

## March 2023 Board Meeting

**Date:** Monday 20<sup>th</sup> March 2023 from 19h to 23h20

**Location:** Teachers' Canteen Woluwe & Online (ZOOM)

**Present in situ:** Célia ALVES RODRIGUES – Eleonora APPONI-BATTINI – Vincent CATOT – Alexander CORNFORD – Catarina DUARTE GOMES – Peter EDLIND – Pim GESQUIERE – Andrea GRGIĆ – Ursula HÖNICH – Maija KNUTTI – Wolfgang MÜNCH – Elita PETRAITIENĖ – Albert RÄDLER – Bettina SCHMIDBAUER MOGENSEN – Johanna SCHULLOYK – Giacomo SOMMA – Monika SZULYOSZKY – Alberto TOSO – Francesca TUDINI – Christian VISANI – David ZELINGER

**ZOOM:** Monika BARABASZ LOPES – Andrew Janis FOLKMANIS – Ulrike STOROST

**Absent:** Nicolas LACROIX

**Others:** Anja GALLE – Erwin VAN DIJCK – Hong Ha NGUYEN – Ferhan PELISTER – Clémence EUGENE

All related documents were sent to Board members prior to the meeting.

### Agenda Point

#### 1. Approval of the agenda

The Board discusses the agenda and agrees to merge the agenda points on the vote on the CDE's request to support their letter to the BoG and the discussion on the petition from some parents. G. Somma requests to add a point on confidentiality & GDPR as AOB.

The Board approves the modified agenda.

#### 2. Approval of the report of the 16/02/2023 Board meeting

The Board approves the report. Giacomo SOMMA declares that he abstains as he did not attend the meeting.

### Discussion

#### 1. Proposal for indexation of school buses

A. Rädler, Coordinator of the budget working group, takes the floor to present the proposal and background information.

- The Federation of the bus companies informed the Transport Managers of all APEEE in Brussels of a request for a second indexation equal to 7,32%, with the proposal to apply it as of 1/1/2023.
- As the Federation expects an indexation of about 17% for September 2023, they are already proposing an anticipated increase of 7,32% to be implemented already this school year. This 7,32% anticipated increase would then be deducted from the official annual indexation to be applied as of September 2023.
- The budget working group is therefore proposing that the Board votes on an exceptional, one-off indexation of 7,32% for all contracting bus companies as of the 3<sup>rd</sup> trimester of this school year, without having to increase the price of the transport subscription for the current year because such price increase would be absorbed by the reserves that APEEE Bxl II is cumulating following the vote of a prudent budget by the AGM held on 31/01/2023. Otherwise, the surplus would have to be returned to the Commission.

**Vote:** the Board votes on the exceptional, one-off indexation of 7.32% for all contracting bus companies as of the 3rd trimester, without an increase of the price of the transport subscription for the current school year.

20 votes for yes (Andrew Janis Folkmanis – Johanna Schulyok – Christian Visani – David Zelinger – Wolfgang Münch – Francesca Tadini – Catarina Duarte Gomes – Elita Petraitienė – Peter Edlind – Eleonora Apponi-Battini – Maija Knutti – Monika Szulyovszky – Ulrike Storost – Pim Gesquiere – Giacomo Somma – Ursula Hönich – Bettina Schmidbauer Mogensen – Alberto Toso – Vincent Catot – Monika Barabasz Lopes) = 91% and 2 votes for no (Andrea Grgić – Célia Alves Rodrigues) = 9%.

**Decision:** the Board approves with a 91% majority the one-off indexation of 7.32% for all contracting bus companies as of the 3<sup>rd</sup> trimester of the current school year.

**Action Point:** APEEE to implement the indexation to all contracting bus companies for the 3rd trimester 2022 / 2023.

### 1. Discussion of different initiatives on addressing aspects of overcrowding

P. Gesquiere informs, that due to a moral conflict of interest, he will leave the room for this agenda point and will come back to the meeting when the Board has closed the discussion.

The following initiatives were discussed:

- (1) CDE letter to the Board of Governors, that asks for more local decision power.
- (2) Proposal to reduce overcrowding in EEB2, that asks for a change in the enrolment policy for the secondary already for 2023/24.

The discussion also mentioned the letter of N/P parents of the Woluwe site to the Secretary General of the European Schools that asks for confirming that N/P pupils remain on the site.

