institut Mines-Télécom* is authorized to award the engineering degrees of *Télécom Bretagne* and of the *Ecole Nationale Supérieure des Mines* of Nantes until the end of the current accreditations.

Article 48

The Technical Committee of the *Ecole Nationale Supérieure des Mines* of Nantes and the Special Technical Committee of *Télécom Bretagne* in existence as of the date when the present decree comes into effect maintain their jurisdiction and operate jointly until the creation of the Special Technical Committee of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* and the appointment of its members under the conditions and according to the date set for professional elections in central government and its public establishments.

Article 49

Until the appointment of the chairperson of the School Board of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* under the conditions provided for in Article 22 of the above-mentioned decree of February 28, 2012, the said Board is chaired by the chairperson of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Nantes in office as of the date when the present decree comes into effect.

Article 50

The chairperson of the School Board of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* defines the procedures enabling the appointment, from among the elected members of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Nantes and of the School Board of *Télécom Bretagne* in office on October 1, 2016, with equality between the two original schools, of those who will sit in equivalent office on the School Board of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* until the creation of the School Board under the conditions provided for in Article 22 of the above-mentioned decree of February 28, 2012 that must take place at the latest within a period of nine months as from the date of publication of the present decree.

Article 51

I. – Until the appointment of the Director according to the conditions provided for in Article 21 of the above-mentioned decree of February 28, 2012, the Director of *Télécom Bretagne* in office as of the date when the present decree comes into effect assumes the office of Director of *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire*.

II. – Until the appointment of the Director according to the conditions provided for in Article 21 of the above-mentioned decree of February 28, 2012, the Director of the *Ecole Nationale Supérieure des Mines* of Nantes in office as of the date when the present decree comes into effect assumes the office of Director of *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire*.

Article 52

I. – The members of the Teaching Committees and of the Research Committees of the *Ecole Nationale Supérieure des Mines* of Nantes and of *Télécom Bretagne* in office as of the date when the present decree comes into effect form respectively a Provisional Teaching Committee and a Provisional Research Committee of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* until the creation of those bodies according to the procedures set by the by-laws of the school approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

II. – The Disciplinary Committees in place as of the date when the present decree comes into effect maintain their jurisdiction until the creation of the Disciplinary Committee of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* according to the procedures set by the by-laws of the school approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

Article 53

Until the adoption of the by-laws and tuition regulations of the *Ecole Nationale Supérieure Mines-Télécom Atlantique Bretagne Pays de la Loire* by the School Board that must take place within a period of nine months after the publication of the present decree, the provisional by-laws are set by the Director of the school and the tuition regulations specific to each course remain in effect.

Section III: Transitional provisions specific to the *Ecole Nationale Supérieure Mines-Télécom Lille Douai*

Article 54

I. – The Institute is authorized to receive the property, rights and obligations of the *Télécom Lille* economic interest group of which the *Institut Mines-Télécom* and Lille 1 University are founder members. The conveyance is completed de jure on the date when the dissolution of the said group comes into effect as decided by a decision of the meeting of its members.

II. – As from the date when the present decree comes into effect, the staff pursuing their activities within the framework of an employment contract with the *Télécom Lille* economic interest group are taken over by the Institute according to the conditions provided for in Articles L. 1224-1 and L. 1224-3 of the labor code.

Article 55

I. – The *Ecole Nationale Supérieure Mines-Télécom Lille Douai* ensures all the activities pursued by the *Ecole Nationale Supérieure des Mines* of Douai and by *Télécom Lille*, that it groups together.

II. – The ruling provided for in the last paragraph of Article 3 of the above-mentioned decree

of February 28, 2012 concerning the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* is submitted to the Minister for Higher Education for due notice.

Article 56

I. – The students registered with *Télécom Lille* and with the *Ecole Nationale Supérieure des mines* of Douai are registered with the *Institut Mines-Télécom* under the title of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai*. At the end of their studies, they are awarded a degree or a diploma by the establishment in which they were registered prior to the date when the present decree came into effect.

II. - The *Institut Mines-Télécom* is authorized to award the engineering degrees of *Télécom Lille* and of the *Ecole Nationale Supérieure des Mines* of Douai until the end of the current accreditations.

Article 57

The members of the Technical Committee of the *Ecole Nationale Supérieure des Mines* of Douai and the representatives of the staff of the *Télécom Lille* in office as of the date when the present decree comes into effect sit on the Special Technical Committee created at the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* until the announcement of the results of the election of the staff representatives, organized within a period of nine months after the date of publication of the present decree.

