

Appeal 25/65

██████████

COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS

Decision of 14 January 2026

In the case registered with the Registry of the Complaints Board under No **25/65**, concerning an appeal lodged on 14 November 2025 by Mr. ██████████, residing at ██████████, brought against the decision of the Central Enrolment Authority (hereinafter 'the CEA') dated 17 October 2025, whereby it put on hold the Applicant's application for enrolment of his son, ██████████ ██████████, at the Brussels European Schools, and in which the Applicant seeks:

1. A review of the decision to suspend ██████████'s enrolment;
2. The immediate granting of temporary enrolment pending the court's decision, in accordance with the principles of proportionality, the best interests of the child, and the right to education; and,
3. The recognition that the strict requirement of joint parental action, when one parent is absent and refusing communication, constitutes an excessive and unlawful obstacle.

Mr Aindrias Ó CAOIMH, judge rapporteur designated by the Chairman of the Complaints Board to rule by means of a decision under the conditions laid down in Article 20 (a) of the Rules of Procedure, according to which: "*By decision of the Chairman of the Complaints Board, cases assigned to the member designated as rapporteur may be heard by the latter, sitting alone, where they are suitable, bearing in mind the lack of difficulty of the points of law or of fact raised, of the limited importance of the case and of the absence of other particular circumstances.*",

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

having regard to the written observations presented on the one hand by the Applicant and on the other hand by Me Marc Snoeck, on behalf of the European Schools,

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

issued this decision on 14 January 2026, the grounds for and operative part of which appear below.

Main facts of the case and arguments of the appeal

1.

The Applicant who is a legal representative of ██████████, born the 26th October 2011, in ██████████, who resides with the Applicant, applied to the CEA on the 13th of October 2025 to enrol his son at the European Schools in Brussels, Belgium.

2.

██████████ is the son of the Applicant and Ms. ██████████, (hereinafter ‘the mother’).

3.

In his application, the Applicant described himself as the sole legal representative of his son and in answer to the question: *‘Is one of the legal representatives, separated or divorced, acting on his/her own?’* answered No.

4.

With his application, the Applicant furnished various documents to the CEA including, on consent of the parties, namely the Applicant and the mother of the child, an order made by the High Court of Justice, Family Division, Royal Courts of Justice, [REDACTED] of the 13th of March 2020 in which it is recorded that each of the parents have parental responsibility in respect of the child and that they must exercise their parental responsibility jointly even though they are divorced. It was recorded that the child was at the time habitually resident in [REDACTED] and [REDACTED]. The Applicant subsequently lived with his son in [REDACTED] and they have recently moved to Brussels.

5.

The Applicant is a member of the contract staff of the European Commission in Brussels from the 16th of October 2025 to the 15th of October 2028, pursuant to a contract dated the 6th of October 2025.

6.

The Applicant indicates that for in excess of three years the mother has had no contact with him.

7.

Pursuant to the documents furnished with the enrolment application, the Enrolment Secretariat of the European Schools took the view that the parental responsibility over the child was exercised jointly by both parents. It accordingly asked the Applicant on the 14th of October 2025 to furnish the consent of the mother to the enrolment. On the same day, the Applicant was informed by the said Enrolment Secretariat that in default of the written consent of the mother, the Applicant should produce a document (judicial decision) demonstrating that he is entitled to proceed alone with the enrolment application.

8.

Notwithstanding subsequent exchanges between the parties, the requested documentation remains outstanding.

9.

On the 15th of October 2025, the Applicant wrote to the child's mother seeking her consent to the enrolment in the European Schools. No reply has been received to this request.

10.

On the 17th of October 2025, the CEA indicated that it was constrained to put on hold the enrolment application until receipt of either the consent of the mother or a judicial decision showing that the Applicant is entitled to proceed alone with the enrolment application.

11.

The said decision was based essentially on Article 1.6 of the Enrolment Policy for the European Schools for the school year 2025-2026 which provides as follows *"The applicant is the pupil's legal representative, invested with parental authority over him/her. Where there are several legal representatives, they are required to act jointly (if necessary by giving a presentation mandate) for all the steps to be taken in connection with the enrolment application, on pain of inadmissibility, unless one of them is able to claim sole exercise of parental authority over the pupil or to invoke a judicial decision allowing him/her to apply on his/her own for the pupil's enrolment."*

12.

This decision of the CEA is the subject matter of these proceedings.

13.

On the 28th of October 2025, the Applicant filed an application with the Brussels courts to authorise him to act alone in the enrolment of his son.

14.

