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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

on the functioning of the European School System in 2008

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1. INTRODUCTION

In 2008 the Commission, in close cooperation with the office of the Secretary-General and the Finnish and Swedish presidencies,¹ began in earnest the work of driving forward the process of reform of the European School System which was started in 2005 at the initiative of the Commission and the European Parliament.

The purpose of the reform is to make the system more efficient and more open. It was essential both to offer staff a better service and to make the European curriculum more widely available as an instrument for increasing European awareness among young people and promoting diversity and openness in EU schools.

The Commission welcomed the positive outcome of this ambitious process in April 2009. This reform means not just that the governance of the European Schools will be simplified and improved, but that the framework defined will in future allow all children whose parents work in EU institutions and agencies to follow a curriculum leading to the European Baccalaureate. This is already the case for some of the students at the Parma school, which has been accredited since 2007, who will take their European Baccalaureate in 2009. The Commission has invited the Member States to disseminate the curriculum and the European Baccalaureate as widely as possible within their national schools.

Pending the practical implementation of the reform, the shortcomings of the current system were felt again in 2008. The Commission is still very concerned about the problems arising from the overpopulation of the Brussels European Schools and by the restrictive enrolment policy which has had to be continued as a consequence. It also has concerns about the proliferation of cases where certain Member States have failed to fulfil their obligations under the Convention defining the Statute of the European Schools. The Commission has taken very firm action against certain Member States who have not complied with their obligations and has made several political approaches to try to find appropriate solutions.

2. IMPORTANT DEVELOPMENTS IN 2008

2.1. **Overview of the general situation in the European Schools**

In 2008 there were 21 649 pupils registered in 14 schools located in seven countries².

¹ The European School presidency does not follow the same order as the European Council presidencies.
² An increase of 2.98% compared with 2007.

2.2. Brussels

The population of the transitional site of Berkendael continued to expand in 2008 pending the opening of the definitive fourth European School premises in Laeken. Belgium repeated its commitment that the Laeken school would be fully operational in September 2012. Until the buildings on this site are delivered, the extra space needed by the European Schools must be provided by the Belgian authorities.

Due to overpopulation, the enrolment policy has been very restrictive over the last few years, particularly for pupils who are not the children of staff of the EU institutions and agencies. The Commission regrets that this restrictive policy has had to be maintained because of the lack of infrastructure.

The Board of Governors of the European Schools agreed unanimously in January 2008 to begin a dialogue with the Belgian authorities regarding a fifth European School in Brussels. In July 2008, officials from the private offices of Prime Minister Leterme, Vice-President Kallas and the Secretary-General of the European Schools agreed on estimates of future pupil numbers in Brussels. According to these figures, a fifth school will be necessary in the medium term.

As the ongoing discussions on the capacity of the European Schools were making negotiations with the Belgian government difficult, it was agreed³ that an audit on the capacity of the European Schools in Brussels should be carried out to assess the infrastructure needed to meet future needs. At its meeting in October 2008, the Board of Governors approved publication of an invitation to tender to carry out this audit and agreed to share the cost⁴ by means of a cofinancing agreement.

The Commission has pointed out that this audit is completely independent from the issue of additional transitional equipment needs and that the fact that the results of the audit will not be available until 2010 does not justify any delay in the provision of such equipment.

Work of the Central Enrolment Authority in Brussels

In October 2008, the Secretary-General of the European Schools gave a detailed presentation of enrolment policy and the 2008-2009 enrolment exercise to the Board of Governors and concluded that the Central Authority had fulfilled its mandate with the enrolment of 9 048 pupils in the Brussels European Schools⁵. In September 2008, 438 pupils were enrolled in Brussels IV⁶. Moreover, 200 pupils rejected an offer of enrolment, the prospect of a transfer to Laeken being one of the reasons for these rejections.

A priority objective for the 2009-2010⁷ enrolment policy is to achieve a balanced spread of pupils across the four European Schools. At the request of the Commission,

³ During the meeting between officials from the private offices of Prime Minister Leterme and Vice-President Kallas in May 2008.

⁴ Between the Commission, the Office of the Secretary-General of the European Schools and the *Régie des Bâtiments*.

⁵ 42% of pupils in the ESS.

⁶ Nearly half of the maximum capacity of the transitional site of Berkendael.

⁷ Decided by the Board of Governors in October 2008.

the Board of Governors also agreed to allowing a representative of the future parents to attend as an observer, the meeting of the Central Enrolments Authority on defining enrolment policy for the Brussels European Schools from 2009-2010.

