

Legal Working Group – Description of Mandate 2021

Coordinator: Tibor Scharf

Membership

Tibor Scharf; Dimitri de Bournonville; Henning Ehrenstein; Luis Escobar; Pere Moles-Palleja; Thomas Spoormans; Magali Barral; Sigfrido Ramirez

Nils Behrndt *as Board liaison*

Emese Savoia-Keleti *as adviser on data protection issues*

Activities 2020

The Legal Working Group had an active year.

Main files (some of which ongoing for several years): review of the schools drugs and anti-bullying policies, employment issues, general issues related to ASBLs, draft Convention School/APEEEs, school rules, general European School governance issues, and issues arising out of the COVID situation.

In addition, members of the Legal Working Group have been called upon a few times during the year to assist pupils (and their parents) who face the school's disciplinary board.

The WG remains open to all those interested and committed to delivering work as it arises, to the best of our ability and availability. The above list includes the names of members who have been active/manifested themselves within the last year.

Description of 2021 Mandate and Foreseeable Work

The Legal Working Group's role is to provide advice to the APEEE Board on legal issues arising in the context of the functioning of the School.¹

The Working Group does not take decisions, but reports to the APEEE Board for any decisions to be taken, as its role is per definition a reactive one. Accordingly, no detailed work program can be established with the exception of issues either already ongoing or foreseeable to date.

¹ Any advice provided by the Working Group or any its members individually is not intended to replace legal advice or support sought from or provided by external sources such as independent external legal counsel or governmental bodies, and accordingly neither the Working Group nor any of its members can be held liable to (non) accuracy, delay or omission in the provision of any such advice or support. Any assistance provided to parents or pupils, for instance in the context of disciplinary matters, takes into account the interests of the School as a whole, including any other pupils involved, with the consequence that the role of the Working Group cannot always be assimilated to the one of a defense counsel – where advisable, the concerned parties will be invited to seek outside counsel at their own costs and under their responsibility.

Topics foreseeable include: APEEE agreements; Rules of Procedure and Working Arrangements; School-level child protection, anti-drug, and anti-bullying procedures; Legal Conventions with the School

Working Method

Mainly by email exchange, occasional meetings. Communication with relevant interlocutors such as school authorities on individual files under the auspices of the APEEE Board, reporting to APEEE Board. Any request for assistance should therefore be sent to the APEEE Board first.

The Legal WG is increasingly solicited for a wide range of issues, often at relatively short notice. In order to be increase efficiency, clusters have been formed:

- (i) disciplinary issues,
- (ii) statutory issues (APEEE and APEEE Services and their relation with the School) and
- (iii) general legal issues (into which such issues as Belgian law could fall).

Membership of the clusters at present is as follows:

General:

Tibor Scharf
Dimitri de Bournonville
Pere Moles Palleja
Sigfrido Ramirez Perez

Discipline:

Dimitri de Bournonville
Thomas Spoormans
Luis Escobar Guerrero
Pere Moles Palleja
Magali Barral

Statutes:

Pere Moles Palljea
Sigfrido Ramirez Perez

15.01.2021