



Easing legal and administrative obstacles in EU border regions

Case Study No. 9

Labour mobility

Obstacles in the recognition of professional qualifications

(Germany – Luxembourg – France – Belgium)



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Abstract

Lacking recognition of professional qualifications

This case study reviews the issue of recognition of diplomas and professional qualification certificates with a particular focus on the Greater Region¹. Within the European Union (EU), there are about 800 regulated professions, reserved for individuals holding specific qualifications. These qualification requirements vary from one Member State to another, which means that a professional who is fully qualified in one Member State could encounter difficulties in exercising their profession in another Member State.

Interviewees note that the Professional Qualifications Directive, which allows for automatic and general recognition of qualifications, provides a solution in a legal and theoretical sense, but that the application of the rules could be improved. Contact between authorities, information provision for citizens, as well as transparency about the rules could be improved.

The Greater Region is characterised by a large number of frontier workers: about 213,427² workers cross the border on a day-to-day basis. Available statistics show that the number of applications for recognition³ of professional qualifications are limited. According to interviewees, there exists widespread mutual knowledge about educational and recognition systems in the region and those interviewed for this case study generally did not perceive an insurmountable obstacle although the real obstacle is generally the (lack of) application of legislation.

No evidence was found to thoroughly assess the impact of this obstacle. Interviewees do not see it as a major problem and mention only more general impacts such as slowing down development of cross-border economic activity, hindering professional opportunities and reducing awareness of the European Single Market.

Several potential solutions to facilitate the recognition of foreign diplomas have been identified, such as the establishment of a table of concordance to facilitate information exchange. The framework agreement on Vocational Education and Training (VET) in the Greater Region can be considered a good practice as it seems to result in several (bilateral) initiatives. Authorised descriptions and translations of diplomas could also serve as a way of facilitating recognition, as could training sessions for professionals who deal with recognition.

¹ A border region that consists of the German Federal States of Saarland and Rheinland-Pfalz, the French region of Lorraine, the country of Luxembourg and the Belgian Federal State of Wallonia.

² Observatoire interrégional de l'emploi (no date), Frontaliers, (no date), http://www.iba-oie.eu/Frontaliers.71.0.html?&L=1&no_cache=1&sword_list%5B0%5D=213 (accessed in November 2016)

³ European Commission (no date), Regulated professions database, (no date), <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm> (accessed in November 2016)

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

1.1 Introduction

This case study focuses on difficulties for cross-border mobility in border regions due to a lack of recognition of diplomas and qualifications. It should be noted that it refers to 'professional recognition', which entails the recognition of foreign qualifications for the purpose of entering the labour market. Recognition can also be sought for the purpose of further education and training, in that case it is labelled 'academic recognition'.⁴ Unless specifically mentioned otherwise, this case study concerns professional recognition.

The right of EU citizens to work in another Member State stems directly from the EU treaties (Article 45 of the Treaty on the Functioning of the European Union) and represents an opportunity for citizens to benefit from the Single Market. Moreover, facilitating the mobility of EU citizens is an important principle of the EU and it is an important element for matching labour supply and demand, contributing to the EU 2020 targets for sustainable and inclusive growth⁵. However, national authorities remain the competent authorities in the field of education, which sometimes leads to barriers to the Single Market.

To a significant degree, the obstacle originates from the variety of national education systems in the EU, notably in higher education and vocational training systems. It mainly concerns regulated professions: Member States can restrict access to certain professions by requiring that professionals hold specific qualifications. These regulated professional and qualification requirements vary from one country to another, which means that a professional who is fully qualified in one Member State may encounter difficulties in exercising their profession in another Member State⁶. Within the EU, there are around 800 regulated professions⁷, and they have frequently been mentioned as a barrier to the effective functioning of the Single Market⁸. At the European level, the Professional Qualifications Directive (2005/36/EC and amended by 2013/55) addresses this issue and establishes the automatic and general recognition of qualifications. However, only a limited number of professions benefit from an automatic recognition of diplomas⁹ (it concerns nurses, midwives, doctors, dentists, pharmacists, architects and veterinary surgeons). Moreover, interviewees explain that though in a legal and theoretical sense there is no obstacle, the actual obstacle arises from the application of the rules, which is sometimes difficult due to a lack of information and misunderstandings of the terms of the Directive. This is further elaborated below.

⁴ <http://www.eurorecognition.eu/emanual/Chapter%205/introduction.aspx>

⁵ Kyriari, K. (no date), The Modernised Directive on Professional Qualifications and its Impact on National Legislations, (no date), http://www.eipa.eu/files/repository/eipascope/20141120090725_EIPASCOPE_2014_KKY.pdf (accessed in November 2016)

⁶ European Commission (2011), Evaluation of the Professional Qualifications Directive (Directive 2005/36/EC), 5 July 2011, http://ec.europa.eu/internal_market/qualifications/docs/news/20110706-evaluation-directive-200536ec_en.pdf (accessed in November 2016)

⁷ A database with regulated professions can be found here: <http://ec.europa.eu/growth/tools-databases/regprof/>

⁸ Centre for Strategy Evaluation Services (2012), Study to provide an Inventory of Reserves of Activities linked to professional qualification requirements in 13 EU Member States & assessing their economic impact, January 2012, http://ec.europa.eu/internal_market/qualifications/docs/news/20120214-report_en.pdf (accessed in November 2016)

⁹ Confédération Luxembourgeoise des Syndicats Chrétiens (2010), Confédération Luxembourgeoise des Syndicats Chrétiens Conseil synodical 16 octobre 2010: Vivre et travailler dans la Grande Région, October 2010, <http://lcgb.lu/wp-content/uploads/import/wysiwyg/Brochure%20Vivre%20et%20travailler%20dans%20la%20Grande%20Région.pdf> (accessed in November 2016)

Besides the barrier for regulated professions, the lack of knowledge about foreign education seems to be a more general problem, affecting all professions. A 2009 report¹⁰ provides examples that underline these issues: "Recognition of foreign diplomas is difficult, employers don't understand the content of foreign diplomas" and "Employers often reject hiring applicants whose diplomas content they don't understand". The Bologna Process and the establishment of the European Qualifications Framework have been important steps towards addressing this matter.

