



Easing legal and administrative obstacles in EU border regions

Case Study No. 3

Labour mobility

Recognition of professional qualifications
and educational diplomas

(Spain – Portugal)

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Abstract

Lacking recognition of professional qualifications and educational diplomas

The recognition of qualifications across borders is critical to the freedom of movement of labour and the efficient working of labour markets, especially in cross-border regions where labour market flows are strongest. This has been recognised by the Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications¹ (which will be referred to as 2005 Directive in this document). Yet there remain legal and administrative obstacles that impede the process.

This case study looks into the obstacles to qualification recognition. It discusses three different types of recognition: professional recognition; academic recognition; and 'informal' recognition. Member states have implemented procedures for qualification recognition concerning regulated professions in line with the 2005 Directive. In addition, countries have systems for the academic recognition of diplomas obtained within formal education and training. These enable the mobility of students and can also facilitate access to the labour market.

There are however administrative obstacles deriving from complex, costly, and time-consuming procedures. Citizens face some difficulties to know whom to address to ask for recognition and to understand the procedures. Also, there are significant costs mainly deriving from legal translations of documents and administrative fees. Once an application is submitted, public authorities often need to require more documents from applicants, and this leads to an increase in time and costs, and may generate stress for the citizens. These obstacles pile up and can drive the applicant to give up from the accreditation procedure.

The case study highlights the need to:

- Increase cooperation between national authorities in order to simplify recognition procedures. This is the aim of the EU platform 'Internal Market Information System' (IMI), which allows authorities in different countries to exchange information in different areas, including professional qualifications.
- Put in place initiatives to revise and simplify the requirements of regulated professions. The Commission has recently launched a mutual evaluation exercise of regulated professions with this objective.
- Make sure that the information on recognition procedures reaches all potential users. This involves the setting up of specialised services to inform citizens, and the availability of updated and more user-friendly institutional websites.
- Make diplomas easier to understand for foreign employers.
- Explore the possibility of automatic mutual recognition of certain diplomas, or the development of joint programmes leading to a degree recognised in different countries.
- Promote initiatives for the recognition of qualifications attained through continuing education and training. Promote the use of the tools that aim to help recognition, such as the Diploma Supplement, at border regions.

The case study is illustrated with the example of the North of Portugal – Galicia cross-border region where there has been an imbalance (generally a higher level of qualifications on the Spanish side of the border) but where there have been a set of policies designed to address specific obstacles.

¹ OJ L 255, 30.9.2005, p. 22.

1 Outline of the obstacle (legal and administrative) and the policy context

The European Commission and Member States have been working since the 1990s on the promotion of transparency and comparability of qualifications in the EU with a view to support qualification recognition in the context of mobility of workers and learners.²

The most significant EU initiatives to support qualification recognition include the 2005 Directive on the mutual recognition of professional qualifications, and educational initiatives including the Bologna process and the European Qualifications Framework for Lifelong Learning (EQF)³. The Council of Europe and UNESCO developed the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (also known as the Lisbon Recognition Convention), which entered into force in 1999, and most European countries have ratified it since.

Member States have transposed the 2005 Directive and established professional recognition procedures for regulated professions. In parallel, countries have established procedures for the academic recognition of higher education diplomas. These are mainly in place to allow for the mobility of learners but they can also facilitate access to the labour market.

Educational reforms (the Bologna process and the EQF) are still work in progress and the speed of implementation and level of commitment vary across countries. These reforms are proving useful to increase comparability of qualifications across countries, but it is not clear what their impact will be in recognition processes⁴.

The sections below present data on the users of recognition procedures, the administrative obstacles to recognition, EU-level policies to remove obstacles, and the role cross-border regions can play in this field.

1.1 Only a minority of mobile workers apply for qualification recognition

It is difficult to estimate the impact of obstacles to qualification recognition on workers mobility. According to data assembled by the European Commission in the regulated professions database there have been 517,888 recognition processes within the EU and EFTA Member States between 1997 and 2015⁵. This database is based on voluntary encoding by Member States and data cannot be taken as fully fledged statistics. Also, it concerns exclusively regulated professions and does not include procedures implemented by countries for academic recognition.

In any case, when compared to mobility numbers⁶, data suggests that only a minority of mobile workers are actually applying for qualification recognition. This seems to be indicating that many workers do not need qualification recognition to work abroad. There are different situations where this can happen⁷:

² These policies were preceded by initiatives to facilitate the mobility of lawyers, health professionals and architects in the 1970's and 1980's (e.g. Council Directive 77/452/EEC of 27 June 1977; Council Directive 77/249/EEC of 22 March 1977).

³ The 2005 Directive defines rules for the mutual recognition of professional qualifications in the case of regulated professions. The Bologna process has the objective of creating a European Higher Education Area, improving the comparability of higher education systems in Europe. The European Qualifications Framework for Lifelong Learning is a common reference framework that acts as a translation grid for qualification levels and makes it thus possible to compare qualification levels between countries.

⁴ European Commission / GHK (now ICF) (2011). Study evaluating the Professional Qualifications Directive against recent educational reforms in EU Member States.

⁵ DG Internal Market, Industry, Entrepreneurship and SMEs (DG Growth). European Commission. Regulated professions database.

⁶ In 2013, slightly over 7 million EU citizens were working and residing in another EU country (3.3% of total employment in the EU), around 1.1 million living in one country but working in another (cross-border workers) and around 1.2 million each year are posted to another country

⁷ Based on discussions with interviewees.

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- In regulated professions, it is possible that qualification recognition is only required from professionals involved in certain activities. For instance, in the case of architects it may only be required from those who sign projects.
- In the case of non-regulated professions, employers may or may not require recognition of education diplomas. The fact that this does not seem to be a common requirement might be indicating that employers understand and trust qualifications obtained in other European countries. However, they may be requiring other proves, such as recommendation letters, and some can also be hiring the services of private companies specialised in checking qualifications. It is also possible that employers are more concerned about other aspects of the CV, such as the previous work experience.

