



**The Complaints Board  
of the European Schools**

**Ref.: 2026-02-D-23-en-1**  
Original version: FR

# **2025 ACTIVITY REPORT BY THE CHAIR OF THE COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS**

---

**BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS**

**Meeting on 15, 16 and 17 April 2026 in Riga (Latvia) – hybrid**

---



## **2025 ACTIVITY REPORT**

Events of note for the Complaints Board in 2025 were:

- a slight decrease in the number of appeals (point II.1);
- slightly fewer appeals, but often complex ones (point II.2) and new types of challenges (point II.3);
- finally, confirmation of an issue that emerged in 2024: the integration of pupils with special educational needs (point II.4);
- the continuation of the work of the “*Legal Protection*” Working Group (point III);

### **I. The composition of the Complaints Board and the Registry**

1.

Mr Eduardo MENENDEZ-REXACH still chairs the Complaints Board, and Ms Brigitte PHEMOLANT chairs the second section.

The Board remains split into two sections, with members being allocated to each section on a rotating basis in order to avoid the two panels being entirely separated.

2.

It should also be noted that there have been no changes to the composition of the Board or that of the Registry.

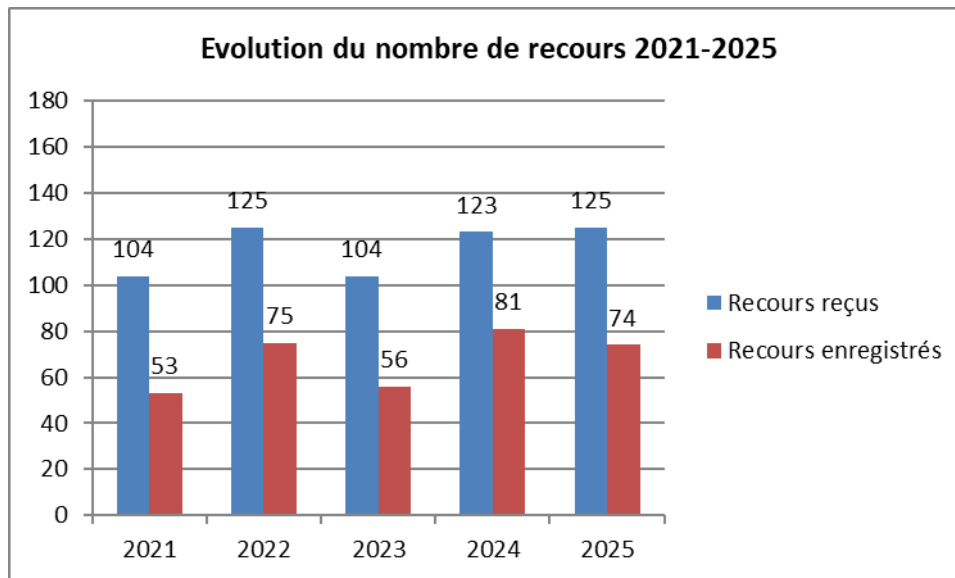
## II. The judicial activity of the Complaints Board in 2025

### 1) The number of appeals lodged and the categories of these appeals<sup>1</sup>

1.

In 2025, there was a **slight decrease in the number of appeals: 74 appeals, including eight in summary proceedings**, were lodged and brought before the Complaints Board for review.

The graph below shows how the number of appeals changed over the period 2021-2025.



NB: “*appeals received*” include appeals that were lodged as well as appeals dealt with administratively, without being formally lodged, in a discussion between the Registry and the applicant, given the manifestly inadmissible and/or unfounded character of the appeal.

2.

The largest number of appeals were direct appeals against decisions of the Central Enrolment Authority for the Brussels European Schools (hereinafter the CEA).

As a reminder, several issues arose specifically in Brussels because there are several European Schools there (these issues are almost non-existent in Luxembourg and were not encountered in cities where there is only one European School).

<sup>1</sup> The figures shown here may not correspond exactly to those given in the Annual Report of the Secretary-General of the European Schools, on the one hand because of complaints being categorised slightly differently, and on the other hand because of appeal proceedings being spread across multiple years (when the administrative appeal is processed during year N and the contentious appeal in year N+1).

