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Followed by Dorte Pardo López, tel: 57274

Mr. Gordon Mackenzie
Fond Saint Martin 25
Kirchberg
2135 Luxembourg

Subject: Your letter of 27 April 2012 (Ares(2012)538205)

Dear Mr. Mackenzie,

Thank you for your above-mentioned letter addressed to Vice-President Viviane Reding regarding the move of the European School Luxembourg II from its provisional site on the Kirchberg to its permanent site in Mamer. Vice-President and Commissioner for inter-institutional relations and administration, Maroš Šefčovič, asked me to answer your letter on his behalf.

In your letter you put forward that the opening of the European school Luxembourg II on its permanent site in September constitutes a breach of rights of the children concerned to protection and care and of the human rights to non-discrimination, property, and healthy working conditions of their parents. You also consider the mobility plan proposed by the Luxembourg authorities and supplemented by the parents' association as insufficient and inadequate to remediate the negative impact of the location of the second European School in Luxembourg.

I read your letter with great interest; however, I do not share your analysis of the situation.

As you know the European Schools are managed by an intergovernmental organisation in which all EU Member States and the European Union, represented by the European Commission, are voting members.

According to the Convention, on which this organisation is based, the host state proposes the European Schools' sites and finances their infrastructure. The only site proposed by Luxembourg in January 2002 for the European School Luxembourg II was Bertrange-Mamer. Thus this site, confirmed by the Board of Governors of the European Schools including the parents in May 2002, is the only possible measure to ensure European schooling for the more than 6000 children whose parents work for the European Institution in Luxembourg and who wish to send their children to the European Schools in the coming years.

The already overcrowded site of the European School Luxembourg I cannot receive more than the approximately 4.400 pupils it currently houses without compromising the safety and welfare of the children. On the contrary, the number of pupils on the site needs to be reduced

urgently. With the exception of the vehicular language sections, no section is big enough to be viable on two sites.

A horizontal division of the Luxembourg schools with a purely secondary school in Mamer and a purely primary and nursery school on the Kirchberg was excluded by the Board of Governors of the European Schools as early as October 2003. Such a split would have meant a fundamental modification of the structure of the schools and therefore required a unanimous decision of the Board. However, although the Commission considered it a reasonable option and defended it subsequently when it was rediscussed on several occasions in different fora, unanimity could never be reached.

In particular Luxembourg has been opposed to such a split from the beginning, since the planning for a school for all age groups had already advanced too far and since it considered such a split inadmissible under the Convention defining the Statute of the European Schools.

When, upon a request of the Commission, the Secretariat General finally confirmed in 2009 that a horizontal split was admissible in principle, the works on the site had already advanced too far to adjust the project to a purely secondary school. This is all the more true now, shortly before the opening of the site, which has particular facilities for young children, including an afterschool childcare centre.

The move of Luxembourg II to its permanent site does not constitute an unjustified discrimination on the basis of the language. The selection of the single language sections and the languages of pupils without a language section in the European School Luxembourg II (CS, DK, EL, HU, IT, MT, RO, SL, SO) took place on the basis of objective criteria such as ensuring a mix of new and older Member States, Member States from the South, East, West and North of the European Union, proximity to the residences of an important part of a linguistic community, section sizes and the possibility to regroup some sections belonging to the same language family or present in the same Member State. These are the considerations that are taken into account also in other locations where there are more than one European School and consequently a repartition of language section between schools becomes necessary. Furthermore, the decision of March 2004 concerning the language sections was generally accepted by the Member States concerned (with the exception of Italy).

Since then the families concerned were aware that the permanent site of the school of their children will be in Bertrange-Mamer. They thus had eight years to adapt to the upcoming situation. Many have done so and moved to the area close to the new site. For the distribution of children of the vehicular language sections (EN, FR, DE) between the two schools the residence is also taken into account. Changing the whole system now would run counter to the legitimate expectations of the parents who already adapted to the upcoming situation.

It is true that property prices are particularly high on the Kirchberg, but it is unclear how this discriminates against the families whose children attend school in Mamer. Property is generally expensive in Luxembourg and on the rise since 2009. However, staff members from all nationalities and income levels live west of Luxembourg City, many of them in the neighbouring Belgium. The new school itself will open for the school year 2012/13 and is equipped to the highest modern standards of education and safety and includes an indoor swimming pool. The Luxembourg authorities set up 15 new bus-lines including shuttles departing from nine different sites on the Kirchberg in the morning and returning to the site of the European School Luxembourg I in the afternoon. On the basis of the results of the survey among parents of Luxembourg II, two further bus lines have been requested to ensure that the

demand is entirely met. This goes beyond what Luxembourg provides for the parents of the European School Luxembourg I.

Furthermore, Luxembourg is constructing a bypass under the roundabout close to the school, to be terminated by September 2012, and a flyover over the N6, to be terminated at the latest in September 2013, to improve the access to the school further.

Accompaniment of the nursery and primary school children is ensured by one adult per bus to be recruited by the parents' association. This corresponds to the practice in the school busses of the other European Schools. Furthermore, in the case of the shuttles, the accompanying adult will remain with the children for 15 minutes after their arrival. This goes beyond the regular bus service, which normally ends at the bus stop upon arrival.

In view of the above I can reassure you that all is being done by those responsible, i.e. the Luxembourg authorities, the school administration, and the parents association to assure a good functioning of the European School Luxembourg II in Mamer.

Yours sincerely,



Marco-Umberto MORICCA

Copy: Mr. F. Frutuoso de Melo, Deputy Director General, DGG HR
Mr. C. Levasseur, Head of unit, DG HR.01
Mrs. C. Bardoux, Head of Unit, DG HR C/2 European Schools
Mr. K. Kivinen, Secretary General of the European Schools
Mr. E. Tournemire, Director of the European School, Luxembourg II