

# MEMO

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From: Eubelius

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Date: 19 November 2025

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File: 2510325 APEEE / Advice Brussels European School 2 (EEB2) Evere – Woluwe

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Subject: Status of the European school of Evere

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## EXECUTIVE SUMMARY

In 2020, as a response to the overcrowding of European schools in Brussels, the Belgian Council of Ministers (hereafter: the Belgian Government) approved the construction of a temporary school in Evere (hereafter: the Evere-school). The question now (in 2025) rises whether the Evere-school can become permanent and under which conditions, considering plans at the level of the Brussels-Capital Region (hereafter: the Brussels Capital Region). In this memo, we provide an overview of the regulatory framework and an analysis of the defence plan and the communication with the Belgian Government about the European schools. The memo also explores the possibility to relocate the school to a close location. The memo concludes that a permanent school at the current location of the Evere-school is not compatible with the current Defence plan and that, keeping the Evere-school at its current location is highly difficult. At the same time, relocating the Evere-school within the perimeter of the Defence might prove to be challenging for political and technical reasons.

## I. REGULATORY FRAMEWORK

1 **Division of competences in Belgium.** Belgium is a federal state made up of communities and regions.<sup>1</sup> In this setup, some competences are exercised by the federal state, while other competences have been attributed to the federal entities (communities and regions). Most of the competences are to be considered as exclusive competences, meaning that if a competence is attributed to a region no hierarchy is present between the federal state and the federated entities: if a federated entity, for instance the Brussels Capital Region, adopts a decision within its (exclusive) competences, this decision can, in principle<sup>2</sup>, not be overruled by a decision of the federal state.

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<sup>1</sup> Article 1 of the Belgian Constitution.

<sup>2</sup> Article 45 of the Belgian Act of 12 January 1989 on the Brussels Institutions provides the possibility, exceptionally, for the federal state to suspend decisions of the Brussels Capital Region, 60 days after the publication of the decisions of the Brussels Capital Region. This possibility has never been used and is mostly seen as a theoretical possibility.

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2 **Urban planning and master development plans.** The Brussels Capital Region is exclusively competent for urban planning.<sup>3</sup> In this context, the Brussels Capital Region has adopted the Brussels Regional Planning Code<sup>4</sup> (hereafter: the Planning Code). The Planning Code foresees, in turn, the possibility, for the Government of the Brussels Capital Region (hereafter: the Brussels Government), to adopt, for part of the territory of the Region, a master development plan.<sup>56</sup>

3 **Master development plan – adoption and modification procedure.** The adoption of a master development plan requires several steps: information and participation of the public, environmental report, advice of several advice bodies (the administration responsible for spatial planning, Brussels Environment, the Economic and Social Council, the Royal Commission for Monuments and Sites, the Regional Mobility Commission, the Housing Advisory Council...) and several decisions at the level of the Brussels Government. The modification of a master development plan follows the same steps and procedure as the adoption of a master development plan.

The adoption of a master development plan is a very heavy administrative and political procedure, which take years (for instance, the defence plan – see hereafter – was adopted on 2 May 2024 while the administrative procedure started on 7 June 2019). The same applies for the modification of a master development plan.

4 **Master development plan – regulatory value.** Master developments plans are indicative in nature, except for provisions to which the Brussels Government expressly gives binding force and regulatory value, in which case they repeal, within their perimeter, the provisions of former plans.<sup>7</sup> No building permit<sup>8</sup> can, in principle<sup>9</sup>, be granted in derogation of the master development plan. The Belgian Council of State is competent to review the legality of master development plans, if they have been attacked within 60 days following their publication.

## II. DEFENCE PLAN AND DISCUSSIONS WITH THE BELGIAN GOVERNMENT

5 **Defence plan.** The Brussels and the Flemish Regions have decided, for a zone located in Evere, Brussels and Zaventem, to adopt a common urban vision. The Brussels Government therefore adopted the master development plan “Defence” with its decision of 2 May 2024, which was published on 17 March 2025 in the Belgian Gazette (hereafter: the “PAD3 or the “defence plan”). To our knowledge, the defence plan has not been attacked in front of the Belgian Council of State. Thus, to our knowledge, the Defence plan is final.