By email dated the 6th of January 2026 the Applicant indicated that his application of the 28th of October 2025 to the Brussels Court of First Instance (Tribunal de première instance francophone de Bruxelles – Tribunal de la Famille) was declared inadmissible by the Court by decision of 11 December 2025 as it was not signed by a lawyer as required by Belgian law and that he has introduced a fresh application to the Court having employed a lawyer to assist him in this regard.

The Applicant's submissions

15.

The Applicant contests the interpretation and application of Article 1.6 in his case, on the basis that it directly contradicts the principles of Belgian civil law, the child's right to education, and the best interests of the child as protected under international and European legal standards.

16.

He reiterates that the child's mother has not maintained contact with either him or ██████ for over three years and has explicitly refused consent for schooling. As a result, he submits that requiring her active participation creates an impossible administrative barrier that directly violates the child's right to education.

17.

He adds that the European School's refusal to grant even temporary enrolment ("inscription provisoire") leaves ██████ without schooling, which is both detrimental

to his well-being and incompatible with Belgian mandatory education laws. This situation has already caused significant stress and emotional strain for [REDACTED]. The prolonged interruption of his studies risks both academic regression and psychological harm, especially considering his recent international relocations and the instability resulting from the other parent's absence.

The European Schools' submissions

18.

The European Schools request the Complaints Board to declare the appeal to be unfounded and to rule against the Applicant and to condemn him to pay the entire costs of the proceedings, being a procedural indemnity, taxed *ex aequo et bono* in the sum of € 800.

19.

The European Schools contend that the Applicant's appeal is inadmissible *ratione materiae* insofar as it seeks the reliefs mentioned above of a review of the decision to suspend the enrolment and insofar as it seeks temporary enrolment of the child in the European Schools and further insofar as the Applicant seeks a decision to the effect that the strict requirement of joint parental action, where one parent is absent and refusing communication, constitutes an excessive and unlawful obstacle. In this regard, it refers to the provisions of Article 27.2 of the Convention establishing the Statute of the European Schools and the limits on the jurisdiction of the Complaints Board. However, it considers that the appeal should be understood as admissible insofar as it is restricted to seeking the annulment of the decision of the CEA of 17 October, 2025 to put the application for enrolment on hold pending the furnishing by the Applicant of either the written consent of the mother or alternatively a judicial decision entitling the Applicant to apply on his own for his son's enrolment.

20.

The European Schools add that insofar as temporary relief is sought it could have been the object of an application for interim relief, in summary proceedings, distinct from the main proceedings, pursuant to Article 34 of the Rules of Procedure of the Complaints Board.

21.

Insofar as the Applicant challenges the conditions set forth in Article 1.6 of the Enrolment Policy, the Schools treat this as raising the legality of the said conditions by way of an exception of legality.

22.

The European Schools understand the Applicant's appeal as raising two grounds of appeal:

- (1) Violation of the principles of Belgian civil law and in particular the provisions of articles 373 to 387 (b) of the Belgian Civil Code.
- (2) The failure to recognise the best interests of the student and his right to education.

23.

The European Schools cite the provisions of Article 1.6 of the Enrolment Policy and suggest that the parental responsibility of the student is jointly shared between the Applicant and the mother which is not contested, having regard to the documents exhibited by the Applicant and in particular the Order of the High Court of Justice of 13 March 2020.

24.

The European Schools suggest that the Applicant's submission in regard to the Belgian Civil Code confuses the concepts of parental responsibility and custody.

25.

It is submitted that the Applicant's first ground errs both in law and in fact.

The rules of the Enrolment Policy are adopted each year, having regard to the objectives defined in the Guidelines adopted by decision of the Board of Governors of the European Schools, and in this regard, constitute norms of derived international law.

26.

The 2025/2026 Enrolment Policy provides, in particular in Articles 1.6 to 1.10, a set of rules relating to the status and conditions of action of the legal representative(s) of the applicant(s).

These rules do not interfere in any way with the rules of Belgian civil law relating to parental authority, which are applied by the family courts of the Belgian judicial system.

27.

It is not for the CEA, nor indeed for the Complaints Board, to act as judge of the modalities of exercising parental authority over a student applying for enrolment.

28.

The European Schools refer to the decision of the Complaint Board in Appeal n°16/13 of 15 September 2016, which indicated that the CEA must limit itself to verifying that the application for enrolment complies with the applicable regulations.

29.

The rules of the Enrolment Policy specifically establish a system under which, when the actions of the student's legal representatives cannot be joint, it falls exclusively

to the competent national jurisdiction (the family court) to decide on matters relating to the modalities of exercising parental authority, including choices made regarding education and training.