A.J. Folkmanis, coordinator of the overcrowding taskforce, takes the floor and informs that the overcrowding taskforce met on Wednesday 15<sup>th</sup> March 2023. The taskforce discussed the CDE letter and petition, and its conclusion was to support the petition. The taskforce agreed to suggest a meeting with the CDE which took place on Friday 17<sup>th</sup> March 2023 (A.J. Folkmanis, A. Grgić, W. Münch, G. Somma and D. Zelinger participated). The students explained their initiative and the proposal was discussed.

The arguments in favour and against these proposals were discussed. There was a broad consensus in the board that a debate in the parent community on overcrowding should be supported.

**Vote:** the Board votes on endorsing the CDE letter to the BoG.

(8 votes for yes (Giacomo Somma – David Zelinger – Francesca Tadini – Wolfgang Münch – Alexander Cornford – Eleonora Apponi-Battini – Bettina Schmidbauer Mogensen – Alberto Toso) = 38% and 7 votes for no (Célia Alves Rodrigues – Vincent Catot – Andrew Janis Folkmanis – Monika Szulyovszky – Andrea Grgić – Maija Knutti – Ursula Hönich) = 33% and 6 votes for abstain (Monika Barabasz Lopes – Catarina Duarte Gomes – Elita Petraitienė – Ulrike Storost – Peter Edlind – Christian Visani) = 29%

A. Grgić wished to make a statement for the record:

*“In the absence of Belgian legislation defining the matter for AISBLs, Article 15 of the statutes is interpreted as the simple majority is calculated as 50 + 1% of the people who are present at the meeting and voting yes/no/abstain. So, in case 20 people are present at the meeting, simple majority means at least 11 people present have to vote “yes” for a resolution to pass.*

*I do not support the CDE letter because I think it contravenes the decisions made by the BoG in December 2022 and the enrolment policy that was decided in January 2023, according to which pupils are allocated to sites of a school and I do not support the letter because the voting has been done without proper consultation of the parent community and without full understanding of the content of the letter and its repercussions. We cannot vote on the letter without consulting the parent community and even support a letter where we do not understand the consequences it might have for our parent community."*

Several board members objected to the above interpretation on what a simple majority is.

Statements for the record by G. Somma:

- 1) In executing its mandate, the Board regularly takes decisions on several matters (also with important implications, incl. financial and organisational) without having to consult at each time the entire parents' community as claimed in the above statement for the record.*
- 2) The above statement for the record about lack of understanding by the students and the Board members of the consequences of the CDE letter is simply a personal opinion about other persons' knowledge and abilities (this opinion implicitly applies to others supporting the CDE letter).*
- 3) There have been several votes by simple majority considered valid (and never contested by any Board member), in which less than 50%+1 of the votes of the participants were casted in favour of the selected option (see e.g. the vote on AGM resolutions approved with a 45% majority at the Board meeting of 8 Dec. 2022 <sup>1</sup>), because the simple majority is calculated without considering members not voting or voting for "abstain"; considering abstentions / blanks in the calculation of the simple majority is incorrect as it basically implies considering them together with the minority of votes, thus distorting the result of the vote; if this principle of calculation is adopted now, it will have consequences for future votes; on another note, voting options should be changed from "yes / no / abstain" to "yes / no / blank" for those members who cast their vote, and count as abstentions those members not casting their vote.*
- 4) Being APEEE a legal entity under the Belgian law, the definition of simple majority, which is not included in the APEEE statutes, shall not be interpreted by Board members as it is the case in the above statement for the record, but should be based on the Belgian legislation.*
- 5) I suggest creating a page dedicated to overcrowding on the APEEE website to provide parents with transparent information and an email address (e.g. overcrowdingTF@woluweparents.org) to allow direct access of parents to the Board on this specific matter; this would also help preventing the spread of wrong information, rumours and speculations, to address which it takes a lot of time and effort to many Board members.*

**Decision:** the Board is split on the interpretation of the simple majority stated in the Statutes. The President states A. Galle will look into the interpretation and provide feedback later on. The President decided to recast the vote without the possibility of abstentions.

**Vote:** the Board votes on the endorsement of the CDE letter to the BoG with a yes or no answer.

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<sup>1</sup> Quote from the minutes of the Board meeting of 8 Dec. 2022.

**The Board votes on the approval to have a resolution during the AGM which determines the principles to be applied to the calculation of the reserves:**

6 votes for yes (Gaspar Molnar, Monika Barabasz-Lopes, Andrea Grgić, Pim Gesquiere, Bruno Laranjeira, Wolfgang Münch) = 40% - 6 votes for no (David Zelinger, Catarina Duarte Gomes, Maija Knutti, Nicolas Lacroix, Johanna Schulyok, Eleonora Apponi-Battini) = 40% and 3 votes for abstain (Ursula Hönich, Bengt Davidsson, Monika Szulyovszky) = 20%.

