



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Directorate HR.C - HR Core Processes 2: Social Policy and Health
Director

Brussels

hr.ddg.c.2(2012)842084

File ERE15.05.15-06

Followed by Dorte Pardo López, tel: 57274

Mr. Gordon Mackenzie
Fond Saint Martin 25
Kirchberg
2135 Luxembourg

Subject: Your letter of 6 June 2012 (Ares(2012)669392)

Dear Mr. Mackenzie,

Thank you for your above-mentioned letter answering my letter of 25 May 2012.

In your letter you comment my answers to the points you had raised in your letter to the Vice-President of the Commission, Ms Reding, in your letter of April 2012.

As I explained in my letter, in the opinion of the Commission, the Decision of the Board of Governors of 2003 against a horizontal split does not constitute an unjustified discrimination on the basis of language, gender or income of the parents whose children attend the European School Luxembourg II, because their main language is covered by the language sections offered there.

However, the legal expert opinion joined to your letter does not offer new arguments for your position. If it is true that it is less expensive to live close to or in Bertrange than on the Kirchberg, it is difficult to understand, how this factor, which is entirely outside the control of the Luxembourg government, negatively discriminates lower income colleagues. On the contrary, it seems that this allows them to live closer to the school, than if they had their children enrolled on the Kirchberg.

If one compares the transport scheme put at the disposal by Luxembourg for the European School in Bertrange and for the European School on the Kirchberg, there is no argument for discrimination nor can one speak of a disadvantage for pupils attending Bertrange. While Luxembourg only pays for the bus lines to Luxembourg I (Kirchberg) that originate in Luxembourg City, all school bus lines to and from Luxembourg II (Bertrange) are paid for by Luxembourg. In addition to the service home – school – home, Luxembourg also offers the service work – school in the morning and school – safe place close to work (Luxembourg I) in the afternoon. This type of service is offered in no other European School.

You also point out that the parents newly arriving in Luxembourg do not have 8 years to prepare for moving to Bertrange. Actually, parents newly arriving to Luxembourg do not need time to adjust to a different situation in Luxembourg and are free to establish their residence where they wish.

While it is true that the "new" Member States were not yet members of the Board of Governors, when the decisions concerning the language sections was taken, all of them ratified the Convention being aware of the Decision. And when the matter was discussed again later on, none of these Member States, whose citizens are concerned, requested a horizontal split.

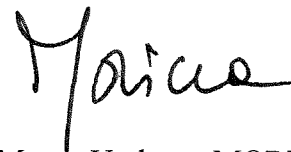
In a recent meeting of the Contact Commission of the Local Staff Committee of Luxembourg, the staff representatives did not raise the issue of a horizontal split, but rather addressed practical matters with respect to the surveillance of the pupils from Bertrange taking the shuttle to the Kirchberg upon their return at Luxembourg I after school.

In fact, many organisational and pedagogical reasons, partly drawn from the present experience, have been brought forward against a pure secondary school of that size and complexity.

Finally, I would like to reiterate that the European Schools are managed by an intergovernmental organisation, in which many decisions, as the one concerning a possible horizontal split, require unanimity. Thus, even though the Commission has sympathies for the idea of a horizontal split, such a decision could not be adopted by the Board of Governors regarding Luxembourg I and II, because Luxembourg was and continues to be opposed to it. As recently as 2009, when the possibility of a horizontal split was rediscussed in the Board of Governors Luxembourg took a clear position against a vertical split.

With respect to a possible misunderstanding concerning the nature of the school in Bertrange on the part of the Luxembourg authorities to which you refer, I would like to reassure you that the representative of Luxembourg in the Board of Governors is well aware that a vertical split means that Luxembourg II will not be a "Lycée" but a fully fledged, classical European school.

Yours sincerely,



Marco-Umberto MORICCA

Copy: Mr. F. Frutuoso de Melo, Deputy Director General, DGG HR; Chr. Levasseur, Head of Unit, DG HR.01; Mr. K. Kivinen, Secretary General of the European Schools; Mr. E. Tournemire, Director of the European School, Luxembourg II

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