

Appeal 25/40

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COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS

Reasoned Order of 22 July 2025

In the case registered under No **25/40**, concerning an appeal lodged on 14 July 2025 by Mr ■■■■■ ■■■■■ and Ms ■■■■■ ■■■■■, legal representatives and parents of ■■■■■, brought against the decision of the Central Enrolment Authority dated 1st July 2025 refusing them a place for their daughter in the European Schools for the 2025-2026 school year,

Mr Mark Ronayne, judge rapporteur designated by the Chairman of the Complaints Board to rule by means of a reasoned order under the conditions laid down in Article 32 of the Rules of Procedure, according to which: *"Where the Complaints Board is manifestly lacking in jurisdiction to hear a complaint or where a complaint is manifestly inadmissible or manifestly unfounded in law, a ruling may be given, without continuing the proceedings, by way of a reasoned order made by the Chairman or the rapporteur designated by him",*

assisted by Ms Nathalie Peigneur, registrar, and Mr Thomas van de Werve d'Immerseel, legal assistant,

delivered this reasoned order on 22 July 2025, the grounds for and operative part of which appear below.

Main facts of the case and arguments of the appeal

1.

During the second enrolment phase for the 2025-2026 school year, the applicants applied for the enrolment of their daughter [REDACTED] in the nursery cycle of the EL section at the European School, Brussels I – Berkendael site.

To justify their application only during the second phase, they invoked a case of force majeure under Article 2.28 of the Policy on Enrolment for the 2025-2026 school year, namely the whole family was infected with Covid-19 upon return from the 2024 Christmas break, with medical complications keeping them ill for over a month.

2.

By its decision dated 1st July 2025, the Central Enrolment Authority rejected the enrolment application, finding that the applicants had failed to establish a case of force majeure as defined by Article 2.28. of the Enrolment Policy, consisting of a reality of events of such a nature as to unquestionably impede submission of the application during the first phase.

Consequently, the applicants' daughter has not been granted a place at one of the Brussels European Schools for the 2025-2026 school year.

3.

The current contentious appeal is brought against this decision under Article 67,

paragraph 2, of the General Rules of the European Schools and Article 14.3 of the Enrolment Policy.

The applicants seek the annulment of the contested decision on grounds of force majeure, explaining that « *the whole family was affected by a medically documented case of COVID-19 which rendered (them), as parents and legal guardians, temporarily incapacitated for several weeks. This situation severely hindered (their) capacity to complete formalities within the standard timeframe* ».

In view of this, and in accordance with principles of equity, proportionality, and the child's right to education, they ask the Complaints Board to re- evaluate their case in light of these extenuating circumstances.

Assessment of the designated judge rapporteur

Regarding the merits,

4.

This appeal is manifestly unfounded in law within the meaning of Article 32 of the Rules of Procedure for the Complaints Board.

5.

It is not contested that the applicants failed to submit their application during the first phase, running from the 7th to the 28th of January 2025, as they were required to under Article 2.20 of the Enrolment Procedure.

Nor is it contested that none of the exceptions provided for in Articles 2.25 to

2.27 of the Enrolment Procedure apply to their case.

The only question is whether they are entitled to invoke a case of force majeure under Article 2.28 of the Enrolment Procedure.

This provision provides that *“by way of derogation from Article 2.24, applicants for enrolment will be allowed to submit their applications during the second or third phase, when the applicants are able to establish a case of force majeure on the basis of an exhaustive statement of factual elements and documentary evidence produced – otherwise it will be disregarded – when their application is submitted. A case of force majeure consists of the reality of events that are purely objective and beyond the control of the applicant or of the pupil, of such a nature as to unquestionably impede submission of their application during the first phase”*.

6.

In order to benefit from a force majeure exception on medical grounds under Article 2.28 of the Enrolment Procedure, the applicants would have needed to produce documentary evidence showing that they were so medically incapacitated that they were unable to submit an application for [REDACTED] at any time between the 7th and the 28th of January 2025.

They have failed, by a significant margin, to meet the requirements of this standard of proof. Whilst the documents produced show that they were indeed seen by doctors and prescribed medication during this period, there is no evidence at all as to the extent of their incapacity and, in particular, nothing to show that it was *“of such a nature to as to unquestionably impede submission of their application during the first phase”*. Indeed, the Complaints Board notes that

they have not even produced medical certificates exempting them from work.

7.

In so far as the applicants argue that the non-admission of their daughter in these circumstances is unfair or disproportionate, the Complaints Board recalls that the right of access to the 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 the existence of several European Schools, covering numerous language sections and a very large number of pupils.

As the Complaints Board has ruled in a consistent line of case-law, splitting enrolments into phases and imposing strict deadlines for the submission of applications are essential measures for smoothly managing the Brussels European Schools and optimising the available places; they are necessary, reasonable and proportionate to this purpose (see, for example, decisions 21/34 (point 10), 22/33 (point 5) and 23/26 (point 5)).

The Complaints Board has also emphasised, on numerous occasions, that *'it is therefore the responsibility of the parents affected by this provision to act with due care, taking all of the necessary precautions to ensure that the application is submitted within the deadlines'* (see, for example, decisions 21/34 (point 10), 22/33 (point 5) and 23/26 (point 5)).

8.

This appeal must therefore be dismissed as manifestly unfounded.

ON THESE GROUNDS, the designated judge rapporteur

D E C I D E S

Article 1: The appeal of Mr [REDACTED] and Ms [REDACTED], registered under No **25/40**, is dismissed.

Article 2: The present order shall be notified in accordance with Articles 26 and 28 of the Rules of Procedure.

M. Ronayne

Brussels, on 22 July 2025

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On behalf of the Registry,
Nathalie Peigneur

Under Article 40a of the Rules of Procedure, this order *"may exceptionally be referred to a section composed of three members at the express request of a party based on a particularly serious ground and made within one month after notification of the decision given."*