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| --- | --- |
|  | **Schola Europaea** / Office of the Secretary-General |

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**Sixth Report of the BREXIT Working Group**

**Board of Governors**

**Meeting on 15 – 17 April 2020**

1. **Background**

On 31 January 2020 the United Kingdom (UK) left the European Union.

The BREXIT is accompanied by a Withdrawal Agreement, agreed between the UK government and the European Union, which was ratified by the European Parliament on 29 January 2020.

The Withdrawal Agreement addresses the relation between the UK and the EU during a transitory period which is supposed to end on 31 December 2020, unless the contracting parties may agree on a prolongation of this period in accordance with Article 132 of the Withdrawal Agreement.

Article 125 of the Withdrawal Agreements addresses the relation between the UK and European Schools during this transitory period. For this particular relation the transitory period does not end on 31 December 2020, **but on 31 August 2021**. This ensures that the UK will fulfil its obligation during the whole 2020/21 school year.

**Article 125 of the Withdrawal Agreement reads as follows:**

*ARTICLE 125*

*European Schools*

*1. The United Kingdom shall be bound by the Convention defining the Statute of the European Schools[[1]](#footnote-1), as well as by the Regulations on Accredited European Schools adopted by the Board of Governors of the European Schools, until the end of the school year that is ongoing at the end of the transition period.*

*2. The United Kingdom shall, with respect to pupils who before 31 August 2021 acquired a European baccalaureate and to pupils who are enrolled in a cycle of secondary studies in a European School before 31 August 2021 and acquire a European baccalaureate after that date, ensure that such pupils enjoy the rights provided for in Article 5(2) of the Convention defining the Statute of the European Schools.*

As already mentioned, Article 132 of the Withdrawal Agreement provides the **possibility** to prolong the transition period up to one or two years, by a single decision adopted by the Joint Committee, comprising representatives of the Union and of the UK. Such an extension would also concern the relation between the UK and the European Schools.

Article 132 and Article 164 of the Withdrawal Agreement read as follows:

*ARTICLE 132*

*Extension of the transition period*

*1. Notwithstanding Article 126, the Joint Committee may, before 1 July 2020, adopt a single decision extending the transition period for up to 1 or 2 years[[2]](#footnote-2).*

*2. …*

*3. A decision of the Joint Committee under paragraph 1 shall:*

*(d) adapt the dates or periods referred to in Articles 51, 62, 63, 84, 96,* ***125****, 141, 156, 157 and Annexes IV and V to reflect the extension of the transition period.*

*ARTICLE 164*

*Joint Committee*

*1. A Joint Committee, comprising representatives of the Union and the United Kingdom, is hereby established. The Joint Committee shall be co-chaired by the Union and the United Kingdom.*

1. **Content of the ‘Sixth Report of the BREXIT Working Group’**

In April 2017 the Board of Governors decided to set up a Working Group to deal with all potential consequences of the ‘BREXIT’.

The Working Group was expected to analyse the legal situation and the potential consequences in the financial, the administrative and in the pedagogical areas. The Working Group should provide a risk assessment and define measures to mitigate identified risks. Finally, the Working Group was expected to prepare concrete proposals for the Board of Governors in order to ensure the ongoing provision of high quality teaching in all existing language sections in the European Schools also after the BREXIT.

So far, the Working Group, which is composed of

* the Secretary-General of the European Schools,
* the Deputy Secretary-General of the European Schools (chairman),
* a representative of the EU Commission,
* three representatives of the Board of Governors (troika),
* a representative of the Directors,
* a representative of the Board of Inspectors,
* a representative of the seconded teaching staff,
* a representative of the locally recruited teaching staff,
* a representative of Interparents,

provided five Reports to the Board of Governors.

Based on the ‘Fifth Report of the BREXIT Working Group’[[3]](#footnote-3) the Board Governors mandated at its meeting in December 2019 the BREXIT Working Group **“to further explore ways to mitigate the risks linked to a BREXIT with and without a Withdrawal Agreement”.**

The ‘Sixth Report of the BREXIT Working Group’ only refers to the final scenario (BREXIT with a Withdrawal Agreement) and does

* provide a summary on the general legal consequences of the BREXIT with a Withdrawal Agreement,
* illustrate the impact of the BREXIT on the staffing,
* summarize the legal status of the staff of the European Schools with UK nationality as of 1 February 2020,
* illustrate the impact of the BREXIT on other areas than staffing,
* provide first proposals to mitigate the risks linked to the consequences of the BREXIT after the end of the transitory period (31 August 2021) and
* provide a draft mandate for the Secretary-General and the BREXIT Working Group to be approved by the Board of Governors in April 2020.