The Commission stressed its desire to introduce an online enrolment procedure. For the 2009-2010 academic year, parents can already submit their application electronically.

Safety

The Commission is concerned about the fact that the maximum nominal capacity has been exceeded in three of the four Brussels European Schools because of the impact this could have on safety, particularly as regards evacuation, for the pupils and staff of the schools.

At the meetings of the Administrative Boards of the European Schools of Brussels in February 2008, the Commission repeated its request for an evacuation exercise to be carried out in the presence of the fire services so as to obtain an assessment of the safety of the premises and an estimate of the maximum number of pupils who can be accommodated while respecting safety conditions. These evacuation exercises took place in the Brussels European Schools in 2008. The Brussels Capital Region Fire and Emergency Service (*Service d'Incendie et d'Aide Médicale Urgente de la Région de Bruxelles Capitale*) made various recommendations without giving a precise maximum number of pupils for which safety can be guaranteed. One finding was that the buses and cars parked in the interior yard of the Brussels II European School made access – which was already difficult due to presence of the evacuees - more problematic for the fire services. This enabled the Commission to re-open negotiations for the bus yard for the Woluwe European School (Brussels II), which culminated in January 2009 in the granting of planning permission by the Minister President of the Brussels Capital Region, thus closing a matter which had been under discussion since 2002. The audit on the capacity of the European Schools will also cover safety conditions.

In 2008 the Commission also contributed to introducing guidelines on communications channels between the EU institutions and the European Schools in case of emergency, within the framework of the Security business continuity plan.

2.3. Luxembourg

In Luxembourg, the two European Schools are sited on the Kirchberg. Unfortunately the Luxembourg I school has not yet taken delivery of the new sports hall which was promised for September 2008, and this has complicated the organisation of lessons. The hall should be available for September 2009.

The Luxembourg authorities have announced that new premises on the permanent site of the Luxembourg II school,⁸ on which work began at the end of March 2009, will be ready in 2011. Any delay in delivery would exacerbate the current overpopulation problems. The enrolment policy in the two schools would then

⁸ At Bertrange/Mamer

become more restrictive for pupils other than children of Community staff in the coming years.

The parents' associations are still arguing for a breakdown of pupils by age rather than language section between the Luxembourg I and Luxembourg II schools. However, the decision taken by the Board of Governors in October 2003 still applies and the work has been started. The Luxembourg authorities also indicated clearly at the Board of Governors' meeting in April 2009 that they would oppose any change to the planned structure.

2.4. Other European Schools

Alicante

The Alicante European School was set up to educate the children of staff at the Office for Harmonization in the Internal Market (OHIM).⁹ The number of children of staff of the EU institutions and agencies has increased by 2% since 2007 and now accounts for almost 42% of pupils. The increase is mainly in the nursery and primary sections.

Bergen

Pupil numbers in the Bergen European School were stable in 2008 by comparison with the two previous years. As regards infrastructure, the Commission expressed its disappointment at the meeting of the Administrative Board that the renovation and safety-proofing of the science labs, which has been needed for several years, has not yet been carried out by the host Member State.

Culham

The population of the school, which celebrated its thirtieth anniversary in 2008, remained stable.

Following the Board of Governors' decision in April 2007 to progressively close the Culham European School as a Type I European School over a period of seven years starting from 2010, the Administrative Board of the school proposed a progressive closure plan in June 2008 which takes account of both the quality of teaching and the interests of the staff employed by the school.

The meeting of the Board of Governors in October 2008 requested the Secretary-General of the European Schools to carry out a study of the consequences of the plan proposed by the Administrative board, both as regards the staff and financial aspects. This study was presented to the Board of Governors' meeting in January 2009, which approved it.

In parallel, the UK authorities are working on a plan to convert the Culham European School into a state-funded "academy".

Frankfurt

⁹ In 2008 nearly 80% of school-age children of staff at the OHIM attended this European School

In July 2008, the Italian authorities informed the Secretary-General of the European Schools that it would stop paying the specific contribution due under the tripartite agreement signed in 2002 between the ECB and the European Schools to set up the Italian section. Italy then reviewed its position and made a request at beginning of 2009 for the Italian section to be "regularised", since the children of ECB staff accounted for less than 27% of pupils. The Commission asked for a detailed study to be carried out prior to any discussion of the tripartite agreement.

