

Conclusion to Part three

It should be emphasised that—in all the examples cited—the aim is not to technically ‘explain’ the cases to pupils, but to give context so that pupils engage with the issues at stake. Diverging viewpoints, complexities, criticism of EU action, and uncertainties as to how to uphold the foundational values of Article 2 TEU should be addressed.²⁰⁷⁰ The aim is to empower EU citizens by developing citizenship competences in the fullest sense (knowledge, skills, attitudes) and increasing awareness of the common values of Article 2 TEU.

Conclusion to Part three

276 A combined reading of EDC standards and EU law leads to substantial content for the EU dimension of EDC in mainstream education

In the search for balanced ‘EU citizenship education’, the discomfort caused by statal thinking has been resolved by using the consensual concept of EDC of the Council of Europe Charter on EDC/HRE and by pragmatically determining relevant content for its components based on EU law in interaction with Member State law. To respect EU primary law and Member State constitutions, existing national EDC should be extended by a genuine ‘EU dimension’, adapting it to the multilevel system of governance in which citizens in the EU live (adaptation perspective).²⁰⁷¹ Four criteria have been identified for determining relevant content for the EU dimension of EDC in mainstream education: (i) additional content for national EDC, (ii) significant content, i.e. relating to foundational (EU primary law) values, objectives and principles, (iii) inviting critical thinking and (iv) affecting the large majority of EU citizens, including static citizens (those at home).

The effects of a combined reading of EDC standards and EU law are considerable. EU law impacts so definitively and specifically on the EDC components that EDC of EU citizens is no longer adequate if it lacks an

2070 See e.g. the story of *Dano* (text to n 1426), *Gravier* and *Bressol* (text to n 1381). Various cases have led to conflicting observations of Member States and of commentators—which is healthy in a democracy (e.g. *Viking*, *Laval*, *Deutsche Bank*, etc). In particular, austerity cases can illustrate complexity, e.g. *Anagnostakis* (n 1557); Joined Cases C-8/15 P to C-10/15 P *Ledra* ECLI:EU:C:2016:701. See C Kilpatrick, ‘On the Rule of Law and Economic Emergency: The Degradation of Basic Legal Values in Europe’s Bailouts’ (2015) 35 Oxford Journal of Legal Studies 325⁷ (2015) 35 Oxford Journal of Legal Studies 325.

2071 § 151.

EU dimension. The analysis in Part three has indicated that acceptable and adaptable education in EU Member States must include an EU dimension to ensure that pupils realise their full potential as citizens.²⁰⁷² Learning content for the EU dimension is based, firstly, on the classic EU citizenship rights listed in Articles 20–24 TFEU, secondly, on the participation rights based on Title II TEU, and thirdly, on all the rights derived from EU law and corresponding obligations. In application of the four relevance criteria, they provide relevant content for the EU dimension in respect of several EDC components, such as (b) knowledge, skills and understanding, attitudes and behaviour, especially where the aim is to empower learners to (c-1) exercise rights and responsibilities, (c-2) value diversity, and (c-3) play an active part in democratic life. The EU dimension in education is not, of course, limited to rights and obligations. However, their impact on the three empowerment aims is undeniable. Alignment of EDC with EU law therefore requires adaptation of the substance of national EDC. The incorporation of an EU dimension in mainstream education ensures consistency of (citizenship) education with EU law. Moreover, exploring rights and obligations may be a bridge to other areas of EU learning, e.g. in historical, cultural or economic aspects, and may reach into deeper consideration of the foundational values, objectives and principles on which the EU is based. Learning about and reflecting on the DNA of the EU may give pupils a greater sense of their own European identity.

The content and method for EU learning must be seen in context. In order to enhance objective, critical and pluralistic EU learning in school, with no aim of indoctrination, two pillars are proposed: EU primary law and case teaching. Thus, Part three consists of legal fieldwork which may help actors in the education field to translate the EU dimension of EDC into learning outcomes. It provides a basis for teachers and their trainers to develop teaching packages adapted for general or vocational training. There is no point waiting for consensus on the democratic legitimacy of the EU before educating citizens for democracy. Certainly, there are unsatisfactory aspects to some EU rights—especially citizenship rights—and ambiguities must be acknowledged. Yet, *notwithstanding* the non-statal features of the political rights of EU citizens and the specific characteristics of democracy in the EU, and even *because* of them, EDC standards require additional content in education, respecting the autonomy of the EU and vertical and horizontal balances of power. If EU citizenship is additional to national citizenship (Article 9 TEU), a corresponding additional EU

²⁰⁷² Text to n 1016.

dimension of EDC is necessary. In a society based on the rule of law, EDC standards should be commensurate with the legal position of EU citizens and empower them to exercise their rights and meet their obligations whatever the legal source (EU or Member State level) and however complex the struggle for academic categorisation from the statal perspective.

While the schema of modes of reception of exogenic norms in the EU legal order has clarified how EDC standards of the Council of Europe produce effects in the EU legal order, the red line has to be respected, reflecting the specific characteristics of the EU. Therefore, using mainly Council of Europe standards is not the optimal route for educating EU citizens, as they leave areas of uncertainty. The consequences of EU membership are substantial. EU norms should be adopted setting out a framework for an adequate and adapted dimension of EDC for EU citizens. The EU dimension of EDC is an indispensable element in the progressive realisation of a more democratic Union.

277 Proposal for recitals

Based on the analysis in Part three, these recitals for the preamble of a hypothetical EU legislative act are proposed:

Whereas EU law provides relevant content for the EU dimension to be incorporated into national EDC in mainstream education (hereafter ‘the EU dimension of EDC’).

Whereas the content of the EU dimension of EDC is additional to existing national EDC; is significant, i.e. relating to foundational values, objectives and principles of the EU (based on EU primary law); invites critical thinking; and affects the large majority of EU citizens, including ‘static’ citizens.

Whereas the EU dimension of EDC empowers EU citizens to exercise and respect the rights and obligations provided for under the Treaties and the Charter of Fundamental Rights of the EU, empowers to value diversity and to play an active part in democratic life at EU and at Member State level.

The time has come to analyse the competences for this hypothetical EU legislative act.