For the Brussels European Schools, therefore, **the proximity of the school to the home remains a key concern and a key demand among parents.**

Even though, for the last few years, the Enrolment policies have excluded both geographic arguments (distances between home/the allocated school/the parents' workplace) and arguments relating to difficulties in organising travel and family life, and even though, in the established case law, the Board maintains that these are not priority criteria, appeals are still lodged each year on the grounds of (overly) long journeys between the child's home and the allocated school and the direct and indirect consequences of this: excessive fatigue and well-being (especially for the youngest children), lost time (time that cannot be devoted to studies, extracurricular activities or sleep), ecological and environmental considerations (pollution, wasted energy, difficulty of using eco-friendly means of transport, for example, travelling on foot or by bicycle).

**Health problems** (travel sickness, excessive fatigue or more severe illness) are also reasons invoked by parents to obtain a place at the school nearest to their home; however, the very strict conditions governing the consideration of such health problems often prevent the Complaints Board from ruling in favour of the applicants.

There is still a relatively large number of disputes involving **force majeure** being invoked in cases where the enrolment deadlines for the Brussels Schools were not met. Failure to meet these deadlines results in the late enrolment application being automatically rejected and considered inadmissible.

In exercising its review of legality, the Complaints Board is bound by the annual Enrolment Policies decided by the Board of Governors; it is therefore important that the latter be duly informed of any disputes arising from these Policies.

3.

Aside from direct appeals against decisions of the CEA, the other contentious appeals submitted to the Complaints Board in 2025, which were lodged, in principle, after a preliminary administrative appeal was rejected by the Secretary-General, were:

- appeals against decisions of an pedagogical nature: change of language (1 or 2) and determination of the dominant language at the time of enrolment (Article 47(e) of the General Rules of the European Schools);
- appeals against decisions of Class Councils;
- appeals from teaching staff (seconded or locally recruited teachers);
- appeals related to the 2025 Baccalaureate;
- referral requests (Articles 40a and 40b of the Rules of Procedure) and a request for interpretation (Articles 36 and 37 of the same Rules);
- disciplinary appeals (pupils).

4.

Finally, it should be emphasised that the activity of the Complaints Board cannot be reduced to figures or statistics, which only reflect the number of appeals lodged and processed for which a flat-rate fee is provided under Article 16.2 of the Statute of the Board.

As in previous years, this report offers an occasion to shed light on a great deal of underlying work not covered by this function fee and which is indispensable to the smooth running of the Board and the quality of the decisions rendered:

- Responding to emails addressed to the Registry by **potential future applicants seeking information**: parents who are dissatisfied or concerned with the conditions under which their children are being schooled; parents who are unsure how to react to a disciplinary sanction, an academic failure or a difficult dialogue with the School; and members of the teaching staff with complaints or concerns.

The Registry is on the front line in providing them with information on the procedure to be followed (need for a prior administrative appeal), to draw their attention to the deadlines for appeals and the limits of the Board's jurisdiction, to explain to them how the contentious procedure works or how to look up the relevant case law, to warn them of the risk of exposing themselves to possible procedural costs. These requests are included under the category "*appeals received*" in the figures above and are handled by the Registry as "*pre-litigation*" matters, given the manifest inadmissibility and/or lack of merit of the intended appeal, on the basis of established case law accessible via the Board's website.

Applicants then either decide not to lodge an appeal (which is therefore not registered or included in the statistics) or proceed to do so in full awareness of what is at stake.

(b) The Registry ensures the publication of the Board's case law, which is accessible to any interested person via the **database**. This enables, on the one hand, the bodies of the European Schools to draw from it (the authorities of the European Schools also draw lessons from certain decisions issued by the Board to amend the regulatory frameworks) and permitting applicants to familiarise themselves with it before submitting an appeal.

Updating this database is essential and contributes to maintaining the number of appeals at a reasonable proportion and processing them with an appropriate and effective tool.

(c) Finally, **revision of translations**: the variable quality of the translations provided by the translation service provided to the Complaints Board obliges the Registry and judges to re-read and correct the translations, which makes for a significant workload.

## 2) Slightly fewer appeals, but often complex cases...

The **complexity of the pleas** invoked by the applicants in support of their appeals - whether supported by a lawyer or not - demands a **significant amount of analysis** and **case law research work**.

Complex issues of admissibility and jurisdiction regularly warrant attentive examination, particularly with regard to the case law of the Court of Justice of the European Union and the general principles and fundamental rights enshrined within the European Union. It should be noted in this regard that, although the Complaints Board adjudicates autonomously within the system of the European Schools, it is not, for all that, isolated from the European judicial system.