Box 1. Obstacle N119 – Recognition of diploma or professional qualification certificates

This case study focuses on the issue of recognition of diplomas and professional qualification certificates with a particular attention on the Greater Region¹¹. Within the European Union (EU), there are about 800 regulated professions, reserved for individual professionals holding specific qualifications.

These qualification requirements vary between Member States, meaning that a professional who is fully qualified in one Member State may encounter difficulties in exercising their profession in another Member State.

Interviewees note that the Professional Qualifications Directive, which allows for automatic and general recognition of qualifications, provides a solution in a legal and theoretical sense, but that the application of the rules could be improved. For instance, contact between authorities, information provision for citizens, as well as transparency about the rules could be improved.

This identification of the obstacle is based on two sources¹², which provided some minor references to the issue of qualification recognition in a very broad sense. These studies provide the starting point for this case study, while expert interviews provided the main input for establishing the impacts of this obstacle and how best to address it.

It should be noted that the issue of recognition of diplomas for non-regulated professions is less formally acknowledged by policy makers, as employers decide whether to hire someone with a foreign educational background. Hence, the problem is less apparent for authorities as well as experts.

1.2 EU policy context

This section serves to outline the policy efforts on the European level. It includes information on the Bologna Process, the European Qualifications Framework and the Professional Qualifications Directive. The Bologna Process and the European Qualifications Framework are mainly linked to academic recognition, while the Professional Qualifications Directive is exclusively focused on professional recognition.

1.2.1 Bologna Process

The Bologna Process, which started in 1999, is a collective effort by public authorities, universities, teachers, and students, together with stakeholder associations, employers, quality assurance agencies, international organisations, and institutions, including the European Commission. Its main focus is to introduce a three-cycle system (bachelor/master/doctorate), to strengthen quality assurance in education and to establish easier recognition of qualifications and periods of study. The increased

¹⁰ MKW Wirtschaftsforschung GmbH, Munich Empirica Kft. (2009), Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries - Final Report, January 2009, ec.europa.eu/social/BlobServlet?docId=3459&langId=en (accessed in November 2016)

¹¹ A border region that consists of the German Federal States of Saarland and Rheinland-Pfalz, the French region of Lorraine, the country of Luxembourg and the Belgian Federal State of Wallonia.

¹² Confédération Luxembourgeoise des Syndicats Chrétiens (2010), CRD Eures Lorraine (2011)

compatibility between education systems makes it easier for students and job seekers to move within Europe.¹³

1.2.2 European Qualifications Framework

The European Qualifications Framework (EQF) is a common European reference framework acting as a translation grid which links countries' qualification systems. It covers qualifications at all levels and in all sub-systems of education and training (general and adult education, vocational education and training, higher education). Its main role is to make qualifications more understandable across different countries and systems. As such, it supports cross-border mobility of students and workers across Europe. At its core, the EQF defines eight reference levels concerning learning outcomes, i.e. knowledge, skills and competence. Countries develop national qualifications frameworks (NQF) to implement the EQF¹⁴.

1.2.3 Professional Qualifications Directive

In its 2010 Communication 'Towards a Single Market Act for a highly competitive social market economy', the Commission presented 50 proposals to boost growth and jobs and to reinforce confidence in the Single Market. One of the proposals was a major evaluation of the Professional Qualifications Directive (PQD), one of the most important actions of the Communication¹⁵. It should be noted that the PQD is a tool to facilitate the recognition of diplomas, as such it does not deal with the regulation of professions. PQD was adopted in 2005 and was fully transposed in all Member States in 2010. Yet, the *acquis* on professional qualifications is much older, and the PQD consolidates the rules for recognition of qualifications set out in 15 previous Directives adopted between 1960-1990¹⁶. The aim of the PQD is to help professionals to overcome the difficulties they face due to different requirements in different Member States when exercising their profession. A related objective of the PQD is to facilitate labour mobility within the EU, by allowing EU citizens to benefit from employment opportunities in other Member States.

The PQD defines three different regimes¹⁷:

- The general system is applied to all professions for which training requirements have not been harmonised. Professionals wishing to become established in another Member State, send an application for the recognition of their qualifications to the competent authorities of that Member State. Applications are examined on a case-by-case basis, taking into consideration the duration and content of training with the purpose of determining whether there are substantial differences with the requirements in the host Member State. Compensation measures, like an aptitude test or an adaptation period, can be imposed in case of substantial differences.
- A specific group of professions benefits from automatic recognition of their qualifications, based on harmonised minimum training requirements. The professions included are doctors, dentists, pharmacists, nurses, midwives, veterinary surgeons and architects (defined in Annex V of the PQD). The professional is still required to send an application to the host Member State, but the competent authorities do not verify the contents and duration of the training.

¹³ European Commission (2016), The Bologna Process and the European Higher Education Area, 4 November 2016, http://ec.europa.eu/education/policy/higher-education/bologna-process_en.htm (accessed in November 2016)

¹⁴ More information about the EQF can be found here: <http://www.cedefop.europa.eu/en/events-and-projects/projects/european-qualifications-framework>

¹⁵ European Commission (2011), Evaluation of the Professional Qualifications Directive (Directive 2005/36/EC), 5 July 2011, http://ec.europa.eu/internal_market/qualifications/docs/news/20110706-evaluation-directive-200536ec_en.pdf (accessed in November 2016)

¹⁶ *ibid*

¹⁷ *ibid*

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- Professions in areas of craft, trade and industry also benefit from automatic recognition, based on professional experience. The PQD defines conditions in terms of the duration and nature of the professional experience for these areas.

Box 2. Example of how the Directive works in practice:

Hans is a general care nurse from Germany who obtained his qualifications in Berlin. Hans speaks French and wishes to relocate to Bordeaux to work there as a nurse. This is possible because the training requirements of general care nurses were harmonised under an EU Directive. Based on these rules, Hans is required to apply to the country's relevant authority to demonstrate his qualifications, in this case the French Ministry of Health. The Ministry should grant him automatic recognition within a period of no more than three months, after which Hans can begin working permanently in France. Relevant authorities can differ across the Member States. In the case of France, Hans wrote to the Health Ministry; if he had wanted to work in the UK, he would have made an application to a country-wide agency or in Germany to a regional authority.”¹⁸

The 2011 evaluation of the Directive¹⁹ reported that the general system is an effective solution, but that the case-by-case system is a burdensome exercise for the authorities and professionals. The system of automatic recognition based on harmonised minimum training requirements is perceived as efficient, though it is undermined by a complex procedure for the notification of new diplomas (especially for architects). Another issue is the lack of transparency concerning the contents of training programmes for diplomas in the health sector. The system for automatic recognition based on professional experience runs smoothly, yet the identification of professions benefitting from this system is difficult due to the way Member States classify their economic activities. Furthermore, there are still major difficulties for professionals in finding information on how to obtain recognition of their qualifications abroad.

