



03/07/2023

Dear parents,

Here you will find a brief summary of the legal case filed by InterParents against the Office of the Secretary General of the European Schools (OSGES) regarding the amendments to the General Rules.

Explanation of the facts and legal arguments

In December of last year, the Board of Governors (BoG) of the European Schools voted to approve amendments to the General Rules concerning Safety and Security (Art. 5, 14, 15, 35, 38), which have substantial adverse implications for the responsibilities and obligations of parents' associations in their activities. The Decision imposes legally binding consequences on the legal status of Parents' Associations and introduces modifications aimed at transferring the responsibility for safety, primarily onto the Parents' Associations, thereby relieving the European Schools of this duty in a unilateral manner.

However, the Board of Governors cannot relieve the European Schools of all responsibility for safety, as it is the European Schools themselves who bear the responsibility for the premises they occupy (typically as tenants) and are specifically accountable for implementing and promoting safety measures within their school buildings. This encompasses various aspects such as liability for incidents on school premises, obligations relating to student well-being, and even contractual liability pertaining to canteen organisation, among others.

InterParents participated as a stakeholder in that meeting, and in the preparatory meetings prior to the Board of Governors' sessions, strongly opposing the approval of the amendments to the General Rules through the submission of letters. We have informed you earlier this year about the letters InterParents sent to the OSGES and to the BoG at the beginning of December and the interventions given at the last Joint Teaching Committee (JTC) and BoG meetings. Despite our disagreement and without taking into consideration the significantly negative effects of approving the amendments on the activities of our association, these amendments have been

approved without open discussion during the last BoG meeting and officially published on the OSGES website on 17/01/23 and entered into force with effect of 01/01/23. Please click on the following link to read the updated document:
<https://www.eurasc.eu/BasicTexts/2014-03-D-14-en-12.pdf>

InterParents has raised concerns regarding several formal and procedural matters concerning the amendments, among others:

- Incompetence of the BoG to make that Decision, as the amendments introduced by the Decision impose obligations on Parents' Associations that are not signatories to the Convention defining the Statute of the European schools. Additionally, these amendments impose limitations of liability that contravene the legislation of Member States. The establishment of such obligations can only be achieved through a bilateral agreement.
- The decision was made unilaterally, without sufficient consultation or input from stakeholders and directly affecting the Parents' Associations and their activities and prerogatives in a unilateral manner.
- The amendments made under the General Rules lack clarity, leaving ample room for varied interpretations from a legal standpoint that prevents interested parties from understanding the scope of competence of the European Schools, as well as the extent of the responsibilities of each party involved.
- Parents' Associations are classified as "external organisations," although legally, Parents' Associations are not considered "external organizations" within the European schools system, as they are one of its internal stakeholders with voting rights.

Unfortunately, the amendments to the General Rules, which were voted on in December 2022 and officially published on 17/01/2023, retroactively came into effect on 01/01/2023.

The action undertaken by InterParents

InterParents and several independent Parents' Associations have entrusted Juridex law firm, located in Luxembourg, with a mandate to lodge on 24/01/2023 an administrative appeal to the Secretary General of the European Schools. The appeal argues that the Decision of the BoG lacks competence, violates the law, represents an excessive or even abusive exercise of power, infringes upon the principles of legal certainty and good administration, contravenes the principle of proportionality and reasonableness, and demonstrates errors in assessment.

InterParents requested the Decision of the BoG of December 2022 to be annulled, or, alternatively, amended.

On 22/02/2023, the OSGES deemed the administrative appeal submitted as inadmissible and lacking merit since it pertains to a decision that is not subject for appeal under the regulations governing the European Schools.

On 09/03/2023, Juridex, representing InterParents and Parents' Associations, filed a contentious appeal before the Complaints Board of the European Schools, seeking the annulment or, alternatively, amendment of the Response issued by the Secretary General of the European Schools. In addition, and in any event, InterParents and Parents' Associations requested that the contested amendments to the General Rules be annulled or, alternatively, be amended. The appeal is grounded on the aforementioned legal reasons.

On 23/03/2023, the OSGES presented its counterarguments to the Complaints Board, requesting a declaration that the Board lacks jurisdiction to consider the case, a declaration that the action lacks merit, and the dismissal of the applicants.

On 11/05/2023, Juridex acting on behalf of InterParents and Parents' Associations, has replied to the OSGES counterarguments with some additional legal argumentations, asking again for the annulment or, alternatively, amendment of the Response issued by the Secretary General of the European Schools.

A hearing before the Complaints Board has been scheduled for 20/07/2023, wherein all parties involved have been duly invited to attend.

We hope you find this brief explanation helpful, and we will continue to provide you with updates regarding any further developments.