Furthermore, the length of written submissions and the increasing number of rejoinders from the Schools (in response to applicants' replies, which are sometimes longer than the initial appeal itself) can significantly delay the written procedure and the adoption of decisions. This has highlighted the need to amend the Complaints Board's **Rules of Procedure**, in particular as regards summary proceedings, which are characterised by urgency: the aim is to expedite the written procedure while fully respecting the adversarial principle. A document to this effect has been submitted to the Board of Governors for approval.

## 3) ...and new forms of disputes

The presentation of this activity report also provides an opportunity to highlight a number of specific complaints or disputes, which differ significantly from the "classic" types of litigation for which the Complaints Board's jurisdiction and case law are well established.

Examples include:

- an appeal in which the applicants challenged the 2025-2026 Policy on Enrolment on the grounds that it does not provide for mechanisms aimed at increasing the number of pupils in the German-speaking section of the Brussels IV School. This appeal resulted in a decision of inadmissibility (decision 25-02, analysed below);
- applicants complaining about the prolonged absence of a teacher without replacement, or about the choice of reading materials;
- appeals lodged against decisions to discontinue certain courses. Only one resulted in annulment (decision 25-60, analysed below);
- a parent complained of discriminatory communication between the School and himself, considering that his ex-wife was receiving more information than he was regarding their child's schooling; he ultimately withdrew his appeal;

- parents sought to obtain from the Complaints Board injunctions against the School to regulate the organisation of school medical examinations. The Board declined, as it lacks jurisdiction to issue injunctions or intervene in such matters;
- parents also requested intervention by the Complaints Board in relation to what they considered to be “*serious safety concerns*” at the School;
- parents raised complaints regarding school trips (destination, programme of visits, costs, lack of alternatives, etc.);
- the Board is also increasingly called upon to deal with requests concerning the management of Schools and certain decisions taken by Directors, seeking greater transparency or oversight – something that was not observed two or three years ago.

In general, these complaints and requests do not lead to litigation, as applicants, once duly informed by the Registry, understand that it would be futile to lodge an appeal that is bound to be declared inadmissible.

#### **4) The confirmation of an issue that emerged in 2024: the integration of pupils with special educational needs**

Issues relating to the inclusion of pupils with special educational needs and the limits of the Inclusion Policy began to emerge progressively in contentious appeals brought in 2024, and continued to do so in 2025.

Where a pupil’s educational needs are significant, many situations give rise to disputes between parents and the School concerning various aspects of the pupil’s education:

- participation in activities taking place outside the school
- behaviour in class (including possible disciplinary aspects)
- lack of motivation and the risk of dropping out
- absences and lack of engagement
- special arrangements to be put in place (are they appropriate and sufficient?)
- the pupil’s academic pathway (repeating a year, progression without promotion?)
- the pupil’s educational future (in particular, the possibility of obtaining the Baccalaureate)

Where the pupil no longer meets the normal promotion criteria, further questions arise: is **progression without promotion** (modified curriculum and intensive educational support) an appropriate solution? Has it been explained to the parents? Have they fully understood its implications (in particular, the absence of a diploma)? What are the consequences for the pupil’s future schooling, within or outside the European Schools system?

If the pupil’s specific needs become too burdensome for the School, can the School **exclude** or **deregister** the pupil? What would be the consequences for the continuation of the pupil’s education, particularly where linguistic constraints are involved (for example, where, due to the

pupil's language profile, schooling, or continued schooling, within the European Schools system is the only realistic option)?

This type of litigation is particularly sensitive and difficult to manage, for several reasons:

- a) it involves numerous **pedagogical assessments**, over which the Complaints Board exercises only a very limited review;
- b) it is often **multifactorial** (medical causes, psychological aspects, family environment, and pedagogical decisions and choices);
- c) the case file typically includes **lengthy submissions** and **numerous annexes**, as it is based on complex facts and a constantly evolving situation, with the pupil's difficulties often intensifying over time; the length of judicial proceedings is not well suited to rapid decision-making in the best interests of the child and their education;
- d) the case often reveals **difficult communication**, or even a **breakdown in dialogue**, between the School and the parents; **emotional factors** play an important role; the breakdown may be such that parents ultimately decide to withdraw their child from the European Schools system, often with a strong sense of failure and frustration.