Karlsruhe

Pupil numbers in the European School increased slightly in 2008, mainly due to the presence of multinationals in the region. Category 2¹⁰ pupils account for 29% of students while children of staff of the European institutions still only account for around 16% of pupils. The school receives continuing and welcome financial support from the authorities of the City of Karlsruhe and of the Land Baden-Württemberg. A new canteen was opened in March 2009.

Mol

In January 2008, the Board of Governors approved the establishment of an English language section at the Mol European School from September 2008. There are currently 214 pupils in this section.¹¹ The popularity of this new language section has had the effect of lowering pupil numbers in the other vehicular language sections¹². If this trend continues, the viability of the French and German sections will be called into question. The establishment of the new language section had no effect on the number of children of staff of the EU institutions enrolled in the Mol school¹³.

Munich

Pupil numbers in the Munich European School have constantly increased and the issue of infrastructure is becoming particularly sensitive, as the extra provisional space provided has temporarily reduced the common areas available and has cut off certain passages. The definitive new buildings on the current site will be delivered six months late¹⁴ but the German authorities have met the European School's needs promptly by offering a suitable additional site at Perlach, near the current site, to fulfil supplementary educational needs.

Varese

In Varese the overriding difficulty for the school continued to be the problem of inadequate infrastructure. Despite repeated requests for more funding from the Secretary-General and Vice-President Kallas from 2006 onward, and a petition signed by more than 1200 parents, the Italian authorities have not acceded to this request. Instead, the customary contribution for building maintenance was reduced.

¹⁰ Children of staff of contracting firms.

¹¹ 29.8% of the total.

¹² Down by 23% in the German section and 47% in the French section

¹³ 148, or 20.3% of the 718 pupils are children of staff

¹⁴ Delivery in January 2010.

The financial situation of the canteen, which is now run by a parents' co-operative, is sound.

2.5. Host countries' obligations

2.5.1. Making the necessary infrastructure available

2.5.1.1. Belgium

The Belgian authorities have confirmed several times in 2008 that the definitive premises of the fourth European School in Brussels will be delivered in 2012. They also informed the Secretary-General of the European Schools in July 2008 that the Belgian Council of Ministers had approved the funding needed for the preparatory work, notably the removal of asbestos in 2009. It will however be essential to have temporary premises available from September 2010; otherwise it will not be possible to accept some of the applications for enrolment of children of Community staff.

2.5.1.2. Italy

The premises of the European School in Varese are inadequate and unsuitable. Despite several formal approaches by the Secretary-General of the European Schools and Vice-President Kallas in 2008 and the promises of various Italian officials, the Italian government has not provided the necessary funding.

2.5.1.3. Germany (Frankfurt)

The Frankfurt European School has an ever increasing school population and a pitiful lack of space. It currently seems impossible to find a site for the European School near the site of the new European Central Bank (ECB) building, but negotiations are underway to increase the size of the current buildings to meet the needs of pupils. Discussions with the city authorities, which were difficult in 2008, seem to be moving ahead in 2009. This issue is one of the main priorities for 2009.

2.5.2. Secondment of teachers

The problem of certain Member States' failure to second teachers worsened in 2008. There were 59 non-seconded teachers in the 2008/2009 school year¹⁵, at an extra cost which had to be met from the Community budget. To fill posts which have been left vacant because of a lack of seconded teachers, teachers were recruited locally, thereby transferring the cost of staff from national budgets to the EU budget, to which all the Member States contribute, including those who fulfil their obligations.

2.5.3. Infringement case

Since October 2006, the Belgian authorities have been refusing to recognise Belgium's obligation to bear the cost of furniture and equipment for the European Schools in its territory, and to pay the bills for furniture and teaching materials sent to them by the Brussels-based European Schools. As this attitude is contrary to the fundamental rules laid down in the EC Treaty, the Commission launched an

¹⁵ 39 in 2007/2008.

infringement procedure which culminated in an application being made to the Court of Justice in March 2009. This illustrates the Commission's determination to deal firmly with Member States' failure to fulfil their obligations.

3. BUDGET AND FINANCE 2008

For 2008, the contribution initially earmarked for the European Schools by the EU budgetary authority was EUR 144 million, out of an overall budget allocation of EUR 257.9 million.

On the basis of established revenue, the most recent breakdown of the various contributions to the total budget (excluding surplus) was as follows:

- EU budget: 56.4%;
- Member States: 22.1%;
- EPO¹⁶: 6.3%
- financing agreements undertaken by firms which have concluded an agreement with the European Schools for category II pupils: 5.7%
- Tuition fees for category III pupils (with no link to the European institutions). 7.3%
- Other sources: 2.2%.