1. **General legal consequences of the BREXIT**

The BREXIT Working Group provided already in its previous five reports an overview on the legal consequences of the BREXIT.

As the BREXIT with a Withdrawal Agreement has become a fact this report only summarizes the consequences of the BREXIT with a Withdrawal Agreement. It does not repeat the discussions linked to the different interpretation of the Convention defining the Statute of the European Schools illustrated in previous reports.

**Main consequences of the BREXIT under the Withdrawal Agreement, including for the European Schools a transition period until 31 August 2021**

* ***“The United Kingdom shall be bound by the Convention defining the Statute of the European Schools, as well as by the Regulations on Accredited European Schools adopted by the Board of Governors of the European Schools, until the end of the school year that is ongoing at the end of the transition period.”***

**This means in particular:**

* The UK will maintain its obligation to contribute to the system of the European Schools by seconding staff until 31 August 2021.
* The UK will continue to contribute with two national inspectors to the system of the European Schools until the end of the 2020/21 school year.
* The UK will continue to provide subject experts.
* The UK delegation **may be invited** to the Board of Governors and other bodies of the European Schools to take part in the discussions on particular points on the agenda only when it is necessary for the functioning of the system of the European Schools and only as observers, **i.e. without voting rights**.
* ***“The United Kingdom shall, with respect to pupils who before 31 August 2021 acquired a European baccalaureate and to pupils who are enrolled in a cycle of secondary studies in a European School before 31 August 2021 and acquire a European baccalaureate after that date, ensure that they enjoy the rights provided for in Article 5(2) of the Convention defining the Statute of the European Schools.***

**This means in particular:**

* The European Baccalaureate will be recognised by the UK for pupils
* who have acquired the BAC before 31 August 2021, but also for pupils,
* who are enrolled in the secondary cycle before 31 August 2021 no matter when they acquire their BAC.
* **Possibility of a prolongation of the transition period for up to one or two years in accordance with Article 132 Withdrawal Agreement.**

1. **Legal situation of the staff members of the European Schools with UK nationality**

The European Schools employ in all staff categories (Seconded Staff, Locally Recruited Teachers, Administrative and Ancillary Staff) staff members with UK nationality. These colleagues are an integral part of the European Schools and have become third county nationals as of the date of the BREXIT.

On 7 October 2019 and on 23 January 2020, all staff members of the European Schools with UK nationality have received from the Office of the Secretary-General updated information linked to their residence rights as of 1 February 2020.

A comprehensive overview on the residence rights of UK nationals in all EU27 Member States can be find under the following link which is supposed to be updated on a regular basis: <https://ec.europa.eu/info/brexit/brexit-preparedness/citizens-rights_en>.

**a) Seconded Staff Members**

The number of staff members seconded by the UK government has decreased over the last years from 247 in the 2010/11 school year to 48 in the 2019/20 school year.

|  |  |  |
| --- | --- | --- |
| **School year** | **Total number[[4]](#footnote-4)** | **remarks** |
| **2010/11** | 247 |  |
| **2011/12** | 233 |  |
| **2012/13** | 217 |  |
| **2013/14** | 177 |  |
| **2014/15** | 143 |  |
| **2015/16** | 119 |  |
| **2016/17** | 108 |  |
| **2017/18** | 78 |  |
| **2018/19** | 55 |  |
| **2019/20** | 48 |  |
| **2020/21** | 28 | Estimation |

The majority of the seconded UK staff in the system are currently in their last two years of secondment. The UK delegation has agreed on a prolongation of their secondment for a tenth or eleventh year until the end of the 2020/21 school year.

Although the European Schools have already experienced a significant loss of UK colleagues, the effect of losing the remaining colleagues with UK nationality should not be underestimated.

During their secondment UK staff members are – like seconded staff members from other Member States – subject to the seat agreement between the hosting Member State and the Board of Governors. Most of the seat agreements foresee special rights to members of the seconded staff including the entitlement to a special residence permit[[5]](#footnote-5). This means that UK seconded staff members should not be in need of a particular residence permit as long as their secondment continues. Only after the termination of the secondment a residence permit would be required.