The relatively low number of recognition procedures may also be suggesting that some citizens (and employers) do not know of the procedures to apply for recognition or the benefits resulting from it.

1.2 There are administrative obstacles to qualification recognition

As discussed, all Member States have regulated qualification recognition for professions covered by the 2005 European Directive, and have put in place procedures to recognise diplomas at different education levels.

Recognition procedures tend to be complex and lengthy, and information on these procedures may not be reaching all its potential target groups. The lack of information on qualification recognition can restrain hiring due to fear of not complying with national regulations⁸. As a result of the lack of recognition, foreign nationals may be hired below their real qualification, creating an unfair situation for the foreign employees –who receive lower salaries than their co-workers- and the national employees –who endure unfair competition and can see their working conditions levelled down.

The primary reason behind the complexity of recognition procedures is the variety of education and training systems, as well as the variety of recognition procedures, across Europe. Public administrations are liable for any damage resulting from inadequate qualification recognition. This is particularly relevant in professional recognition and it is essential to avoid fraud. Therefore, they need to have full understanding of foreign qualifications and this requires time and the consultation of a variety of documents which need to be translated. Public authorities in the country issuing the documentation may also have difficulties to understand what is being required.

Moreover, continuing education and training is not covered by recognition procedures. This includes for instance training provided by public employment services.

Obstacles to recognition are acknowledged to hamper mobility across the EU, in particular in cross-border regions. A 2009 study commissioned by the European Commission included a survey for the entire EURES network and other cross-border labour market experts from government departments, universities and trade unions⁹. The study detected obstacles concerning the recognition of foreign diplomas among a variety of countries¹⁰.

A 2011 study on the Strasbourg-Ortenau Eurodistrict (covering the territory from France, Germany and Luxembourg) detected the lack of a system to match diplomas

⁸ Association of European Border Regions (2012). Information services for cross-border workers in European border regions, Overall report.

⁹ Nerb, G. et al. (2009), Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries, Final report., MKW Wirtschaftsforschung GmbH, Munich /Empirica, Commissioned by the European Commission DG EMPL, January 2009.

¹⁰ It was considered a major obstacle in AT-SK, FR-ES, DE-FR, DE-CZ, AT-HU, DE-PL, FR-IT, AT-SI, PT-ES, IT-SI, DE-NL, DE-CH and IT-AT.

giving access to professions other than the ones under the 2005 European Directive¹¹. Literature has also reported lengthy and costly recognition processes in the border between Galicia (Spain) and the North of Portugal (Galicia-North of Portugal European Grouping for Territorial Cooperation, 2010; Xunta de Galicia, s.d.).

1.3 EU-level policies helped remove legal obstacles and aim at facilitating administrative procedures

The 2005 Directive is a milestone of European efforts to remove legal obstacles to recognition. The Directive was amended in 2013, with the aim of facilitating administrative procedures. It introduced some new features, like the IMI platform or the European Professional Card (EPC). In an effort to increase cooperation between national authorities, the EU platform IMI allows authorities in different countries to exchange information using pre-translated questions and answers in different areas, including professional qualifications. This platform has the potential of making professional recognition procedures less time and resource consuming. Its use has been steadily increasing in recent years¹².

The EPC is an electronic certificate issued via this system. The card is available since January 2016 for five professions and might be extended to other professions in the future¹³.

The Commission has also recently launched a mutual evaluation exercise of regulated professions. The aim is to identify the main objectives of regulating a certain profession, which should be focused on protecting health and safety, and check if the requirements to access the profession are in fact aligned with these objectives. As a result of this exercise, EU countries are expected to review the requirements imposed to access and pursue regulated professions, and to simplify and improve citizens' access to information on regulated professions¹⁴.

The Lisbon Recognition Convention gives holders of higher education qualifications, access to the assessment of their qualifications in another country. Recognition should be granted unless there are substantial differences between the foreign qualifications submitted for recognition and the national ones. The Convention calls countries to encourage their higher education institutions to issue the Diploma Supplement (DS) to their students in order to facilitate recognition¹⁵. The DS was agreed by the European Commission, the Council of Europe and UNESCO, and is a core element of the Bologna process.

Unlike the 2005 Directive, the Bologna process and the European Qualifications Framework for Lifelong Learning (EQF) do not address qualification recognition in the legal terms.

The Bologna process has had a significant impact on higher education systems across Europe with the introduction of the three cycle system (bachelor/master/doctorate). While it seems indisputable that this reform has improved the comparability of higher education qualifications, its impact on recognition is less clear. According to a 2011 evaluation, it has not made the recognition processes quicker or easier across Member

¹¹ This Directive establishes automatic recognition for seven professions. See: CRD EURES Lorraine (2011), *Freins à la mobilité des travailleurs frontaliers dans l'espace Lorraine*, Luxembourg, Rhénanie-Palatinat, Sarre, Metz, 2011.

¹² European Commission. Internal Market Information System. Statistics.

¹³ It is available for general care nurses, physiotherapists, pharmacists, real estate agents and mountain guides.

¹⁴ DG Internal Market, Industry, Entrepreneurship and SMEs (DG Growth) website 'Transparency and mutual evaluation of regulated professions'.

¹⁵ The Diploma Supplement (DS) provides a standardised description of the studies completed by its holder according to a model developed by the European Commission, the Council of Europe and UNESCO. It accompanies the higher education diploma.

States¹⁶. The use of the DS has increased in recent years but is not yet issued automatically and free of charge in all the countries participating in the Bologna process. The knowledge about the DS and its use by employers varies considerably across countries¹⁷.