The average annual cost per pupil for all European Schools was approximately EUR 11 700 in 2008. The share of the budget allocated to children with special needs (“SEN”)¹⁷ has increased by 24% over the last two years.

4. GOVERNANCE AND REFORM

At its meeting in April 2008 in Helsinki, the Board of Governors decided to merge the various working groups set up in 2007 with a view to taking a global approach to the reform, involving:

- 1) rationalising the overall governance of the current system, to ensure that decisions are taken at the right level;
- 2) ensuring that operating costs are shared out fairly among all the Member States;
- 3) opening up the system by offering the European curriculum and the European Baccalaureate in national schools in countries where there are EU

¹⁶ The contribution from the European Patent Office (EPO) relates to the Munich European School
¹⁷ Children with special educational needs (SEN) are those who have learning difficulties arising from a physical, mental or behavioural handicap.

agencies/bodies (Type II schools) or elsewhere, at the initiative of the Member States concerned (Type III schools).

After four years of delicate negotiation, an overall agreement was reached, without the need to modify the current Convention, at the meeting of the Board of Governors in April 2009. This agreement focused on the following points:

4.1. Autonomy of the European Schools and local governance

Political agreement was reached in the framework of the reform for increased autonomy of the European Schools: more decisions will be taken by the Administrative Boards of the European Schools, and the parents, who have voting rights of one in six, will have a stronger role in decision-making. This autonomy will nonetheless be subject to checks. It will be incorporated in the general framework established by the Board of Governors, and will be the subject of an annual roadmap for each European School which will include the objectives to be achieved as regards teaching and management and also reporting obligations (accountability).

4.2. Governance of the system

In accordance with the wishes of the Commission, the aim of the reform is to readjust and simplify the decision-making process, while clarifying the responsibilities of the various bodies¹⁸. This will allow the Board of Governors to focus exclusively on political decisions, as other decisions will be taken at an appropriate lower level. The Secretary-General's coordinating role is strengthened and the office will be assisted officially by the presidencies and the Commission¹⁹.

4.3. Reporting obligations

Definition of responsibilities and reporting obligations for each body will ensure consistency throughout the system.

4.4. Sharing costs between the Member States

The sharing of the cost of seconded teachers between Member States was a sensitive political point in the margins of the reform process. Discussions during the 2008 meetings of the reform working party were difficult, as the Member States were not very enthusiastic about the subject.

At the meeting of the Board of Governors in April 2009, agreement was reached on an indicative reference which would fairly reflect the proportionality between the percentage of staff seconded by a Member State and the percentage of pupils from the same Member State in the European School system. No direct financial compensation would be required in the event of a Member State's failure to second a sufficient number of teachers, as all of the Member States were strongly opposed to

¹⁸ The Budgetary Committee will have greater decision-making powers on budget and financial questions increased. The Joint Teaching Committee, which is now a single body, will have decision-making powers on most educational matters. The parents, the Staff Committee and the Commission will each have a vote.

¹⁹ Within the Troika.

this possibility. However, to ensure that all Member States would be able to second teachers, the Board of Governors approved a structural approach allowing non-native speakers to teach in one of the vehicular languages²⁰ of the system provided that their language skills were strictly checked before recruitment.

In the event of enough teachers not being seconded, the Community would continue to cover the cost of recruiting local teaching staff. The Community contribution would be clearly identified and monitored on an annual basis. The Commission hopes that highlighting the fact that the cost is borne by the Community rather than the Member States concerned will encourage Member States to fulfil their obligations.

4.5. Opening up of the system and reform of the European Baccalaureate

4.5.1. Accreditation and funding of accredited schools

The Board of Governors adopted the principle of opening up the European School System with the possibility of establishing schools accredited by the Board of Governors. These Type II and Type III schools will be accredited national schools providing a European study programme and offering the European Baccalaureate while abiding by strict educational criteria. They are different from the 14 Type I European Schools. Type II schools are schools located near EU institutions and agencies which can accept children of EU staff, while this is not in principle the case for Type III schools.

The Board of Governors also approved the inclusion in the Accreditation Agreement of a new article on a pro rata contribution to Type II schools by the European Union depending on the number of children of staff of EU institutions and agencies enrolled at the school. This contribution will be based on simple and fair criteria which will be known in advance and will take account of differences in national reference costs between the Member States.