**b) Locally Recruited Teachers**

The number of locally recruited teachers in general and the number of locally recruited teachers with UK nationality has increased significantly over the last years. Currently, 174 locally recruited teachers with UK nationality[[6]](#footnote-6) are employed in the European Schools.

Their rights and duties are ruled out in the Service Regulations for Locally Recruited Teachers in the European Schools that entered into force on 1 September 2016.

The BREXIT on 31 January 2020 does not have direct implications on their existing contractual relations to the European Schools.

Nevertheless, these locally recruited teachers have lost their EU citizenship and their freedom of movement will be impacted in future. This will influence the decision of locally recruited teachers to stay or to leave the system.

Moreover, this will also have an impact on the attractiveness of the European Schools as potential employer.

Different from seconded staff members, locally recruited teachers are not entitled to a particular residence permit.

Having become third country nationals as of the withdrawal date they are subject to interim measures which have been established by all EU Member States including those Member States hosting a European School. For the details of these interim measures see the following link: <https://ec.europa.eu/info/brexit/brexit-preparedness/citizens-rights_en>).

**c) Administrative and Ancillary Staff (AAS)**

With the closing of the European School Culham on 31 August 2017, the number of members of the AAS with UK nationality has dropped to 9[[7]](#footnote-7).

Like the contract for the Locally Recruited Teachers, the BREXIT has direct implications on their contractual relations to the European Schools.

Nevertheless, the attractiveness of the European Schools as an employer may be affected by a BREXIT, although the impact on the system will be minor due to the low number of AAS members with UK nationality.

With respect to their residence for members of the AAS the same rules do apply as for locally recruited teachers.

**d) Summary**

The legal situation of staff of the European Schools with UK nationality can be summarized as follows:

**Main consequences of the BREXIT with the Withdrawal Agreement, including for the European Schools a transition period until 31 August 2021**

* **The United Kingdom will be a third country as of the withdrawal date.**
* **Staff members with a UK nationality will become ‘third country nationals” as of the withdrawal date.**

**This means in particular:**

* **Seconded staff members** may finalise their secondment on 31 August 2021 at the latest.

The basis of their legal residence in the hosting Member State **during their secondment** is provided in the Seat Agreements between the Board of Governors and the hosting Member States (see for the details Annex VI).

* **Locally Recruited Teachers (LRT) and Administrative and Ancillary Staff (AAS)** are in principle considered as workers within the meaning of Article 45 TFEU and are therefore protected by the provisions of the Withdrawal Agreement.

1. **Situation with respect to the national inspectors and UK experts and external examiners**

The European Schools are supported by two national inspectors, nominated by the UK delegation. They carry responsibility for the evaluation of seconded teachers, for curriculum development as it relates to English and for related teacher professional development.  In addition, the UK secondary inspector has overall responsibility for the quality assurance of European Baccalaureate English examinations, both written and oral which are offered at six levels: L1; L1A; L11; L11A; L111 and LIV.

Experts play a key role in relation to the European Baccalaureate. Under the guidance of the national inspector, they are involved in the evaluation of examination proposals, the elaboration of the written examination papers, the selection of examination material, the quality assurance of oral examination proposals and English language versions of papers in other subjects.

Currently, there are 11 experts of UK nationality involved in the European Baccalaureate; 6 of these are involved in English and 5 in other subjects.

In 2019, the European Baccalaureate generally also involved approximately 80 external correctors with UK nationality (50 for the written examinations and 30 for the oral examinations). The recruitment and approval of these correctors is also undertaken by the UK secondary inspector.

The number of candidates who sat the English language examinations in the European Baccalaureate 2019 indicate the scale of the undertaking:

|  |  |  |
| --- | --- | --- |
| **Level** | **Candidates: Written** | **Candidates: Oral** |
| L1 | 353 | 353 |
| L1A | 54 | 54 |
| L2 | 1227 | 910 |
| L2A | 164 | 140 |
| L3 | 232 | 68 |
| L4 | 0 | 0 |
| **TOTAL** | **2030** | **1525** |

The cooperation with the national inspectors, which is based on the Convention of the European Schools, will end by the end of the 2020/21 school year.

