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ANNEX UNDER OBJECTIVE 2

Advice case title: Financing cross border pupil's education

Full official name of the advised entity: Communauté de communes Pyrénées Haut-Garonnaises

Name of the expert contracted for the advice case: Géraldine Bachoué-Pedrouzo

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This Annex complements the original report “Financing cross border pupil’s education”, accessible here: https://www.aebr.eu/wp-content/uploads/2021/11/Report_21.pdf.

1- Legal provisions to be used for the recognition of a territorial specificity:

- Article L 212-3 of the French Education Code and Article 72(3) of the Catalan Law 12/2009 allow for special school arrangements in mountain and rural areas, respectively, to address isolation and transport issues. These provisions can facilitate school consolidation and cross-border schooling between municipalities to combat population decline in the area.
- Article L 212-8 of the French Education Code supports regional language instruction, allowing for cross-municipal schooling, with financial contributions agreed upon between municipalities.

- Cross-border schooling, while lacking a specific EU legal framework, is promoted by the European Committee of the Regions to improve cost-effectiveness and daily life in border regions. The Pyrenees-Mediterranean Euroregion and the Franco-Spanish Treaty of Barcelona can support these initiatives.

2- Legal provisions to be exploited in favour of a right to cross-border schooling:

- French Education Code Articles L 131-5 and L 212-3 accommodate children of seasonal workers in school lists and teacher allocations. These provisions could extend to children of cross-border workers, aligning with EU rules.
- EU law, particularly Articles 18 and 45 TFEU, supports non-discrimination and freedom of movement for workers, implying a right for their children to attend school in the parents' country of employment. Regulation (EU) No 492/2011 ensures equal social advantages for EU workers, potentially including schooling.
- Catalan law, in Article 47 of Law 12/2009, prioritises school access based on geographic proximity to parents' homes or workplaces. This could support cross-border schooling for children residing in France but closer to Aranese schools, facilitating educational continuity and regional integration.

3- Legal provisions on education to be used to establish or facilitate cross-border cooperation:

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- Competent Authorities: Catalan law (Article 159 of Law 12/2009 and Article 55 of Law 1/2015) involves municipalities and the General Council of Aran (*Conselh Generau d'Aràn*) in school management, designating them as primary contacts for French authorities in cross-border educational cooperation. Articles L 212-7 and L 212-8 of the French Education Code allow municipalities to delegate school operating expenses to inter-municipal bodies, thus simplifying financial arrangements.
- Justifications: Article L 131-5 of the French Education Code permits children to enrol in schools outside their home municipality with parental consent, adaptable to cross-border contexts for practical and educational benefits. Catalan law (Articles 44 and 84 of Law 12/2009) promotes cross-border educational initiatives, encouraging plurilingual and innovative pedagogical projects with accreditation and support. Articles 167 of Law 12/2009 and 55 of Law 1/2015 emphasise collaboration with schools in Catalan-speaking regions, including Aranese, facilitating cross-border regional language learning.
- Funding: Article L 212-2 of the French Education Code allows municipalities to pool resources for school establishment and maintenance. Catalan law (Law 12/2009) provides financial support through grants, scholarships, allowances for rural students (Article 6(3)), funding for innovative strategies (Article 201),

and support for extracurricular activities (Article 202). The General Council of Aran also manages scholarships and grants (Article 55(5) of Law 1/2015), enhancing funding for cross-border educational initiatives.