



Schola Europaea

Office of the Secretary-General

Ref.: 2015-04-D-18-en-1

Orig.: FR

Criteria for the setting up, closure or maintenance of European Schools

Document amended and approved by the Board of Governors of the European Schools at its meeting in Prague on 15, 16 and 17 April 2015¹

This document cancels and replaces the document 2000-D-7510 approved by the Board of Governors of the European Schools at its meeting in Brussels on 24 and 25 October 2010

¹ Through the approval of document 2014-12-D-5-en-3

1.0 Preliminary observations

The decision to set up and maintain a European School is a political decision which takes into consideration a number of factors associated with the *raison d'être* of these schools (i.e. to ensure the smooth functioning of the Community institutions and bodies and to facilitate the performance of their tasks).

The setting up of a European School is therefore justified when it is vital to ensure the optimum operation of an essential Community activity, but economic constraints and minimum conditions for the school's viability to be met are also part of the equation.

On the other hand, if the existence of a European School no longer contributes to attainment of the objective described above, its justification may be questioned.

The maintenance or possible closure of a school are the outcome of analysis and appraisal of all the factors referred to above and may not result from mechanical application of a rule setting numerical criteria.

However, to assist the Board of Governors and to facilitate decision-making, it seems expedient to set out a number of indicative criteria defining a European School's viability.

2.0 Setting up of a European School

Three elements need to be taken into consideration:

- the number of language sections;
- the number of pupils per language section;
- the number of Category I pupils.

For a European School to be viable, it would be desirable:

1. for it to have at least three language sections;

However, language sections which do not meet the criteria indicated in this document may be opened at the request of the States concerned, provided that the costs inherent in the employment of the teaching staff whom they second are defrayed entirely by the States in question, or by the Community body for which the School has been set up, or a form of co-funding arrangement between the Member State and the latter body is adopted.

2. for each language section to have:

- a minimum of 90 nursery and primary pupils from the 6th year after its opening;
- a minimum of 84 secondary pupils from the 7th year after its opening.

The figures adopted (90 pupils in the nursery and primary section and 84 in the secondary section) are applicable to the year groups as a whole in each of these sections.

3. for the number of Category I pupils to be a minimum of 70% of the total number of pupils on roll in cities where Community institutions and bodies are heavily concentrated (Brussels and Luxembourg at present) and 50% in other cases.

The numerical criteria set above constitute guidelines enabling the Board of Governors to assess the expediency of setting up a new European School.

The proposal that a European School be set up on the territory of a Member State is initiated by the State in question.

This proposal will initially be considered by a working group appointed by the Board of Governors. This working group will be composed of a representative:

- of the Commission
- of the host country of the School

- of the inspectorate
- of the Budgetary Committee

It will be chaired by the Secretary-General of the European Schools or his delegate.

The Board of Governors will take its decision after having examined the conclusions presented by the working group.

The decision is taken unanimously by the members of the Board of Governors, as provided for in the Convention (Statute) of 12 April 1957 and in the new Convention whose ratification is in progress.

3.0 Maintenance or closure of a European School or search for new forms of cooperation

The question of a European School's closure arises in one of the following cases:

1. When, in the Commission's opinion, the School is no longer vital to ensure the smooth functioning of an essential Community activity.
2. When the small number of Category I pupils on roll no longer justifies the School's continuing existence.
3. When the closure of one or more language sections means that the School falls short of the minimum number of three sections required for its setting up.

The closure of a language section may be envisaged when it falls short of 45 pupils in the nursery and primary cycle and 42 pupils in the secondary cycle for two consecutive years or when the small number of Category I and II pupils calls into question the continuing existence of this language section.

This rule may not, however, prejudice the continuing existence of at least one language section per official language of the European Union in cities where Community institutions and bodies are heavily concentrated (Brussels and Luxembourg at present).

Moreover, any language section which no longer met the criteria indicated in point 3 above might nevertheless remain open if, at the request of the State concerned, the costs inherent in the employment of the teaching staff seconded by it were defrayed entirely by the State in question, or by the Community body for which the School has been set up, or a form of co-funding arrangement between the Member State and the latter body were adopted.

In each of the three situations referred to above, an evaluation of the situation of the school or (in the cases referred to in 3) of the language section(s) concerned should be made by the Board of Governors before initiating the relevant closure procedure.

This evaluation will be made on the basis of the work done by a working group appointed by the Board of Governors.

This working group will be constituted as indicated in point 2.0 above. It will also include a representative of the staff of the School, a representative of the parents and the Director.

The decision to close a European School must be taken unanimously, in accordance with the rules laid down by the Convention (Statute) of 12 April 1957 and the Protocol thereto of 13 April 1962 (currently in force).

The new Convention of 17 June 1994 (ratification in progress) requires a two-thirds majority of its members, with the proviso that the Commission and the country in which the School is situated have to vote in favour.

The role played by the Commission in the above cases is taken on by the European Patent Office at the European School, Munich.

The closure of a School or of a language section will be accompanied by measures designed to:

- guarantee that pupils are able to continue the studies undertaken in a given cycle (i.e. primary education or each level of secondary education);
- permit redeployment of the members of the teaching, administrative and ancillary staff within the European Schools system (or, where appropriate, within the Member State in question) in satisfactory conditions, compatible with their service rules and in accordance with national regulations.

These measures of a social nature will be included in the analysis and proposals which the working group referred to above will be expected to submit to the Board of Governors whenever the issue of the closure of a School or of a language section arises.

Finally, prior to a School's closure, the alternative option of seeking new forms of cooperation with the country in which the School is situated may be envisaged.