30.

The European Schools point out that the system established, notably by Article 374 of the Belgian Civil Code, makes this type of decision conditional specifically on the intervention of the family court, when parental authority is exercised jointly; When the father and mother do not live together, the exercise of parental authority remains joint and the presumption provided for in Article 373, paragraph 2, applies.

31.

In the absence of an agreement on the child's living arrangements, on important decisions concerning their health, education, training, leisure activities, and religious or philosophical orientation, or if such an agreement appears contrary to the child's best interests, the competent family court may grant sole parental authority to one of the parents. It may also stipulate educational decisions that can only be made with the consent of both parents.

32.

Article 387(a) of the same Code further provides that "*in all cases, (...) the family court may, at the request of the parents, one of them, or the public prosecutor, order or modify, in the child's best interests, any provision relating to parental authority.*" Accordingly, the European Schools submit that the Applicant's first ground of appeal is unfounded.

33.

With reference to the second ground of appeal, the European Schools regret the temporary situation in which the student finds himself which they describe as

undesirable, but contest the existence of any flaw in the contested decision, and more broadly, any responsibility on their part.

34.

The rules imposed by Articles 1.6 to 1.10 of the Enrolment Policy are legitimate and proportionate to their objective, which is to respect the fundamental principles underlying parental authority. These provisions are, in all respects, consistent with the principles of civil law - particularly Belgian law - in this area.

35.

Furthermore, they do not differ from the requirements for the enrolment of minors in most schools. The fact that the applicant has, until now, managed to enrol his son in several establishments without the consent of the child's mother is not sufficient to demonstrate the illegality of the provisions of the Enrolment Policy or of the decision of 17 October 2025 taken in application thereof.

36.

The European Schools reiterate that it is not for the European Schools or in the instant case the CEA to decide on matters relating to the modalities of exercising parental authority for applicants for enrolment. The CEA lacks both the resources and the expertise to do so, as these matters fall under the exclusive jurisdiction of the relevant family courts.

37.

The requirement imposed by the European Schools of Brussels for joint enrolment by the student's legal representatives, or for the submission of any document that could legitimately replace such joint action (power of attorney, court order), exists primarily to help guarantee respect for the best interests of the child and their right to education.

38.

This type of rule is specifically designed to prevent situations where, due to conflicts between parents, a child is enrolled in several schools without being able to effectively attend one of them, due to the lack of consent from one of the parents or, that one of the student's legal representatives acts without the knowledge of the other, thus disregarding the principle of joint parental authority.

39.

As is clear from the emails he exchanged with the schools, it was the Applicant's responsibility to initiate the necessary steps with the competent family court to obtain the required authorisation to enrol the student alone.

40.

Under Belgian law, it is always possible for individuals facing deadlock situations such as the one likely experienced by the applicant to submit specific requests—with the benefit of urgency, if necessary—to the competent court. The court will rule all the more swiftly when the well-being and proper development of a child are at stake.

41.

The applicant has been aware, since 14 October 2025, the day after his application for enrolment, of the exact nature of the missing documentation, which is essential for processing his application. The subsequent exchanges with the admissions office of the European School, Brussels I, on the one hand, and with the secretariat of the CEA, on the other, provided the European Schools with several opportunities to remind the applicant of the purpose of the required document.

42.

The European Schools note that the Applicant decided to take action in this regard, which they describe as a positive development.

43.

As soon as the CEA receives the court decision which the Applicant obtains regarding the student's enrolment, the processing of the enrolment application can resume and be completed without delay.

44.

In such an eventuality, the present application would become moot.

45.

With regard to the suggestion that the CEA should enrol the student on a temporary basis, the European Schools indicate that the Enrolment Policy does not, in fact, allow for the possibility of bypassing – even temporarily – compliance with the most fundamental eligibility requirements for enrolment applications.

46.

By suspending the processing of the application and clearly informing the Applicant of the required supporting documents, the CEA acted in accordance with the applicable rules, the illegality of which the Applicant has failed to demonstrate.

47.

On this basis, it is submitted that the second ground of appeal is also unfounded.

48.