The possibility to continue to the cooperation with the UK authorities after this transition period and also the possibility to buy in external expertise may only be explored further at a later stage depending on the legal situation that will prevail and therefore needs to be addressed accordingly in future reports of the BREXIT Working Group.

1. **Potential areas and measures to mitigate the risks linked to the BREXIT after 31 August 2021**

Before addressing potential areas and measures to mitigate the risks linked to BREXIT and to ensure high quality teaching and learning after 31 August 2021, Article 31 of the Convention of the European Schools, which deals with the denouncement of the Convention by a contracting party, and in particular its paragraph 2 should be recalled.

Article 31 paragraph 1 and 2 of the Convention read as follows:

**Article 31**

1. Any Contracting Party may denounce this Convention by written notification to the Luxembourg Government; the latter shall inform the other Contracting Parties upon receipt of the notification. Denunciation shall be notified by 1 September of any year in order to take effect on 1 September the following year.

2. A Contracting Party which denounces this Convention shall abandon any share in the assets of the Schools. **The Board of Governors shall decide which organizational measures, including staff measures, are to be taken as a result of denunciation by any of the Contracting Parties.**

The second sentence of Article 31.2 of the Convention of the European Schools can be considered as a legal basis for potential decisions of the Board of Governors on organizational measures, including staff measures, in order to deal with the impact of the BREXIT on the system of the European Schools.

**a) Areas to be tackled**

Areas to be tackled by such organizational measures are the future

* staffing of the European Schools with highly qualified EN native teachers,
* replacing the UK inspectors and supporting the remaining Irish inspectors,
* continuation of the cooperation with UK experts,
* recognition of the European BAC beyond the legal obligation laid down in Article 125 of the Withdrawal Agreement.

**b) Potential measures**

The importance of the Anglophone sections to the European Schools and the relevance of the English language are obvious, and therefore measures to ensure a continuity of service and to mitigate the risks after the end of the transitory period have to be explored.

The European Schools hope that a constructive collaboration with the UK will continue in the future, but for the time being, it is not clear to which extent the European Schools may rely on a future cooperation with UK authorities after the transitory period will have expired.

Therefore, the members of the BREXIT Working Group agreed that potential resources to mitigate the risks linked to the BREXIT should be found first within the EU without excluding a potential cooperation with the UK government after 31 August 2021.

Consequently, a distinction should be made between measures which would not require any future governmental UK commitment and measures involving also in future the UK government.

**aa) EU internal measures**

EU internal measures could be:

* incentives for other Member States for seconding English native speakers;
* a reinforcement of the Irish inspectors;
* a temporary or permanent recruitment of expert(s) taking over a coordinating role in the Office of the Secretary-General (potential tasks: involvement in the recruitment of English native teachers and experts, supporting the existing inspectors).

This list of potential measures is not exclusive; other measures could be foreseen depending on further discussions in the Board of Governors and its preparatory bodies.

**bb) Potential future cooperation with the UK**

It should be further explored whether the UK is interested in a continuation of the cooperation beyond 31 August 2021 which is supposed to be beneficial for both parties.

Ideally, such a potential future cooperation with the UK government beyond 31 August 2021 should be addressed in the negotiations on the future relationship between the EU 27 and the UK. Whether such a cooperation could also be based on an agreement between the UK government and the Board of Governors[[8]](#footnote-8) needs further legal analysis.

In this context it should be recalled that also the European Council has reconfirmed in its Conclusions of 13 December 2019[[9]](#footnote-9) “*its desire to establish as close as possible a future relationship with the UK”*.

Ideally, the negotiations between the EU 27 and the UK should address areas already mentioned above:

* support in the recruitment of highly qualified EN native teachers,
* support in the search of EN native experts,
* recognition of the European BAC beyond the legal obligation laid down in Article 125 of the Withdrawal Agreement.

**cc) Summary**

In order to progress in this direction and to explore EU internal measures as well as possibilities of a continuation of the cooperation with the UK, the Board of Governors should provide the Secretary-General and the BREXIT Working Group with a comprehensive mandate.

A proposal for such a mandate is provided in Annex I of this document.

1. **Conclusions of the Budgetary Committee**

The Budgetary Committee expressed a favourable opinion on the Working Group's Report and requested that issues concerning the European Schools might be included in the agreement on the future relationship between the EU and the UK.