In 2013, the PQD was updated. This did not imply a radical change, but rather reaffirmed the philosophy of mutual recognition and mutual trust between Member States. At the same time, it seeks to introduce new ways to maximise the potential of existing tools and structures. Some of the main changes are²⁰:

- The introduction of a European Professional Card, in the form of an electronic certificate, allows professionals to provide services or to become established in another Member State.
- Access to information on recognition of qualifications is facilitated by Points of Single Contact in Member States.
- The harmonised minimum training requirements were revised and the definitions of minimum training requirements for the professions benefitting from automatic recognitions were changed.
- Introduction of an alert mechanism for professions with patient safety implications. Through the Internal Market Information System (IMI), Member States are obligated to inform other Member States about a professional who has been prohibited from exercising his or her professional activity.

¹⁸European Commission (2013), MEMO: Modernisation of the Professional Qualifications Directive – frequently asked questions, 9 October 2013, http://europa.eu/rapid/press-release_MEMO-13-867_en.htm (accessed in November 2016)

¹⁹European Commission (2011), Evaluation of the Professional Qualifications Directive (Directive 2005/36/EC), 5 July 2011, http://ec.europa.eu/internal_market/qualifications/docs/news/20110706-evaluation-directive-200536ec_en.pdf (accessed in November 2016)

²⁰European Commission (2013), MEMO: Modernisation of the Professional Qualifications Directive – frequently asked questions, 9 October 2013, http://europa.eu/rapid/press-release_MEMO-13-867_en.htm (accessed in November 2016)

- The possibility of setting up common training frameworks, aimed at offering a new avenue for automatic recognition. Such a framework should be based on a common set of knowledge, skills, and competences. It was felt that qualifications obtained under a common training framework should be automatically recognised by other participating Member States.
- Mutual evaluation exercise on regulated professions. Each Member State would provide a list of regulated professions and justify the need for regulation, followed up by a mutual evaluation exercise facilitated by the Commission.
- Introduction of the principle of partial access to a regulated profession, if the economic activity does not exist in the host Member State. The activity can only be carried out as part of a profession regrouping a whole range of activities.
- Scope extended to professionals who hold a diploma but have yet to complete a professional traineeship before getting full access to the profession.

1.3 Main problems resulting from the obstacle

According to a report on the mobility of frontier workers²¹, the recognition of foreign diplomas is a significant obstacle for mobility. The obstacle occurs among all countries in the cross-border regions under study in the EU. Some examples from the Greater Region, the case study that will be introduced in the following sections, are:

France – Belgium: Very few diplomas are harmonised and accepted without problem. For example, if a French crane driver with long-term professional experience wants to work in Belgium, he has first to obtain a new crane driving certificate in Belgium.

Germany – France: "Professional training systems are very different, there is not enough transparency about the differences. Some examples of German diplomas which are not recognised in France are the studies for physiotherapists and, forklift drivers. DEUG (Diplôme d'études universitaires générale) is a diploma in France, in Germany just bachelor."²²

The same report also states that uncertainty about the acknowledgement of a diploma is one of the more important obstacles for cross-border labour mobility.

Furthermore, results from a 2015 online public consultation²³ show that respondents mention legal and administrative obstacles as the most relevant cross-border mobility obstacles (followed by language barriers and physical access). One of the most cited concerns in this respect is the lack of recognition of education and qualifications.

Finally, the obstacles result in the risk that an employee in a neighbouring country will only be able to work below their actual qualification, because the diploma gained in the country of origin will not be fully recognised in the country of employment²⁴.

However, regional experts consulted for this case study do not see recognition of diplomas and qualifications as a major issue. Instead, interviewees did mention issues related to the obstacle of diploma and qualification recognition: generally it seems that there are rules in place, in the form of the Directive, yet in practice there are some problems that hinder smooth recognition. These observations are explained below.

²¹ MKW Wirtschaftsforschung GmbH, Munich Empirica Kft. (2009), Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries - Final Report, January 2009, ec.europa.eu/social/BlobServlet?docId=3459&langId=en (accessed in November 2016)

²² *ibid*

²³ European Commission (2016), Overcoming obstacles in border regions: summary report on the online public consultation, 21 September-21 December 2015, 2016, http://ec.europa.eu/regional_policy/sources/consultation/overcoming-obstacles-border-regions/results/report_reg-16-006_en.pdf (accessed in November 2016)

²⁴ Association of European Border Regions (2012), Information services for cross border workers in European border regions, October 2012, http://www.aebr.eu/files/publications/121030_Final_Report_EN_clean.pdf (accessed in November 2016)

As stated by interviewees, a major element that influences the recognition process is the contact between authorities. Especially the Luxembourg authorities and employers are familiar with foreign diplomas, resulting in a smooth process of recognition. The fact that authorities in the Greater Region cooperate frequently, seems to enhance the process and mutual knowledge of procedures. The IMI was established²⁵ to facilitate exchange of information. Interviewees do indicate that though the IMI is not working optimally yet, the system is improving. Mutual trust between authorities is important to facilitate a smooth recognition process.

Furthermore, for citizens, acquiring the appropriate information to understand the procedure of getting a diploma recognised is difficult as stated by interviewees in the region: information provision for citizens is not optimal yet. Though there are several initiatives (the Contact Points foreseen in the Directive; EURES) to facilitate the provision of information, it seems the existence of these Contact Points is not widely known among the general public. Moreover, information available online regarding recognition is written in a technical language and difficult to understand for many. In addition, in some cases it is not clear what is required by a Member State as stated by interviewees, leading to a lengthy process of submitting more documents and certified translations (and costs that come with it). For this reason, interviewees indicated that more transparency is needed on the rules and the documents that have got to be provided. At the same time interviewees mention that the provision of information is not a priority for many Member States.