The EQF aims at promoting transparency and comparability of qualifications and covering the whole spectrum of education and training, from a lifelong learning perspective. It is a common reference framework of eight levels of learning that acts as a translation grid for qualification levels and makes it thus possible to compare qualification levels between countries. The 2008 EQF recommendation invited Member States to relate their qualification levels to the eight levels of the EQF and to indicate EQF levels and national levels on newly issued certificates/diplomas.¹⁸

The EQF is based on a recommendation, which is not binding. Although the take up is high, the process has taken different velocities across countries, and the coverage of national frameworks also varies. Many countries have created national frameworks as a result of the EU initiative, and in these cases National Qualifications Frameworks generally only cover formal qualifications, while leaving out qualifications resulting from learning taking place in the non-formal and private sectors. Qualifications linked to continuing education and training which can be of great relevance to the labour market are therefore left out of many frameworks for the time being¹⁹.

Currently, the visibility of national frameworks to end-users, and concretely to employers and workers, is still limited and considered a challenge for the future. The inclusion of EQF levels and national levels on newly issued certificates/diplomas will make the frameworks visible to citizens and employers. To date 15 countries are already putting EQF levels on certificates and diplomas and another 10 are expected to do so in the near future²⁰.

Overall, while acknowledging the potential of qualifications frameworks to contribute to a better comparability and recognition of qualifications, its effects on worker mobility will depend on the coverage of the frameworks in each country and the extent to which frameworks get to be used in practice by labour market partners.

1.4 The role of cross-border regions

Cross-border regions can be best positioned to identify priority fields where comparability and recognition could facilitate workers' mobility. They have more interest in the topic and more time to devote to it (as it is high in their priorities), and are more knowledgeable about potential solutions, than central level authorities. Cross-border regions can create good opportunities to promote tools that aim to help recognition, and to assess their implementation and impact. These regions are also well-positioned to develop measures to facilitate transparency and comparability of qualifications not covered by formal recognition procedures.

However, this case study shows that bottom-up initiatives are often discontinued due to the intermittency of funding frameworks and to political changes. The support of central level authorities is crucial to ensure continuity, and to facilitate the evaluation of impact and mainstreaming of initiatives.

This case study also reflects on the need to identify and tackle vested interests in keeping cross-border mobility low. Public authorities and stakeholders are often

¹⁶ European Commission / GHK (now ICF) (2011), Study evaluating the Professional Qualifications Directive against recent educational reforms in EU Member States.

¹⁷ European Commission/EACEA/Eurydice (2015), The European Higher Education Area in 2015: Bologna Process Implementation Report. Luxembourg: Publications Office of the European Union.

¹⁸ Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning. OJ C111, 6.5.2008. p. 1.

¹⁹ Cedefop (2014), Analysis and overview of national qualifications framework developments in European countries. Annual Report 2014.

²⁰ Cedefop (2016), Briefing note - Qualifications frameworks in Europe. January 2016.

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concerned that the entrance of foreign workers may have a negative impact on employability of the local work force. There is also a negative reaction of public opinion to initiatives promoting mobility in regions where emigration is already high.

Reciprocity of actions, so that they benefit citizens at the two sides of a border, helps ensuring the good reception by public opinion. Sustained cooperation in different fields, including education and youth (for instance, through actions financed by Erasmus+), contributes to mutual understanding and openness to mobility in the long run. As expressed by an interviewee, *'it is important that young people (from the two sides of the border) meet, have fun, study and work together. Young people who participated in youth camps in the past, are now working together'*.

2 Case Study Context

While recognition procedures are designed at national or regional level and established in legislation, cross-border regions can have an important role in initiatives to:

- ease administrative obstacles to qualification recognition for instance by facilitating information and guidance to citizens;
- promote the understanding and comparison of certificates not covered by recognition procedures, namely those from continuing education and training, of particular relevance in the cross-border regions;
- support individual education and training providers' initiatives for the development of joint programmes.

This has led European institutions to allocate funds for the development of cooperation initiatives to promote labour market mobility in cross-border regions, including projects to facilitate qualification recognition. The two most significant funding programmes in this field are Interreg and Erasmus+.

The cross-border region comprising the North of Portugal and Galicia (region in the Northwest of Spain) provides good examples of the use of these funds in the field of qualification recognition.

In 2014 the government of Galicia²¹ and the Commission for Regional Coordination and Development of the North of Portugal²² agreed on a Joint Investment Plan establishing priorities for the new EU funding period (2014-2020). This document sets a political framework for enhanced labour cooperation in the cross-border region. The plan envisages funding to promote labour mobility by supporting information services, and the mutual recognition of diplomas and professional competences. The plan also highlights the development of joint programmes at higher education level.

2.1 Mobility of workers in the cross-border region Galicia-North of Portugal

Galicia and the North of Portugal have traditionally been regions of emigration. Two large migration waves characterised the 20th century, first trans-oceanic migration and later migration to more developed European countries. The introduction of democracy to Portugal (1974) and Spain (1976), the integration of both countries in the European Union, and a favourable economic environment, led to a decrease in emigration numbers in the last decades of the 20th century.

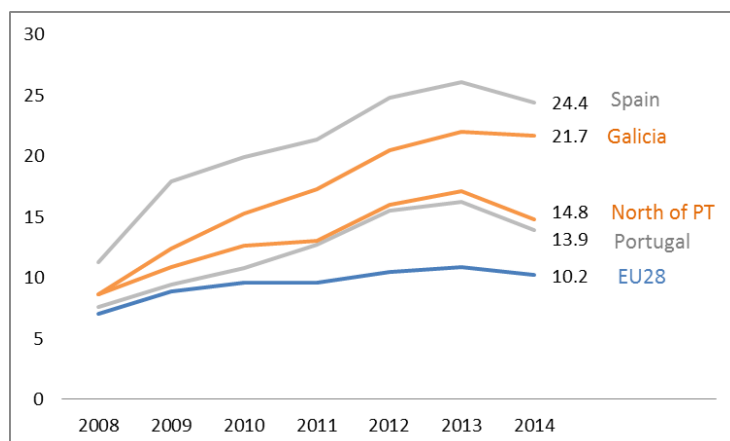
The recent global financial crisis and European debt crisis have harshly impacted on Portugal and Spain, leading to an increase of unemployment across the two countries. In the North of Portugal, and most significantly Galicia, unemployment rates are significantly above the EU average.