1. **Proposal**

The members of the Board of Governors are invited to take note of the ‘Sixth *Report of the BREXIT Working Group’*;

Moreover, the members of the Board of Governors are invited to support the proposal to address a potential cooperation between the EU 27 and the UK in the negotiations on the future relationship between the EU 27 and the UK.

Finally, the Board of Governors is invited to approve the draft mandate provided in Annex I of the ‘Sixth Report of the BREXIT Working Group’.

**Annex I**

**Proposal for a**

**‘Draft Mandate of the Secretary-General and the BREXIT Working Group’**

The Board of Governors of the European Schools,

* recognizing that the United Kingdom will no longer be bound by the Convention defining the Statute of the European Schools as of 1 September 2021,
* acknowledging the impact, the BREXIT will have on the system of the European Schools as of the 2021/22 school year,
* confirming its determination to limit the impact of the BREXIT on the system of the European Schools,
* confirming its readiness to establish as close as possible a future relationship with the United Kingdom,

welcomes any efforts to integrate aspects of a future cooperation between the European Schools and the United Kingdom in the negotiations on the future relationship between the EU 27 and the UK and

mandates

* the BREXIT Working Group to provide proposals for concrete measures to limit the impact of the BREXIT on the system of the European Schools.

Any such proposal shall be submitted to the Board of Governors for approval by December 2020.

**Annex II**

**Indicative Calendar[[10]](#footnote-10)**

|  |  |  |
| --- | --- | --- |
| **Date** | **European Schools** | **EU Article 50 Negotiations** |
| 29 March 2017 |  | Notification of the BREXIT by the UK Government |
| 4 – 7 April 2017 | Decision of the Board of Governors to set up a working group dealing with the BREXIT |  |
| 29 April 2017 |  | EU Council at EU 27 adopted a set of political guidelines which define the framework for the negotiations |
| 3 May 2017 |  | EU COM recommendations including negotiation guidelines |
| 10 May 2017 | 1st meeting of the BREXIT Working Group |  |
| 22 May 2017 |  | EU Council authorised the opening of the negotiations |
| 12 June 2017 |  | EU COM Position Paper “Essential Principles on Financial Settlement” mentioning the ES |
| 19 June 2017 |  | 1st round of Article 50 negotiations   * Publication of terms of reference |
| 17 – 20 July 2017 |  | 2nd round of Article 50 negotiations |
| 28 – 31 August 2017 |  | 3rd round of Article 50 negotiations |
| 11 September 2017 | 2nd meeting of the BREXIT Working Group |  |
| 18 - 21 September 2017 |  | 4th round of Article 50 negotiations |
| 9 – 12 October 2017 |  | 5th round of Article 50 negotiations |
| 7 – 8 November 2017 | Budgetary Committee |  |
|  |  |  |
| 9 – 10 November 2017 |  | 6th round of Article 50 negotiations |
| 13 November 2017 | 3rd Meeting of the BREXIT Working Group |  |
|  |  |  |
| 5 – 7 December 2017 | **1st Report to be presented to the Board of Governors**   * Prolongation of the accreditation of ES Europa until the end of 2018/19 school year |  |
|  |  |  |
| 15 December 2017 |  | Article 50 Council Negotiation Guidelines |
| 29 January 2018 |  | Article 50 Council Decision with supplementary negotiation directives |
| 7 February 2018 |  | COM position paper on ‘Transitional arrangements in the Withdrawal Agreement’ |
| 21 February 2018 |  | UK position paper concerning the ‘Implementation Period’ |
|  |  |  |
| 22 February 2018 | 4th Meeting of the BREXIT Working Group |  |
|  |  |  |
| 28 February 2018 |  | Publication of the EU COM Draft Withdrawal Agreement |
|  |  |  |
| 13 – 14 March 2018 | Budgetary Committee |  |
|  |  |  |
| 22 – 23 March 2018 |  | European Council  Council Guidelines of 23 March 2018 |
|  |  |  |
| 17 – 19 April 2018 | **2nd Report to be presented to the Board of Governors**   * Recommendations with respect to the Article 50 ‘withdrawal agreement’ * Proposals to amend the Service Regulations for LRT |  |
|  |  |  |
| June 2018 |  | European Council |
| 19 July 2018 |  | EU COM Communication ‘Preparing for the withdrawal of the United Kingdom from the EU on 30 March 2019” |
|  |  |  |
| 20 September 2018 | 5th Meeting of the BREXIT Working Group |  |
|  |  |  |
| 17 October 2018 |  | European Council   * No finalization of the EU Article 50 negotiations |
|  |  |  |
| November 2018 | Budgetary Committee |  |
| 25 November 2018 |  | Extraordinary European Council – Approval of the Withdrawal Agreement |
|  |  |  |
| December 2018 | **3rd Report to be presented to the Board of Governors** |  |
|  |  |  |
| 21 February 2019 | 6th Meeting of the BREXIT Working Group |  |
| 5 – 6 March 2019 | Budgetary Committee |  |
|  |  |  |
| 21 - 22 March 2019 |  | European Council  Decision to postpone the date of BREXIT to 12 April 2019 |
|  |  |  |
| 29 March 2019 |  | **Originally envisaged date of BREXIT** |
|  |  |  |
| 9 – 12 April 2019 | **4th Report to be presented to the Board of Governors** |  |
|  |  |  |
| 11 April 2019 |  | European Council  Decision to postpone the date of BREXIT to 31 October 2019 |
|  |  |  |
| 12 April 2019 |  | **postponed date of BREXIT in case of ‘no deal’** |
| 22 May 2019 |  | **Postponed date of BREXIT in case of a Withdrawal Agreement** |
|  |  |  |
| 6 July 2019 | Renewal of the Accreditation and Cooperation Agreement with Europa School UK, Culham |  |
|  |  |  |
| 2 September 2019 | Information Directors |  |
| 7 October 2019 | Information letter to UK staff |  |
|  |  |  |
| 28 October 2019 |  | European Council  Decision to postpone the date of BREXIT to 31 January 2020 |
| 31 October 2019 |  | **Postponed date of BREXIT** |
|  |  |  |
| 18 November 2019 | 7th Meeting of the BREXIT Working Group |  |
|  |  |  |
| 3 – 5 December 2019 | **5th Report to be presented to the Board of Governors** |  |
|  |  |  |
| 31 January 2020 |  | **Date of BREXIT** |
|  |  |  |
| 6 February 2020 | 8th Meeting of the BREXIT Working Group |  |
| 10 – 11 March 2020 | Budgetary Committee |  |
|  |  |  |
| April 2020 | **6th Report to be presented to the Board of Governors** |  |
|  |  |  |
| 31 August 2021[[11]](#footnote-11) | End of transitory period according to Article 125 of the Withdrawal Agreement |  |

