

**31 October 2024****HRK President on the recent BAFöG decision by the Federal Constitutional Court:  
"Legislators must actively utilise their social policy scope"**

The President of the German Rectors' Conference (HRK), Prof Dr Walter Rosenthal, welcomes the clarity of the Federal Constitutional Court's recent decision on the German Federal Training Assistance Act (Bundesausbildungsförderungsgesetz; BAFöG). In response to a question on the compatibility of the amount of the 2014 and 2015 BAFöG basic assistance with the German Basic Constitutional Law, the ruling dealt fundamentally with the entitlement to state benefits intended to enable university entrants without financial resources to study.

"The Federal Constitutional Court has once again made it clear that politicians must not shirk their responsibility when it comes to organising BAFöG as a key instrument for greater equality of opportunity in education. Equitable education is the foundation of democratic societies and central to their capacity for innovation. Legislators must actively utilise their social policy scope to make BAFöG a truly effective tool. If the Parliament wants to fulfil its own aspirations for BAFöG, the funding must be substantial," the HRK President said today in Berlin.

In its decision, the Federal Constitutional Court made it clear that the Basic Constitutional Law does not directly give rise to an entitlement to an individual education-specific social benefit nor to any guideline for the associated requirement rates, Walter Rosenthal clarified. BAFöG is a politically agreed subsidy in the sense of the constitutional principle of the welfare state. It was created to compensate for objective disadvantages and inequalities in the education system so that all those formally qualified to do so are able to train or study, regardless of their individual financial background. As the judges in Karlsruhe have now confirmed, said Rosenthal, BAFöG as a state funding instrument is fundamentally suitable for this purpose. The exact design is up to the legislator, not the Federal Constitutional Court, he explained, adding:

"In recent years, the HRK has repeatedly emphasised the need to significantly increase BAFöG funding rates in order to continuously adjust them to inflation and the reality of students' lives. This has been neglected for a long time, with the result that the latest increases have scarcely been able to alleviate the financially difficult situation of students in Germany. A fundamental structural reform is needed. The Federal Government and the Bundestag must face up to this task. Highly qualified workers are indispensable for the future of our country."