A number of legal questions arise in this context:

In the absence of organised avenues of appeal, can the Board declare itself competent on the basis of the right to an effective remedy?

Does the School's decision seriously affect the fundamental relationship between the school and the pupil, and the pupil's right to education?

How can the right to inclusive education be reconciled with the School's obligation to ensure the well-being and safety of all pupils?

How can one reconcile, on the one hand, the interests of the pupil with special educational needs, their right to education and their right of access to the European Schools as a Category I pupil, and, on the other hand, the constraints on the European Schools in terms of resources? What are the limits of inclusive education, given that the Schools are subject to an obligation of means rather than an obligation of result?

It is also important to understand that the Board's intervention in this type of dispute is both limited and, at times, a source of dissatisfaction:

- *limited*, because under the current regulatory framework, annulment is practically possible only where the educational support *requested* by the parents has been *wrongfully* refused by the School, or in cases of procedural irregularity (failure to comply with the Inclusion Policy) or *manifest* error of assessment;

- *a source of dissatisfaction*, because the Board's decision will often be delivered several months after the dispute between the School and the parents has arisen; it is frequently poorly received by the losing party (*either* the parents, who may have placed all their hopes in the Board's decision and are then faced with a difficult educational situation for their child, *or* the School, which must continue to provide education to the pupil despite significant challenges); finally, it does not resolve future difficulties, which often recur (or even worsen) over the course of the pupil's schooling.

## 5) Decisions delivered by the Complaints Board in 2025

1.

In accordance with the provisions of the Rules of Procedure, the various appeals may be dealt with, on a case-by-case basis:

- by decision delivered after a contradictory written procedure followed by a hearing;
- by decision delivered after a contradictory written procedure not followed by a hearing;
- by a reasoned order (not contradictory);
- by an interim order, or
- by an order removing the case from the register.

The Board members are convinced of the need for a hearing - followed by deliberation - for complex or delicate matters which are clearly neither inadmissible nor unfounded, with the oral procedure effectively supplementing the written examination phase.

The Board strives to be a place where each litigant can be heard attentively.

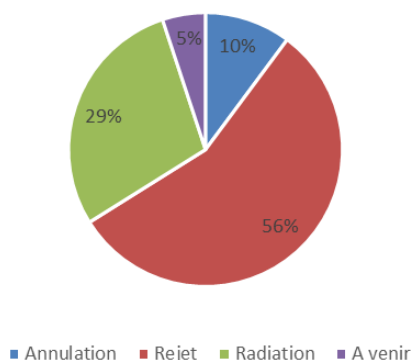
As such, it held six days of hearings in order to address the most complex and delicate cases.

Other matters were able to be handled without hearings, as permitted under Article 19 of the Rules of Procedure, using written questions submitted by the judge rapporteur where appropriate (Article 18 of the same Rules).

2.

The pie chart below shows the proportions of appeals **upheld** (annulment of the decision adversely affecting the plaintiff), **rejected** (following examination or by reasoned decision), **or removed from the register**.

## Recours instruits



The figures for 2025 show an **annulment rate of 10%** (about average compared to previous years), subject to the two decisions still pending.

To this percentage may be added removals from the register due to there being no need to rule on them as the parties had reached an agreement, either implicitly or explicitly. Such cases can effectively be considered annulments that are not shown in the figures, as they reflect an outcome that is just as positive for the applicant as an annulment.

3.

At first glance, this annulment rate may seem low, but it can largely be explained by the inadmissibility of many appeals *ratione temporis*, *ratione personae*, and, above all, *ratione materiae*.

The members of the Complaints Board are fully aware of the expectations of parents, seconded teachers, and locally recruited teachers regarding the protection of their rights. These expectations are voiced both through appeals lodged before the Board and during discussions within the “*Legal Protection*” Working Group (see section III).

