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ANNUAL REPORT OF THE CHAIRMAN OF THE COMPLAINTS BOARD FOR THE YEAR 2008

Board of Governors of the European Schools

Meeting in Brussels on 20 and 21 January 2009

COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS

The Chairman

Brussels, 5 January 2009

ANNUAL REPORT FOR THE YEAR 2008

During the year 2008, the Complaints Board of the European Schools was again faced with a large number of appeals. However, it was able to deal with the cases referred to it in conditions a little less difficult than in 2007.

I – Composition, organisation and jurisdiction of the Complaints Board

During the year 2008, no changes were made to the composition of the Complaints Board and unlike in previous years (see the annual report for the year 2007), it was finally able to operate with its full complement of members.

Its six members, divided into two sections composed on a rotating basis, were able to work in slightly less difficult conditions, even though the influx of appeals during the summer period continues to cause major practical problems.

The Board was assisted by its registrar and by a legal assistant, both of whom also perform non-legal duties within the General Secretariat of the European Schools. However, the assistant worked full time for the Complaints Board during the busiest period, from June to December, and her assistance proved invaluable.

Finally, there was no widening of the Board's jurisdiction in 2008.

II – Judicial activity of the Complaints Board in 2008

1) Number and categories of appeals registered

In 2008, 65 appeals were lodged with the Complaints Board, thus only slightly fewer than the number registered in 2007 (68), which showed a spectacular increase compared with 2006 (23) and 2005 (20).

As was the case the previous year, the largest number were appeals lodged direct against the decisions of the Central Enrolment Authority for the Brussels European Schools: 41 (compared with 44 in 2007), 9 of them in summary proceedings (1 only in 2007).

The next largest number consisted of contentious appeals lodged, after a prior administrative appeal, against decisions of the Class Councils on promotion to the year above: 17 (14 in 2007), 5 of them in summary proceedings (3 in 2007).

Four appeals concerning the Regulations for Members of the Seconded Staff were lodged by teachers (5 in 2007), the last of which is a class action in the form of an appeal lodged by 134 teachers.

Two appeals concerned the specific rules of the European Baccalaureate (none in 2007).

Finally, one appeal was lodged against a Discipline Committee's decision concerning a pupil (2 in 2007).

2) Decisions delivered or to be delivered by the Complaints Board

A total of 24 appeals were heard in ordinary proceedings, written and oral, 2 were the subject of a decision in adversarial proceedings without a hearing, 18 of a reasoned decision in non-adversarial proceedings, 9 of interim rulings and 11 were decisions or orders to remove the case from the register following withdrawal or as a result of the fact that there was no need to give a decision.

As regards the tenor of the decisions delivered or to be delivered by the Complaints Board, it can be noted that:

- of the 41 appeals lodged against decisions of the Brussels Central Enrolment Authority, 3 led to the decisions' being declared void, 2 to suspension of enforcement with provisional enrolment, 8 to removal from the register, 1 is pending and all the others were dismissed;

- of the 17 appeals lodged against non-promotion to the year above, 1 led to the disputed act's being declared void, 1 to suspension of enforcement with reconsideration, 1 to suspension of enforcement with provisional admission, 3 to removal from the register, 1 is pending and the others were dismissed;

- 2 of the appeals lodged by teachers were dismissed, while the other 2 are still being heard;
- the 2 appeals concerning the European Baccalaureate were dismissed;
- the appeal lodged against a disciplinary measure is still pending.

III – Outlook for the year 2009

It should be pointed out that the relative improvement in the Complaints Board's situation in 2008 compared with 2007 is due mainly, with a comparable number of appeals to be heard, to the full complement of its members and to the making available to it on a full-time basis of an assistant during the busiest period of the year.

This situation should be consolidated in 2009 with the conversion of the post of part-time legal assistant into that of full-time legal expert on a permanent basis, the holder of which will be able, in addition to essential assistance with the handling of complaints provided to the Chairman and members of the Complaints Board (see in that connection the annual report for the year 2007), to take charge of legal documentation and of input to the website. This is because the website is an increasingly important tool for people coming within the Board's jurisdiction.

It should, however, be emphasised that the Complaints Board's situation will remain fragile if the number of complaints registered in 2009 rises markedly compared with 2008.

Such a rise cannot be ruled out, on account not only of the difficulties experienced by the Central Enrolment Authority for the Brussels European Schools with determination of the new enrolment policy for 2009, but also of the widening of the jurisdiction of the Complaints Board which is envisaged.

In concluding this report, the Chairman of the Complaints Board wishes to thank publicly his colleagues and the two members of staff of the Registry for the diligence which they again showed during the year 2008. As already pointed out last year, this diligence is the guarantee that if our Board is properly resourced, it will be able to continue to operate normally at the service of all litigants – teachers, pupils, parents and the European Schools themselves alike.

Henri Chavrier