



Schola Europaea/Office of the Secretary-General

Ref.: 2022-09-D-35-en-3  
Orig.: FR

## **Proposed amendments to the General Rules related to safety and security**

---

**Board of Governors**  
**Meeting on 6, 7 and 8 December 2022 – Brussels (Hybrid)**

<p><b>Joint Teaching Committee</b> Meeting on 13 and 14 October 2022</p> <p><u>Proposal:</u> The Joint Board of Inspectors is invited to deliver a favourable opinion and to recommend that the Board of Governors approve the proposals submitted with the aim of amending the preamble as well as articles 14, 15, 24, 35 and 38 of the General Rules of the European Schools, with a view to their taking effect on 1 January 2023.</p> <p><u>Outcome:</u> With the exception of INTERPARENTS and the European Investment Bank, which have clearly expressed an unfavourable opinion on the proposal, the Joint Teaching Committee gave a generally favourable opinion, but considered that some of the wording would need to be revised and nuanced before the Budgetary Committee in November 2022 and the Board of Governors in December 2022. In particular, it was agreed that the changes to the Preamble would be withdrawn. These new formulations would be reviewed in cooperation with the Internal Control Unit of the Office of the Secretary-General. The amended document, including this opinion, would be transmitted to the Budgetary Committee for opinion and to the Board of Governors for approval.</p>	Ref.: 2022-09-D-35-en-1
<p><b>Budgetary Committee</b> Meeting on 8 and 9 November 2022</p> <p><u>Proposal:</u> The Budgetary Committee is invited to give a favourable opinion and to recommend that the Board of Governors approves the proposals submitted with the aim of amending the Articles 5, 14, 15, 35 and 38 of the General Rules of the European Schools, with a view to their taking effect on 1 January 2023.</p> <p><u>Outcome:</u> The Budgetary Committee, while taking note of Interparents' statement, expresses a favourable opinion on the amendments to the General Rules related to safety and security and agreed that the proposal should be transmitted to the Board of Governors for approval.</p>	Ref.: 2022-09-D-35-en-2

<p><b>Board of Governors</b> Meeting on 6,7 and 8 December 2022</p> <p><u>Proposal:</u> The Board of Governors is invited to approve the proposals submitted with the aim of amending the Articles 5, 14, 15, 35 and 38 of the General Rules of the European Schools, with a view to their taking effect on 1 January 2023.</p> <p><u>Outcome:</u></p>	Ref.: 2022-09-D-35-en-3
Final version approved by: at the meeting on:	Ref.:

## 1. Context

In 2016, the Internal Audit Service of the European Commission (hereinafter referred to as the IAS) formulated a recommendation, deemed to be critical, concerning the sharing of responsibilities between the schools and their respective Parents' Associations with regard to security, as the latter constitute separate legal entities whose activities are partially conducted on the sites of the schools.

More particularly, the IAS requested that for each School, the division of responsibilities be determined *expressis verbis* – each entity a priori being responsible for its own activities – by means of a written agreement.

In 2014, a draft agreement in compliance with the general regulatory framework was presented to the schools. While relatively complete and balanced, this draft did not, unfortunately, find the support of the Parents' Associations which, for the most part, did not sign it at that moment.

Subsequently, especially after the IAS formulated the security recommendation of incorporating specific security provisions into the agreements to be concluded, several successive attempts were made, still without success.

Negotiations were resumed over the years and several highly sensitive sticking points were identified, highlighting heterogeneous local situations and, in certain isolated but non-negligible cases, a lack of consensus concerning the responsibilities weighing, in principle, on the schools on the one hand and their Parents' Association on the other.

To date, it has proved impossible to conclude a written agreement in all the schools, which is why other means have been envisaged in recent months to resolve this problem. Against this backdrop, with several weaknesses having been identified in the existing regulations, it would appear necessary and useful to revise certain provisions of the General Rules in order to clarify/consolidate their scope and thus enjoy greater legal security.

In light of the current status of our texts, and in particular Article 35 of the General Rules the wording of which is open to interpretation, the risk cannot be definitively excluded that the schools be held liable for activities which do not fall within their scope of responsibility for the sole reason that they take place on their premises.

We therefore present this proposed amendment to the General Rules with a view to limiting this scope for interpretation, while at the same time taking the opportunity to clarify the responsibilities in terms of safety and security.