However, not all of these expectations can be met, for several reasons:

- As an administrative body within the European Schools system, the Complaints Board is not the “*enforcer*” of the system but the “*guardian of legality*”: it exercises a review of *legality*, limited by the terms of Article 27 of the Convention defining the Statute of the European Schools, rather than a review of *merit*;
- The Convention grants the Complaints Board a **relatively limited attribution of competence**: it may review the legality only of certain decisions (a wide range of decisions fall outside its control);
- Its review of legality is itself **constrained by the legal framework established by the legislative authority**, namely the Board of Governors. Appeals must be assessed within the

regulatory framework defined by the Board of Governors: statutory provisions for teaching staff (working conditions, termination, etc.), Enrolment Policies in the Brussels Schools (exclusion of geographical criteria, sibling separation, etc.), and the General Rules;

- **The grounds that may be invoked are themselves sometimes limited** by regulatory provisions (for example: “Baccalaureate” appeals are only admissible for procedural error; “Class Council” appeals only for new facts or procedural defect; “CEA” appeals are limited by the Policy on Enrolment, adopted and validated annually by the Board of Governors);
- Finally, the Complaints Board possesses only the **power to annul** (except in exceptional cases, it has no power to issue injunctions), which considerably limits its scope of action.

Certainly, the Complaints Board may adopt certain interpretative flexibilities to mitigate the strictness of the regulatory texts (general principles of law recognised by Member States, the effectiveness of the right to an appeal, case law of the CJEU, the best interests of the child, or manifest error of assessment). Nevertheless, in keeping with its role as “*guardian of legality*,” the Board is constrained in its interventions.

Accordingly, the disappointment, frustration, and dissatisfaction expressed by applicants in response to the dismissal of their appeals can be understood, but these reactions do not stem from the decisions of the Complaints Board itself. Rather, they arise from the fact that, constrained in its review of legality, the Board cannot render a decision that satisfies the applicant.

4.

Among the most noteworthy decisions delivered in 2025, several merit particular attention.

#### **4.1 Decisions leading to an annulment**

. By **decision 25-01 of 29 April 2025**, delivered after having suspended the contested decision in interim relief proceedings, the Complaints Board annulled the decision of the Central Enrolment Authority (CEA) refusing the pupil’s transfer to another School.

The applicants’ son, who suffered from severe hearing impairment, was enrolled in a class where two pupils with special educational needs were particularly noisy and highly disruptive (verbal and physical violence, constant noise and shouting).

The Complaints Board found that the CEA’s decision was marred by a manifest error of appraisal: the medical certificates submitted by the applicants demonstrated to the requisite legal standard that the transfer was an essential measure, in view of the particularly harmful impact of the disruptive behaviour of the two pupils with special educational needs - an impact that was all the more damaging for the applicants’ son given his medical condition.

. By **decision 25-03 of 4 March 2025**, the Complaints Board, seized of a request for interpretation, clarified the scope of its annulment decision 24-57 concerning the Mathematics examination in the 2024 Baccalaureate (see 2024 Activity Report):

*“Decision 24/57 censures a moderation method - considered insufficient because it failed to take into account the impact that the difficulties in answering the two disputed questions (A3 and A4) had on the examination as a whole - but does not call into question the pedagogical assessment of the answers given to the Mathematics examination questions.”*

Accordingly, the implementation of the annulment decision adopted by the Complaints Board: *“cannot have the effect of removing the mark awarded, which constitutes the minimum to which the pupil is entitled and which enabled her to obtain the Baccalaureate.”*

*“In conclusion, the implementation of this decision does not require the examination to be retaken, which would amount to annulling both the mark and the diploma, even though the pupil did not request this and the Board’s decision does not have such scope. The implementation of this decision does, however, require, without substituting itself for the pedagogical discretion of the Chair of the Exam Board, that the latter re-examine the applicant’s script by applying a moderation method that takes into account the impact that the difficulties in answering questions A3 and A4 had on the answers to the other questions to be addressed (point 15, § 4 of decision 24/57).”* (translated from French)

. By **decision 25-06 of 18 July 2025**, delivered after a public hearing, the Complaints Board annulled the termination of the contract of a locally recruited teacher on the ground of a breach of the right to be heard (rights of the defence), as enshrined in Article 41(2), first indent, of the Charter of Fundamental Rights of the European Union.

Further developing its case law (in particular decision 23/02 of 9 November 2023), the Complaints Board clarified that the right to be heard must be respected even in the case of termination with notice (and not only in disciplinary proceedings or in cases of dismissal for serious misconduct). The Board thus reiterated the extensive case law of the Court of Justice of the European Union regarding the importance attached to the right to be heard *prior to* the adoption of a decision adversely affecting an individual.

