



Brussels, 07 November 2022

Dear Mr. Beckmann,

The InterParents has taken a note of the revised text of draft amendments to the General Rules of the European Schools related to security currently inscribed on the agenda of the Budgetary Committee meeting of 8-9 November 2022 (Ref.:2022-09-D-35-en-2). InterParents have identified some specific serious legal concerns related to the text.

The InterParents do not question the validity of the 2016 recommendation by the Internal Audit Service of the European Commission (hereinafter referred to as the IAS) concerning the need to share responsibilities between the schools and their respective Parents' Associations with regard to security. At the same time, InterParents note that the General Rules of the European Schools are an internal document of the latter, which may not in any way bind third parties, such as the Parents' Associations, in view of the fact that the European schools are not a public administration institutions and hence simply lack statutory power to do so. The only legally sound solution concerning the division of responsibilities, be it security issues or management of canteens is a written agreement concluded between European schools and third parties concerned. The inability of European schools to reach such an agreement in particular with Parents' Associations does not give the former the right to unilaterally bind the latter by means of internal rules, as such rules will be *ultra vires* and, in any event, lack legal effect in case of their adoption.

Based on the aforementioned, the InterParents draws the attention to the following:

- The proposed amendment to Article 5 is too vague to have any legal effect, as it is unclear which existing legal framework it refers to.
- The proposed amendment to Article 14 is too vague to have any legal effect, as it is unclear which 'applicable national legislation' and which 'school specific arrangements put in place' it refers to.
- The proposed amendment to Article 15 is *ultra vires*, as directors of European schools do not have the statutory power to impose safety and security rules. They, however, may

have an obligation to conclude agreements with third parties setting up the modalities of activities organized by third parties on the premises of the schools or involving students.

- The proposed amendment to Article 35 is stating the obvious and is therefore redundant.
- The proposed amendment to Article 38 is ultra vires, as the 1994 Convention does not contain an obligation for the parents' association to organize extra-curricular responsibilities, or school canteen. In any event, the practical arrangements related to these activities should be subject to bilateral agreements between individual European schools and respective Parents' Association, while respecting the particular legal and practical situation of the host country.

Given the aforementioned, the InterParents is of the view that the draft amendments require significant improvements to be compatible with the statutory powers of the European schools and to meet the very essential principle of the best interest of children studying in the system. InterParents remain fully committed to participate constructively in further discussions and offer our expertise.

Should, however, the amendments to the rules be adopted, the Parents' Associations will consider taking the appropriate legal action to contest the validity of the amendments as well as any practical arrangements aimed at executing them.

Thank you for your attention,

Pere Moles-Palleja

InterParents president