The school cannot assume responsibility for activities which do not fall within their field of competence. This naturally calls for a clarification of the roles and responsibilities of each party which must, first and foremost, be reflected in a modification of Article 35 of the General Rules, the ambiguous wording of which gives rise to contradictory interpretations which are detrimental to the schools. A proposal to this end is presented in point 2 below.

Following the same line of reasoning and still with a view to securing the existing legal framework, it is also suggested to change the Articles 5, 14, 15 and 38.

With regard to the existing legal framework, it is commonly acknowledged that, as a result of the structure established by the Convention of 1994 defining the Statute of the European Schools and its implementing provisions, the Parents' Associations can, at their own initiative and expense and under their own supervision, organise the school transport, extra-curricular activities on site and management of the canteen (see the decision of the Board of Governors of 8-10 December 2021 on this point).

In contrast, the schools are not meant to organise extra-curricular activities or offer any transport service, nursery, or day-care. Their mission is to provide for the joint education of the children of European Union officials, i.e., a mission of providing a formal education and not of providing childcare, an education for recreational purposes or day care (although they are not prohibited from doing so).

Similarly, there is no budget or staff for providing a nursery service and the age at which children can be enrolled (four years old) corresponds to the age of early learning, which refers to the mission of providing a formal education mentioned above.

This organisational structure, desired and determined by the contracting parties to the aforementioned Agreement of 1994, is reflected and legally based on Article 3 of this Convention which stipulates that: *"1. The instruction given in each School shall cover the course of studies up to the end of secondary school.*

*It may comprise:*

- *a nursery school,*
- *five years of primary school;*
- *seven years of secondary school"*.

In other words, it can definitively be considered that the European Schools address the matter of education, whereas ancillary activities do not fall within their scope of responsibility but depend on the initiative of other entities and in particular, regarding extra-curricular activities and school transport, of the Parents' Associations.

This organisation is reflected in the amendments proposed in point 2 below. For obvious pragmatic reasons and with a view to ensuring the continuity of the service, a certain amount of room for manoeuvre and flexibility is nevertheless granted to the schools to maintain local situations which derogate from the general legal framework.

## 2. Proposed amendments to the General Rules

Old text	New text
<p><b>CHAPTER I RESPONSIBILITIES OF DIRECTORS</b></p> <p><b>Article 5</b> The Director shall ensure that the necessary measures are taken to maintain order and discipline within the school. In collaboration with the Education Councils provided for in Chapter II, he/she shall draw up house rules setting out pupils' obligations and rights, both on school premises and during all activities organised by the school. With the assistance of the principal educational adviser, the educational advisers and the teaching staff, he/she shall organise the supervision of pupils before, during, after and also between classes and during free periods. He/She shall collaborate on the organisation of extra-curricular activities.</p>	<p><b>CHAPTER I RESPONSIBILITIES OF DIRECTORS</b></p> <p><b>Article 5</b> The Director shall ensure that the necessary measures are taken to maintain order and discipline within the school. In collaboration with the Education Councils provided for in Chapter II, he/she shall draw up house rules setting out pupils' obligations and rights, both on school premises and during all activities organised by the school. With the assistance of the principal educational adviser, the educational advisers and the teaching staff, he/she shall organise the supervision of pupils before, during, after and also between classes and during free periods. He/She shall collaborate <b>within the existing legal framework</b> on the organisation of extra-curricular activities <b>managed by external organisations</b>.</p>
<p><b>Article 14</b></p> <p>The Director may authorise persons from outside the school to visit the school, to participate in school events and to sit in on and observe classes with the agreement of the teachers concerned.</p>	<p><b>Article 14</b></p> <p>The Director may authorise persons from outside the school to visit the school, to participate in school events and to sit in and observe classes with the agreement of the teachers concerned.</p> <p><b>The Director may authorise external organisations to provide childcare activities, education for recreational purposes or day care on the school's premises.</b></p> <p><b>Without prejudice to commitments of the school which were already in force before 1 January 2023, these activities shall be organised under the responsibility of the external organisations. The external organisations are required to comply in terms of safety and security with the applicable</b></p>

