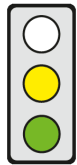


KEY ISSUES

Objective of the Recommendation: The provision of early childhood education and care (ECEC) is to be expanded and its quality improved.

Affected parties: Children up to school age and their parents, ECEC staff



Pro: (1) Investment in ECEC will give rise to a cross-border benefit for all Member States in the long term.
(2) ECEC professions should be made generally more attractive by upgrading their status so that sufficient staff with the envisaged higher qualifications can be recruited.

Contra: The decision on teaching content in ECEC should, in principle, be left up to the Member States.

The most important passages in the text are indicated by a line in the margin.

CONTENT

Title

Proposal COM(2018) 271 of 22 May 2018 for a **Council Recommendation on High Quality Early Childhood Education and Care Systems**

Brief Summary

Note: Unless otherwise indicated, numbering and page numbers refer to the proposed Recommendation COM(2018) 271.

► Context and objectives

- Early childhood education and care (ECEC) cover the period from birth up until compulsory school age.
- High-quality ECEC contribute to improved educational attainment and labour market outcomes as well as to social inclusion [Recitals 3-7].
- The availability of ECEC services enables parents, particularly mothers, to participate in the labour market [Recital 8].
- In the [Conclusions](#) from its meeting on 15 and 16 March 2002 in Barcelona, the European Council decided that by 2010, in the EU
 - for 33% of all children aged 0–2 and
 - for 90% of all children between the age of 3 and compulsory school age, ECEC should be provided (“Barcelona targets”) [Recital 21]. Until now, only the first target has been achieved, the second, at 86%, has not been achieved [COM(2018) 273, p. 1 et seq.].
- Only half of all children in the EU below compulsory school age, about 15 million, receive ECEC [p. 2].
- On the basis of the proposed Recommendation, Member States should improve [p. 2]
 - the accessibility of ECEC facilities and
 - the quality of ECEC services.

► Scope and implementation of the Recommendation

- In addition to Member States, the Recommendation is also directed at social partners and other civil society organisations involved in ECEC [Recital 23].
- The Recommendation should be implemented by the Member States in line with available resources and national circumstances and in close cooperation with all relevant stakeholders [p. 15].

► Access to ECEC facilities

- Sufficient ECEC places for all children are to be created and efforts made to ensure that these places can actually be utilised [Recitals 10 and No. 2].
- Member States should ensure e.g. that
 - ECEC facilities are appropriately geographically distributed and have flexible opening times [No. 2 b],
 - the cost of using ECEC facilities does not prevent parents from using them [No. 2 b],
 - ECEC facilities are also used by children from “disadvantaged families” [No. 2 c].

- ▶ **Qualifications of ECEC staff**
 - The qualifications of those employed in ECEC facilities should be improved [No. 3].
 - Member States should
 - upgrade the status of ECEC professions so that more people choose them [No. 3 a],
 - align the qualification requirements for ECEC staff with those applicable to primary school teachers and improve the initial education and continuous professional development of ECEC staff [No. 3 a, b].
- ▶ **Content of ECEC**
 - ECEC should primarily support the “social, emotional, learning and linguistic competences” of children [No. 4].
 - The Recommendation contains a whole range of proposals about which capabilities Member States should support by way of ECEC [No. 4 a to e], including foreign language acquisition [No. 4 c].
- ▶ **Further measures by Member States**
 - Member States should ensure reasonable financing for ECEC [No. 6 a].
 - On the basis of this Recommendation, Member States should set up more far-reaching national or regional quality requirements for ECEC services [No. 6 b].
- ▶ **Further measures by the EU**
 - The Commission will facilitate the exchange of experience and good practice among Member States [No. 8, 9].
 - The Commission will support implementation of the Recommendation by providing EU funding, particularly by way of the European structural and investment funds [No. 10].
 - Following consultation with Member States, the Commission will submit updated benchmarks to the Council for ECEC provision [No. 11]. On the basis thereof, the Council could [p. 8]
 - revise the Barcelona targets,
 - include the new benchmarks in the European Semester and
 - revise the existing benchmarks contained in the [Strategic Framework](#) for European cooperation in education and training.

Statement on Subsidiarity by the Commission

Based on the Recommendation, existing cooperation between Member States in the area of ECEC, as a part of general and professional education, should continue. Member States should be encouraged to continue to work towards the Barcelona targets decided by the European Council. The added value of action at EU level arises inter alia from the exchange of knowledge and expertise between Member States [p. 5].

Policy Context

The Recommendation should contribute to the implementation of the European pillar of social rights [see [cepInput 01/20018](#)] [p. 1], which specifies that all children have a right to high quality, affordable early childhood education and care [11th principle]. Recommendations to improve ECEC are already contained inter alia in the [Council Recommendation](#) of 22 May 2018 on Key Competences for lifelong learning.

Legislative Procedure

22 May 2018 Adoption by the Commission

Options for Influencing the Political Process

Directorates General:	Education, Youth, Sport and Culture (leading)
Federal Ministries:	Education and Research (leading)
Committees of the German Bundestag:	Education, Research and Technological Impact Assessment (leading)
Decision-making mode in the Council:	Qualified majority (acceptance by 55% of Member States which make up 65% of the EU population)

Formalities

Legal competence:	Art. 165 TFEU (Education)
Type of competence:	Supporting, coordinating and supplementing competence (Art. 6 TFEU)
Procedure:	Non-legislative.