Thanks to the efforts made by certain Member States to anticipate this process of opening up the system, six schools are already accredited or are on the point of being so²¹.

4.5.2. European Baccalaureate

One of the preconditions for the opening up of the system is the reform of the European Baccalaureate to guarantee its quality, ensure it is recognised within the EU and strengthen its already widely recognised value as a qualification allowing access to third level education.

²⁰ English, French and German.

²¹ Dunshaughlin School (IR), near the Food and Veterinary Office in Grange; Heraklion School (GR), near the European Network and Information Security Agency; Parma School (IT), near the European Food Safety Authority; Helsinki School (FI), near the European Chemicals Agency; Strasbourg School (FR), near the European Parliament; Manosque School (FR), near the ITER Research Centre at Cadarache.

A Type III accredited school is under preparation in The Hague (NL), independently of the presence of an EU institution or agency.

The Board of Governors meeting in Helsinki in April 2008 approved amendments including schools accredited by the Board of Governors in the 1984 agreement on the European Baccalaureate. The Parma European School has a provisional agreement which will come into force for the Baccalaureate of June 2009.

An external evaluation of the European Baccalaureate was carried out by the University of Cambridge at the request of the Board of Governors and the final report was submitted in April 2009. The Board of Governors set up a working group to prepare for the reform of the Baccalaureate. This group started its work in 2009.

5. COMMUNICATION, DIALOGUE AND INFORMATION

In 2008, the Commission continued to prioritise the provision of information to and communication with the various groups with an interest in the European Schools. The Commission met regularly with the parents' associations and the Brussels Local Staff Committee in order to ensure clear and direct dialogue.

Staff are kept informed by means of the intranet, among other things. Several articles have been published in the internal weekly newspaper "Commission en Direct" to keep staff informed about progress in the reform of the European School System.

Vice-President Kallas has contacted the relevant national authorities on several occasions to help resolve problems concerning the European Schools as quickly as possible. He has regularly met Commission staff to deal with their concerns regarding the European Schools.

President Barroso has taken up the subject of the European Schools with various Heads of Government and with staff representatives, particularly the problems arising from overpopulation in the Brussels European Schools.

In 2008, the European Parliament showed increasing interest in the European Schools: Vice-President Kallas answered Parliament's questions on the reform, the European Baccalaureate, funding of the European Schools, religion classes, integration of the European Schools System in the Eurydice network, and integration of SEN children²².

6. ACTION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (SEN)

The European Schools have continued their efforts to improve integration of SEN³ children, to help these children to integrate into a European School, where necessary with a specially adapted programme of studies.

The Commission fully supports the integration of SEN children and makes available the necessary financial and other resources to make this possible. Between 2004 and 2008, the SEN budget and the number of SEN graduates has increased by more than

²² Children with special educational needs (SEN) are those who have learning difficulties arising from a physical, mental or behavioural handicap.

50%²³. In September 2008, 49 SEN pupils enrolled for the European Baccalaureate in June 2009.

The European Parliament's Intergroup on the Problems of the Disabled voted for a budgetary allocation of EUR 200 000 to promote teaching of children with special educational needs in the European Schools. This allowed the Board of Governors to commission an external evaluation of the SEN programme to see how it could be improved.

7. WORK OF THE PRESIDENCIES OF THE EUROPEAN SCHOOLS IN 2008 – FINLAND AND SWEDEN

The Finnish presidency of the European School in 2007-2008 coincided with an important phase in the European Schools reform process: the drawing up of the provisions needed to make the reform a reality.

In August 2008, the Swedish presidency succeeded the Finnish presidency of the European Schools. During the Swedish presidency in 2008-2009, the reform process which had begun in 2005 was completed.

8. FUTURE OF THE SYSTEM

In general terms, the process of reform was a long and complex one because it is always difficult for a system to reform itself. However, despite the difficulties, the determination shown by the Commission, successive presidencies and the Secretary-General enabled these difficulties to be overcome and the fundamental objectives of the reform to be achieved.

The reform of the system was the subject of an overall agreement at the Board of Governors' meeting in April 2009, in line with the wishes of the European Parliament and the Commission. This agreement was submitted to the Education Ministers' Council of 12 May 2009.

It falls to Slovenia, which will hold the presidency of the European Schools in 2009-2010, to implement the reform: this process should be completed by September 2009 for aspects which do not require legislative changes and for September 2010 for those which do.

²³ The number of pupils with an SEN contract went from 274 for 2004/2005 to 411 for 2007/2008.