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Tom de Backer (Chairman of the PA)  
Georg Weber (Deputy Chairman of the PA)  
Mike Spillane (Ressortleiter "Garderie")  
c/o Europäisches Patentamt  
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Dear Mr de Backer, Mr Weber and Mr Spillane,

Thank you for the email with the attached letter which was sent today, the 4<sup>th</sup> May 2009 in regard to the problems being faced by the parents and children of the Garderie and informing us of your intended demonstration outside the school on the 6<sup>th</sup> of May. In regard to the demonstration, the area in front of the school is a public area and I have no jurisdiction in this regard.

I would like to refer you to the web site of the European Schools [www.eursc.eu](http://www.eursc.eu) where the legal basis of the European Schools, the Protocols including the Supplementary Protocols, and the General Rules may be found. Essentially, the school has the obligation to provide instruction and education of our enrolled children in accordance with the various conditions. After school care does not fall within the mission of the school and we are highly aware of our responsibilities in regard to the provision of adequate accommodation for teaching and learning. Indeed, we have taken a great number of measures and actions to ensure that these needs - present, and future, are met. It is the responsibility of the Federal Republic of Germany, and their agencies, to provide these resources for teaching and learning and they are the 'owners' of the school. Over the years, and for this purpose, many containers have been provided, a new nursery, a new multi-purpose building, and currently, a new Canteen/Laboratory building is under construction. Last year, the school requested a fifth container complex (11 classrooms and toilet facilities – the Green container) for use for the start of the school year 2009-10 to provide additional teaching areas for primary and secondary children.

The School's Administrative Board approved the management's proposal for the annex project in January 2008, and this project is moving forward. Indeed, the school has frequent meetings with the Federal Authorities about this project and it lies within their responsibilities to ensure that this facility is provided as soon as possible and, as public institutions, they have their own practices and procedures in such matters which are beyond the control of the school. We express our concerns and demands frequently and vigorously. The containers, which are approved as 'temporary' will be removed from the Perlach site at some stage – the date is unclear since pupil numbers are increasing, and the completion date of the annex project is not fixed although the school has demanded that it be ready for the school year 2015-16.

Following the handover of the new Mensa/Laboratory building, there will be two major renovation areas in the school – the current Mensa area, and the current laboratory areas which will cause disruption and further impose on our accommodation resources. The school has asked for this renovation process to be conducted as quickly as possible but it seems that a school year will be needed before this is completed.

So, in play, there are several changing factors in regard to the accommodation for teaching and learning – the shortfall due to the current building, the need for the Green container, the subsequent renovation of the current buildings, and the annex project. We are continuously making risk assessments on these factors and we are confident that the new Mensa/Laboratory building will be ready for use in January 2010. In regard to the Green container, our confidence in it being ready, punctually, for the start of the school year



2009-10 is not so high and we are, at this particular moment, unable to give certain assurances since the provision is in process and is being controlled by the Federal Authorities to whom we have made strong representations. The demands of the school for extra sport accommodation for the next school year, and beyond, are being processed and I am confident that a durable and acceptable solution will be found in this respect.

Regarding the concerns of parents about after school child care, we have attempted, over the years, to be reliable and helpful partners. The nursery building has been used for many years without any noticeable negative outcomes, and the school will continue to offer this provision. In recent years, the school, together with the parents and the EPO, has attempted to find solutions for additional accommodation for after school care but our planning and timetabling processes are continuous and changing through the spring and summer of each school year. We place a high regard in being reliable but, in the nature of this process, and in the light of the above changing factors, it has not always been possible to give firm commitments early and it has been difficult to synchronize with the processes involved with the planning for extra after school care facilities within the teaching areas of the primary or secondary school.

In regard to your 3 specific requests:

- 1 We would wish to continue the current arrangements, or similar, in regard to the use of some of the rooms by the "Garderie Club" in the Red container, or another, for the school year 2009-10 but, at the time of writing, are unable to give this commitment with reliability. We await further information from the German authorities about the delivery date of the Green container and are currently making 'emergency' plans for teaching rooms should this not be on the 2<sup>nd</sup> September 2009. As soon as we are in a position to make a commitment we will do so as a matter of urgency. I hope to be in able to do this next week.
- 2 I have elaborated on the changing factors (above), and in this light, I am unable to commit any accommodation for after school care in the main building for the school years ahead. There will always be a year by year review of the needs for teaching and learning, and an appreciation of the need for after school care. I am able to commit the nursery facility with reliability.
- 3 The request to exercise pressure on the German and Munich authorities – the Munich authorities are partners with the Federal Authorities charged with building projects for the school and the latter is greatly aware of the needs of the school. To expect the annex to be built within two years is completely unrealistic – there are many, many hurdles, beyond the influence of the school, to be overcome to bring this public building project to a conclusion even though the school would welcome an annex as soon as possible and have expressed this perspective to the Federal authorities.

I wish to underscore our understanding of the concerns in regard to after school care which face working parents. We have been reliable in committing the nursery and this works well and has been durable. Our main mission is to provide teaching and learning, and we seek to be reliable partners in assisting to support further accommodation demands and trust that this letter assists you in appreciating the situation.

Yours sincerely,

John Peryer  
Director

Cc: The President of the European Patent Office, Ms Alison Brimelow  
Bc: M Archambeau, Mr Robin  
The ESM Management team

PS. Since you have published your letter to the President of the EPO, and myself, on your website, I would appreciate it if you would publish my reply.