In a reply filed by the Applicant on the 9th of December 2025, the Applicant complains that the Response of the European Schools failed to set out all the relevant facts known to it, including the steps that he had taken to seek the consent of the child's mother on or about the 14th October 2025 and the fact that he had acted expeditiously to bring an application to the Brussels court to enable him to act alone in having his son enrolled with the European Schools. He also complains that the European Schools did not advise him in relation to his entitlement to seek interim relief under the Rules of Procedure of the Complaints Board. He highlights the detrimental effect of the delay on his son's education in addition to anxiety, stress and want of bearings. He acknowledges that the Complaints Board has no competence to order a temporary enrolment in the European Schools. He complains that the failure of the CEA to advise him of the legal measures open to him and the limits of the jurisdiction of the Complaints Board has resulted in a disproportionate cost to him, a want of diligence on the part of the European Schools and has had a discriminatory effect on him. He adds that the European Schools should bear their own costs and that no order as to costs should be made against him on the basis that the CEA did not advise him appropriately, failed to have due regard to the superior interest of the student and he complains that the CEA and the European Schools presentation of the facts is incomplete and inexact.

Assessment of the judge rapporteur designated

49.

The Applicant has clearly been faced with difficulties which he did not expect in his application to have his son enrolled in the European Schools. This appears to have resulted from a lack of appreciation of the requirement of the European Schools, and particularly the terms of the Enrolment Policy of the Brussels European Schools for the school year 2025-2026. The fact that he apparently enrolled his son in other schools in the [REDACTED] and [REDACTED] in the past without having to face the same enrolment requirements appears to have induced him to believe that he would

not face the difficulties that he has encountered with regard to the European Schools. Furthermore, it is evident that the delays encountered in the enrolment process has inevitably had a detrimental effect on his son and his education.

On the admissibility of the appeal *ratione materiae*,

50.

Article 27.2 of the Convention establishing the Statute of the European Schools provides as follows:

The Complaints Board shall have sole jurisdiction in the first and final instance, once all administrative channels have been exhausted, in any dispute concerning the application of this Convention to all persons covered by it with the exception of administrative and ancillary staff, and regarding the legality of any act based on the Convention or rules made under it, adversely affecting such persons on the part of the board of Governors of the Administrative Board of a school in the exercise of their powers as specified by this Convention. When such disputes are of a financial character, the Complaints Board shall have unlimited jurisdiction.

The conditions and the detailed rules relative to these proceedings shall be laid down, as appropriate, by the Service Regulations for the teaching staff or by the conditions of employment for part-time teachers, or by the General Rules of the Schools.

51.

The dispute between the parties to the present proceedings is not of a financial character and accordingly the Complaints Board has only limited jurisdiction such that it may only annul the impugned decision and it does not have jurisdiction to grant temporary enrolment of the Applicant's son or to grant any other ancillary relief requested by the Applicant and accordingly, it must rule that the appeal is only valid insofar as it is limited to seeking the annulment of the decision of the CEA of 17 October 2025.

On the substance of the Applicant's appeal,

1) The plea that the impugned decision is in violation of the principle of Belgian civil law and in particular the provisions of articles 373 to 387 (b) of the Belgian Civil Code.

52.

The decision of the CEA was taken in the context of the provisions of Articles 1.6 to 1.10 of the Policy on Enrolment in the Brussels European Schools for the 2025–2026 school year (**2024-12-D-14-en-2**) which provide as follows:

*1.6. The **applicant** is the pupil's legal representative, invested with parental authority over him/her. Where there are several legal representatives, they are required to act jointly (if necessary by giving a representation mandate) for all the steps to be taken in connection with the enrolment application, on pain of inadmissibility, unless one of them is able to claim sole exercise of parental authority over the pupil or to invoke a judicial decision allowing him/her to apply on his/her own for the pupil's enrolment.*

1.7. Where the legal representatives of the child to be enrolled or transferred are separated or divorced parents jointly exercising parental authority, they are required to copy the other legal representative into all their communications with their school or the CEA, failing which their unilateral requests will not be dealt with. By way of symmetry, the school or the CEA may copy the other legal representative, whose contact details are known, into all its communications.

1.8. Where a child is recognised as being a dependant, within the meaning of Article 1.12., of a person who is not his/her legal representative, that person is required to assist the applicant in all the steps which enrolment involves.

1.9. For the purposes of submission of applications and the steps subsequent thereto, the applicant invested with joint parental authority must demonstrate that he/she has the agreement of the other legal representative. Once this has been expressed, it is presumed to have been acquired for the entire enrolment process.

1.10. In the event of disagreement between the legal representatives, expressed when submitting the application or during its handling, the dispute must be settled by the Court of the judicial system with jurisdiction, failing which the application will be declared inadmissible. The handling of the application will be suspended until a legal decision has been produced.

53.