Box 3. Example: information and services in Germany

German investment in facilitating incoming professionals and informing them, stems from the need for skilled professionals. The information is provided online and through information points which people can either visit or call (different languages are available). In 2008, it was decided to also provide this service to persons from outside the EU as well as for non-regulated professions (so-called equivalence checks). In Rheinland-Pfalz, incoming frontier workers are mainly people from France and Belgium, especially in non-regulated professions. For non-regulated professions, employers decide on compatibility of diplomas (instead of authorities for regulated professions). However, for employers it can be difficult to know which foreign diplomas are equivalent to the expertise sought. In this case, employers can apply for an equivalence check at recognition authorities (costs that have got to be carried by either the employee or the employer).

The revised PQD, which merges different rules, has led to a lot of misunderstanding among those applying the rules within the competent authorities. The complicated nature of the PQD results in less transparency, since it is difficult to understand the rules. This in turn leads to lengthy procedures, which in theory are not necessary. For instance, the PQD foresees additional requirements only in exceptional circumstances, but this is interpreted by some as a condition for recognition. Another misunderstanding is that not all professions are covered by the PQD. Furthermore, different traditions within national authorities lead to different procedures for recognition, which is sometimes difficult for outsiders to understand.

Finally, a related issue concerns the status of educational institutions in the recognition process. The PQD foresees the recognition of diplomas and certificates to be delivered by other authorities, yet as the field of education is developing there are also private organisations that provide diplomas and certificates. Despite their right to operate in their original Member State, qualifications from these organisations are not recognised in a host Member State except when a specific mandate is provided, saying the organisation delivers diplomas in name of the Member State. As the field of

²⁵ First established in 2008 and the legislative act was adopted in 2012: Regulation (EU) no 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation')

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education providers develops and other service providers emerge, this is an issue that could grow and might require an adequate solution in the future.

To conclude, it is mainly the regulated professions that face an obstacle, as their recognition is formalised (whereas non-regulated professions are not). Though the literature identifies an obstacle, interviewees are generally of the opinion that the obstacle resulting from the recognition of diplomas is limited. Moreover, interviewees see that though the PQD is a solution in the legal sense, there are some problems that result from its practical application, such as lack of information, transparency and clarity on the rules and contact between authorities.

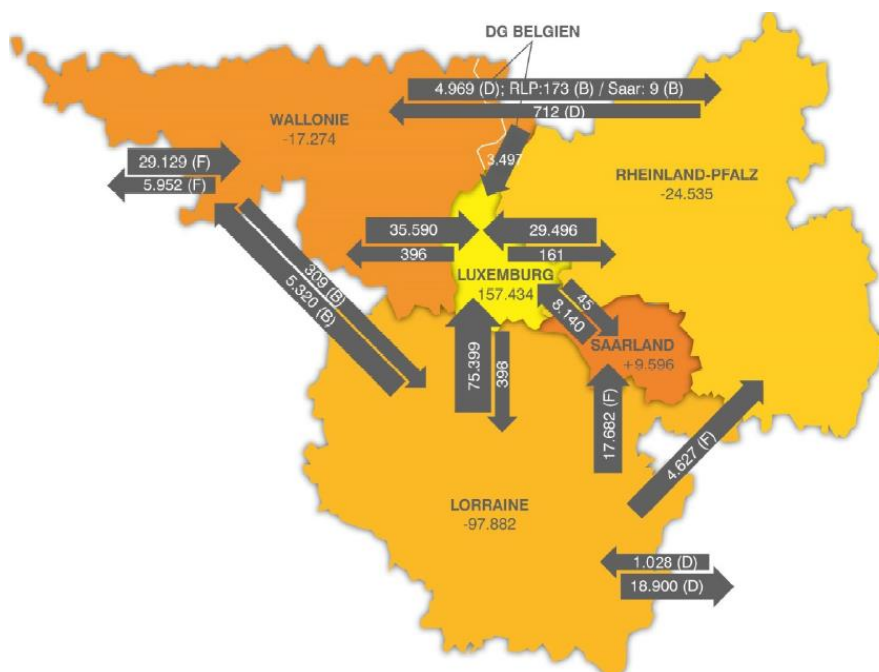
2 Case Study Context

2.1 Greater Region

The Greater Region comprises of the German Federal States (Länder) of Saarland and Rheinland-Pfalz, the French region of Lorraine, the country Luxembourg and the Belgian Federal State of Wallonia. The area includes 11.2 million inhabitants, representing 3% of the total population of Europe and contributes the same proportion to the GDP of the EU.

The region is characterised by large fluxes of frontier workers (as well as consumers): about 200.000 workers cross the border on a day-to-day basis, including 160.000 coming into Luxembourg alone²⁶. Looking at the economy, industry plays an important role in the Greater Region, at a level higher to the European average. The construction sector has a more minor role and is below the European average²⁷. The figure below presents the flux of frontier workers in the region.

Figure 1. Flux of frontier workers in the Greater Region in 2013



Source: Observatoire Interrégional du marché d'emploi (2014), Situation du marché de l'emploi dans la Grande Région, November 2014, http://www.iba-oie.eu/fileadmin/user_upload/Berichte/9._IBA-Bericht__2014_/141118_Grenzgaenger_FR.pdf (accessed in November 2016)

2.2 Scope of the problem within the region

There are two sources that identify the recognition of diplomas as an obstacle for cross-border activity in the Greater Region. Whilst useful documents, neither of these reports provides much information on the scale of the problem.

The first document is the 2011 report by EURES and Frontaliers Lorraine²⁸ which identifies obstacles for mobility of frontier workers in the Greater Region. Recognition

²⁶ Gross/Grand Region (2015), La Grande Région, February 2015, <http://www.granderegion.net/fr/grande-region/index.html> (accessed in November 2016)

²⁷ Confédération Luxembourgeoise des Syndicats Chrétiens, (2010), Confédération Luxembourgeoise des Syndicats Chrétiens Conseil synodical 16 octobre 2010: Vivre et travailler dans la Grande Region, October 2010, <http://lcbg.lu/wp-content/uploads/import/wysiwyg/Brochure%20Vivre%20et%20travailler%20dans%20la%20Grande%20Region.pdf> (accessed in November 2016)

²⁸ CRD Eures Lorraine (2011), Freins à la mobilité des travailleurs dans l'espace Lorraine/Luxembourg/Rhénanie-Platinat/ Sarre, April 2011,

of diplomas and absence of harmonisation of qualifications is identified as one of the obstacles. The problem stated in this document is that only a limited number of professions is covered by the PQD. For other professions, there is no automatic recognition, which results in the risk for frontier workers of being employed at a lower level compared to a person who studied in the country of work. In addition, a common reference framework for professions is absent.