Since there is a draw, the president uses his statutory rights to break the tie, which brings the final number to 7 votes for yes = 45% (6 votes for no = 37% and 3 votes for abstain = 18%).

**Decision:** The Board approves with a 45% majority the resolution which determines the principles to be applied to the calculation of the reserves.

13 votes for no (Célia Alves Rodrigues – Vincent Catot – Andrew Janis Folkmanis – Monika Barabasz Lopes – Albert Rädler – Maija Knutti – Christian Visani – Andrea Grgić – Peter Edlind – Ulrike Storost – Elita Petraitienė – Ursula Hönich – Bettina Schmidbauer Mogensen) = 65% and 7 votes for yes (Giacomo Somma – Francesca Tudini – David Zelinger – Catarina Duarte Gomes – Wolfgang Münch – Alexander Cornford – Eleonora Apponi-Battini) = 35%

**Decision:** the Board approves with a 65% majority not to endorse the CDE letter to the BoG.

**Vote:** the Board votes on the endorsement of the petition Proposal to reduce overcrowding in EEB2 by changing the enrolment rules already in 2023/24.

12 votes for yes (Bettina Schmidbauer Mogensen – Célia Alves Rodrigues – Wolfgang Münch – David Zelinger – Ulrike Storost – Francesca Tudini – Elita Petraitienė – Andrea Grgić – Alexander Cornford – Giacomo Somma – Monika Szulyovszky – Eleonora Apponi-Battini) = 67% and 3 votes for no (Maija Knutti – Christian Visani – Catarina Duarte Gomes) = 17% and 3 votes for abstain (Alberto Toso – Peter Edlind – Monika Barabasz Lopes) = 17%

**Decision:** the Board approves with a 67% majority the endorsement of the petition.

**Vote:** the Board votes that it shares the concerns of parents and pupils expressed in recent letters regarding overcrowding and will work with all the stakeholders for resolutions.

21 votes for yes (Wolfgang Münch – Bettina Schmidbauer Mogensen – Andrew Janis Folkmanis – Albert Rädler – Monika Barabasz Lopes – Ulrike Storost – Monika Szulyovszky – Célia Alves Rodrigues – David Zelinger – Giacomo Somma – Eleonora Apponi-Battini – Peter Edlind – Elita Petraitienė – Francesca Tudini – Andrea Grgić – Vincent Catot – Ursula Hönich – Catarina Duarte Gomes – Maija Knutti – Alberto Toso – Christian Visani) = 95% and 1 vote for abstain (Alexander Cornford) = 5%

**Decision:** the Board approves with a 95% majority that it shares the concerns on overcrowding and that it will work with all the stakeholders for solution.

In conclusion, the members agree on the need for:

- A discussion with Ms Malik that should take place as soon as possible
- Invite Ms Malik to a taskforce meeting
- A townhall for parents before June, if possible, to interact with the parent community
- A vote on the endorsement (or not) of the CDE letter
- A vote on the endorsement (or not) of the petition
- A vote on a communication from the Board stating it shares the concerns on the overcrowding
- An open communication with parents, a letter has been drafted by J. Schulyok for parents to present the APEEE Board decision, taskforce work and raise awareness about the overcrowding situation

**Action Point:** enquiry on the simple majority interpretation. President to send out information to the parent community on initiatives in the school community.

## **2. Participation at the WAB**

C. Duarte Gomes, CEES coordinator, takes the floor to present the WAB feedback. D. Zelinger and C. Duarte Gomes were invited to the 9<sup>th</sup> of March 2023 WAB meeting. The agenda was shared with the Board and E. Petraitienė asked to participate as an observer, which the school accepted. C. Duarte received emails from members of the Board stating C. Alves Rodrigues should attend and not D.

Zelinger. C. Duarte replied that

- WAB concerns only Secondary education.
- Confidentiality agreement has not been signed by 3 members and is an important key point for a sensitive meeting with sensitive information.

C. Duarte therefore asks the Board to decide if it lets the persons who have not signed the confidentiality agreement to take part in the WAB.

The President takes the floor and states that a confidentiality agreement is good practice but not a legal obligation.

The members discuss that the document needs to clarify what is confidential, particularly the personal data/business data and other items that need to be treated as confidential.