As indicated by the European Schools, the impugned decision of 17 October 2025 in no way seeks to interfere with the jurisdiction of the Brussels Family Tribunal insofar as it is competent to grant sole parental authority to one of the parents. It

may also stipulate educational decisions that can only be made with the consent of both parents.

54.

As indicated in the case law of the Complaints Board cited by the European Schools, namely Appeal n°16/13 of 15 September 2016, which in particular indicated in paragraph 18 thereof in the context of a judgment of the Family Tribunal of Brussels that it is not for the European Schools (CEA) or the Complaints Board, but for the competent national court (i.e., the family court) to rule on the issues raised in the application insofar as they concern the scope, interpretation, or enforcement of the judgment [of the family court]. The CEA must limit itself to ascertaining that the application for enrolment complies with the applicable regulations, which it did in that case.

55.

The Applicant has failed to demonstrate that he has sole parental authority in respect of his son and having regard to the order of the High Court of Justice (Family Division) of the 20th of May 2020 referred to in paragraph 4 hereof, it is clear that that the Applicant has failed to show that he was granted sole parental authority by that court or subsequently by any competent jurisdiction thereafter or that any legal instrument exists whereby he is entitled to exercise sole parental authority in respect of his son such as to make an application for enrolment to the European Schools.

56.

In light of the foregoing, it must be concluded that the Applicant's first ground of appeal is unfounded and must be rejected.

2) The failure to recognise the best interests of the student and his right to education.

57.

The provisions of the above cited articles 1.6 to 1.10 of the Policy on Enrolment for 2025/2026 which have been applied by the CEA in the instant case are not unreasonable and they must be considered as legitimate and proportional to their objective in setting out rules for enrolment in the Brussels European Schools which respect the fundamental principles underlying parental authority. Contrary to the Applicant's contentions, the application of these rules is not in any way discriminatory as they are of general application.

58.

The CEA and the European Schools acted promptly in indicating to the Applicant what was needed and it is noted that the Applicant applied at a very early stage to the Belgian courts to obtain the necessary sole parental authority to make the enrolment application to the European Schools.

59.

While the Applicant encountered difficulties with the regulatory requirements of the European Schools on the one hand and with the requirements of Belgian law on the other hand, it is not the function of the European Schools or the CEA to provide legal advice. Furthermore, while the Registry of the Complaints Board may give informal guidance to applicants it is not required to provide legal advice or other assistance to applicants.

60.

There is no provision in the applicable rules in relation to enrolment for a provisional or temporary enrolment of pupils and the rules cannot be declared to be invalid due to the absence of such a provision. Indeed, the temporary enrolment could give rise

to other difficulties and create uncertainty. While the best interests of the child represent a guiding principle, the existence of such is not such to call into question the Policy on Enrolment of the European Schools and does not entitle the CEA to disregard the applicable rules on enrolment, which have been adopted in the best interests of the child.

61.

In these circumstances, it must be stated that the Applicant has failed to demonstrate that the best interests of the student and his right to education are such as to invalidate the impugned decision of the CEA which was taken without delay so as to enable the Applicant to address the requirements of the Policy on Enrolment as indicated to him by the CEA in a timely manner or that the requirements of the CEA were in any way excessive or represented an unlawful obstacle to the student's education in the European Schools.

62.

Accordingly, the Applicant's appeal must be rejected as unfounded.

On the legal and other costs,

63.

In accordance with the provisions of Article 27 of the Rules of Procedure of the Complaints Board *"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. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement. If costs are not claimed, the parties shall bear their own costs."*

64.

It follows from these provisions, which are furthermore entirely comparable to those in force in the majority of jurisdictions, national or international, that the party which succumbs should, in principle, pay the costs and expenses of the proceedings.

65.

However, these provisions permit the Complaints Board to assess case by case the conditions under which it should apply same.

66.

Since the European Schools are not the losing party in these proceedings and have requested that the applicant be ordered to pay costs and expenses, their submissions to that effect should normally be upheld.

67.

In the particular circumstances of the instant case, it will be a just assessment of these costs and expenses to fix them *ex aequo et bono* in the sum of € 400.

FOR THESE REASONS, the judge rapporteur designated

DECIDES

Article 1: The application of Mr. [REDACTED] to annul the decision of the CEA communicated the 17th day of October 2025, registered under the number 25/65 is rejected.

Article 2: The Applicant shall pay to the European Schools the sum of € 400 in respect of costs and expenses.

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

A. Ó Caoimh

Brussels, 14 January 2026

Original version: EN

On behalf of the Registry,
Nathalie Peigneur