

Conclusion to Part four

tional values and principles.²⁴⁵⁵ This end-result could be worse than taking a risk (the 'beautiful risk of education'²⁴⁵⁶).

To conclude these reflections on the human rights-based approach, in the exercise of competences in education, national educational autonomy is limited, on the one hand, by the obligations corresponding to the social dimension of the right to education (the state must take action to achieve the compulsory aims in international agreements and provide quality education, upholding the link with constitutional texts) and, on the other hand, by freedom rights, such as the right to freedom of education and the right to freedom of expression.²⁴⁵⁷

Conclusion to Part four

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

Whereas competence has been conferred on the EU to support and supplement Member State action in order to contribute to the development of quality education, to the European dimension in education and to encouraging young people to participate in democratic life in Europe, and to do so by providing incentives and making recommendations (Article 165 TFEU).

Whereas quality education comprises education directed to the preparation of the learner for effective participation and responsible life in a free society, and to strengthening respect for human rights and fundamental freedoms, as stated in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and therefore includes education for democratic citizenship and human rights.

Whereas the Member States are invited to take more action to provide such education, including its EU dimension.

Whereas quantitative and qualitative indicators reveal that Member States do not sufficiently achieve the objective of quality education including an EU

²⁴⁵⁵ E.g. 'Hungarian PM to EU: "We won't be a Colony" in <euobserver.com/843/115613>: "We will not be a colony. Hungarians won't live according to the commands of foreign powers, they won't give up their independence or their freedom," Orban told over 100,000 people in Budapest.'

²⁴⁵⁶ Biesta, *The Beautiful Risk of Education*. I do not agree with all the opinions expressed in this article, but space does not allow me to develop this here.

²⁴⁵⁷ Further nuancing the so-called killer phrase (n 83).

dimension in education for democratic citizenship; whereas EU action to support the EU dimension has added value compared to the fragmented action at national, regional, local or school level (respect for the principles of subsidiarity and proportionality).

Whereas defining learning outcomes for the EU dimension in EDC does not disproportionately interfere with freedom rights in education to the extent that they are necessary in a democratic society and genuinely meet objectives of general interest recognised by the Union and the need to protect the rights and freedoms of others.

Jean Monnet is alleged to have said: 'If I were to start again, I would start with education.'²⁴⁵⁸ Today, Articles 165 and 166 TFEU would give him a sound legal basis for action to empower EU citizens for active, informed, critical and responsible EU citizenship.

2458 'He probably never did, but it is an aphorism which makes sense, where ever it comes from': Corbett, *Universities and the Europe of Knowledge: Ideas, Institutions and Policy Entrepreneurship in European Union Higher Education Policy* xi. See also Shaw, 'From the Margins to the Centre: Education and Training Law and Policy' 555, 586.