The second source by the Luxembourg Confederation of Christian Trade Unions (LCGB)²⁹ defines the problem as follows³⁰:

- Only certain professions benefit from the PQD;
- The PQD does not arrange the concordance of all qualifications. Access to certain professions requires specific professional qualifications, which means a cross-border worker with a diploma from another country must justify their level of education very precisely.
- Automatic recognition of qualifications is not arranged for all professional sectors, which can lead to lower recognition of qualifications in certain sectors, resulting in a lower level of employment and salary.
- Finally, there is the question of non-valorisation of acquired professional seniority in another country.

It should be noted that none of the interviewees sees the recognition of diplomas as a major issue, neither for the regulated nor the non-regulated professions. It is as such not recognised as a relevant obstacle by interviewees. At the same time, interviewees agree that the necessary legal frameworks are in place (notably the PQD), but that the application of the rules could be improved. As such it can be concluded that those interviewed for this case study generally did not perceive an insurmountable obstacle although the real obstacle is generally the (lack of) application of legislation.

Interviewees only mention the health sector as relevant in the region with regards to regulated professions. One expert from a EURES office explained that German professionals in the health sector frequently choose to work in Luxembourg below their level of education. Due to higher salaries in Luxembourg, this is economically advantageous for them (at least in the short-term, in the long term it might prove difficult to find a job at their own level in Germany). In some cases, professionals try to get recognition while they are already working in Luxembourg at a lower level.

It seems that the relatively large cross-border fluxes within the Region lead to a fair standard of mutual knowledge about educational arrangements among employers, as well as a certain level of knowledge, familiarity and communication within and between recognition authorities. The Contact Point for foreign recognition of diplomas in Saarland reports that it hardly gets any requests from the Greater Region for counselling in the recognition procedures in Germany. Though the underlying causes are difficult to determine, it could be the case that frontier workers are employed in non-regulated professions, such as banking, or that they are aware of the procedures and don't need counselling.

2.3 Local, regional, national frameworks to address obstacles

Within the Greater Region, there are several organisations involved in cross-border mobility in general, as well as some which focus more specifically on the obstacle

http://www.frontalierslorraine.eu/uploads/publications/Livret_Freins_mobilite_2011.pdf (accessed in November 2016)

²⁹ Confédération Luxembourgeoise des Syndicats Chrétiens (2010), Confédération Luxembourgeoise des Syndicats Chrétiens Conseil synodical 16 octobre 2010: Vivre et travailler dans la Grande Region, October 2010, <http://lcgb.lu/wp-content/uploads/import/wysiwyg/Brochure%20Vivre%20et%20travailler%20dans%20la%20Grande%20Region.pdf> (accessed in November 2016)

³⁰ Unfortunately, the LCGB could not be reached for elaborations on this study.

under scrutiny, namely the recognition of diplomas and qualifications. This section aims to provide an overview of the relevant stakeholders and frameworks.

The main organ in the region is the Summit of the Greater Region³¹, an institutionalised framework of cross-border cooperation in the region at the highest political level of the authorities in the Greater Region. Two organs provide advice to the Summit:

- The *Comité économique et social de la Grande Région*, or the Economic and Social Committee of the Greater Region (CESGR): an advisory body to the Executive Secretariat of the Summit of the Greater Region. The CESGR represents social partners (economic, political and professional organisations) in the areas of cooperation. This body considers and suggests new ways of approaching the challenges in economic, social and cultural policy areas in the Greater Region.
- The *Conseil Parlementaire Interregional (CPI)*, or Inter-Parliamentary Council: a consultative parliamentary assembly for the Greater Region composed of members from the Saar and Rhineland-Palatine German Federal States, Belgium (Walloon Parliament, German speaking community, and the Federation Wallonia-Brussels), Luxembourg and members of the Regional Council of Lorraine. These members act as representatives of the citizens of the Greater Region and make recommendations to the Summit.³²

The Summit of the Greater Region is governed by the Secretariat of the Summit of the Executives (EGTC). Having such a Secretariat as a central, permanent organisation for the Summit is considered to be a very useful development amongst regional experts. The Summit is supported by a secretariat and thematic working groups. The Working Group 'Higher Education and Research' included joint degrees as a main theme within its working programme. In their report on joint degrees, they define this as an advanced form of institutional cooperation through which an educational programme is organised, managed by partner institutions and leading to the joint diplomas or multiple diplomas. The Working Group notes that institutional cooperation is already advanced thanks to the establishment of the University of the Greater Region. This is a collaboration between 7 universities in the 4 countries of the Greater Region, with the aim of increasing mobility of students, scientists and lecturers. Cross-border study programmes, double and joint degrees are part of this programme.³³ The Working Group does note that there is still a big diversity in systems of higher educations, cultures and academic traditions. It, therefore, recommends establishing a legal framework, exchange of good practices and a continuous dialogue to further develop institutional cooperation and joint degrees within the Greater Region.

The main initiative identified in the region related to the obstacle under scrutiny is a framework agreement established in 2014 between the different authorities involved and in partnership with several relevant organisations³⁴. This framework agreement deals with cross-border vocational education and training (VET) in the Greater Region. It aims to make better use of the potential of the labour market of the Greater Region and to deal with the challenges of a growing need for qualified personnel in certain regions and sectors. To do so, it creates common objectives in the field of VET to contribute to a single economic area. The agreement promotes mutual recognition of

³¹ Gross/Grand Region (2015), Grande Region – Dossier de press, 3 February 2015, http://www.granderegion.net/fr/grande-region/DOSSIER-DE-PRESSE-GR_FR.pdf (accessed in November 2016)

³² *ibid*

³³ University of the Greater Region (no date), Objectives, (no date), <http://www.uni-gr.eu/en/about-us/objectives.html> (accessed in November 2016)

³⁴ The Interregional Parliamentary Council, the Public Employment Services, the Economic and Social Committee of the Greater Region, the Interregional Council of the Chambers of Profession, the Association of Chambers of commerce, the Council of Interregional Trade Unions, the EURES – T SLLR, the EURES T PED, the Interregional Observatory of the labour market etc.

diplomas obtained in neighbouring countries and defines possibilities to split education between two countries in the region. Furthermore, it supports the establishment of bilateral and multilateral agreements that promote cross-border education and exchange of best practices³⁵. No reports on the results have been published yet (as of 2016), so assessing its impact quantitatively is problematic. Interviewees did comment that several initiatives came from the framework agreement, such as common strategies for cross-border internships, bilateral dialogues, the establishment of Welcome Centres in chambers of commerce to inform foreign workers and a declaration of intention for cooperation in the domain of VET.