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<sup>3</sup> Article 6, § 1, I, 1° of the Belgian Act of 8 August 1980 on Institutional Reforms; article 4 of the Belgian Act of 12 January 1989 on the Brussels Institutions.

<sup>4</sup> Brussels Regional Planning Code of 9 April 2004 (“*Code bruxellois de l’aménagement du territoire – CoBAT /Brussels Wetboek van Ruimtelijke Ordening*” - BWRO).

<sup>5</sup> “Plan d’aménagement directeur/richtplan van aanleg”.

<sup>6</sup> Article 30/1 Planning Code.

<sup>7</sup> Article 30/9 Planning Code.

<sup>8</sup> “Permis d’urbanisme/stedenbouwkundige vergunning”.

<sup>9</sup> Except for permits delivered when it has been decided to amend the master development plan with a view to carrying out acts and works of public utility that are the subject of the permit application, insofar as the competent authority, has demonstrated in the decision to amend the plan that the amendment only concerns the use of small areas at local level and is not such as to have a significant impact on the environment. See Articles 188 and 188/5 Planning Code. As such, this possibility requires a decision to amend the master development plan and is therefore difficult to use.

6 **Evere-school and discussions with the Belgian Government.** The land on which the current Evere building is located is owned by the Belgian Federal Government. The Evere-school has been built following a decision of the Belgian Government, as the establishing authority, of the 31<sup>st</sup> January 2020.<sup>10</sup> The permit for the construction of the Evere-school was requested by the Belgian Building Agency (Régie des bâtiments) and granted by the delegated official of the Brussels Capital Region the 17 March 2021.<sup>11</sup> In parallel, the Belgian Government decided on 13 May 2022 to build a permanent school in Neder-over-Hembeek and provided that the Evere-school would be *prolonged* in time, “subject to the Brussels-Capital Region granting a new planning permit”.<sup>12</sup>

7 **Consequences of the defence plan for the Evere-school – current location.** A permanent school at the current location of the Evere-school is not compatible with the Defence plan. The PAD foresees an access road on the location of the Evere-school (see hereunder in yellow) and a green area (see hereunder in green and yellow).<sup>13</sup>

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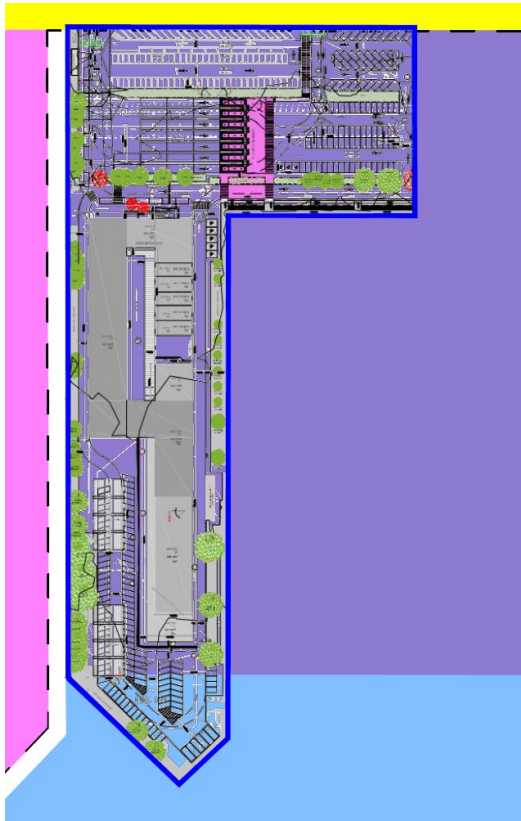
<sup>10</sup> The decision is not publicly available, but there is a press release about it: <https://news.belgium.be/fr/mise-disposition-provisoire-dune-ecole-en-attendant-la-construction-dune-5e-ecole-europeenne>.

<sup>11</sup> The permit is not publicly available, but some information about it is available online: <https://openpermits.brussels/fr/04/PFD/1770033>. According to this information, a renewal is necessary as from 2024. We have not found publicly available information about this renewal.