The President states he has found a solution, that is when a member has not signed the document, they have partial access to the information, except when it contains personal or business data, or staff-related data.

The Board discusses the suggestion to split the confidentiality agreement into two parts: one part one confidentiality and the other part on personal data protection policy which would also include information on the storage of data.

The Board agrees to task the Legal working group (Statutes Update WG) to review the confidentiality agreement and a request is made to mention of the conflict of interest. i A Board member also noted the importance to be able to express opinions at the meetings without fearing that words are incorrectly distorted and quoted in blogs or WhatsApp chats.

**Vote:** the Board votes on revising and splitting the confidentiality agreement into two parts: 1) Confidentiality 2) Data protection policy & storage of data with only 'yes' or 'no' answers.

21 votes for yes (Francesca Tudini – Vincent Catot – Andrea Grgić – Andrew Janis Folkmanis – Elita Petraitienė – Monika Barabasz Lopes – Célia Alves Rodrigues – Bettina Schmidbauer Mogensen – Ursula Hönich – Giacomo Somma – Wolfgang Münch – Alberto Toso – Peter Edlind – Alexander Cornford – Christian Visani – Maija Knutti – Ulrike Storost – Albert Rädler – David Zelinger – Eleonora Apponi-Battini – Pim Gesquiere) = 95% and 1 vote for no (Catarina Duarte Gomes) = 5%.

**Decision:** the Board approves with a 95% majority to revise and split the current confidentiality agreement.

**Action Point:** the Legal (Statutes Update) Working Group to revise the APEEE Bxl II Confidentiality Agreement.

### **3. Administrative complaint by Interparents concerning change General rules**

D. Zelinger, Interparents delegate, takes the floor to present the situation, saying there is apparently no need for action by the APEEE Bxl II. The General Rules have been amended on the proposal of the Sec Gen and approved by the BoG in December 2022. The amended General Rules came into force in January 2023, which forced some parents associations of the 13 European Schools to update their insurance policies. In January 2023, InterParents filed a complaint to the Office of the Secretary General. The complaint was rejected by Sec Gen A. Beckmann. InterParents consider appealing the decision.

Additional information was provided on the transport insurance coverage for pupils, confirming that pupils are covered by the school insurance.

The President adds that the General Rules seek to clarify the role of each party on the school premises, the APEEE as association is responsible for what it does, the policy is that all its activities are insured, and the applicable Memorandum of Understanding clarify the roles. However, it is not the case for other European Schools. The APEEE BxI II is not affected by the change or modification, as other APEEE are.

## AOB

### 1. Participation requirement attendance at the AGM

P. Gesquiere, coordinator of the Statutes Working Group, takes the floor to present the statistics on the attendance to the Annual General Meetings. Some sections have a high participation rate, some sections have a lower participation rate. As stipulated in the Statutes art. 22§4, the Annual General Meeting needs two-thirds of the full members present or represented to amend the Statutes (). During the 2023 Annual General Meeting, less than two-thirds of the parents attended. P. Gesquiere stated board members need to engage with their parents communities so that the rate of parents present or represented exceeds the required two-thirds.

The Board is informed that the Charlemagne room is in high demand and only a few available dates remain until 31/12/2023. A. Galle informs that she cannot enquire for 2024 as the Strasbourg calendar is not available yet.

**Action Point:** A. Toso to enquire if the 2024 Strasbourg calendar is available.

**Action Point:** A. Toso to enquire if the Hemicycle of the Parliament could be used in case the Charlemagne room is not available.

**Action Point:** Board members of section to reflect ways to increase the participation rate of members of their section.

Meeting ended at 23h20

**Next Board meeting is scheduled on Thursday 27th April 2023.**

## Annexe 1

**Statement made on Wednesday 29th March 2023 in writing by B. SCHMIDBAUER MOGENSEN concerning the vote on the CDE letter to the BoG:**

Statement

*I herewith declare having made a mistake with my vote, having been in good faith that an adequate letter would be sent to CDE in support of their request. I was led to believe that in voting no, we vote for a "third solution": not rejecting the CDE, nor co-signing it, but sending an own reply with a differentiated and substantiated explanation making clear we support the CDE request per se but outlining the limitations of the current decision-making powers. However, I was not consulted on the draft reply to the CDE and am not supporting the tone and message. With hindsight now, I am supporting the CDE letter and wish I had the chance to change my vote. It is a fact that we have 1000 Secondary students more than the capacity foresees, while the MAT/PRIM is shrinking. This is not fair, and action is needed urgently.*