*“Moreover, the termination decision constitutes an act of extreme seriousness for the applicant, who has suddenly found himself to be unemployed and whose career might be negatively affected for many years. Besides the fact that it is a fundamental right of the applicant to be heard before the adoption of an individual measure which would affect him adversely, the exercise by the latter of the right to state his views effectively on the termination decision envisaged falls within the responsibility of [the authority authorised to conclude contracts of appointment], a responsibility which it must scrupulously comply with.”* (Judgment of the Civil Service Tribunal of 8 October 2015, Cases F-106/13 and F-25/14, DD v FRA).

The Complaints Board further specified in this decision that, before adopting a termination decision, the Director of the School is required to *“make a reasonable effort”* to ensure that the

right to be heard is respected (in the present case, it had proved difficult to organise a hearing of the locally recruited teacher due to their absences on sick leave). Moreover, in view of the importance of this right and the seriousness of such a decision, the Director must “*ensure scrupulously that he [the locally recruited teacher] is able to express his views effectively on the proposed termination decision.*” (translated from French)

. By **decision 25-60 of 11 February 2026**, delivered after a public hearing, the Board annulled the decision to discontinue the Islamic religion course in S6 on the ground of insufficient number of pupils - although the pupil concerned had previously been able to attend that course without the insufficient number of pupils being raised as an objection.

The appeal raised a number of issues (the Director’s flexibility and responsibility in managing the school and organising courses v. the need for continuity in teaching a *compulsory* subject; equal treatment; freedom of religion; the best interests of the child; and jurisdiction *ratione materiae* in the absence of organised avenues of appeal).

Relying on the right to an effective remedy, the Board declared itself competent on the ground that the decision affected prerogatives granted by the Convention to the legal representatives of pupils: “*While the organisation of courses in principle falls within the organisational measures of the Schools, which the case law of the Complaints Board has consistently held to be outside its jurisdiction, as recalled in Article 66.2 of the General Rules of the European Schools, the organisation of religion courses must be approached differently, as it is governed by specific rules and forms an integral part of the manner in which the European Schools give effect to fundamental rights, including the principle of non-discrimination and the right of parents to choose the religious and moral education of their children*” (point 13 of the decision).

On that occasion, the Board reaffirmed that the concept of an act adversely affecting an individual must be interpreted broadly in order to ensure effective judicial protection: “*The fact that the Schools enjoy a certain degree of flexibility in their internal organisation does not necessarily mean that a decision purportedly relating to such organisation cannot adversely affect, within the meaning of Article 27 of the Convention, a person subject to the application of the Convention where it infringes that person’s rights*” (point 14 of the decision).

On the merits, the decision was annulled for breach of the principle of legality.

The Board noted (at point 17 of its decision) that the document on religion courses (2008-D-356-en-4) “*demonstrates the importance attached by the Board of Governors to the teaching of religion courses. Indeed, on the one hand, the Board decided that, although a minimum enrolment threshold in principle applies to such courses, alternative solutions must be sought where that threshold is not met; and, on the other hand, it specified that the efforts of the Schools concerned must be directed towards organising religion courses, without in any way referring, as an alternative, to ethics (morals) classes or to the outright discontinuation of the course concerned.*”

*In view of the failure to comply with the applicable rules, this plea must be upheld and, consequently, the refusal of the applicant’s request that a religion course be offered to her*

*daughter must be annulled, without there being any need to examine the merits of the other pleas relied upon.” (translated from French)*

## **4.2 Decisions dismissing applicants’ claims**

1.

Among the decisions rejecting applicants’ claims (the most frequent outcome), the classic and recurring case was that concerning enrolment applications:

- decisions whereby the Board rejected **force majeure**, pointing out that the right to enrol at the Brussels European Schools does not exempt the interested parties from complying with the strict deadlines set for submitting enrolment applications, which are particularly important in Brussels given that there are several European Schools, covering numerous language sections and a very large number of pupils;

- decisions whereby the Board dismissed arguments linked to the **location of the home** in relation to the school and to family and/or professional constraints resulting from excessive distance between the home and the School (this is also a specific issue affecting the Brussels European Schools);

- decisions whereby the Board dismissed appeals concerning **determination of the language section**, in the absence of any procedural error or manifest error of judgement concerning the comparative tests; through such appeals, it is in fact the European Schools’ language policy and the provisions of Article 47(e) of the General Rules that are being challenged, particularly the fact that parents are not free to choose the language in which their child will be educated.

2.