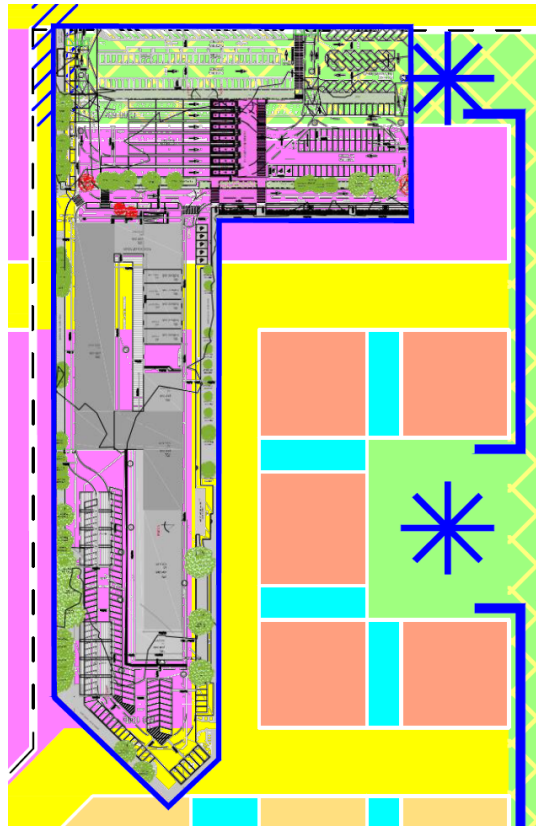
<sup>12</sup> We have read this information in the letter of Mr. Alexander De Croo, then Prime Minister, Mr. Mathieu Michel, then State Secretary of the Buildings Agency (Belgian Government) and Mr. Rudi Vervoort, Minister-President of the Brussels Government dated 14 June 2024, to Mr. Johannes Ham, then European Commissioner for Budget and Administration. The decision is however not publicly available. The launch of a public tender procedure for the school of Neder-over-Hembeek has been approved by the Brussels Government on 5 April 2024 (the decision is not publicly available, but there is a press release about it: <https://news.belgium.be/fr/marche-public-pour-la-construction-dune-cinquieme-ecole-europeenne>).

<sup>13</sup> See p. 243 of the PAD; the Zone A.2 in green and yellow belongs to the category of “structuring public spaces with enhanced environmental integration”. This space is a publicly accessible green area designed with a strong emphasis on environmental integration.

Previous planning provisions



New planning provisions



The defence plan however provides a temporary possibility for the Evere-school to stay at its current location through the deliverance of successive building permits, under the following conditions:

*“The existing buildings authorised by permit 04/PFD/1770033 (limited-term planning permission, valid until March 2027, to build a temporary European school with 1,500 places on the NATO site) may be subject to conversion, major renovation or demolition and reconstruction. These works must comply with the following conditions:*

- 1. they must not result in an increase of more than 20% of the existing floor area;*
- 2. they must comply with the urban planning characteristics of the block;*
- 3. they must be subject to specific publicity measures;*
- 4. they must not jeopardise the implementation and proper functioning of the urban district. In this regard, any new application for a temporary planning permit beyond March 2027 will assess its impact on the effective implementation of the urban district (particularly in terms of phasing over time) and will be submitted to the authority responsible for spatial planning (perspective.brussels) for its opinion.*

*5. After 31 March 2037, any extensions to the planning permit may only be granted in increments of a maximum of two additional years.*

*The operation of facilities subject to an environmental permit and necessary for the European School may continue in accordance with the authorisation received. The authorisation may be extended, renewed or amended”.<sup>14</sup>*

The conditions laid down in this provision leave a broad margin of appreciation for the Brussels Capital Region to consider whether the Evere-school can stay at its current location or not. If the permit is not prolonged, the Evere site can no longer be used as a school building of EEB2.

