

01.02.13

DECISION

of the Bundesrat

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Rethinking Education – Investing in skills for better socio-economic outcomes

COM(2012) 669 final

The Bundesrat, in its 906th session on 1 February 2013, adopted the following position pursuant to §§ 3 and 5 of the EUZBLG (Act on Cooperation between the Federation and the Länder in European Union Affairs):

1. The Bundesrat takes the view that the Communication "Rethinking Education" constitutes a Commission work programme for general and vocational education over the coming years because of the many initiatives and measures it announces. The way issues are represented, being so dense in places, means that there is a real need for clarification and an argued and detailed assessment of the Commission's proposals, which have not yet been properly fleshed out.
2. The Bundesrat notes that the Commission has considered European cooperation in the area of general and vocational education almost exclusively from the viewpoint of the Europe 2020 growth strategy. It is very concerned about the trend towards considering education policy cooperation through the prism of the Europe 2020 Strategy. It would like to emphasise, against this background, that the strictly defined powers of the EU in the area of education, as set out in Articles 165 and 166 of the TFEU, should not be exceeded as a result of the steady encroachment of employment policy on EU cooperation in education.
3. In the light of the division of powers in the area of education, the Bundesrat rejects the Commission's attempt to set "priorities for Member States" and promote their implementation in national education systems and policies. For example, it is not for the Commission to determine that the Member States should bring in new education reforms or to criticise aspects of their systems (such as the need to repeat years or the streaming of pupils by ability) which are the exclusive competence of the latter. Moreover, the structuring of examinations, the design and structuring of courses and the funding of education are all areas falling within the sole jurisdiction of the Member States. As far as higher education is concerned, the Bundesrat would like to point out that any ideas about having the Member States exercise direct influence on curricula in the areas of entrepreneurial skills, IT skills and foreign languages are not feasible, because of the autonomy of higher education establishments.

4. The Bundesrat recommends that the Commission pay greater attention to the language it uses and its translations (e.g. the translation of modal verbs, some of which imply in the original English an excessive degree of obligation on Member States to implement the proposed measures, given the division of powers; the translation of "monitoring" by "Überwachung"; translation of "early school leavers" by "Schulabbrechern").
5. The Bundesrat is most concerned about the more intensive monitoring of the Member States announced by the Commission during the European Semester, for example based on the extension of the analysis basis for a more country-specific approach and support for the Member States by means of regular peer reviews, which will ultimately lead to an enormous intensification of the open method of coordination. Monitoring how the Member States plan and implement measures on the basis of country-specific recommendations represents an infringement of the division of powers laid down in the Treaties. The Bundesrat rejects the Commission's idea, found in particular in the accompanying documents, of drawing up implicit league tables showing the educational performance of the Member States. This idea is not permissible. Rather, use of the open method of coordination in the field of education should not be extended, and the strict ban on harmonisation should be maintained going forward. In particular, peer reviews should serve merely as a means of voluntary exchange between Member States, with the aim of learning from each other.
6. The Bundesrat welcomes the explicit recognition of Germany as having a "world-class VET system", the structure and practical orientation of which means that Germany has the highest youth employment rate in Europe. This illustrates the point that the labour market evidently requires more than just highly qualified workers, generally with higher education qualifications, as the Commission claims. Rather, it also needs workers who, in their specific field, have comprehensive knowledge, skills and expertise. At the same time, we cannot understand why, in this context, the Commission is still ignoring or, at best, mentioning in a footnote in anthologies or country analyses, the inclusion of ISCED level 4 certificates by Germany with regard to the proportion of 30 to 40-year-olds with a higher education or equivalent qualification. In this, the Commission's position is at odds with the conclusions of the European Council of 17 June 2010 which stated explicitly that qualifications equivalent to higher education qualifications should also be taken into account, and emphasised the competence of Member States to define and implement quantitative targets in the field of education.
7. The Bundesrat considers that there is a need to specify that country-specific features and needs should not only be taken into account in the development of high quality dual VET systems but that they should also apply to all other focuses of the Member States, in particular the point about developing qualifications on the basis of short courses.
8. Regarding the point about the low rate of participation in lifelong learning, the Bundesrat would like to emphasise once again that these rates are based on the wrong version of the indicator (see, most recently, Bundesrat document 26/09 (Resolution)). The low participation rates suggested by the indicator do not, at least for Germany, give an accurate picture of actual participation in lifelong learning. Please refer to the Europe-wide Adult Education Survey (AES) in which Germany is also taking part.
9. Regarding the Commission proposal for a European benchmark on foreign language competences, which is explained in more detail in the relevant

accompanying document but not in the Communication itself, the Bundesrat confirms that the German Bundesländer will not be taking part in the planned second survey, in particular because of the considerable organisational, administrative, time and financial cost of the testing (see Bundesrat documents 653/05 (Resolution), 653/05 (Resolution) (2) and 268/07 (Resolution)). In particular, the Bundesrat considers the proposed European benchmark on foreign language competences, according to which, by 2020, at least 75 percent of all pupils in lower secondary school should be learning two foreign languages, to be very ambitious, given the current figure of 61 percent.