**Annex III**

**School population[[12]](#footnote-12)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Pupils in English section without any British nationality | | | | | |
|  |  |  |  |  |  |
|  | **M** | **P** | **S** | **Total** |  |
| **Alicante** | 15 | 96 | 128 | **239** |  |
| **Bergen** | 18 | 98 | 127 | **243** |  |
| **Bruxelles I** | 15 | 103 | 191 | **309** |  |
| **Bruxelles I (Berkendael)** | 15 | 7 |  | **22** |  |
| **Bruxelles II** | 17 | 106 | 151 | **274** |  |
| **Bruxelles III** | 10 | 81 | 152 | **243** |  |
| **Bruxelles IV** | 28 | 168 | 290 | **486** |  |
| **Frankfurt** | 43 | 199 | 255 | **497** |  |
| **Karlsruhe** | 22 | 104 | 143 | **269** |  |
| **Luxembourg I** | 55 | 185 | 167 | **407** |  |
| **Luxembourg II** | 44 | 181 | 256 | **481** |  |
| **Mol** | 18 | 84 | 155 | **257** |  |
| **München** | 18 | 64 | 113 | **195** |  |
| **Varese** | 44 | 140 | 164 | **348** |  |
| **Total** | **362** | **1616** | **2292** | **4270** |  |
|  |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Language 2[[13]](#footnote-13) | | | |
|  |  |  |  |  |  |
|  | **P** | | **S** | **Total** |  |
| **Alicante** | 256 | | 429 | **685** |  |
| **Bergen** | 124 | | 222 | **346** |  |
| **Bruxelles I** | 735 | | 1358 | **2093** |  |
| **Bruxelles I (Berkendael)** | 353 | |  | **353** |  |
| **Bruxelles II** | 634 | | 1191 | **1825** |  |
| **Bruxelles III** | 669 | | 1235 | **1904** |  |
| **Bruxelles IV** | 650 | | 1072 | **1722** |  |
| **Frankfurt** | 305 | | 455 | **760** |  |
| **Karlsruhe** | 168 | | 194 | **362** |  |
| **Luxembourg I** | 699 | | 1029 | **1728** |  |
| **Luxembourg II** | 599 | | 897 | **1496** |  |
| **Mol** | 106 | | 217 | **323** |  |
| **München** | 287 | | 603 | **890** |  |
| **Varese** | 360 | | 590 | **950** |  |
| **Total** | **5945** | | **9492** | **15437** |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**Language 3[[14]](#footnote-14)**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | **S** |  |
| **Alicante** | 39 |  |
| **Bergen** | 2 |  |
| **Bruxelles I** | 404 |  |
| **Bruxelles II** | 446 |  |
| **Bruxelles III** | 392 |  |
| **Bruxelles IV** | 323 |  |
| **Frankfurt** | 192 |  |
| **Karlsruhe** | 94 |  |
| **Luxembourg I** | 440 |  |
| **Luxembourg II** | 305 |  |
| **Mol** | 22 |  |
| **München** | 580 |  |
| **Varese** | 38 |  |
| **Total** | **3277** |  |
|  |  |  |