Article 58

Until the appointment of the chairperson of the School Board of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* according to the conditions provided for in Article 22 of the above-mentioned decree of February 28, 2012 the said Board is chaired by the chairperson of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Douai in office as of the date when the present decree comes into effect.

Article 59

The chairperson of the School Board of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* defines the procedures enabling the appointment, from among the elected members of the Board of Directors of the *Ecole Nationale Supérieure des Mines* of Douai in office on the date on which the present decree comes into effect, and from the staff representatives and users of *Télécom Lille* proposed by the Director of the school, of those who will sit as representatives of the staff and users of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* until the creation of the School Board under the conditions provided for in Article 22 of the above-mentioned decree of February 28, 2012 that must take place at the latest within a period of nine months as from the date of publication of the present decree

Article 60

I. – Until the appointment of the Director according to the conditions provided for in Article 21 of the above-mentioned decree of February 28, 2012, the Director of *Ecole Nationale Supérieure des Mines* of Douai in office as of the date when the present decree comes into effect assumes the office of Director of *Ecole Nationale Supérieure Mines-Télécom Lille Douai*.

II. – Until the appointment of the Deputy Director according to the conditions provided for in Article 21 of the above-mentioned decree of February 28, 2012, the Director of *Télécom Lille* in office as of the date when the present decree comes into effect assumes the office of Deputy Director of *Ecole Nationale Supérieure Mines-Télécom Lille Douai*.

Article 61

I. – The members of the Teaching Committees of the *Ecole Nationale Supérieure des Mines* of Douai and of *Télécom Lille* in office as of the date when the present decree comes into effect form a Provisional Teaching Committee for the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* until the creation of the said committee according to the procedures set by the by-laws of the school approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

II. – The Research Committee of the *Ecole Nationale Supérieure des Mines* of Douai in place as of the date when the present decree comes into effect forms a Provisional Research Committee of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai*, until the creation of that committee according to the procedures set by the by-laws of the school approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

III. - The Disciplinary Committees in place as of the date when the present decree comes into effect maintain their jurisdiction until the creation of the Disciplinary Committee of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* according to the procedures set by the by-laws of the school approved according to the conditions provided for in Article 27 of the above-mentioned decree of February 28, 2012.

Article 62

Until the adoption of the by-laws and tuition regulations of the *Ecole Nationale Supérieure Mines-Télécom Lille Douai* by the School Board that must take place within a period of nine months after the publication of the present decree, the provisional by-laws are set by the Director of the school and the tuition regulations specific to each course remain in effect.

Final provisions

Article 63

I.-Decree # 91-1034 of October 8, 1991 as modified concerning the *Ecole Nationale Supérieure des Mines* of Saint-Etienne, Decree # 91-1035 of October 8, 1991 as modified concerning the *Ecole Nationale Supérieure des Mines* of Alès, Decree # 91-1036 of October 8, 1991 as modified concerning the *Ecole Nationale Supérieure des Mines* of Douai, Decree # 91-1037 of October 8, 1991 as modified concerning the *Ecole Nationale Supérieure des Mines* of Nantes and Decree # 93-38 of January 11, 1993 and modified concerning the *Ecole Nationale Supérieure des Mines* of Albi-Carmaux are repealed.

II.-Paragraphs 2 through 6 of Article D. 754-5 of the Education Code are deleted.

Article 64

I. - Article 19 of the above-mentioned decree of February 28, 2012 may be modified by a simple decree.

II. - Article 36-1 of the same decree may be repealed by a simple decree.

III. – The provisions of the above-mentioned decree of July 18, 2000 remain modifiable by a simple decree.

Article 65

The present decree comes into effect on January 1, 2017, with the exception of Articles 37, 42 and 45 which come into effect on the day following its publication.

Article 66

The Minister for National Education, Higher Education and Research, the Minister for the Economy and Finances, the Secretary of State for the Budget and Public Accounts and the Secretary of State for Higher Education and Research are responsible, each to his own, for the implementation of the present decree that will be published in the Official Journal of the French Republic.

Drawn up on November 14, 2016.

Manuel Valls
By the Prime Minister

The Minister for the Economy and Finances,
Michel Sapin

The Minister for National Education, Higher Education and Research,

Najat Vallaud-Belkacem

The Secretary of State for Higher Education and Research,
Thierry Mandon

The Secretary of State for the Budget and Public Accounts,
Christian Eckert