10. The Bundesrat is hesitant about the idea of establishing a competence framework for teachers because this area is the exclusive competence of the Member States. It recalls the German standards for teacher training (see Resolution of the Ministers of Education and Cultural Affairs of 16 December 2004), which, as a tried-and-tested procedure operated by the German *Länder*, could be used in a more intensive exchange of information and opinions between the Member States (see Bundesrat document 341/10 (Resolution)). It also points out that German teachers undergo a two-phase training which, particularly as a result of preparatory phase in schools, taking up to two years, helps to prepare new teachers for their profession by means of guided, increasingly independent teaching, with the result that the drop-out rate from the profession after a few years is very low indeed in Germany. The Bundesrat would also like to point out the insufficiencies of the accompanying document on the teaching profession, which does not take into account, for Germany, the preparatory phase as a vital introduction to professional practice.
11. The Bundesrat welcomes, in principle, the goal of greater consistency between the many European instruments such as the European Qualifications Framework, the Europass, the European credit systems ECTS and ECVET and the European multilingual classification of jobs and skills (ESCO). It points out, however, that, for example, the European Qualifications Framework does not generate any right to recognition and warns, against this background, against any confusion of the concepts of recognition and transparency tools, which the Commission suggests are needed "to ensure that skills and qualifications can be easily recognised across borders". The Bundesrat doubts in this context whether there is any added value to be had from the creation of a new "European Area for Skills and Qualifications" and notes that there is already a "European Area for Education and Training".
12. The Bundesrat notes that the summarised representation of the goals of the Bologna Pathfinder Group is not accurate. The goal is not to treat all graduates the same, regardless of where they earned their degree, by shifting the focus away from the current principle of recognising individual qualifications towards one of placing confidence in the system which awarded the degree. Rather, the opportunities for faster recognition should be assessed and tested on the basis of experiences in individual countries, with the goal of highlighting possibilities for "automatic recognition" without these being determined in advance in line with the solution mentioned here.
13. Concerning the idea of 'developing an evidence-based framework to analyse the efficiency of public spending for quality education and training', the Bundesrat notes that it has so far proved very difficult to obtain any reliable findings because of the complexity of the subject, the breadth of the parameters to be investigated and the very diverse situations in the regions and Member States.
14. As far as the Communication's focus on education's contribution to growth and employment is concerned, the Bundesrat affirms its criticism of this reductionist

notion, which does not do justice to the holistic attitude to education in Germany. Once again, the Bundesrat would like to emphasise that the point of education is to develop the whole personality, to foster a sense of responsibility, instil values and teach people to think for themselves. Reducing it to merely functional aspects is in the interests of neither the labour market nor the objectives pursued in this Communication. Moreover, the early phase of education should not be reduced to the need to avoid school drop-outs and their negative consequences. Rather, it should focus on the child, his or her individual development and needs and the early development of skills.

15. Although the Bundesrat agrees with the Commission that fostering entrepreneurship is an important aspect of education, it cannot understand the accentuation of this element as a priority for the implementation of the Europe 2020 strategy or for the structuring of national education policies. It confirms its rejection of the Commission's stipulation that all young people should benefit from at least one practical entrepreneurial experience before leaving compulsory education (see Bundesrat document 149/06 (Resolution)). The Bundesrat is very sceptical about the strategic guidelines to support the qualitative improvement and EU-wide expansion of entrepreneurship education at all levels, planned for 2013, noting that these guidelines and the planned orientation framework including the development of instruments to monitor progress should, at most, be optional.
16. The Bundesrat acknowledges that easily accessible study and teaching materials can provide a beneficial complement to traditional materials. However, it warns against hoping for too much in the light of the fundamental changes in education which the Commission hopes will be brought about through the use of more digital material. In particular, the issue of how the quality of freely available teaching and study content can be guaranteed meaningfully, comprehensively and on an ongoing basis, so that it bears fruit in the classroom, remains to be explained. The announced European initiative to open up education by tapping into the potential of ICT and open educational resources needs to be explained in more detail.
17. The Bundesrat is unclear about the sources of many of the Commission's statements and observations and the conclusions drawn from them (in particular the calls on the Member States to act). Some of the data used are unconvincing with regard to the method of sampling, for example the information on entrepreneurial skills in the education systems of the Member States, which seems to be based on nothing more than a perception. In the light of this, it calls for greater transparency regarding the sources of data used and greater care in the interpretation of data as the basis for recommendations for action, in particular if there is any doubt as to their reliability.
18. The Bundesrat will forward this opinion directly to the Commission.