The current permit is valid until March 2027. Article 5 of the decree of the Government of the Brussels-Capital Region of 17 March 2022 on temporary planning permits provides that works for which a temporary planning permit has been obtained may be subject to a new temporary permit.<sup>15</sup> This means that after March 2027 and until March 2037, successive temporary permits can be requested by the Belgian Building Agency.

Under the decree on temporary planning permits, maximum validity periods are set according to the permit's category. Permits for projects classified as “acts and works preceding the implementation of the definitive land use” can be issued for a maximal duration of 6 years.<sup>16</sup> Permits for projects classified as “Modular and/or lightweight constructions or installations” can be issued for a maximal duration of 10 years.<sup>17</sup> As the European School of Evere consists of prefabricated container structures, one could try to argue that it could fall within the ‘modular installations category’, meaning the new temporary permit could carry a maximum validity of ten years. These durations are ceilings rather than automatic terms: the actual duration can be shorter depending on what the Belgian Building Agency requests or what is considered acceptable according to the permit issuing authority.<sup>18</sup> Notably, for the initial permit, the Agency sought a six-year validity, based on the “temporary use category” prior to the definitive land use.<sup>19</sup> To our understanding and according to publicly available records, no such request for a new permit for a maximum duration of 10 years has been submitted at the time of writing.

After 31 March 2037, the Evere-school will need to obtain a new permit every two years. This implies (i) the administrative burden of recurrent permit applications, and (ii) the possibility for the Brussels Capital Region to refuse to renew the permit every two years. Furthermore, if at some point the renewal of the permit is denied, the Evere school would dispose of only a very limited period of time to find a new location, obtain the necessary permits, as well as construct and set up a new school.

<sup>14</sup> <http://www.ejustice.just.fgov.be/eli/arrete/2024/05/02/2024006603/moniteur>. See prescription PG.0.13.

<sup>15</sup> Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 17 mars 2022 relatif aux permis d'urbanisme à durée limitée, art. 5.

<sup>16</sup> Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 17 mars 2022 relatif aux permis d'urbanisme à durée limitée, Annexe, point 2.1.

<sup>17</sup> Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 17 mars 2022 relatif aux permis d'urbanisme à durée limitée, Annexe, point 1.5.

<sup>18</sup> Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 17 mars 2022 relatif aux permis d'urbanisme à durée limitée, commentaire de l'annexe, point 2.5.

<sup>19</sup> See permit 04/PFD/1770033 for the European School of Evere of 17 March 2021, p. 6.

The fact that at some point the refusal of renewal can be expected is based solely on the PAD itself. The recitals of the defence plan show that the Brussels Capital Region does not want a permanent school at this location, or at least does not see this as the desired urban planning policy. In reaction to requests of school's parents to modify the defence plan, the Brussels Government considered: *"that the present site is therefore not suitable for permanently accommodating the European School, unless it is considerably enlarged, which would be totally contrary to the Brussels Government's ambition to create an urban industrial zone at this location"*.<sup>20</sup>

**8 Consequences of the defence plan for the Evere-school – new location.** The perimeter of the defence plan includes two zones suitable for a school:

- Zone equipment H, located southwest of the current location (see green with blue lines hereunder)<sup>21</sup>
- Zone equipment A, one located east of the current location (see blue hereunder)<sup>22</sup>.

The school is currently located in the left-hand corner of the plan below. Those two zones are indeed *"designated for community facilities or public services"* and are located on the property of the Federal State.<sup>23</sup> In general, these community facility zones are designated for purposes such as schools, student life, sports, culture, health, and social services.<sup>24</sup>

The PAD specifies that Zone equipment A may be allocated to commercial activities that complement community facilities, as well as to a helicopter landing pad. At least 35% of Zone A must be green or vegetated. Regarding this zone, the PAD also states that parking spaces should be integrated into buildings as much as possible.<sup>25</sup>

As for Zone equipment H, the PAD indicates that it should be primarily dedicated to vegetation, water features, and recreational areas. Existing buildings in this zone are intended to remain and must be repurposed for ecological, social, recreational, or educational uses.<sup>26</sup> The PAD does not mention anything about bus parking around these two zones. However, we understand that a bus parking is crucial for a European school, taking into account that approximately 35 buses are coming and leaving the school every day.

