

WRITTEN QUESTION P-3269/02  
by Maria Sanders-ten Holte (ELDR)  
to the Commission

Subject: Free movement of services and persons with reference to attending private denominational schools in a Member State other than the Member State of origin

Although the free movement of persons, services and capital is written into the EC Treaty, there are still some areas where this freedom is still out of the question. For example, students from North Rhine Westphalia, who want to attend a private denominational school in another Member State, in this case the Netherlands, frequently encounter major problems because North Rhine Westphalia does not permit students to complete their compulsory education abroad.

Can the Commission say whether the provisions on freedom to provide services and freedom of establishment for cross-border activities apply to the attendance, establishment and maintenance of private denominational schools, even if they are predominantly State funded?

Is it compatible with the freedom to provide services and the general ban on discrimination under Article 12 of the EC Treaty (which prohibits any discrimination on grounds of nationality), for students from one Member State to be prohibited from attending a non-vocational private denominational school in another Member State, even if the school covers the full period of compulsory education and is recognised and funded by the State, on the grounds that compulsory education can only be completed in the student's own country?

If so, is this also the case when the certificates and final diplomas awarded by schools in the other Member State are recognised both in that country and in the country of origin, irrespective of whether they are awarded to citizens of the Member State or citizens of the Member State of origin who have settled in the country.

Can the Commission say whether Article 45 of the EC Treaty (non-application of the right to freedom of establishment to activities connected, even occasionally, with the exercise of official authority) applies to the right to attend and establish a private denominational school in another Member State?