²¹ Spain is a decentralised state. Regional authorities such as the government of Galicia (Xunta de Galicia) have competences in many areas.

²² Public institution under the (national) Ministry of Planning and Infrastructure.

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Figure 1. Unemployment rates (%) in the period 2008-2014



Source: Eurostat. Unemployment rates by sex, age and NUTS 2 regions (%) [lfst_r_lfu3rt]

Emigration has also increased over the same period and has currently surpassed immigration in both countries and in the two analysed regions²³.

No official data has been found on the destinations of emigrants from each region and what is the relevance of cross-border mobility against total international mobility. The Galician Employers Confederation, collects absolute data on cross-border mobility²⁴:

- Number of workers in the Galicia-North of Portugal region who work outside their country of origin, in 2014:
 - 6,901 labour contracts in Galicia with Portuguese workers;
 - 1,995 Spanish workers declared remunerations in the North of Portugal.
- As a proxy for commuter flows, in 2014:
 - 600 labour contracts in Galicia with Portuguese workers living in Portugal;
 - 801 Spanish workers, residing in Spain, who declared remunerations in the North Region of Portugal.

Interestingly, while unemployment is higher in Galicia, the flow of workers is stronger from the North of Portugal to Galicia than the other way round. This is due to better work conditions, concretely higher salaries, on the Spanish side of the border. Mobility is more intense in coastal areas, in the axis between the cities of La Coruña-Pontevedra-Oporto since this area shaped more heavily by industry than the centre²⁵.

Another facet of mobility has to do with the delocalisation of companies. In order to increase productivity, industries mainly in the naval and metal sectors are delocalising their production from Galicia to the North of Portugal where both salaries and the costs of industrial land are lower²⁶. When an industry is delocalised, in an initial period employees have the status of posted workers. However, legislation establishes temporal limitations to this status after which they become cross-border workers.

²³ See Eurostat. 'Crude rates of population change by NUTS 2 region' – 'Crude rate of net migration plus statistical adjustment' [tgs00099], <http://ec.europa.eu/eurostat/web/products-datasets/-/tgs00099>.

²⁴ Galician Employers Confederation - Confederación de Empresarios de Galicia (2015), O mercado laboral da Eurorrexión Galicia-Norte de Portugal e a mobilidade de traballadores., http://ceg.es/docs/3/informeeures_v4.4.pdf

²⁵ The main industries are: automotive (and related), other metal industry, fishing, textile, stone quarrying, agro-food, naval, and construction (although the latter has drastically decreased in recent years). These economic activities accommodate most of the active population in the region.

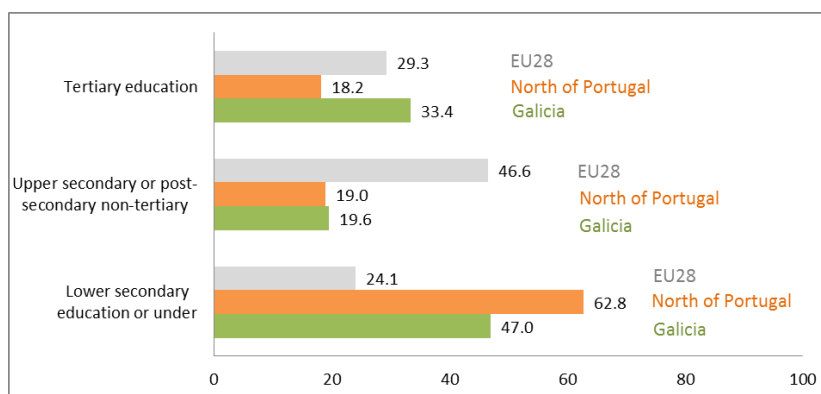
²⁶ Information based on interviews. Also discussed in the website of the Galician Metal Foundation for training qualification and employment (13.05.2016) and the press (La Voz de Galicia, 22.9.2009).

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Galician workers employed in Portugal are usually highly qualified, while Portuguese workers employed in Galicia tend to have low qualifications.²⁷ This is mainly explained by the sectors in which mobility is more frequent. Galician workers are more frequently employed in Portugal in the health, automotive and metal sectors. Professions in these sectors usually require either higher education or vocational education and training qualifications. Workers from the North of Portugal are most commonly hired in Galicia in the construction sector, where there is greater demand for low qualified workers.

The previous trend is mostly determined by skills demand in the two sides of the border, but there are also differences in education attainment between the two populations. There are more Galicians who hold higher education diplomas and more citizens from the North of Portugal who have low qualifications.

Figure 2. Population aged 25-64 by educational attainment level, 2014



Source: Eurostat. Population aged 25-64 by educational attainment level, sex and NUTS 2 regions (%) [edat_ifse_04]

Obstacles to mobility in Galicia and North of Portugal

Both in Portugal and Spain there are two types of qualification recognition: professional recognition (giving access to a profession) and academic recognition (giving access both to the labour market and to higher level studies). Accrediting bodies in Galicia and the North of Portugal are detailed in annex.

There are different obstacles related to qualification recognition²⁸:

- The procedures for professional qualification recognition under the 2005 Directive are clearer and swifter than those for academic recognition, but they still take 'several months'²⁹. In Portugal there is an added level of complexity due to the fact that professional recognition is processed by different entities depending on the profession.
- The recognition of university diplomas concerning non-regulated professions (academic recognition) is regulated but the process is lengthy and expensive (it requires official translations which imply costs for the citizen).

²⁷ Falagan, M., de Carlos, P. & Lorenzo, P. (2013), Cross-border mobility of workers between Galicia and north of Portugal, *Contabilidad y Negocios* 8 (15), pp. 77-94.