ASSESSMENT

Economic Impact Assessment

By implementing the recommendation, Member States may incur significant costs. Investment in the availability and quality of ECEC services is, however, appropriate essentially for three reasons:

Firstly: Investment in ECEC gives rise to high returns on education because it tends to help the people concerned to attain a higher income level than does investment in other areas of education [SWD(2018) 173, p. 14]. Participation in ECEC, especially by children from disadvantaged families, has clear positive effects on future educational level and thus on income, social integration and health [SWD(2018) 173, p. 10].

Secondly: **Investment in ECEC gives rise** not only to advantages for the Member State making the investment but also **to a cross-border benefit for all Member States in the long term**. Due to the right to free movement, EU citizens can do an apprenticeship, study or work anywhere in the EU. Children receiving ECEC in a Member State today will be able to contribute their personal skills as apprentices, students, employees or as self-employed workers across the EU in 15 or 20 years' time.

Thirdly: ECEC services make it easier for parents, who want to, to take part in the labour market. For women in particular, the lack of available ECEC services mean that they have to reduce their working hours or leave the labour market altogether [OECD(2018) Education and Skills today].

In 2002, due to the benefits of ECEC, Member States passed the Barcelona targets in the European Council according to which ECEC places were to be available by 2010 for 33% of all children aged 0–2 and for 90% of all children between the age of 3 and compulsory school age. As of today, however, these targets have only been partly achieved [regarding the status of implementation see COM(2018)273, p. 1 et seq.]. On average in the EU, about 32% of parents who do not use ECEC services say that the reason for this is that ECEC facilities are not available or there are barriers to their use [EU-SILC-Ad-hoc-Module 2016 "Access to services"]. As the Barcelona targets have not yet been achieved, and demand for ECEC services exceeds supply, it is appropriate for the Commission to call on Member States to create more ECEC facilities and to remove barriers to accessing the ECEC facilities that already exist.

The extent to which ECEC benefits children's development essentially depends on the quality of the ECEC services. In principle, it is therefore appropriate that Member States should increase the qualification requirements for ECEC staff. However, this will also create hurdles to accessing ECEC professions even though, at the same time, the supply of ECEC places is to be increased. **ECEC professions should, as the Commission proposes, be made generally more attractive by upgrading their status so that sufficient staff with the envisaged higher qualifications can be recruited.**

EU requirements regarding the content of ECEC only make economic sense where these requirements give rise to benefits in all Member States. Although it is not disputed that ECEC in itself gives rise to positive effects, it is virtually impossible to determine which individual content will have the greatest benefit for children and society in the long term. **The decision on the teaching content of ECEC therefore should, in principle, be left up to the Member States.** One exception to this is the advancement of foreign languages. Knowledge of foreign languages facilitates free movement within the EU and thus also access to the labour markets in other Member States.

Legal Assessment

Legislative Competency

The EU is to contribute to the development of high-quality general education by encouraging, supporting and supplementing the cooperation and activities of the Member States [Art. 165 (1) TFEU]. For this purpose, the Council may adopt recommendations on a proposal from the Commission [Art. 165 (4) TFEU]. In so doing, the Council must however respect the responsibility of the Member States for teaching content and the organisation of the education system [Art. 165 (1) TFEU]. The Treaty does however make an exception to this by stipulating that the EU should support the teaching of languages [Art. 165 (2) TFEU]. The Commission's proposal contains only a few very generally worded recommendations which essentially relate to the organisation of ECEC and are therefore covered by the EU's competence. Even the proposal on supporting the acquisition of foreign languages conforms to the legislative competence. In addition, although the proposal covers recommendations on support for social, emotional, learning and language competence and thus on the content of ECEC, these are so vaguely worded that they cannot be regarded as a requirement for any specific teaching content. Overall, the Recommendation is therefore covered by the EU's competence.

Subsidiarity

The responsibility of the Member States for teaching content [Art. 165 (1) TFEU] arises from the principle that the EU respects the national identity of the Member States [Art. 4 (2) TEU]. The Member States and their regions are best placed to decide on the content of ECEC. Apart from the recommendation to support the acquisition of foreign languages, the recommendation of a specific ECEC content therefore is, in principle, in breach of the principle of subsidiarity. There is one exception to be made to this: All Member States must undertake to uphold common values such as human dignity, freedom, democracy and the rule of law [Art. 2 TEU]. **In view of the trend away from this**

commitment in several Member States, the Council should recommend therefore in the final version that common EU values such as freedom, democracy and the rule of law should already be taught in ECEC [cf. Council Recommendation of 22 May 2018 on promoting common values, inclusive education and the European dimension of teaching].

Proportionality with respect to Member States

Recommendations are non-binding [Art. 288 TFEU]. In principle, therefore, it is a matter for the Member States to decide whether to implement recommendations. Nevertheless, under the principle of sincere cooperation [Art. 4 (3) TEU], the Member States are obliged to take recommendations into account. In addition, the implementation of this Recommendation will probably be monitored in the European Semester. However, The Member States' scope for making their own arrangements is hardly limited under the Recommendation as it only contains very generally worded targets.

Impact on German law

Education policy is a matter for the *Bundesländer* (federal states) [Art. 30 GG]. The *Bundesländer* are therefore responsible for improving ECEC provision in accordance with the Recommendation. The recently adopted *Good Kita Law* also provides that, with the support of national government, the *Bundesländer* should improve the quality of ECEC services. The Recommendation is therefore unlikely to give rise to any significant changes to German law.

Conclusion

Investment in ECEC gives rise to a cross-border benefit for all Member States in the long term. ECEC professions should be made generally more attractive by upgrading their status so that sufficient staff with the envisaged higher qualifications can be recruited. The decision on the teaching content of ECEC should, in principle, be left up to the Member States. In view of the trend in several Member States, the Council should recommend that common EU values such as human dignity, freedom, democracy and the rule of law should already be taught in ECEC.