

16.10.85

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 – Draft 2015 Joint Report of the Council and the Commission on the implementation of the Strategic Framework for European cooperation in education and training (ET2020): New priorities for European cooperation in education and training

COM(2015) 408 final

At its 937th session on 16 October 2015, the Bundesrat adopted the following position pursuant to Sections 3 and 5 EUZBLG (Act on cooperation between the Federal State and the *Länder* in matters relating to the European Union):

1. The Bundesrat takes note of the implementation of the Strategic Framework for European cooperation in education and training.
2. It underlines the importance of European cooperation in the area of education and training, and in particular its value in terms of a mutual learning process between the Member States and the resultant impetus for continuous improvement in the quality of education and training systems in Europe. This cooperation continues to be important, especially in view of the current challenges facing the EU.
3. The Bundesrat welcomes the retention of the four strategic objectives of the ET 2020 Strategic Framework. Because of their broad scope, they will remain relevant over the coming years. In addition, processes in the area of education need time to take effect. Against this background, and with regard to a reduction in reporting requirements, the Bundesrat considers the planned extension of the work cycle from three to five years to be correct.
4. However, the Bundesrat is sceptical about the Commission's claim in the staff working

document accompanying the Communication (SWD(2015) 161 final) that it is a fundamental principle of reporting requirements to place the main focus of Member States' contributions to ET 2020 reporting on critical self-assessment of progress made and forward-looking priorities and actions to be put in place. The Council conclusions of 12 May 2009 on ET 2020 refer only to reports from the Member States, in other words to subsequent notification of facts. Shifting the focus to the future outlook and to assessments would increase the burden of justification and lead implicitly to closer monitoring of national education policy. The Bundesrat rejects this vision of reporting.

5. The Bundesrat notes that the Commission gives education a critical role under a new wider-reaching agenda and increasingly links it with other policy areas. In its Communication, the Commission states that the role of ET 2020 as contributor to the overall EU agenda for jobs, growth and investment, including the European Semester, needs to be further deepened. It also declares that education is important to prevent and tackle marginalisation and radicalisation. On the one hand, the Bundesrat welcomes the recognition at European level of other aspects than the role of education in boosting employability and in economic growth, since education is a prerequisite for a successful social and integration policy and for building a democratic society, and also contributes to preventing marginalisation and radicalisation. On the other hand, education should not be saddled with too great a burden. Preventing marginalisation and radicalisation is a concern for the whole of society, to which education can make its own specific contribution. In addition, exploiting education and viewing it purely in terms of its utility does no justice to the extensive role of education. Although they overlap to a certain extent, the ET 2020 Strategic Framework is not a tool for the Europe 2020 Strategy. In particular, the Bundesrat takes a critical view of the use of ET 2020 to implement country-specific recommendations.
6. In its Communication, the Commission advocates a shift from transparency to recognition of qualifications across Europe, by strengthening the role of the European Qualifications Framework (EQF) and promoting the validation of non-formal and informal learning. In this context, the Bundesrat points out that the EQF is simply a translation device that is not legislative in nature; it is based on learning outcomes and voluntary implementation by the Member States and it has no binding effect (see Bundesrat document 655/06 (Resolution), paragraph 2). A prerequisite for taking part in the development of the EQF was always that it was a tool for promoting transparency and mobility and would in no way replace the existing systems of access in the Member States. Since any conversion of the EQF into a recognition tool would undermine this prerequisite, the Bundesrat rejects the plans for a shift from transparency to Europe-wide recognition of qualifications as unacceptable.
7. The document accompanying the Communication stresses the need to promote the validation and recognition of qualifications acquired outside the EU. If the EQF is to be

used for this purpose, the Bundesrat has reservations about extending cooperation to include non-EU countries. Before such a step is taken, basic questions about cooperation with non-EU countries must first be resolved, such as the extent to which the EQF can or should be used systematically as a meta-framework in conjunction with the existing national qualifications frameworks of non-EU countries. The Bundesrat is of the opinion that the EU and the Member States should concentrate for the time being on establishing the EQF within Europe and on referencing the various national qualifications frameworks.

8. In its Communication, the Commission refers to simplifying and rationalising existing EU instruments on skills and qualifications directed to the wider public, without presenting any further facts. Whilst the Bundesrat welcomes the idea of optimising instruments and creating synergies, it stresses that instruments must have added value if they are to become known and accepted and that they will need time to become established. In view of the administrative and staff resources involved, the Bundesrat urges caution in establishing new structures.
9. With regard to the selection of priority areas by the Commission, the Bundesrat again points out that it continues to consider German participation in European cooperation on education to be a voluntary process and, in line with the European treaties, one that is not subject to requirements set at European level (see *inter alia* Bundesrat document 339/12 (Resolution), paragraph 2).
 - In particular the priority areas of 'Strong support for educators' and 'Sustainable investment, performance and efficiency of education and training systems' impinge on the core area of Member State competence. The Bundesrat rejects the proposal to assess the Member States' systems at European level as a clear case of infringing national competence.
 - Again on competence grounds, the Bundesrat is also extremely sceptical about the proposal put forward in the Commission's working document that a group of experts should focus on the effectiveness and efficiency of educational expenditure, and reaffirms its rejection of any assessment at European level of national investment in education. It also points out that an assessment of investment in education from a purely economic and job-market perspective is insufficient and does not reflect the intrinsic value of education. The quality of investment in education is a complex, multifaceted issue, which cannot be achieved or evaluated with a simplistic approach (Bundesrat document 583/14 (Resolution), paragraph 10).
 - In its Communication, the Commission stresses that it is a common objective of the Member States to reduce the number of priority areas from 13 to six and to streamline the current priority areas for action. However, the Bundesrat sees no evidence of streamlining in the way the priority areas have been divided into

concrete issues. The priority areas (for example, Priority 1: Relevant and high-quality skills and competences, focusing on learning outcomes, for employability, innovation and active citizenship) are so broad in their scope that that the added value of regrouping them is questionable.

