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FINAL REPORT BY THE EXPERT

Advice case title: Limitations ins cross-border (further) education

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Executive summary

This report examines the challenges for cross-border (further) education and the limitations for the labour market derived thereof in the border region between Austria and Germany. The analysis is conducted within the framework of the b-solutions initiative, which aims to support border regions in overcoming legal and administrative obstacles.

Dynamic changes in labour markets, driven by structural change, digitalisation and globalisation, have increased the demand for highly skilled workers. This trend is also felt in the Allgäu (DE) – Außerfern (AT) region, where more than half of the enterprises are facing significant challenges in finding skilled workers, mainly due to insufficient skills and competences of job applicants. This analysis investigates if such challenges can be mitigated by improvements in cross-border further education as well as which barriers exist for education and employment across borders in the region. Despite the European Union's emphasis on the free movement of workers and the shared cultural and linguistic ties that make cross-border employment between Austria and Germany seem straightforward at first, several hurdles remain. Complex differences in education systems, qualifications and the requirements for formal recognition processes for employment as well as a wide range of institutions involved in recognition procedures can be identified as some of those hurdles, complicating access to education and employment opportunities in both countries.

The EU has established frameworks such as the Professional Qualifications Directive and initiatives such as the European Qualifications Framework to facilitate the recognition of professional qualifications. Austria and Germany likewise have implemented bilateral agreements and frameworks to facilitate recognition processes. Despite these efforts, several legal, administrative and practical challenges remain. These include the (sometimes) complex process of formal recognition of qualifications, especially in regulated professions, outdated bilateral agreements and poorly aligned timelines between graduation and application deadlines for further education. These challenges discourage individuals from seeking cross-border education and employment opportunities. In addition, there is a widespread lack of knowledge and awareness of the equivalence and value of foreign qualifications, both among employers and employees, as well as among education seekers and providers.

To foster the potential of cross-border education and labour markets and to promote cross-border cooperation, the report recommends several actions. As the majority of obstacles are of practical nature or can at least be mitigated within the constraints of the existing legal framework, key recommendations focus on raising awareness and providing information to all relevant actors and individuals in the border area. An important aspect of this recommendation is the establishment of a regional information hub to provide clear guidance on cross-border education and employment opportunities, as well as to actively disseminate information in schools, workplaces and at job- and academic fairs.

Aiming at a higher level of policymaking and in addition to awareness raising and information, it is furthermore recommended to extend the scope of the EU's Professional Qualifications Directive, harmonise access rules to higher education and simplify administrative procedures in relation to recognition. Finally strengthening cooperation between education and labour market actors, and carrying out potential analyses to identify the most effective areas for intervention are key for targeted approaches to the most relevant and impactful barriers. These efforts can facilitate smoother cross-border mobility of students and workers, thereby contributing to regional economies and broader European integration objectives.

Keywords: education, labour market, diploma recognition, administrative barriers, legal barriers, cross-border obstacles, b-solutions

1. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle

The changing landscape of the labour market, driven by structural change, digitalisation and globalisation, is increasing the demand for highly skilled professionals. This shift is particularly evident in the Allgäu region, where more than half of local companies are experiencing a significant labour shortage, according to the 2022 Allgäu Labour Study. A considerable 45% of these companies attribute this shortage to a lack in qualifications and skills of job applicants. Vocational education and training have been identified as a key aspect in overcoming this challenge supporting the potentials for attracting and retaining skilled workers.

As one of the four fundamental European freedoms, freedom of movement in principle is the basis for living and working more freely within the European Union. Especially in areas such as the border region between Austria and Germany, improved labour market integration seems even more feasible due to the common language and cultural proximity. In the Allgäu-Tirol border region, the existing labour market interdependencies between the, as evidenced by cross-border commuting patterns, underline the potential for joint labour markets and education in the region. However, several factors hinder the effective up-skilling and improvement of training and education opportunities for workers across borders. The most important of these are the general differences both in terms of education and training structures provided as well as in types and titles of formal education and respective certificates. In many cases, this has led to a reported issue of cross-border recognition of diplomas, which is crucial for access to and use of educational opportunities in both countries as well as for being able to apply for specific jobs.

While several EU level directives and regulations as well as bilateral agreements between Austria and Germany exist to improve the situation, some key obstacles remain. It has to be noted however, that the majority of those obstacles are not prohibitive but create administrative effort or a general sense of complication which discourages people from taking up jobs and further education opportunities across the border. Some of the key obstacles identified are:

- For regulated professions, a recognition procedure is required in all cases, which creates additional administrative effort for applicants for jobs and further education. Even for professions where EU law recognizes the respective national education as equal, local and regional professional chambers can impose additional requirements on applications.¹
- In unregulated professions, despite the absence of a formal recognition procedure, employer scepticism remains a challenge when considering if specific diplomas and educational credentials are equivalent to those in their own country. Thus a recognition procedure is in practice oftentimes required to get equal acceptance by employers, equal pay etc.
- Bilateral agreements on the acceptance of diplomas have not been updated for 15 years. Meanwhile, the curricula for existing qualifications are rapidly evolving, and new vocational qualifications are being introduced annually.
- In higher education, information about schedules and requirements often does not cross borders, with information campaigns typically confined to their respective countries. Therefore a information gap about opportunities and requirements in schools and education facilities across the border can be identified.

Thus although legislative efforts have been made at different levels of governance to clarify and simplify matters, some aspects related to cross-border labour markets and (further) education remain unclear or show potential for simplification.