The Task Force Grenzgänger/Frontalier³⁶ is a relevant cross-border organisation that acts as an advisory body to the counsellors and decision-makers. The organisation focuses on finding administrative and legal obstacles and offering possible solutions regarding cross-border work. A real challenge, however, is identifying and pinpointing legal and administrative obstacles; finding where the problem lies is the main difficulty.

The Taskforce was put in place for the entire Greater Region under an INTERREG project. Other relevant cross-border structures include the Observatoire Interregional du marché du emploi that provides statistical data about cross-border mobility, the INTERREG secretariat and programme partners as well as two cross-border EURES organisations: EURES T PED (Lorraine, Luxembourg, Belgian Luxembourg) and EURES T SLLR (Sarre, Lorraine, Luxembourg, Rhénanie-Palatinat).

Interviewed experts in the region have indicated that within INTERREG IVA in the Greater Region no projects were carried out directly related to the obstacle of recognition of diplomas and professional qualification certificates. Though it is considered a relevant matter by the programme partners, it was difficult to get the partners together due to the high number of relevant stakeholders in the region. It was, therefore, decided that this issue was better handled by the central partners and no projects were established to address issues with recognition of diplomas at the European policy level.

Finally, a recent relevant initiative was taken by the Benelux and concerns a part of the countries involved in this case study. In May 2015, the Benelux higher education ministers agreed on automatic recognition of higher education degrees across the three countries. This Decision guarantees the legal right to each citizen to automatic degree recognition of any officially recognised Bachelor or Master degree obtained in the three countries of Benelux. Such degrees will be automatically recognized as of equivalent – Bachelor or Master - level, without mediation of any recognition procedure³⁷.

The fact that cross-border work is common practice seems to lead to increased awareness among employers, workers and authorities. The only directly related regional solution that has been identified is the “framework agreement for cross-border vocational education and training (VET) in the Greater Region”, agreed upon by a wide range of partners and aiming to give studies, internships and diplomas a greater cross-border character.

³⁵ Gross/Grande REGION (no date), Accord-cadre relatif à la formation professionnelle transfrontalière dans la Grande Région, (no date), http://www.granderegion.net/fr/documents-officiels/Annexes-a-la-declaration-commune/ANNEXE-1_-Rahmenvereinbarung-Grossregion_accord-cadre-Grande-Region_final.pdf (accessed in November 2016)

³⁶ The website of the Task Force is <http://www.tf-grenzgaenger.eu>.

³⁷ http://www.benelux.int/files/1914/3201/9435/basis_tekst_web_FR.pdf

3 Impact analysis

Very little information is available in literature on the impact of this obstacle. This can be in part attributed to the fact that it has not been seen as a major barrier and as such, it is not an issue which is monitored systematically by institutions or authorities.

The interviewees do not see any major impact resulting from the obstacle, as they do not see the recognition of diplomas as a real obstacle in the first place. Although quantitative evidence on the impact of this obstacle is not available, it is possible to qualify certain impacts, and these impacts are described below.

Interviewees did formulate some general impacts they identify, resulting from the current system (and obstacle) of recognition of diplomas:

- Slowing down development of cross-border economic activity;
- Reducing cross-border competition, which poses a barrier of economic models of innovators; and hampers choice for consumers at lower prices;
- Hindering professional opportunities; and
- Reducing awareness of the European single market.

At the same time, it was recognised that other obstacles, such as social security, fiscal problems, assurances etc. are of higher importance to these general impacts than the recognition of diplomas.

A limited amount of available quantitative information can be used as an indirect indicator to gain some idea of the size of the obstacle. The regulated professions database³⁸ provides some data on the number of decisions made on the recognition of diplomas and professional qualifications. The table below shows the number of decisions taken on recognition of professional qualifications for the purpose of permanent establishment. The table concerns all decisions for the period 1997-2015, for all professions³⁹. In this period, more than 25,000 decisions were taken. It should be noted that these figures only concern formal recognition decisions and do not capture the number of persons making use of the recognition. Furthermore, it is based on voluntary registration by Member States.

As the data shows (documented on the national level and therefore includes decisions outside the Greater Region), a large majority of the decisions was taken in favour of the applicant. Luxembourg has the highest rate of positive decisions (98.8% on average for the three other countries in the Greater Region), followed by Belgium (86.6%) and France (77.9%). The decisions taken by Germany are relatively low (60%). This could be explained by the relatively high number of neutral decisions. According to one expert consulted, these neutral decisions might actually be taken in case required documents were lacking.

³⁸ European Commission (no date), Regulated professions database, (no date), <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm> (accessed in November 2016)

³⁹ This is documented at the national level and therefore includes decisions outside the Greater Region.

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Table 1. Number of decisions by country 1997-2015⁴⁰

Country of qualification	Host country	Decisions taken by host country	Total Positive	% Positive	Total Negative	Total Neutral
Belgium	Luxembourg	2279	2253	98.9%	26	0
Belgium	France	10338	8098	78.3%	223	2017
Belgium	Germany	648	358	55.2%	35	255
Luxembourg	Belgium	285	253	88.8%	17	15
Luxembourg	France	35	25	71.4%	5	5
Luxembourg	Germany	147	124	84.4%	8	15
France	Belgium	5059	4208	83.2%	355	496
France	Luxembourg	1681	1677	99.8%	4	0
France	Germany	1191	480	40.3%	212	499
Germany	France	735	617	83.9%	25	93
Germany	Luxembourg	2244	2190	97.6%	54	0
Germany	Belgium	1323	1160	87.7%	92	71
TOTAL		25965	21443	82.6%	1056	3466

As stated by several interviewees, these figures are an underestimation as in some cases there is no application for recognition. For instance, if an engineer works as part of a company and does not formally 'sign the project', then he/she might not get recognition, while he/she does work in another Member State in a regulated profession. Another example is the case elaborated above, of German professionals in the health sector, working below their level to avoid recognition procedures.