10. The Bundesrat sees the incorporation of refugees into the further development of education and training as a major contribution to the integration of refugees into the European job market.
11. It requests the Federal Government to take the challenges of integrating refugees into the job market into account when implementing the ET 2020 Strategic Framework and to make them its own priority within the strategy.
12. As a priority for the area of key competences over the next five years, the Commission proposes reinforcing the development of transversal skills and key competences, and in particular digital, entrepreneurship and linguistic competences, through common EU frameworks and self-assessment tools such as HEInnovate. The Bundesrat takes a critical view of the idea of creating additional common frameworks, particularly where there are doubts as to their added value. In its conclusions on entrepreneurship in education and training, the Council has already stressed the need for Member States and the Commission to examine the benefits of developing a reference framework for entrepreneurship. The creation of a common framework for entrepreneurship would run counter to such an examination and prejudge its outcome.
13. The Bundesrat stresses the importance of an open and innovative system of education and training that fully embraces the digital world. In its Communication, however, the Commission also proposes promoting the use of information and communication technologies (ICT) as a driver for systemic change to increase the quality and relevance of education at all levels. Digital media are effective in teaching under specific circumstances. The use of digital media should not be an end in itself.
14. The Bundesrat notes that the Communication promises a strengthening of peer learning activities under ET 2020 and stresses that mutual learning gives added value to cooperation in education at European level. In this context, it takes a critical view of peer reviews and the new approach of 'peer counselling':
 - In its Communication, the Commission states that peer reviews have proved useful when focusing on country-specific challenges. In this context, the Bundesrat points out that, owing to the distribution of competence in education, mutual learning activities can only be based on voluntary exchanges and must not lead to auditing or monitoring of the Member States' education systems. The term 'peer learning' should therefore be used, rather than 'peer review'.
 - The Communication also refers to 'peer counselling' as a new instrument of

Member State cooperation in the area of education. Peer counselling is intended to promote policy development and policy-making and the implementation and evaluation of national policies at national level with the help of tailor-made advice from peers or counsellors in other national administrations. Irrespective of whether peer counselling at European level is really a worthwhile new instrument offering added value for the Member States' work on education policy, the Bundesrat underlines that this should not be linked to European interference in national education policy.

15. In the staff working document accompanying the Communication, the Commission states that the measurement basis of some European benchmarks will improve and further indicators must be developed to capture additional and emerging priorities under ET 2020.

- The Bundesrat points out that all proposals for modified or new benchmarks must be examined extremely carefully with respect to their expected added value for Europe and must undergo a cost-benefit analysis that takes particular account of the associated administrative burden (BR document 26/09 (Resolution), paragraph 12). In addition, no indicators and benchmarks may be defined that run counter to the exclusion of harmonisation in the field of education (Bundesrat document 786/10 (Resolution), paragraph 3).
- It also urges that changes to benchmarks be agreed with the Council bodies responsible for education.
- The Bundesrat welcomes the Commission's recognition in its staff working document that the methodology for measuring the benchmark on participation in adult learning could be improved. This is in line with the Bundesrat's repeated demand for an overhaul of this unsuitable indicator. In view of this, the Bundesrat is surprised that the Commission takes an uncritical view in its Communication of the low number of adults (10.7 %) taking part in lifelong learning and makes no reference to the survey conditions applying to the indicator mentioned in the staff working document (short period of time).
- With regard to the benchmark for early childhood education, the staff working document refers to ongoing work to develop a framework of ECEC indicators, taking account of accessibility and affordability, the qualification and professional development of staff, the ECEC curriculum, monitoring and evaluation and governance and funding of ECEC. In this context, the Bundesrat would counter that it is the Member States that are competent for educational content and structures and their underlying conditions.
- With regard to the benchmark for higher education qualifications, the Bundesrat points out that the number of 30- to 34-year-olds with a higher education qualification or equivalent should be recorded and that, for Germany, the numbers

of ISCED-4 qualifications should be included. The Bundesrat regrets that these qualifications have not been taken into account in the Commission's staff working document and are simply referred to in a footnote mentioning other definitions of the indicator in some Member States.

16. In the staff working document accompanying the Communication, the Commission advocates strengthening further the links between the European Social Fund (ESF) and ET 2020. In this context, the Bundesrat again urges as much flexibility as possible in the allocation of ESF funding in order to meet the needs of the Member States and the regions. For reasons of competence, the granting of funding should not be linked to the implementation of reforms in education policy (Bundesrat document 786/10 (Resolution), paragraph 8).

17. The Bundesrat points out that, because of the high standard of vocational training in Germany, the medium-term deliverables defined in the Riga conclusions have already been achieved and work on optimising the German education and training system is ongoing.

18. The Bundesrat notes that, within Germany and viewed both quantitatively and qualitatively, a large majority of the measures proposed in the Communication fall under the exclusive competence of the *Länder* pursuant to Articles 30 and 70 of the Basic Law (schools, teacher training, competence for organising the education system, education budget and higher education). The topics of vocational and adult learning, lifelong learning and higher education admissions are comparatively less important, in terms of both their number and their substance.

The Bundesrat therefore calls on the Federal Government to give appropriate consideration to the proposal in accordance with §5(2) of the EUZBLG (Act on cooperation between the Federal State and the *Länder* in matters relating to the European Union).

19. The Bundesrat will forward this position directly to the Commission.