

## Resolution

### 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 -- Opening up education: Innovative teaching and learning for all through new technologies and open educational resources**

**COM(2013) 654 final**

At its 916<sup>th</sup> session on 8 November 2013, the Bundesrat adopted the following opinion pursuant to §3 and § 5 EUZBLG<sup>1</sup>:

1. The call for innovative teaching and learning methods in education, involving the use of new technologies and digital teaching and learning materials, is an important issue for the authorities in the German *Länder*. The Bundesrat supports the Commission's opening statement regarding "opening up education" and the argument that even better use can be made of the potential offered by new technologies and digital teaching and learning materials in order to improve the quality, effectiveness and accessibility of educational opportunities.
2. In particular, the Bundesrat agrees with the Commission that digital tools can be a useful way of enhancing teaching methods and improving the process of guided individual learning. Methods to promote digital teaching and learning are therefore to be welcomed, such as safe and fast Internet connections, learning content which is free from copyright or licensing problems and a learning environment which is easy to use. Exchanges between schools and teachers, which the Commission intends to strengthen by extending existing platforms and establishing new platforms, e.g. eTwinning and EPALE, can help people to learn from each other and exchange good practice.
3. The Bundesrat would also point out that, in view of the distribution of competencies under EU law, cooperation in the education sector at European level is a voluntary process which cannot be managed or steered directly by means of binding requirements at EU level. This also applies with regard to the "European agenda for stimulating high-quality, innovative ways of learning and teaching through new technologies and digital content" referred to in the communication. Although the Commission acknowledges that responsibility for ensuring that the initiative is implemented successfully lies primarily with the Member States, there is somewhat of a risk that implementation of the specific measures referred to in the communication will involve an overstepping of the EU's remit in the field of education.

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<sup>1</sup> EUZBLG = *Gesetz über die Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union* / Act on cooperation between the Federation and the *Länder* in matters concerning the European Union

4. The Bundesrat is therefore concerned that the Commission intends to develop measuring tools and indicators to closely monitor the integration of ICT in teaching and training institutions and "provide targeted policy guidance to clusters of MS to help them to identify successful measures for meeting their challenges in view of the country specific recommendations (CSRs) under the European Semester/Europe 2020". The Bundesrat would point out once again that recommendations concerning education in specific countries must not affect the competencies of the Member States (cf. Bundesrat printed paper 471/13 (Resolution)). Moreover, matters concerning the curriculum, performance assessments for teachers, training and continuing training for teachers, the validation and recognition of skills, and the establishment of framework conditions for educational institutions as well as for the manufacture, development and authorisation of teaching and learning materials fall solely within the remit of the Member States and, in Germany, largely within the remit of the *Länder*.
5. Moreover, the German *Länder* do not generally act as suppliers of teaching and learning materials. Instead, it has hitherto been the responsibility of specialist manufacturers of teaching media to ensure that their products are of a high quality. Because of the structures which have evolved, and in some cases also because of regulatory considerations, some *Länder* have expressed concerns about the Commission's proposal that the public authorities themselves should issue contracts for teaching or learning materials. Insofar as there is a desire to promote the development of new business models, it must also be borne in mind that this has a bearing on the business interests of publishers which specialise in the supply of teaching and learning materials.
6. The Bundesrat acknowledges the fact that open educational resources (OER) can be a useful addition to conventional resources. The Commission's efforts to make high-quality European OER more accessible and/or to promote their development are therefore to be welcomed. At the same time, however, the Bundesrat would note that there are estimated to already be more than a million types of educational media in Europe which have not yet been examined, categorised or certified and whose rights holders have not yet been verified. In particular, the communication fails to provide a satisfactory answer to the question of how and in accordance with what criteria the quality of OER content, which can in principle be modified, can be secured in a reasonable, on-going and comprehensive manner. Moreover, the Bundesrat does not share the Commission's high expectations that there will be changes in the education sector as a result of an increased use of digital resources (cf. Bundesrat printed paper 725/12 (Resolution)).
7. The Commission refers several times in its communication to increases in efficiency and reductions in costs which are said to be associated with the use of OER. The Bundesrat would stress that, in order for the overall strategy to be implemented, the Commission's key proposals (such as ensuring that every school and, ideally, every classroom has a broadband Internet connection) entail significant investment from the Member States. The reference to the possibility of funding from the EU's Structural and Investment Funds needs to be examined carefully, now that programme planning for the period 2014-2020 in the *Länder* has largely been completed. The Commission's exhortation that the priorities proposed by the Commission in its agenda should be implemented by the Member States both systematically and with vigour would require additional funding from the EU.
8. In its communication, the Commission uses a restricted concept of education which relates to the safe and autonomous use of new technologies and digital content. The

Bundesrat would stress that the entitlement to education in the *Länder* is much broader and is directed at the personal, cognitive and social education of the individual and the development of the personality as a whole. To this end, continuous personal contact between teachers and learners during the learning process, as well as among learners themselves, is of the utmost importance. The Bundesrat would therefore point out that, irrespective of the age or specific requirements of the learners, the advantages of transferring educational services to digital platforms with a view to making learning processes more personal, ubiquitous and flexible must be weighed up carefully against the unavoidable need for learning in a social and real-life environment.

9. The Bundesrat submits this opinion directly to the Commission.