SOLVIT Luxembourg⁴¹ reports having treated 34 cases concerning the recognition of professional qualifications in the Greater Region, between 2012 and 2016. It should be noted that as stated by experts consulted, companies underuse SOLVIT.

It can be concluded that there is little information available on the size and the impact of this obstacle, both in the literature and among the interviewees. The recognition of diplomas and professional qualifications is to a large extent handled outside the scope of authorities' activities, both for non-regulated and regulated professions. This makes assessing the impact difficult. No evidence has been found indicating significant impact.

⁴⁰ European Commission (no date), Regulated professions database, (no date), <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm> (accessed in November 2016)

⁴¹ SOLVIT Centres exist in every Member State to assist citizens and businesses in ascertaining their EU rights in cases where a dispute has risen between a citizen or a company and an official body of an EU Member State.

4 Solutions and good practice

The analysis of the obstacle shows that the necessary rules and regulations, notably the PQD, are in place. As such there is no obstacle in the legal sense. The actual obstacle, though limited, emerges with the practical application of the rules. Interviewees underline that cooperation and understanding between authorities needs to be improved with the intention of achieving a more optimal application of the PQD. This section presents several solutions related to the creation of improved cooperation and understanding.

The two documents which identified the recognition of diplomas as an obstacle in the Greater Region, present two possible solutions. The first is the creation of a table of correspondence for the professions not included in the PQD. This table, which hasn't been developed yet to the authors' knowledge, would present the different requirements for regulated professions in the different countries in the Greater Region, with the intention of facilitating the recognition of foreign diplomas (and potential additional requirements). Though none of the interviewees have mentioned this option as a potential solution, they did mention that it would be useful in the Greater Region to have more information exchange on the general recognition system in the different countries. There is a lot of information available, but to have an overview there should be more (personally exchanged) information on how to apply, costs, etc. IMI is not optimal for this, as this is used to exchange information on single cases. A table of correspondence of the different professional requirements could be one part of this improved information exchange.

The Greater Region knows a variety of cross-border organisations that aim to facilitate communication and increased cooperation within the region.

- The Summit of the Great Region can be seen as a good practice for fighting cross-border barriers that exist in cross-border regions.
- The Taskforce Grenzgänger/Frontalier is another example of a cross-border organisation that enhances finding solutions in border regions. Moreover, the OIE provides data and monitors developments on the cross-border labour market. The CESGR and its thematic working groups are a liaison between the OIE and the Summit of the Greater Region on the cross-border level and regional level actors such as trade unions and the chambers of commerce.
- Finally, the University of the Greater Region shows a dedication amongst the academic institutions in the region to achieve far-reaching cooperation. These forms of cooperation within the region facilitate exchange of information and as such can be considered good practices for facilitating the recognition process.

Another solution mentioned in the literature is to encourage the establishment of bilateral agreements for the automatic recognition of certain professions. The framework agreement for cross-border VET in the Greater Region can be considered a good practice, looking at the bilateral agreements that have emerged. The Greater Region forms a unique and complex case in that there are five regulatory systems involved which require bilateral agreements in this regard. Though the results are unknown at this stage, this is the type of multilateral agreement that can help in solving the obstacle, as it is a broad agreement that involved many partners in the region. Another expert also mentioned the establishment of cross-border dual trajectories, where one works and studies at the same time. This is also part of the established framework agreement.

Another potential solution is the establishment of common training frameworks, for which the PQD leaves room. A common training framework would provide a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession that is not subject to automatic recognition under the PQD, but that are regulated in at least one of the involved Member State. It provides the possibility to extend automatic recognition for certain professions, through the development of a

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common set of skills, knowledge and competences. The common training frameworks are a way of creating automatic recognition for an increased number of professions in a limited number of Member States, in a bottom-up fashion. Though interest exists no common training framework has been adopted so far, which is most likely due to the high amount of work such an instrument entails (the mapping of professions, building of consensus, etc.).

A possible solution from another region is the use of authorised descriptions of diplomas (in the specific case of secondary vocational education). Along the Dutch-German border, these authorised descriptions are drawn up by scientists at the Research Centre Vocational Education and Labour Market (CBA) in collaboration with the project management of the Ler(n)ende Euregio, by Niederrheinische IHK Duisburg, as well as by knowledge institutes of relevant industries. This is to address the obstacle stemming from the lack of knowledge among employers about the quality of diplomas of secondary vocational education across the border. This hampers well-functioning regional cross-border labour markets and the employment opportunities of the graduates. To tackle this obstacle within the Ler(n)ende Euregio, authorised descriptions are made of diplomas of secondary vocational education on both sides of the border in order to improve cross-border transparency and acceptance of the diplomas. One expert also mentioned the standard provision of translations of the supplement of diplomas in different languages. The European Commission could play a role in encouraging educational and academic institutions in providing this as a service to students, to avoid administrative burden for both graduates and academic institutions.

Another potential solution is to organise training sessions for civil servants who are responsible for the recognition decisions. If the rules are better explained, this might lead to a more efficient system of recognition. The analysis of the obstacle shows that there seems to be a lot of misunderstanding and a lack of clarity about the rules of the PQD and how they should be applied, as well as the rules of neighbouring countries. To avoid the tendency 'the stricter, the better', and create common understanding, training sessions could be helpful. If these training sessions are organised for the different administrations together, this could also result in increased contact between authorities, as the training sessions would facilitate people on both ends knowing who's in charge at the other administrations and how to reach them. In relation to this, transparency should also be created via the better provision of information for citizens, through improved awareness about and services from the Contact Points. Funding for the Contact Points as well as campaigns to raise awareness about their existence is crucial here.

Concluding, there are several initiatives and ideas to improve the application of the PQD and facilitate communication. This is an ongoing process; interviewees mention improvement, though the PQD may have caused misunderstanding due to its complicated nature. Within the Greater Region, despite the opinion of interviewees that communication is easy and common practice, these solutions could contribute to the further improvement of the situation.