**Annex IV**

**Updated Risk Analysis ‘BREXIT’**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Risk** | **Description** | **Action** | **Comments** |
| 1 | **Financing of the system** | With the ‘BREXIT’, the financing of the EU will be reviewed. The amount of the future contribution of the EU COM to the budget as of 2021 is unclear.  The contribution of the UK delegation via secondments risks going down to zero.  In the same time the need for English native, locally recruited teachers, financed by the EU COM, will increase. | * Preparation of the 2021 budget * Review of the ‘cost sharing mechanism’ |  |
| 2 | **Staffing** | The number of staff seconded by the UK risks going down to zero.  The attractiveness of the European Schools as employer for UK nationals is at risk. | * Mandate LRT WG to analyse the attractiveness of the ‘package’ offered to LRT * Concrete proposals of the LRT WG by 04/2018 * Explore further ways to attract and retain EN native teaching staff | done  adopted by the BoG in April 2018  concrete proposal to create ‘protected functions’ was approved by the BoG in April 2019 |
| 3 | **Loss of teaching and learning quality** | The loss of English native teachers and pupils might affect the quality of teaching and learning.  The system will lose two inspectors who play a key role in quality assurance.  The system might risk losing experts with UK nationality. | * Analysis of the language sections in the 13 schools * Analysis of possibilities to compensate the loss of expertise of UK inspectors   Analysis of the possibilities to continue the contracting of experts with UK nationality | Done  Mandate given to the BREXIT WG in December 2019  Dto. |
| 4 | **Recognition of the BAC in the UK** | With the denunciation of the Convention, the BAC is no longer automatically recognised in the UK. | * Recognition of the BAC could be part of an ‘agreement’ * Analysis of the ‘Convention on the Recognition of Qualifications concerning Higher Education in the European Region’. First step: contact DG EAC by 10/2017 * Define the role of UCAS coordinators | Recognition is part of the ‘withdrawal agreement’  Outcome: The Convention of the Council of Europe does not help |
| 6 | **Accreditation process of the Europa School UK, Culham** | The accreditation process of the Europa School Culham might be influenced because the school will no longer be located in an EU Member State. | * Legal clarification by 12/2017 * Verify whether the cooperation with the Europa School UK, Culham could be subject to a particular agreement * Renewal of the Accreditation in time | Accreditation is addressed in the ‘Withdrawal Agreement’  Decision of the BoG in April 2019 to renew Accreditation  6 July 2019 renewal of the Accreditation |

**Annex V**

**Overview ‘Residence Permit’**

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| **Member States** | **Seconded Staff**  **(until termination of the secondment)** | **Locally Recruited Staff**  **An update of the residence rights in all hosting Member States can be found under the following link:**  <https://ec.europa.eu/info/brexit/brexit-preparedness/citizens-rights_en>. |
| **Belgium** | ***Seat Agreement of 12 October 1962***  *Article 7*  *Le Ministère des Affaires étrangères du Royaume de Belgique délivrera aux directeurs et aux membres du corps enseignant des Ecoles qui n’ont pas la nationalité belge, le permis séjour spécial établi conformément à l’arrêté royal du 6 décembre 1955, relatif au séjour en Belgique de certains étrangers privilégiés.*  *Article 8*  *Sur le territoire belge, les directeurs, ainsi les membres du corps enseignant et le personnel administratif des Ecoles :*  *a) ne si-ont pas soumis, non plus que leur conjoint et les membres de leur famille vivant à leur charge, aux dispositions limitant l’immigration et aux formalités d’enregistrement des étrangers ;* |  |

