



having decided that, as permitted under Article 19 of the Rules of Procedure, the case would not be heard at a public hearing,

delivered on 19<sup>th</sup> of August 2025 the decision in respect of which the reasons and grounds and the operative part thereof appear as follows:

### **Main facts of the case and arguments of the parties**

1.

The Appellants are the parents of two children entitled to (and for which the parents sought) admission to the Brussels European Schools for the year 2025-2026: ██████████, born on ██████████, and ██████████, born on ██████████.

By decisions of the Central Enrolment Authority (hereafter “CEA”), dated 8/4/2025, the said children were admitted in the linguistic section requested, i.e. the French-speaking section, ██████████ at P3 and ██████████ at P1. However, these places were offered at the Brussels I - Berkendael European School, while their first preference was Brussels II - Evere School.

2.

These decisions were upheld by the impugned decisions, of 1/7/2025, which refused their “review”, within the meaning Article 14.2.2 of the Policy on Enrolment in the Brussels European Schools for the year 2025–2026 (hereafter “Policy on Enrolment” or “Policy”).

It is against these decisions of 1/7/2025 that the Appeal constituting the subject-matter of the present Decision was lodged, with the Appellants asking the Complaints Board to quash the impugned decisions to the extent that the European School where their children were admitted in the FR section was Brussels I - Berkendael and not their preferred choice of Brussels II - Evere.

3.

In support of their position, the Appellants invoke the “*specific medical conditions of both children which significantly limit their ability to travel long distances on a daily basis*”. They refer further, and in more detail, to ██████████’s medical condition and indicate as most important factors in this case, i.e. as factors pleading in favour of acceptance of their request,

- *the need for ██████████ to attend a smaller school due to his rare pulmonary condition,*
- *the importance of reducing travel distances and time due to both children’s health needs and*
- *the strong emotional bond between the two brothers, who support each other daily and should not be separated.*

4.

In their observations in response (hereafter “Response”), the European Schools (hereafter “ES”) request that the Complaints Board rejects the appeal on the ground that it is unfounded. The ES point out in particular that, as provided in Art.14.2.2 of the Policy on Enrolment, the review is allowed only in case of occurrence, after the first decision was taken, of a “new” fact, more precisely of a fact beyond the Appellants’ control, and of which neither the latter nor the CEA were aware at the moment of taking of the initial decision; in addition the ES

recall that, according to the same provision, such new fact must have a decisive impact on the handling of the case and be regarded as a particular circumstance within the meaning of Article 8.5 of the Policy.

5.

On the 11/8/2025, the Registry of the Board received by the Appellants an e-mail on the dispute, which the Board decided to characterize as a Reply, within the meaning of Article 17.1, second sentence of the Rules of Procedure (see below points 6-7).

### **Assessment / Findings of the Complaints Board**

#### ***Regarding the e-mail of 11/8/2025,***

6.

When served with the Response of the ES of 4/8/2025, the Appellants were informed by the Registry that they could file a Reply up to the 11/8/2025.

On that date, the Appellants sent an e-mail to the Board's Registry, complaining of the lack of understanding, by the ES, of the condition of their "child" and reproaching to the whole system to be unclear and non-transparent. They also stated that they would not challenge "your decision".

7.

In view of its main contents and of the fact that the e-mail was sent within the deadline laid by the Board's Registry for the filing of a Reply, in particular on its

last day, the Board decides to consider it as a Reply, within the meaning of the applicable statutory provision (see above, point 5).

As for the declaration not to challenge the decision, the Board cannot interpret it as a formal decision of discontinuation of the legal action, all the more since the e-mail is sent by one parent only and without even being copied to the other.

***Regarding the admissibility and the merits,***

8.

Although the ES did not contest the admissibility of the contentious Appeal, the Board discerns in the present case a number of elements which raise at least some doubts on its admissibility.

In particular the Board couldn't find, either in the Appellants' or in the ES submissions, enough precise elements establishing that the application for reviewing the first CEA's decisions (of 8/4/2025) was lodged in due time and with the completeness and clarity required to legally characterize it as a "request for review" within the meaning of Article 14.2.2 of the Policy of Enrolment. Although the CEA has considered the said request, for which two (2) different dates are mentioned, as admissible, it is the statutory power of the Board to examine on its own initiative the admissibility of the earlier request for review, all the more since the result of it could eventually have an impact on the admissibility or not of the contentious Appeal itself.

9.

However, notwithstanding the above-mentioned considerations, the Board

doesn't need to decide on the admissibility, the Appeal being bound to be rejected on the merits.

10.

Indeed, as the ES correctly pointed out, for a request for review to be upheld, the Appellants need to prove the occurrence of a new fact or, more precisely, the coming to light of a fact of which neither themselves nor the CEA were aware at the moment of taking the initial decision and, in addition, to prove that such fact could have a decisive impact on the disputed issue, being regarded as a "particular circumstance" within the meaning of Articles 14.2.2 and 8.5 of the Policy on Enrolment.