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Annex 2: List of consultees

The starting point for this case study were two sources where the obstacle was mentioned: Confédération Luxembourgeoise des Syndicats Chrétiens (2010) & CRD Eures Lorraine (2011). An internet search was carried out to find more relevant information. This involved European, national and regional websites (such as governments, cross-border organisations, trade unions, etc.) The desk research was followed by interviews by phone with experts. By email, relevant persons were approached, explaining the objectives of the case study and the main questions. The conducted interviews were the main input for establishing the impact analysis and solutions. An important objective of the method was to collect information and views from different angles to achieve balanced results. Therefore, interviews were carried out among representatives of several organisations, such as: researchers, representatives of regional (cross-border) organisations and representatives of the European Commission. The following persons were interviewed:

*Note that in keeping with Panteia ISO certificates, these names should not be used or mentioned in public reports. To do so, the interviewees must provide their permission first.

Konstantinos TOMARAS, European Commission, Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, Unit E5 - Professional Qualifications and Skills. Interviewed: 10.05.2016.

Christoph KLOS, Servicestelle zur Erschließung ausländischer Qualifikationen, Saarland. Interviewed: 04.05.2016.

Hildegard SCHNEIDER, Maastricht University. Interviewed: 11.05.2016.

Josiane LAURES, Ministry of Higher Education and Research, National Information Centres Luxembourg. Interviewed: 26.04.2016.

Ralf ESCHER, Ministerium Für Soziales, Arbeit, Gesundheit Und Demografie Rheinland-Pfalz. Interviewed: 03.05.2016.

Esther TRAPP-HARLOW, Taskforce Frontaliers. Interviewed: 03.05.2016.

Hanna Theresa KUNZE, EURES-Trier. Interviewed: 10.05.2016.

Nicolas BRIZARD, Pôle emploi Lorraine, Coordination EURES Grande Région. Email conversation 05.2016. Pierre MENARD, CRD EURES Lorraine. Interviewed: 13.05.2016

Frank IBLEIB, Referat Berufliche Bildung, Chancengleichheit, Fachkräfte, Ministerium Für Wirtschaft, Klimaschutz, Energie Und Landesplanung - Rheinland-Pfalz. Interviewed: 13.05.2016

Christiane FORTUIN, Ministère du Développement durable et des Infrastructures Département de l'aménagement du territoire (on behalf of INTERREG partners). Interviewed : 09.05.2016

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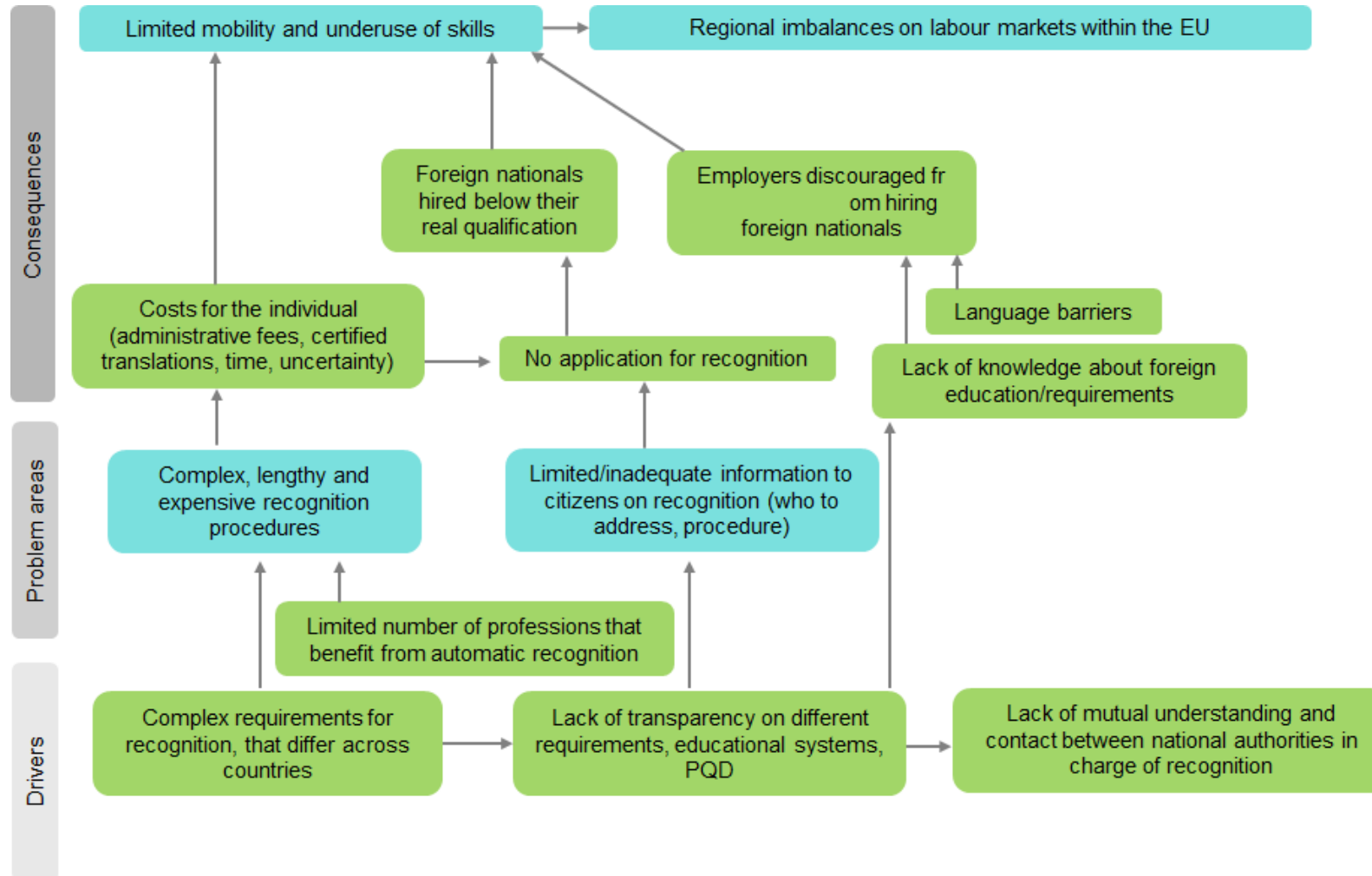
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Catia CARREIRA, Ministère de la famille, de l'intégration et à la Grande Region, Grand-Duchè de Luxembourg. Interviewed: 19.05.2016

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Annex 3: Problem tree

Figure 2. Problem tree



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