²⁸ These difficulties are documented in several studies: Galicia-North of Portugal European Grouping for Territorial Cooperation (2010), *Movilidad laboral en la Euroregion Galicia-Norte de Portugal*. Reconocimiento de títulos de Formación Profesional; Xunta de Galicia (n.a.). *Ibermovilistas*. Estudio para la detección de ocupaciones laborales con posibilidad de movilidad transfronteriza entre Galicia y Norte de Portugal. <http://www.ibermovilistas.org/?q=es/node/140>; Xunta de Galicia / Galivalia S.L. (2012). Estudio sobre costes de contexto en la frontera hispano-lusa en las áreas sectoriales de servicios sociales y empleo, 30 July 2012, <http://galicia-norteppt.xunta.es/sites/default/files/documentos/docs/InformeFinaldoEstudioSobreCostesdeContextonaFronterahispano-lusaBLOQUEIII.pdf>.

²⁹ According to interviewees.

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- The academic recognition of vocational education and training diplomas is regulated but, as in the previous case, the process is lengthy and expensive.
- There is no academic recognition of professional qualifications (which are not part of the country's formal education and training system, including those attained through continuing training provided by employment services). There have been two initiatives which aimed to facilitate the comparison of professional qualifications in specific fields (see section 4).

Difficulties in qualification recognition coexist with other administrative and legal challenges (see annex).

In addition to administrative obstacles, difficulties in accessing information about recognition procedures remain a barrier to mobility among workers and employers. As expressed by one interviewee 'when (a worker) needs to decide (if applying to recognition or not), from a personal point of view, the main restraining factor is lack of clarity of what needs to be done. If you know what you have to do and you have legal certainty that it is well done, there may be difficulties but they are not an impediment'.

Although the information is available online, it is doubtful that it is accessed and understood by all potential users. Citizens and employers often do not know where to look for the information. Also, the official websites often use complex technical language and refer in general to recognition processes. However, users tend to look for concrete information on how to apply for qualification recognition in a specific profession. The creation of the cross-border EURES is considered an important advancement in the provision of information to cross-border workers, and there are now several contact points in Galicia and North of Portugal that offer this information.

Box 1. Obstacle N82 – Limited access to information and administrative obstacles are restricting qualification recognition in the cross-border region Galicia-North of Portugal

Portuguese and Galician citizens face lengthy and costly procedures for the recognition of qualifications, both professional and academic.

The first step for citizens is to identify the entity in charge of recognition. This proves particularly challenging in the case of professional recognition in Portugal since there are a high number of entities involved, and citizens need to identify the one relevant to their profession.

The procedures to apply for recognition are quite complex, imply gathering a number of documents, and involve costs related to administrative fees and official translations.

Once an application is submitted, recognition bodies often need to require additional documents from applicants to ensure a full understanding of the foreign qualification. This makes the process more time-consuming and costly and can generate stress for the citizens, which may drive them to give up from recognition.

Thus, obstacles to recognition pile up, from the lack of information on responsible entities and procedures to be followed, to the time and costs involved in these procedures.

Furthermore, there are no procedures for the academic recognition of professional qualifications that are issued by entities from outside the education system, namely from employment services, which can be of great relevance to the labour market.

3 Impact analysis

3.1 Lack of data on the impact of obstacles to qualification recognition

It is difficult to estimate the number of workers affected by difficulties in qualification recognition in the cross-border region Galicia-North of Portugal. A proxy would be the number of candidates applying for the recognition and the number of recognised foreign qualifications.

The European Commission collects data on the professional qualifications' recognition under the 2005 Directive (regulated professions). In the period from 1997 to 2015³⁰:

- Spain issued 828 recognition decisions concerning qualifications gained in Portugal. 601 of the decisions were positive; 42 were negative; and in 185 cases procedures are still open.
- Portugal issued 1,531 recognition decisions concerning qualifications gained in Spain. 1,124 of the decisions were positive; 43 were negative; and in 364 cases procedures are still open.

No data could be found on the number of professional recognition applications by region. Also, as mentioned above, the database is based on voluntary encoding by Member States and data cannot be taken as fully fledged statistics. It concerns exclusively regulated professions and does not include procedures implemented by countries for academic recognition.

Regarding academic recognition, the Spanish Ministry of Education registered 945 applications for the recognition of foreign higher Vocational Education and Training (VET) diplomas at national level, in the period between 01/01/2013 and 30/06/2015. This figure excludes the regions of Galicia, Catalonia and Basque Country that are in charge of their own academic recognition processes. Recognition was granted to 361 applicants, 16 applications were rejected and 568 processes have not been finalised (due to incomplete information, expired process, etc.). The average length of the process is estimated to be between 8 and 10 months. The ministry attributes the length of the process to incomplete applications, the need to require further documents from applicants, and delays of applicants to deliver these additional documents³¹.

Data on academic recognition of diplomas of VET and higher education in Galicia, and North of Portugal could not be accessed.

Based on the data above, the total number of applicants to professional and academic recognition in the cross-border region Galicia-North of Portugal is not likely to be very high. However, the number of incomplete applications seems to be suggesting that a non-negligible share of candidates is giving up from recognition due to the complexity of procedures.

Also, it is difficult to estimate how many people would be applying for recognition if the information was to arrive more efficiently to all potential candidates, and how this would impact on mobility.

Mobility transaction costs have not been estimated. Regarding recognition procedures, on the one hand, there are costs for the individual applying for recognition. These concern certified translations of professional qualification certificates or diplomas, administrative fees, and the time spent finding the information and gathering the

³⁰ DG Internal Market, Industry, Entrepreneurship and SMEs (DG Growth). European Commission. Regulated professions database, <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=homepage> [accessed 29.04.2016].

³¹ Information provided by e-mail to the country researcher

needed documents. On the other hand, there are costs in terms of the time spent by public administrations and other entities involved in recognition procedures.

The economic, social and environmental impacts of recognition difficulties are unknown. The lack of such analyses seems to go in line with a lack of attention to the topic overall. This may be motivated by³².

