

Thursday 6 April 2006

3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
4. Instructs its President to forward this legislative resolution to the Council and Commission.

P6_TA(2006)0135

Special report by the European Ombudsman following a complaint against the European Schools

European Parliament resolution on the Special Report by the European Ombudsman following a complaint against the European Schools (No 1391/2002/JMA) (2005/2216(INI))

The European Parliament,

- having regard to the Special Report by the European Ombudsman to the European Parliament,
 - having regard to Articles 13, 21 and 195 of the EC Treaty,
 - having regard to Articles 1 and 6 of the Treaty on European Union,
 - having regard to its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾,
 - having regard to Article 3(7) of the Statute of the European Ombudsman,
 - having regard to its previous resolutions of 16 July 1998 ⁽²⁾, 17 November 2000 ⁽³⁾, 6 September 2001 ⁽⁴⁾ and 11 December 2001 ⁽⁵⁾ on the Special Reports by the European Ombudsman,
 - having regard to the Convention of 17 June 1994 defining the statute of the European Schools,
 - having regard to the Resolution of the Council and the Ministers for Education meeting within the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education ⁽⁶⁾, and in particular Article 4 thereof,
 - having regard to the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Towards a Barrier-Free Europe for People with Disabilities (COM(2000)0284),
 - having regard to the Charter of Fundamental Rights of the European Union ⁽⁷⁾, and in particular Article 21(1) thereof,
 - having regard to Rule 45 and Rule 195(2), first sentence, of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A6-0118/2006),
- A. whereas it is the duty of the European Ombudsman, pursuant to the Treaty establishing the European Community, to conduct on his own initiative, or on the basis of complaints submitted to him, and at his own discretion, inquiries in connection with maladministration in the activities of the bodies or institutions of the Community, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role,

⁽¹⁾ OJ L 113, 4.5.1994, p. 15. Decision as amended by Decision 2002/262/EC, ECSC, Euratom (OJ L 92, 9.4.2002, p. 13).

⁽²⁾ OJ C 292, 21.9.1998, p. 103.

⁽³⁾ OJ C 223, 8.8.2001, p. 368.

⁽⁴⁾ OJ C 72 E, 21.3.2002, p. 331.

⁽⁵⁾ OJ C 177 E, 25.7.2002, p. 61.

⁽⁶⁾ OJ C 162, 3.7.1990, p. 2.

⁽⁷⁾ OJ C 364, 18.12.2000, p. 1.

Thursday 6 April 2006

- B. whereas, pursuant to Article 3(7) of his Statute, the European Ombudsman may subsequently submit to the European Parliament and the body or institution concerned a report with appropriate recommendations,
- C. whereas, in his Special Report on complaint No 1391/2002/JMA concerning the failure of the European Schools to provide for the special educational needs of the complainant's daughter, the Ombudsman sought to recommend ways of ensuring that the Commission should take the necessary steps to ensure that parents of children with special educational needs 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,
- D. whereas the Ombudsman conducted inquiries into a significant number of additional complaints against the European Schools involving similar facts and raising identical allegations,
- E. whereas the Special Report of the Ombudsman is an excellent opportunity for an in-depth consideration of the recommendations made to the Commission,
1. Welcomes the Ombudsman's Special Report and considers that it is based on in-depth inquiries into the complaint in question and a thorough analysis of the evidence at hand;
 2. Notes that the Ombudsman's inquiry is an appropriate example of the exercise of his mandate pursuant to Article 195 of the Treaty;
 3. Underlines that, as enshrined in Articles 14 and 21 of the Charter of Fundamental Rights of the European Union and in the EC Treaty, the right to education, the principle of non-discrimination and equal treatment and the prohibition of any type of discrimination based inter alia on grounds of disability constitute the principles and foundations of the EU legal order;
 4. Notes that, whilst the Commission has 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 has made no effort to produce an estimate of the financial resources required to meet the obligations imposed by the EC Treaty;
 5. Notes in the case of the complainant's family that while free education (which is compulsory) was provided for three of her children at the European School her eldest daughter, who has special educational needs, was excluded from that school and obliged to enrol at the privately run 'International School of Brussels' resulting in considerable costs being incurred by the family;
 6. 6 Notes measures outlined by the Commission to the Petitions Committee meeting of 22 February 2006 claiming significant increases in 2006 'complementary aid for disabled' resulting in a substantial reduction of the beneficiaries' personal contributions;
 7. Notes 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 and condemns 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;
 8. Calls 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;
 9. Endorses the Ombudsman's conclusions and calls 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;
 10. Considers that 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;
 11. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman, the Secretary-General and the Board of Governors of the European Schools and the parliaments and governments of the Member States.
-