Basic information

2005/2216(INI) INI - Own-initiative procedure	Procedure completed
Special report by the European Ombudsman following the complaint 1391/2002/JMA against the European schools **Subject** 4.40.03 Primary and secondary school, European Schools, early childhood	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PETI Petitions	DE ROSSA Proinsias (PSE)	13/09/2005

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Human Resources and Security	

Key events

Date	Event	Reference	Summary
17/11/2005	Committee referral announced in Parliament		
21/03/2006	Vote in committee		Summary
28/03/2006	Committee report tabled for plenary	A6-0118/2006	
06/04/2006	Decision by Parliament	T6-0135/2006	Summary
06/04/2006	Results of vote in Parliament		
06/04/2006	End of procedure in Parliament		

Technical information

Procedure reference	2005/2216(INI)
Procedure type	INI - Own-initiative procedure

Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 238-p1
Stage reached in procedure	Procedure completed
Committee dossier	PETI/6/31712

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A6-0118/2006	28/03/2006	
Text adopted by Parliament, single reading		T6-0135/2006	06/04/2006	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
MED	Supplementary non-legislative basic document	1391/2002JMA	27/02/2004	Summary

Special report by the European Ombudsman following the complaint 1391/2002/JMA against the European schools

2005/2216(INI) - 27/02/2004 - Supplementary non-legislative basic document

PURPOSE : to present a Special Report from the European Ombudsman to the European Parliament following the draft recommendation to the European Commission in complaint 1391/2002/JMA.

CONTENT : on 25 July 2002, a Community official whose daughter is mentally handicapped complained to the Ombudsman about the failure of the European Schools to provide a suitable educational programme for Special Educational Needs (SEN) children of officials. Since the European Schools could not meet those special needs, the complainant was compelled to take her daughter to an alternative education system, the costs of which were not entirely covered by the Commission. Instead, the institution required the complainant to make a financial contribution to the cost of her daughter's special education. The complainant also argues that the Commission, as her employer, failed to carry out its duty to ensure a free education for her child.

Following his inquiry into the case, the Ombudsman took the view that the integration of children with special educational needs (SEN children) into the ordinary education system remains a general policy goal, albeit without a mandatory character. In the absence of a binding legal provision, the Ombudsman did not find that the fact that the complainant’s daughter could not be educated in one of the European Schools constituted maladministration.

The Ombudsman nevertheless found that the financial aspects of the situation constituted an unjustified discrimination, and made a draft recommendation that the Commission should take the necessary steps to ensure that parents of SEN children who are excluded from the European Schools because of their degree of disability should not be required to contribute to the educational costs of their children.

The Commission's detailed opinion, as well as the additional information sent by its services, do not accept unequivocally the draft recommendation. Nor do these documents indicate that the Commission appears willing to reverse its current policy on charging officials for the education of their SEN children. After fully examining the Commission’s arguments, the Ombudsman considers it appropriate to make a Special Report on the matter to the European Parliament and to include a recommendation

therein.

It should be noted that in the course of the inquiry into complaint 1391/2002/JMA, the Ombudsman received a significant number of additional complaints which involved similar facts and raised identical allegations. The Ombudsman also informed the Commission of these complaints. The Ombudsman therefore considers that the analysis in this Special Report and the recommendation also apply to these complaints, which are listed in an annex to this report.

Special report by the European Ombudsman following the complaint 1391/2002/JMA against the European schools

2005/2216(INI) - 06/04/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Proinsias **DE ROSSA** (PES, IE) following a complaint against the European Schools. (Please see the summary of 21/03/2006.) Complaint No 1391/2002/JMA concerned the fact that the European Schools did not provide for the special educational needs of the complainant's daughter and that the Commission was not willing to cover the full cost of the child's special education in the chosen alternative education system available to her (the fee-paying 'International School' of Brussels), resulting in considerable costs being incurred by the family. The Ombudsman also conducted inquiries into a significant number of additional complaints against the European Schools involving similar facts and raising identical allegations. Parliament endorsed the Ombudsman’s conclusions and called on the Commission to take the necessary steps to reimburse to parents of children with special educational needs who are excluded from the European Schools because of their degree of disability the full cost of special educational provision for their children. The Ombudsman's recommendation should also apply to the other complaints which he received in the course of his inquiry involving similar facts and identical allegations.

Parliament underlined that the principle of non-discrimination and equal treatment and the prohibition of any type of discrimination based on grounds of disability constitute the principles and foundations of the EU legal order.

It noted that, whilst the Commission had repeatedly referred to the existence of financial and budgetary limitations which prevent it from covering the full educational costs of children with special educational needs who are excluded from the European Schools, the institution had made no effort to produce an estimate of the financial resources required to meet the obligations imposed by the EC Treaty.

Parliament noted that the Commission provides a doubled dependent child allowance to assist officials with the non-educational costs arising from caring for a child with disabilities. It condemned the Commission’s unilateral withholding of that allowance for the purpose of reducing the Commission's costs in meeting its obligations to the complainant's child.

Finally, Parliament called on the Commission to clarify the extent to which it takes responsibility for ensuring that children of officials have access to appropriate free compulsory education.