

Appeal 25/53

██████████

COMPLAINTS BOARD OF THE EUROPEAN SCHOOLS

Reasoned Order of 03 October 2025

In the case registered under No **25/53**, concerning an appeal lodged on 1st September 2025 by Ms ██████████ and Mr ██████████, legal representatives and parents of ██████████, brought against the decision of the Central Enrolment Authority dated 29 August 2025 refusing them a place for their daughter in the European Schools for the 2025-2026 school year,

Mr Paul Rietjens, 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 03 October 2025, the grounds for and operative part of which appear below.

Main facts of the case and arguments of the appeal

1.

During the third enrolment phase for the 2025-2026 school year, the applicants applied for the enrolment of their daughter ██████████ ██████████ in Secondary 6 of the Greek linguistic section at the European School, Brussels III.

In their application for the enrolment of ██████████, dated 19 July 2025, they answered “NO” to the question “*The applicant(s) is/are invoking a case of force majeure within the meaning of Article 2.28. of the Policy*”.

2.

By its decision dated 29 August 2025, the Central Enrolment Authority (hereinafter: the CEA) first recalled that in accordance with the “*Enrolment Policy in the Brussels Schools for the 2025-2026 school year*” (hereinafter: the EP) all applications for the enrolment of categories I pupils have to be submitted during the first phase, except if certain well-defined conditions (contained in Articles 2.25 to 2.28 of the EP) are met. The CEA then rejected the enrolment application, finding that the applicants had failed to justify why they did not submit their application during the first phase.

Consequently, the application has been declared inadmissible and the applicants' daughter has not been granted a place at one of the Brussels European Schools for the 2025-2026 school year, on the grounds that:

“In accordance with the data you entered in the online enrolment form (“2nd Phase” tab), none of the four conditions required to submit an application during the third enrolment phase, namely:

- the applicant’s post terminates before the beginning of the school year,*
 - one of the applicants took up his/her post with effect after 31 December 2024,*
 - your child was being educated abroad during at least half of the 2024-2025 school year,*
 - a case of force majeure within the meaning of Article 2.28. of the Policy is invoked,*
- has been fulfilled.”*

3.

The current contentious appeal, dated 1 September 2025, is brought against the above-mentioned decision of the CEA.

The applicants seek the annulment of the contested decision on grounds of *force majeure*, explaining that their « ... *daughter began to show significant psychological stress linked to her school environment, which led us to seek professional support. Following regular consultations with a Consultant in Child and Adolescent Psychiatry, it was strongly recommended that a change of school environment was necessary to restore her psychological well-being and educational access.* ».

They understand that their daughter’s well-being must be safeguarded, her educational continuity and her future also.

In order to support their arguments, the applicants have provided two medical certificates:

- the first one issued by Dr. [REDACTED], “*Consultant in Child and Adolescent Psychiatry*”, drawn up in Athens and dated 1 September 2025;

- the second one issued by Dr. [REDACTED], “*General Practitioner*”, hand-dated on 2 September 2025 but referring to a consultation on 17 July 2025.

Assessment of the designated judge rapporteur

4.

Regarding the admissibility,

The appeal is brought in conformity with Article 67, paragraph 2, of the General Rules of the European Schools (GREE) and Article 14.3 of the EP and has been lodged within the required time limit (cf. Article 67, paragraph 4 of the GREE and Article 14.3.1 of the EP). Therefore, the appeal is admissible.

Regarding the merits,

5.

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

6.

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

Nor is it contested that none of the exceptions provided for in Articles 2.25 to 2.27 of the EP 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 EP.

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*”. (the Complaints Board has printed in bold)

7.

In this case, the applicants have not explained or justified, when applying during the third enrolment phase, why they did not submit their application during the first phase. The reason for this was only given in the present contentious appeal.

In order to benefit from a *force majeure* exception on medical grounds under Article 2.28 of the EP, the applicants would have needed to produce an exhaustive statement of facts and documentary evidence showing the medical condition of their daughter at the time of the submission in the third phase of enrolment that made impossible the submission in the first phase (from 7

January 2025 until 28 January 2025).

They have failed, by a significant margin, to meet the requirements of this standard of proof as the explanations were given and the first certificate issued for the very first time on 1 September 2025, long after the submission of their enrolment application (on 19 July 2025) and even after the contested decision of the CEA (of 29 August 2025). Moreover, the second medical certificate was only issued (and provided) on 2 September 2025, that is one day after the lodging of the present contentious appeal.

8.

It is also important to highlight that the applicants, in their enrolment submission, answered NO to the question “*d) The applicant(s) is/are invoking a case of force majeure within the meaning of Article 2.28. of the Policy.*”.

It is established case-law that the legality of administrative decisions must be assessed on the date on which they are made.

The decision of the CEA that considered the applicants submission inadmissible, dated 29 August 2025, was taken in accordance with the information provided by the applicants with no mention to the medical condition of their daughter. Thus, the CEA’s decision was taken in compliance with the rules applicable and with the information provided.

9.

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 conditions and 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 conditions and 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)). It goes without saying that the same responsibility applies to complying with the conditions set out in the EP for authorizing an exception to these deadlines.

10.

Last but not least, concerning the medical certificates of 1 and 2 September 2025, the Complaints Board observes, firstly, that according to Article 8.5.7 of the EP 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 decision(s) and in view of supporting the appeal against the latter cannot be taken into account if referring to pathologies non invoked previously by the applicants.

Secondly, it appears from the above-mentioned certificates that the applicants were informed about their daughter's medical condition long before submitting on 19 July 2025 the application for enrolment of ██████ in the European Schools.

Indeed, the eventual recommendation for a change of school in the first certificate (issued in Athens) is based on "**serial clinical evaluations**" revealing that **after January 2025** "*the reported stressors and symptom exacerbations were temporally associated with the current school setting,*" and also based on "**several scheduled telehealth sessions conducted between February 2025 and the current date**" (the Complaints Board has printed in bold).

The second certificate, although hand-dated on 2 September 2025 and "*issued upon request for administrative purposes*", refers to a consultation that already took place on **17 July 2025** on the basis of which the issuing general practitioner, after having examined ██████, certified that "*it is confirmed that since February 2025 she has been presenting symptoms of psychological distress and has been under the care of a specialist psychologist with regular therapy sessions*" and further on, that this psychological stress was "*strongly related to her current school environment*". For those reasons he then recommended "*that a change of school environment*" was medically necessary (the Complaints Board has printed in bold).

It follows from the information contained in the said certificates, that the applicants could perfectly well have referred to these medical findings at the time of their application for enrollment, in order to explain and justify in accordance with the relevant provisions of the EP why they did not submit their application during the first phase.

11.

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 Ms. [REDACTED] and Mr. [REDACTED], registered under No **25/53**, is dismissed.

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

P. Rietjens

Brussels, on 03 October 2025

Original version: EN

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."*