The recitals of the defence plan explicitly mention that the Brussels Government considers it possible to build a school in these zones: *"it is also possible to build a school (with no floor space restrictions) within the H equipment zone"* (in reaction to a Brussels administration). However, it should be noted that the PAD does not guarantee that these zones will be designated for schools, nor that a European School

<sup>20</sup> <http://www.ejustice.just.fgov.be/eli/arrete/2024/05/02/2024006603/moniteur>.

<sup>21</sup> Art. A.7.2: *"The developed areas of this area are designated for facilities of collective interest or public services"*.

<sup>22</sup> Art. A.6.1: *"These areas are intended for facilities of collective interest or public services"*.

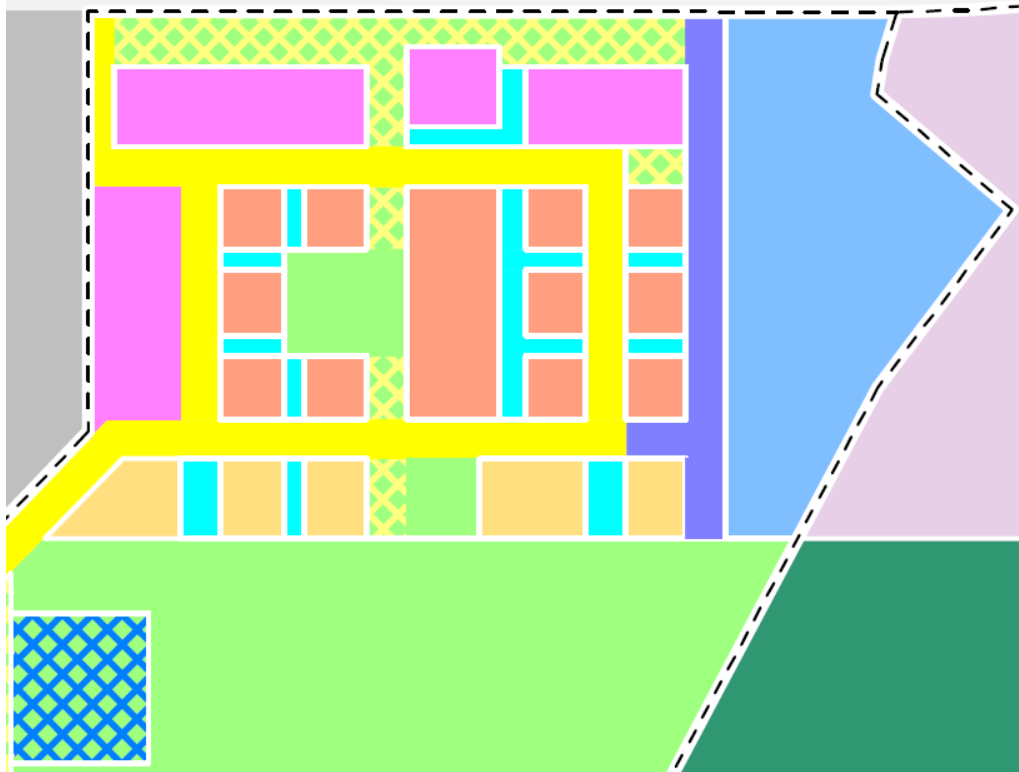
<sup>23</sup> <http://www.ejustice.just.fgov.be/eli/arrete/2024/05/02/2024006603/moniteur>. See prescription A.6.1 and A.7.2. See also prescription A.6.4: *"The urban characteristics of buildings and facilities are in keeping with those of the surrounding urban environment. Any changes to them are subject to specific publicity measures"*.

<sup>24</sup> [Équipements collectifs | perspective.brussels](#)

<sup>25</sup> Prescription A.6 of the PAD.

<sup>26</sup> Prescription A.7 of the PAD.

would be the beneficiary if such a designation occurs. It is not clear to us whether the Brussels Government hints at a European or other school in this explanation. In addition, the PAD does not mention anything on the possibility of creating a Bus parking on or around these zones.