- a disinterest of central authorities about issues particularly affecting borders. This is more likely to happen in countries where the centres of decision are further away from the borders. It is the case of Portugal where administrative procedures concerning mobility, including professional recognition of qualifications, are regulated and managed at central level. As explained by an interviewee, *'cross-border cooperation is not a priority for the government, especially in the case of Portugal. Different levels (of decision-making) look at cooperation from a different perspective. Municipalities and regions are interested in cooperation to develop projects and give visibility to their cities'*.
- a negative reaction of public opinion to measures that promote mobility. High unemployment rates both in Portugal and Spain have led to high levels of emigration and criticism about governments' incapacity to increase employability prospects within the country. Measures facilitating mobility of national citizens to other countries often face opposition from the public opinion under claims that (young and most qualified) citizens are being forced out of their country.
- the fear that easing qualification recognition will facilitate the entrance to foreign workers and have a negative impact in local employability.

Despite these obstacles, according to interviewees, workers mobility is more naturally accepted in the cross-border regions. In fact, workers' mobility in the cross-border region Galicia-North of Portugal has a long tradition and is quite high compared to other cross-border regions between the two countries³³. This is attributed mainly to two circumstances:

- The cultural ties between Galicia and North of Portugal, and a long tradition of cooperation, as well as the similarity between the languages spoken at the two sides of the border.³⁴
- The concentration of urban areas in the coast of the North of Portugal and Galicia create a dynamic labour market, thus attracting population and favouring mobility. This is an important difference with the rest of cross-border regions between the two countries, most of them interior regions.

The advantages of mobility to workers and employers are evident. Workers gain access to (better) employment, and employers can more easily find employees with the qualification needed for the position. Higher education institutions involved in cross-border cooperation also report benefits from these activities. In the cross-border region Galicia-North of Portugal such benefits come from a greater access to the Ibero-American market, by offering bilingual programmes in Portuguese and Spanish; and from the sharing of knowledge in areas which are of strategic interest for the region (e.g. maritime, cultural).

3.2 Visible impact of EU policies on qualifications comparability and recognition

EU-level initiatives have an impact on qualifications comparability and recognition that could be further enhanced through cooperation between Member States.

³² Based on discussions with interviewees.

³³ According to interviewees.

³⁴ In Galicia, citizens generally speak two languages, Castilian and Galician, the latter closer to Portuguese.

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In the case of regulated professions the professional recognition of qualifications has as framework the 2005 Directive. There is no concrete data on the length of recognition procedures but interviewees mentioned that they take several months and insisted that it does not follow the pace of labour market dynamics. This suggests that there is still work to be done so that the procedures are swifter. The recent introduction of the IMI System and the EPE may be a step in that direction (see section 1.3).

It is not clear if and how EU-level initiatives have impacted academic recognition. Such initiatives seem however to have had an impact on informal recognition. Interviewees mentioned that employers often trust and understand qualifications obtained in higher education institutions at the other side of the border. It is reasonable to think that in the case of non-regulated professions workers are not usually asked to go through recognition procedures. The Bologna process has undoubtedly contributed to this mutual understanding through the launch of the European Higher Education Area and its three cycle system (bachelor/master/doctorate). It should be noted however that universities also offer other types of programmes. In this case, cooperation between higher education institutions is necessary to facilitate the understanding and comparability of programmes.

Currently, there is no common framework to facilitate comparability of VET diplomas (excluding those that give access to regulated professions). It should be noted that Spain has not yet approved its national qualifications framework, aligned with the European Qualifications Framework. While the two countries have systems in place for the academic recognition of initial VET, there is no academic recognition of professional qualifications attained through continuing education and training provided by employment services. The foreseen adoption of a national qualifications framework by Spain could potentially facilitate comparability of VET qualifications.

4 Solutions and good practices³⁵

There are a number of solutions to tackle the different obstacles to qualification recognition.

A reduction of costs and time can be achieved by eliminating the need to translate documents. In the case of formal qualification recognition (including professional and academic recognition), electronic platforms as the IMI System, are a way to avoid translations. These platforms can also save candidates' time since they would not need to request and deliver documents at different entities. Also, public employment services could cover some of the recognition costs of unemployed workers.

Where formal recognition is not required, it is still important to make sure that employers understand foreign qualifications. This involves understanding the language in which the diploma is issued and understanding the qualification in itself (what the worker can do). Having documents in the national language is particularly relevant in the cross-border regions where the languages spoken at the two sides are very different. In such regions, issuing multilingual diplomas would undoubtedly favour mutual understanding.

The understanding of a foreign qualification also requires comparing it with the ones in national systems. Public administrations have an important role in the matter, also outside formal recognition procedures. For instance, there is work to be done to facilitate the comparison of VET. Below we present some examples of initiatives undertaken in the border North of Portugal-Galicia to contribute to the mutual knowledge about VET qualifications.

In higher education, the Supplement Diploma has the aim of facilitating comparison and, thus, also academic recognition. It is also possible to develop programmes leading to a qualification at the two sides of the border. There is an increasing number of joint programmes promoted by several European countries (see below an example referring to the border North of Portugal-Galicia). Another option is to agree on mutual recognition. For instance, in 2015 Benelux countries agreed on the automatic mutual recognition of their Bachelor's and Master's degrees³⁶.

Another issue identified in this case study is the need to make sure that information about recognition reaches all potential candidates and employers. The provision of information needs to take the perspective of the user. Most users look for information about what they need to do to be able to work in a foreign country. They do not know if they should be looking at professional or academic recognition, or what specific entity they should address. Public authorities should take this into account and better tailor their responses to users, for instance, by developing user-friendly institutional websites.

Information about recognition can also target potential future users. Higher education institutions and vocational education and training providers, and in particular those in border regions, can have an important role in informing their students on the steps to be taken if they decide to move abroad, including recognition requirements in their sector.

Non-formal education initiatives can also help promote openness to mobility among young people (see below examples of activities developed in the border North of Portugal-Galicia).

³⁵ This section mainly relies on interviews and the discussions held at the 3rd stakeholders' workshop on Border Obstacles Review. Very limited secondary sources available.