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| **Germany** | **Sitzstaatabkommen zwischen der Regierung der Bundesrepublik Deutschland und dem Obersten Rat vom 21. Januar 1994[[15]](#footnote-15)**  *Artikel 8*  *Die ausländischen Bediensteten der Schulen sowie die zu ihrem Haushalt gehörenden und von ihnen unterhaltenen Familienmitglieder unterliegen nicht dem Erfordernis einer Aufenthalserlaubnis. Die Bestimmungen über die allgemeine Meldepflicht nach den Meldegesetzen der Länder der Bundesrepublik Deutschland bleiben unberührt.*  **Sitzstaatabkommen zwischen der Regierung der Bundesrepublik Deutschland und dem Obersten Rat vom 31. Juli 2002[[16]](#footnote-16)**  *Artikel 8*  *Das abgeordnete Personal der Schule sowie die zu ihrem Haushalt gehörenden und von ihnen unterhaltenen Familienmitglieder unterliegen nicht dem Erfordernis einer Aufenthalserlaubnis. Die Bestimmungen über die allgemeine Meldepflicht nach den Meldegesetzen der Länder der Bundesrepublik Deutschland bleiben unberührt.* |  |

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| **Italy** | **Seat Agreement between the Republic of Italy and the Board of Governors of September 1963**  Article 7  *Le Ministère des Affaires Etrangères délivrera au directeur et aux membres du corps enseignant ainsi qu’au personnel administratif de l’Ecole n’ayant pas la nationalité italienne une carte de séjour spéciale.* |  |

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| **Luxembourg** | **Seat Agreement between the Government of the Grand Duchy of Luxembourg and the Board of Governors of 13 October 1971**  *Article 7*  *The Heads and the members of the teaching staff of the School who do not have Luxembourg nationality shall qualify for the special conditions established for the residence in the Grand Duchy of Luxembourg of certain privileged aliens.*  *Article 8*  *In the territory of the Grand Duchy of Luxembourg, the Representative of the Board of Governors, his staff, the Heads and the members of the teaching staff and the administrative staff of the School shall:*  *(a) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for registration of aliens;* |  |

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| **Netherlands** | **Seat Agreement between the Netherlands and the Board of Governors** o |  |

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| **Spain** | **Seat Agreement between Spain and the Board of Governors**  *Artículo 5*  *Los Directores, los miembros del personal docente y el Administrador, destinados a la Escuela por los Estados miembros:*  *- No estarán sometidos, al igual que su cónyuge o los miembros de su familia que vivan a su cargo, a las disposiciones limitativas de la inmigración y a las formalidades de registro de extranjeros cuando sean ciudadanos de la Unión Europea.* |  |

1. OJ L 212, 17.8.1994, p. 3. [↑](#footnote-ref-1)
2. In case of extension, the Union will notify other parties to international agreements thereof. [↑](#footnote-ref-2)
3. Doc. 2019-11-D-3-en-2. [↑](#footnote-ref-3)
4. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-4)
5. For the details see Annex V of this document. [↑](#footnote-ref-5)
6. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-6)
7. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-7)
8. **EU COM:** According to a legal analysis carried out by the EU COM the European Schools cannot negotiate directly with the UK because the European Schools were not attributed any treaty making power. [↑](#footnote-ref-8)
9. Conclusions of the European Council (Art. 50) meeting on 13 December 2019 (EUCO XT 20027/19). [↑](#footnote-ref-9)
10. The calendar will be updated on a regular basis. [↑](#footnote-ref-10)
11. According to Article 132 of the Withdrawal Agreement the transitory period might be prolonged by decision of a Joint Committee for up to one or two years. [↑](#footnote-ref-11)
12. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-12)
13. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-13)
14. Figures on Business Objects retrieved on 15 October 2019 (Business Objects) [↑](#footnote-ref-14)
15. Referring to the European Schools in Karlsruhe and Munich. [↑](#footnote-ref-15)
16. Referring to the European School in Frankfurt. [↑](#footnote-ref-16)