	<b>national legislation as well as school specific arrangements put in place.</b>
<p><b>Article 15</b></p> <p>The Director shall be responsible for safety and security on school premises.</p> <p>Should a particular event occur at the school (e.g. death, serious accident, fire, explosion, infectious disease, threats, etc.), the Director must notify the relevant service.</p> <p>Moreover, the Director must closely collaborate with the relevant services within the school community (i.e. canteen, bus, extra-curricular activities) in order to ensure the safety and well-being of the school community's members.</p> <p>Any processing of personal data pursuant to this article will be carried out in compliance with the data protection obligations resulting from Regulation (EU) 2016/679.</p>	<p><b>Article 15</b></p> <p><b>Without prejudice to Article 14, paragraph 2,</b> the Director shall be responsible for the safety and security within the school premises. <b>The applicable legislation in this respect is that of the country in which the school is located. Furthermore, the Director can impose safety and security rules which apply to all external organisations conducting an activity on the school's premises.</b></p> <p>Should a particular event occur at the school (e.g., death, serious accident, fire, explosion, infectious disease, threats, etc.), the Director must notify the relevant service.</p> <p>Moreover, the Director must closely collaborate with the relevant services within the school community (i.e., canteen, bus, extra-curricular activities) in order to ensure the safety and well-being of the school community's members.</p> <p>Any processing of personal data pursuant to this article will be carried out in compliance with the data protection obligations resulting from Regulation (EU) 2016/679.</p>
<p><b>CHAPTER IV RESPONSIBILITIES OF PUPILS' LEGAL REPRESENTATIVES</b></p> <p><b>Article 35</b></p> <p>a) The house rules of each school shall determine the school's opening hours. b) The school shall not be responsible for pupils off the school premises. This rule shall not, however, apply to outings and educational activities organised by the school itself or by the</p>	<p><b>CHAPTER IV RESPONSIBILITIES OF PUPILS' LEGAL REPRESENTATIVES</b></p> <p><b>Article 35</b></p> <p>a) The house rules of each school shall determine the school's opening hours. b) The school shall not be responsible for pupils off the school premises, <b>except when travelling for the educational activities it organises. Any pupils participating in activities organised by external organisations are under the</b></p>

<p>school in conjunction with the Parents' Association.</p>	<p><b>responsibility of these organisations, and this regardless of the nature of these activities or regardless of the location in which they are organised, be it on the school premises or on the occasion of possible travel.</b></p>
<p><b>CHAPTER V PARTICIPATION</b></p> <p><b>Article 38</b></p> <p>The representatives defined in Article 37 shall cooperate to promote the school's proper functioning and to foster a climate of trust. They shall do so in particular within the framework of the following:</p> <ul style="list-style-type: none"> <li>• The Administrative Board (see Chapter X of these Rules).</li> <li>• The Education Councils (see Article 21 of these Rules).</li> <li>• Any special meeting which the Director may deem appropriate to convene.</li> </ul> <p>In addition, in liaison with the other organs, the Parents' Association, as defined in the Convention defining the Statute of the European Schools may play a part in the organisation and management of extra-curricular activities and the canteen. The organisation and management of school transport shall be the responsibility of pupils' legal representatives, whether acting individually as pupils' parents or through the intermediary of any group or third party.</p>	<p><b>CHAPTER V PARTICIPATION</b></p> <p><b>Article 38</b></p> <p>The representatives defined in Article 37 shall cooperate to promote the school's proper functioning and to foster a climate of trust. They shall do so in particular within the framework of the following:</p> <ul style="list-style-type: none"> <li>• The Administrative Board (see Chapter X of these Rules).</li> <li>• The Education Councils (see Article 21 of these Rules).</li> <li>• Any special meeting which the Director may deem appropriate to convene.</li> </ul> <p>In addition, in liaison with the other organs, the Parents' Association, as defined in the Convention defining the Statute of the European Schools <b>may organise after prior approval of the Director of the school, at its own initiative, expense and responsibility, the extra-curricular activities and the school canteen. When these activities are organised by the Parents' Association, the school assumes no responsibility for the activity itself, unless the Board of Governors has decided so (e.g., the supervision of pupils in the canteen by teachers of the school) or commitments have been in force already before January 2023.</b> The organisation and management of school transport are the responsibility of pupils' legal representatives, whether acting individually as pupils' parents or through the intermediary of any group or third party.</p>