³⁶ Website: Eurydice – Countries. Netherlands. Article: 'National reforms in higher education'. https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Netherlands:National_Reforms_in_Higher_Education#Benelux_countries_agree_on_mutual_recognition_of_higher_education_diplomas

4.1 Initiatives contributing to mutual knowledge about VET qualifications

The government of Galicia and the North region delegation of the Portuguese employment service have engaged in cooperation to facilitate the comparison of VET qualifications at the two sides of the border. In 2014 these institutions created two working groups in charge of comparing three different programmes in the fields of car electro-mechanics and catering and tourism. Working groups were composed by teachers and trainers in the corresponding field from the two countries, as well as representatives from the administrations. Their mission was to establish an alignment between 'short training units'³⁷ of Portuguese programmes and 'professional modules'³⁸ of Spanish programmes. The result of this exercise was a proposal of comparison tables aligning qualifications.

There is no information on whether the outputs of these working groups had any further use. It is not clear if the work done was brought to the knowledge of government services in charge of academic recognition.

There is another ongoing initiative aiming at comparing VET diplomas from the two sides of the border. The European Grouping of Territorial Cooperation-Galicia-North of Portugal has launched a mobility programme for higher education staff (since 2014) and VET staff (pilot in 2015).³⁹ In the case of the VET initiative, candidates need to present a project that will contribute to the comparison of VET diplomas in the cross-border region. For the moment, the European Grouping has issued one call to pilot the initiative in 2015, with a budget of 60,000 Euros. It funded 1-week stays for VET teachers and trainers in an institution providing VET at the other side of the border. There were 37 participants, but there is yet no information on whether and how the activities undertaken have contributed to the comparison of VET diplomas.

4.2 Development of programmes leading to a qualification at the two sides of the border

The Euro-regional Study Centre Galicia-North of Portugal promotes cooperation between higher education institutions in the cross-border region and is involved in the development of joint study programmes.

A joint master programme can take around 2 years to develop. There is already an inter-university master from the universities of Vigo (Galicia) and Minho (North of Portugal) in the area of EU policies and territorial cooperation. Universities have created working groups to launch pilot projects of other joint masters.

The pre-requisite to offer joint programmes is to have a similar typology of programmes in the two countries, and the Bologna process has facilitated this by establishing a common three-cycle framework for higher education qualifications. However, there are still important differences between the programmes offered in Galicia and Portugal:

- On the one hand, the duration of the programmes varies significantly between the two countries. While Portugal has adopted a flexible system with first cycle programmes between 180 and 240 credits (and a duration of 3 to 4 years) and second cycle programmes between 90 and 120 credits (and a duration of 1.5 to 2 years), Spain has opted by a more rigid system: first cycle programmes comprise 240 credits (4 years) and second cycle programmes 60 (1 year).
- On the other hand, university fees are much higher in Portugal than in Galicia.

³⁷ A structured set of contents, with a duration of 25 or 50 hours, organised in a pedagogical sequence aiming at the acquisition of a set of competences.

³⁸ A module is a coherent amount of training linked to a competence unit. It is the minimum training unit that can be accredited.

³⁹ Co-funded by the European Regional Development Fund through the cooperation programme Interreg V-A Spain-Portugal (POCTEP).

In response to these challenges, ongoing initiatives to develop joint programmes are proposing programmes with an intermediate number of credits and fees. For this to be possible, university rectors need to sign agreements establishing a special status for such programmes. Also, a proposal has been submitted to Interreg V-A for the creation of a digital platform to support the co-management of programmes by several universities. This will require agreements to allow for personal data sharing.

4.3 Non-formal education initiatives that support mobility: language courses

The Foundation Galicia-Europa in cooperation with the Galician government (youth department) and the Portuguese Youth Institute have developed several consecutive initiatives to provide non-formal education courses to young persons in the cross-border region, since the year 2000.⁴⁰ Most significantly, they have organised language courses of Spanish (Castilian) for Portuguese youth and of Portuguese for Spanish youth.

Around 1,500 to 2,000 participants enrolled in these courses in the period 2000-2015. Placements were filled very quickly testifying the interest of young persons for this type of training. An increase of linguistic competences is seen to facilitate access to the labour market at the other side of the border and, more concretely, linguistic skills are needed to pass examinations giving access to positions in the public employment sector. Professionals from certain areas –such as health, IT and audio-visual, and tourism professions – were particularly interested. According to the Foundation Galicia-Europa, around 600 to 700 participants from the two sides of the border have informed that these language courses were useful at finding a job or passing public examinations. However, the foundation estimates an even greater impact since this information is not being collected on a systematic basis.

Currently the same partners are also involved in the implementation of courses on entrepreneurship and the provision of coaching for (potential) entrepreneurs. These initiatives include basic courses (on how to create a company, etc.), training focused on specific sectors (e.g. rural, maritime), and coaching adapted to young people's needs. The initiatives target young persons from the cross-border region also with the aim of promoting cross-border cooperation.

⁴⁰ These institutions have cooperated with other entities such as the Portuguese National Federation of Juvenile Associations and the Galician employers' association. The projects were also funded by Interreg.

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Annexes

The following table provides information on the accrediting bodies in Galicia and the North of Portugal.

Table 1. Accrediting bodies in Galicia and the North of Portugal

<p>Accrediting bodies in Portugal are established at the central level. The North region has no competences in recognition procedures. There are a variety of accrediting bodies:</p> <ul style="list-style-type: none"> • The professional recognition of foreign qualifications giving access to regulated professions is performed by different governmental departments at central level, professional associations and other entities.⁴¹ The Directorate-General of Employment and Work Relationships coordinates the implementation of 2005 initiative. • Academic recognition of higher education diplomas is under the responsibility of the ministry of education, and academic recognition of vocational education and training diplomas falls under the responsibility of the National Agency for Qualifications and Professional Training. <p>In Spain, part of the recognition competences have been transferred to the regional governments:</p> <ul style="list-style-type: none"> • The government of Galicia is in charge of the professional recognition of foreign qualifications. • Spain central government is in charge of the academic recognition of foreign university diplomas, and the government of Galicia is responsible for the academic recognition of vocational education and training diplomas, both at secondary and tertiary level.