The following dismissal decisions may also be highlighted:

- **Concerning the Brussels Schools: is the principle of the grouping of siblings effectively applied, in the sense that sibling groups are schooled at the same school, but at two different sites?**

As a reminder, in three decisions issued in 2024, the Complaints Board dismissed appeals against decisions of the Central Enrolment Authority for the Brussels European Schools (CEA), which had allocated places for the 2024-2025 school year to siblings at *two different campuses of the same school*. While the principle of grouping siblings is recognised as a fundamental commitment of the Schools, the Board considered that certain restrictions on this principle were nevertheless necessary, particularly due to overpopulation in the Brussels European Schools, provided that they are “*justified and proportionate to the aim pursued, and that they reflect a fair balance between the interests of the pupils and their families, on the one hand, and those of the organisation and management of the Brussels Schools on the other hand*”.

During the enrolment campaign for the 2025-2026 school year, the issue of sibling protection arose again, in an even more complex form, since this time the provisions of the Policy on Enrolment hinder the principle of grouping by separating siblings across two *different Schools*.

In practical terms, only the Hellenic Language Section (EL) is concerned, as the Brussels III School is the only school where the secondary cycle of the EL section is available, but where there are no available places in primary classes to accommodate younger siblings, since new primary classes cannot be opened there.

The appeals, all lodged by families from the EL section, were directed against the CEA's refusal:

- either of **joint enrolment requests** for siblings at the Brussels III School, with one in the primary cycle and the other in the secondary cycle;
- or of **transfer requests** for pupils from "*satellite classes*" of the primary cycle, from the Berkendael site (Brussels I School) to the Brussels III School, when the older sibling moves to the secondary cycle.

Meeting in plenary session due to the importance of the issues raised, the Complaints Board thoroughly examined, also in a public hearing, the arguments presented by both the parents and the Schools, and dismissed the appeals in its **decisions 25-18 (transfer) and 25-20 (joint enrolments) of 9 September 2025**.

The Complaints Board found that this (new) interference with the principle of grouping siblings was justified, warranted, necessary, and proportionate, recalling that the protection of siblings is a *commitment* on the part of the Schools, not a right of the parents; therefore, restrictions on this principle may be introduced if necessary, depending on the objectives defined each year in the Guidelines and the Policy on Enrolment.

The Board also considered that there was no breach of the principle of proportionality and that the impact on the protection of siblings was limited in time (by 2030, all levels of the EL section will be brought together at B5), in space, and in its effects (older pupils in secondary are autonomous, while nursery and primary pupils remain grouped).

It also rejected arguments alleging a breach of the principle of equal treatment or of the parents' legitimate expectations.

Finally, it upheld the CEA's decision not to split primary classes at the Brussels III School which appears proportionate in the light of the prevailing circumstances: doing so would have led to difficult-to-manage consequences and repercussions for the entire pupil population. Demographic pressure being particularly acute in this school, it is imperative to reduce or at least not increase the number of classes in the nursery and primary cycles in order to free up space for pupils in the secondary cycle, which is the only language section for the EL section.

*"(...) As provided for in the Guidelines, when the fifth Brussels European School (...) opens in September 2030, pupils enrolled in the EL satellite classes of EEB1-BRK are expected to be*

*transferred there. (...) This block transfer requires the implementation of the necessary measures in the annual EPs that will be adopted until the new school opens, the necessary measures to prepare for it, including any restrictions that might be necessary on certain principles, such as the grouping of siblings, and adaptations to existing circumstances, with the aim of fully integrating the EL language section into a single school - which does not exclude the adoption of other transitional measures to mitigate the consequences of these restrictions”.*

- **Again, concerning the Brussels Schools, in particular Brussels IV**

. By **decision 25-02 of 19 August 2025**, delivered after a public hearing, the Complaints Board dismissed the appeal brought by the parents of a family of three children *already* enrolled in the German-language section of the Brussels IV School.

They challenged the 2025-2026 Policy on Enrolment on the ground that it provides for no measures aimed at remedying the uneven distribution of German-speaking pupils across the different schools/sites in Brussels and at increasing the number of pupils in the German-language section of the Brussels IV School. They complained of the adverse consequences which, in their view, resulted from the imbalanced distribution of the German-language section within the Brussels Schools and from the insufficient number of pupils in that section at the Brussels IV School (quality of education, range of optional subjects, pupils’ well-being, etc.).