This condition is clearly laid down in Art.14.2.2 of the Policy, which reads as follows : *Applications for review of decisions of the CEA may be made by applicants, provided that they have not lodged a contentious appeal, when a new fact, beyond their control, of which neither the applicants for enrolment nor the CEA itself were aware, comes to light after the first decision has been taken. This new fact must have a decisive impact on the application's handling and be regarded as a particular circumstance within the meaning of Article 8.5. of the Policy on Enrolment.*

11.

It is obvious that such "new" fact does not exist in the present case. The Appellants have not claimed, let alone demonstrated, that it was only after their first applications for the year 2025-26 that they became aware of the problematic medical conditions of their children and of the impact of such conditions on issues related to their schooling (or of any deterioration of such

conditions or alteration of such impact). On the contrary, at least for [REDACTED], there are insurance and medical certificates dating from 2022 and 2024, produced by the Appellants themselves.

12.

In absence of a “new fact”, of the type required by the above provision of the Policy on Enrolment, the Appeal is to be dismissed, without need for the Board to examine the additional condition laid down in the said provision of the Policy, i.e. that the new fact “must have a decisive impact on the application’s handling and be regarded as a particular circumstance within the meaning of Article 8.5. of the Policy”, or any other issue.

13.

However, for the sake of completeness, the Board will proceed to the following five additional considerations.

14.

Article 8.5.3 of the Policy on Enrolment (to which the above provision of Article 14.2.2 of the said Policy refers) explicitly mentions, as deprived of relevance, criteria like the location of the family home and its distance from the prospective School, while it results clearly from the case-law of the Board that those criteria are of limited value compared to other criteria related to the constrains of the good organization of the schooling activity (e.g. case 19/04, point 5).

Furthermore, the third factor mentioned by the Appellants as pleading in favour of the upholding of their Appeal, i.e. the one related to the strong emotional bond between the brothers (see above point 3), is of no relevance as to the

question whether they will be eventually schooled in Brussels II or Brussels I or any other Brussels School, provided that they remain together (which is granted and assured).

The Board also observes that, contrary to the case of ██████████, there is nothing in the Appeal concerning the medical condition of ██████████. The impugned decisions (and the Response) mention that he suffers of motion sickness and of autism, apparently retrieving this information from Appellants' submissions prior to the impugned decisions. However, the Board notes that the parents did not reiterate this information in their Appeal and fails to see how the said information interacts with their requests.

In addition, it is worth noting that the Appellants had replied by NO in their initial applications' chapter inquiring about the existence of particular "educational needs" and of special "priority criteria"; on the contrary, it results from their exchanges with the ES that their sole concern was to obtain that their children be admitted in the same School and in its French- speaking section.

Last but not least, concerning the medical certificate of 11/7/2025 for ██████████, the Board observes, firstly, that according to Article 8.5.7 of the Policy on Enrolment and to its case-law (e.g. case 13/22, point 14, and case 20/61, point 11), medical certificates drawn after the taking of the contested decisions and in view of supporting the Appeal against the latter cannot be taken into account if referring to pathologies non invoked previously by the Appellants, secondly, that the recommendations of the above medical certificate of the 11/7/2025, for ██████████'s placement in "small educational groups" and for "[m]odern, well-ventilated buildings..." are not accompanied by any allegation, let alone proof, that this is the case of Brussels II - Evere, contrary to the situation of Brussels I - Berkendael.

**Regarding the legal and other costs,**

15.

Article 27 of the Rules of Procedure states that *"The unsuccessful party shall be ordered to pay the legal and other costs of the case if they have been applied for by the other party. However, if the particular circumstances of the case so warrant, the Complaints Board may order the latter party to pay the legal and other costs, or may order that they be shared between the parties ... If costs are not claimed, the parties shall bear their own costs."*

16.

It follows from these provisions, which are furthermore comparable to those in force in many national or international jurisdictions, that the unsuccessful party should, in principle, pay the legal and other costs of the proceedings.

However, these provisions also allow the Complaints Board to assess the conditions under which they should be applied *ex aequo et bono* and on a case-by-case basis.

17.

In the circumstances of this case, characterised by the absence of a public hearing and by the statement of the Appellants that they would not challenge the decision (see above point 6), which in their mind may have meant discontinuation of the case, the amount that the Appellants are ordered to pay the ES for the legal and other costs of this procedure is fixed at two-hundred fifty euros (250 €).

**ON THESE GROUNDS, the Complaints Board of the European Schools**

**D E C I D E S**

Article 1: The appeal brought by Ms. [REDACTED] and Mr. [REDACTED]  
[REDACTED], registered under No **25-41**, is dismissed.

Article 2:

The Appellants are ordered to pay the European Schools an amount of 250 € for the legal and other costs of this procedure.

Article 3: This decision shall be notified in accordance with the conditions under Articles 26 and 28 of the Rules of Procedure.

E. Menéndez Rexach

P. Rietjens

H.Tagaras

Brussels, on 19th of August 2025

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On behalf of the Registry,  
Nathalie Peigneur