The following table summarises the most significant obstacles to cross-border mobility in the cross-border region Galicia-North of Portugal, other than difficulties in diploma and qualification recognition.

Table 2. Other obstacles to cross-border mobility in the cross-border region Galicia-North of Portugal

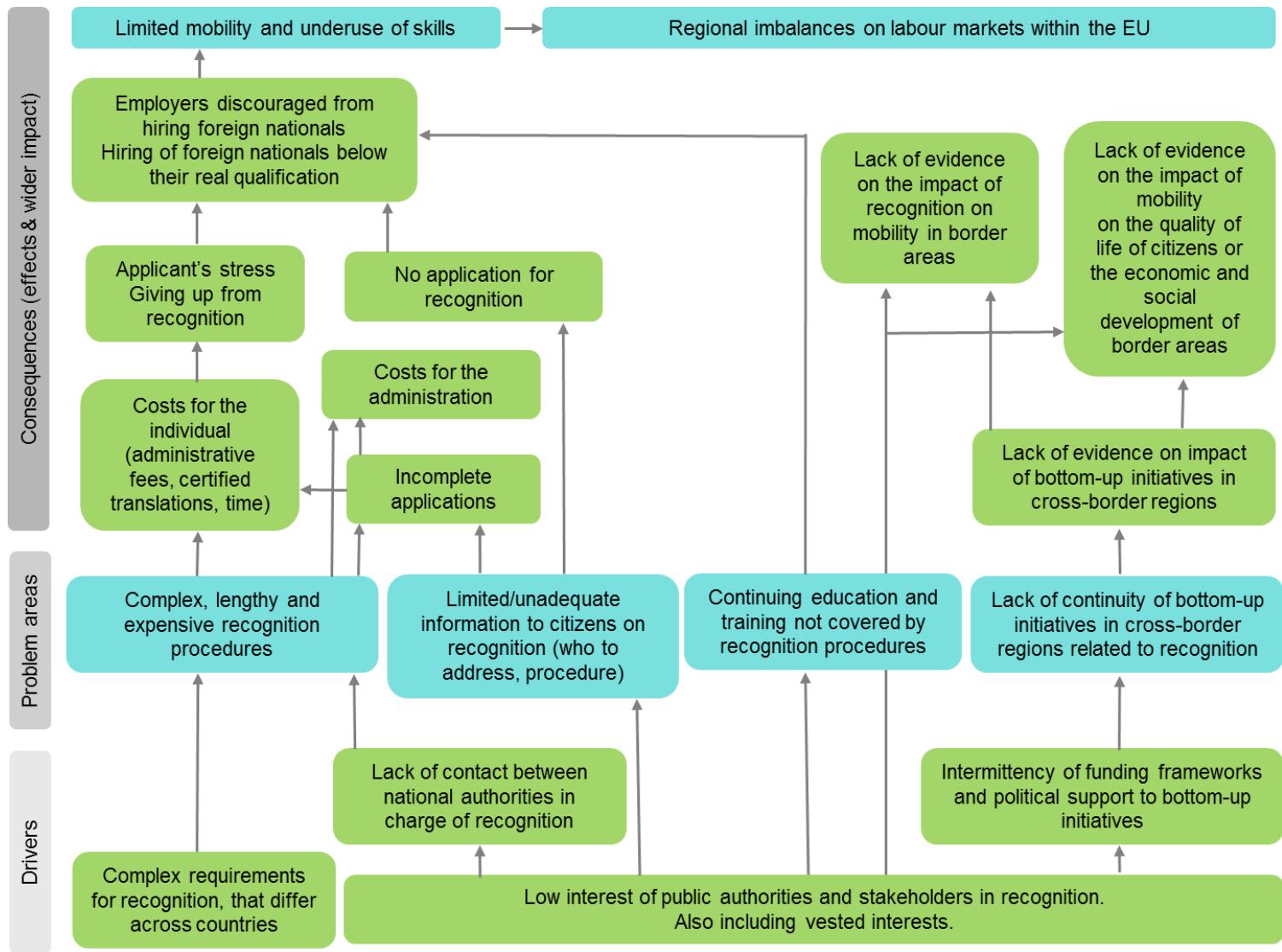
Area	Obstacles
Social security	<ul style="list-style-type: none"> • It is possible to work and contribute to social security in one country, while living and receiving medical assistance in the other. Although the procedures are clear, they impose bureaucratic burden for administrations and citizens. • Requesting retirement benefits requires heavy bureaucracy that hampers a timely and adequate exercise of this right. • There is not a clear procedure for workers who are employed simultaneously in the two sides for the border (e.g. a sports instructor who works part time for two different gyms one on each side of the border).
Fiscal administration	<ul style="list-style-type: none"> • There is an agreement between the two countries to avoid double taxation and the administrative procedures are clearly established. However, in Spain the definition of cross-border worker for fiscal administration is very restrictive: workers who cross the border every day. This means that if a worker is for instance away from Monday to Friday, s/he considered a non-resident and the taxation is very high in these cases (as a general rule in Spain it is of 25%). • According to existent procedures, the recognition of a change in fiscal residence from one country to the other happens a long time after the actual change of country of employment takes place. During the delay period the taxation applied is not the most adequate to the circumstances of the worker.
Labour legislation	<ul style="list-style-type: none"> • It is difficult for labour inspection to check companies that delocalise and make sure that they comply with the law (e.g. to detect unlawful dismissals, irregular changes in labour conditions, or the non-application of regulation for cross-border workers). • According to Portuguese legislation if a Spanish company wants to hire an employee to work in Portugal it needs to create a 'work

⁴¹ The list includes close to 50 entities, e.g. the professional association of medical doctors; the Directorate-General of Maritime authority; or the Portuguese Tourism Institute.

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Area	Obstacles
	centre'. However, this is often not convenient for the company, for instance, if it simply needs a commercial agent who knows the market in Portugal. As a result, the company does not follow the adequate procedures which results in worse labour conditions for the employee.

Figure 3. Problem tree



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