9 **Evolution of the Evere-school suggested by the Belgian Government.** Based on the communication dated 12 February 2025<sup>27</sup>, we understand that the Mr. François de Kerchove d’Exaerde, Ambassador of Belgium has announced plans to carry out works at the Evere-school “*in order to make permanent this school which is so far temporary*”; “*the aim would be to keep the same location than the one in use presently pending the shift of an access road*”; “*if it was proved impossible to keep the same location, another area is available for the European School distant of just a few hundred meters from the original; such a decision would obviously depend on the Regional land use planning*”.

The Belgian Government has however not, to our knowledge, taken a decision to make the Evere-school, which is so far temporary, a permanent school, decision that would be needed to confirm the commitment of the Belgian Government.<sup>28</sup> In any case, that permanent school will require a new permit, which in turn must be conform to the PAD, considering that, as mentioned at point 3 above, it would be highly complicated to modify the PAD. Both decisions would therefore be necessary. The letter is indeed equivocal insofar the Ambassador of Belgium refers to the decision of “*the Regional land use planning*”. In his letter of 12 February 2025, the Ambassador of Belgium seems to indicate that another area is available to relocate the school, while confirming that the actual decision will be taken by the Brussels

<sup>27</sup> the letter of Mr. François de Kerchove d’Exaerde, Ambassador of Belgium, dated 12 February 2025, to Mr. Andreas Beckmann, Secretary-General of the European Schools.

<sup>28</sup> To our understanding, the decision of 13 May 2022 only provides for the Evere-school to be “extended”, but not for the Evere-school to be made permanent (aforementioned letter of 14 June 2024).

Capital Region, which is outside the competence of the federal authorities. It is not clear to which other area “*distant of just a few hundred meters from the original*” the Ambassador of Belgium refers to. At present, no land in either proximity of Evere site or Woluwe site is designated for the use of a European school. The only other land designated for construction of a European School is the land of the ex-Military Hospital in Needer-over-Heembek. However, the Ambassador of Belgium seems to acknowledge that the actual decision on the relocation of the Evere school is not fully in the hands of the federal government because he states that such a decision depends on the Regional land planning. It is important to note that the Ambassador of Belgium has no competence to adopt legally binding decisions, this letter is thus indicative and cannot be enforced.

### III. CONCLUSION

10 **Keeping the Evere-school at its current location is highly difficult.** Keeping the Evere-school at the current location is highly difficult considering the current regulatory framework. The conditions laid down in the provision of the defence plan leave a broad margin of appreciation for the Brussels Capital Region to consider whether the Evere-school can stay at its current location or not. The decision will therefore be mostly political. After 31 March 2037, the fact that the Evere-school must obtain each two years a new permit offers the possibility for the Brussels Capital Region to refuse to renew the permit every two years, which in turn increases the uncertainty for the Evere-school to stay in its current location.

In theory, a change of the defence plan could solve this difficulty and provide a clear regulatory framework for the Evere-school to stay at its current location. However, considering the heavy administrative and political burden of a modification of the defence plan, this option seems merely theoretical. A broad consensus at the political level would be needed to change the defence plan.

11 **Relocating the Evere-school within the perimeter of the defence might prove to be challenging.** Establishing a school within the perimeter of the defence plan seems possible, especially in zone equipment H, considering the recitals of the defence plan. However, two types of challenges will arise in relocating the Evere site of European School II, within the perimeter. Firstly, there will be political challenges. Politically, the Brussels Government will have to be convinced that a European school is relevant within the perimeter of the defence plan; this will be easier to achieve if there is a clear decision of the Belgian Government confirming the will of the Belgian Government to make the Evere-school a permanent school. Secondly, there will be technical challenges, the feasibility of such project will have to be assessed. The zone equipment H seems, in comparison to the current location of the Evere-school, smaller (approximately one third smaller), and it could therefore be a challenge to fit the Evere-school in this new location. There is also no guarantee that Zone H will be designated for a school as opposed to another type of community facility. Furthermore, a European School entails the need for extensive bus parking, which is not anticipated in the PAD.