Both the applications for annulment and the requests for injunctions directed at the Board of Governors and the CEA were dismissed on various grounds of inadmissibility.

- **Concerning teaching staff**

. By **decision 24-42 of 27 March 2025**, the Complaints Board, following a public hearing, dismissed an action for annulment lodged by a seconded teacher who challenged the system for payment of overtime, since, having a national (Luxembourg) salary higher than the European salary, he was not paid for his overtime hours.

After recalling the basis for calculating the remuneration of seconded staff, the Board reaffirmed that the *sui generis* remuneration system for seconded teachers is designed to achieve an objective of equal treatment, regardless of national differences in salary and/or taxation.

The Board held that this objective of equality requires a fair reduction of national disparities, in particular the risk of a disproportionate advantage resulting from a higher national salary compared to the actual services performed in a European School, even where those services include overtime.

. By **decision 25-61 of 3 February 2026**, the Complaints Board, following a public hearing, dismissed an action for annulment lodged by a locally recruited teacher against the decision to terminate her permanent contract.

The locally recruited teacher argued that, having been hired in 2012, the termination of her contract could not be based on Article 17 of the Service Regulations that entered into force in 2016, and she therefore claimed that the termination decision lacked a legal basis.

The Complaints Board rejected this argument, considering that the locally recruited teacher had undertaken “*to comply with the statutory rules in force at the time of signing the contract as well as those resulting from any future amendments to the Service Regulations decided by the Board of Governors*” and that Article 52 of the Service Regulations for the Locally Recruited Teachers, which entered into force on 1 September 2016, provides that it applies in full to contracts concluded before its entry into force, unless otherwise stated in the contract - which was not the case here.

In the alternative, the locally recruited teacher sought to rely on the status of a “*protected teacher*,” since she had eight years of seniority within the European Schools system. This argument was also rejected, since that protection is provided for in the Service Regulations for the Locally Recruited Teachers that entered into force on 1 September 2025, i.e. after the decision to terminate her contract, which was upheld by the Board.

- **Concerning disciplinary matters**

. By **decision 25-64 of 5 February 2026**, the Complaints Board, following a public hearing, dismissed an action for annulment of a disciplinary sanction (a temporary exclusion for acts of theft within the School).

The Chair of the Board had initially granted the application for suspension on the basis of the right to an effective remedy (judicial protection), since the temporary exclusion had been declared enforceable even before all avenues of appeal had been exhausted.

However, the action for annulment was dismissed, the Board considering that none of the six pleas put forward in support of the appeal was well founded: the principles of proportionality and equal treatment, the rights of the defence, and the obligation to state reasons had been respected; the Director had not made any manifest error of assessment; and the regulatory provisions had been complied with.

### **III. The continuation of the work of the “Legal Protection” Working Group**

Mr Eduardo MENENDEZ-REXACH and Mr Pietro MANZINI, as well as two members of the Registry, have continued to participate in meetings of the “*Legal Protection*” working group.

Through this participation, the Complaints Board demonstrates its contribution not only as a jurisdictional body, but also as a chosen intermediary, to the smooth running of the European Schools system.

\* \* \*

In conclusion, it is important to note the fundamental role of the Complaints Board as the sole in-house authority of the European Schools *sui generis* system tasked with providing appropriate legal oversight by ruling independently on the legality of the cases it is asked to review.

As an in-house body ruling independently on the disputes referred to it, it also contributes to the smooth running of the European Schools.

The Complaints Board will be attentive, as always, to finding the right balance between the interests of pupils and their families, or of the teaching staff (seconded staff and locally recruited teachers), and the interests of the Schools, which are having to deal with growing numbers of pupils and numerous organisational constraints. In doing so, the Board will continue to ensure compliance with fundamental rights, procedural guarantees and common general principles, in line with the case law of the Court of Justice of the European Union.

The Chair would like to thank the other bodies of the European Schools, particularly the Board of Governors and the Secretary-General, whose support and cooperation are vital for the Board to be able to carry out its work under the conditions laid down in the Convention defining the Statute of the European Schools.

Finally, the Chair of the Complaints Board wishes to thank his colleagues and the Registry staff publicly for their unfailing diligence, as always. Their incredible flexibility allowed the Board to fulfil its mandate and ensure the continuity of public services.

Brussels, March 2026

**Eduardo MENENDEZ-REXACH**  
Chairman of the Complaints Board