1.1. Understanding the obstacle

For a general understanding of the EU system of professional and educational recognition, it is important to distinguish between regulated and unregulated professions. A regulated profession can only be practised if a certain qualification, a special (e.g. state) examination or the approval of a professional organisation has been obtained. Examples include e.g. doctors, teachers or lawyers. For non-regulated professions, on the other hand, there is generally no obligation to seek recognition in order to practise the profession. However, official recognition can

¹ Due to the diverse and complex nature of the chamber system, with partially high autonomy even for regional chambers, no universally applicable rules can be cited. Such additional requirements are implemented e.g. for Doctors in Tirol, who need to be registered with the doctors association (“Ärztchamber”) of Tirol. In order to even start the process of registration however, if the university education did not take place in Austria, any applicant already needs to provide a written job confirmation by the future Austrian employer.

be advantageous in order to improve comparability for employers and employees. Examples of non-regulated professions are computer scientists, bank clerks or business economists (see BIBB 2023, BIBB n.d., AST 2024).

As the field of work and education is very broad, a high degree of differentiation is necessary between the various topics and general statements can only be made to a limited extent. The individual background of applicants and the high diversity of education and diplomas complicates standard procedures and recognition. In addition both countries involved in the case have a federal structure. Therefore certain areas of law are the responsibility of the federal government, while others are the responsibility of the “Länder”. This aspect also affects both sides of the border to varying degrees. For example while in Germany the general education system is almost entirely the responsibility of the 16 Länder, in Austria this responsibility is shared between the federal government and the Länder. Other policy areas, such as labour (regulations), are mainly the responsibility of the federal government in both Austria and Germany (see BMAW 2024, BMWF 2016).

The complex field of regulations and laws at EU and national level is briefly outlined below, but it should be noted that many other very specific rules and regulations have been established for individual professions, education institutions and qualifications, which fit into the overall framework but create specific situations for these fields.

EU

The European Union has established a comprehensive legal framework aimed at facilitating the movement of professionals and the recognition of qualifications within its member states. At a fundamental level, articles 45 to 62 of the Treaty on the Functioning of the European Union (TFEU) form the cornerstone of labour mobility within the EU. These articles enshrine fundamental freedoms for EU citizens, including freedom of movement for workers (the right for EU citizens to live and work in any EU country other than their own. This includes the elimination of any discrimination based on nationality concerning employment, remuneration, and other conditions of work and employment), right of establishment (allowing EU nationals to start and manage a business in any EU country as a self-employed person) and freedom to provide services (ensuring that self-employed individuals or businesses can offer services in another EU country on a temporary basis while still based in their home country). Crucially, while these freedoms ensure equal treatment of all EU nationals, they do not remove the possibility for Member States to set education and training requirements for specific professions or access to further education, as long as these requirements do not differentiate between EU nationals from outside of the country.

The EU Professional Qualifications Directive (2005/36/EC) lays down the procedures for the recognition of professional qualifications in the EU. This directive is particularly relevant for regulated professions and furthermore stipulates automatic recognition for certain professions, such as doctors, nurses, dental practitioners, veterinary surgeons, midwives, and pharmacists, acknowledging the harmonized minimum training conditions across the EU. It replaces several specialised directives (e.g. the Diploma Recognition Directive). The directive also introduces the European Professional Card (EPC), an electronic certificate that simplifies the recognition process for professionals (albeit currently for a very limited number of professions). Furthermore, it introduced a database of regulated professions, which provides transparency and allows workers interested in jobs or work in another country to quickly verify if they potentially require recognition of their diplomas.

Beyond the formal legal framework, several EU-wide initiatives have been developed to further facilitate the comparability and recognition of education and training qualifications. These partially are enshrined or closely linked to legislation, however mainly are not mandatory/binding but provide an information basis:

- The European Qualifications Framework for Lifelong Learning (EQF) functions as a translation tool that helps communication about qualifications across different European countries and systems. Building upon national qualifications frameworks (NQFs), the EQF aims to make qualifications more comparable and understandable across different countries and systems. While the EQF does not have direct legal implications, it provides crucial information that supports the comparability of qualifications.
- The Bologna Process and ECTS: The Bologna Process, along with the European Credit Transfer and Accumulation System (ECTS), has been instrumental in creating a coherent and compatible higher education area in Europe. ECTS is a central tool in the Bologna Process, facilitating the recognition of academic qualifications and periods of study by providing a way of measuring and comparing learning achievements, and transferring them from one institution to another.
- Copenhagen Process and ECVET: Similar to ECTS but introduced for vocational education and training, the European Credit system for Vocational Education and Training (ECVET) aimed to make vocational qualifications more transparent and to allow for their accumulation and transfer. The system however has been abandoned in 2020.

- ESCO: The European Classification of Skills, Competences, Qualifications, and Occupations (ESCO) serves as a multilingual classification of European Skills, Competences, Qualifications, and Occupations. It categorizes skills and competences, qualifications, and occupations relevant for the EU labour market and education and training, in all 24 official EU languages, and can be used across the EU to connect job seekers with employers.
- Europass: Europass is an initiative that provides tools to make skills and qualifications clearly and easily understood in Europe, including the Europass CV and the Europass Language Passport, among other resources. It enables citizens to present their qualifications and skills in a clear format and has been adopted by all EU countries as well as other partnering countries (see. European Commission 2024, interviews).

BILATERAL AGREEMENTS

Member States have the option of going beyond this EU framework by concluding bilateral agreements. Austria and Germany, respectively the Free State of Bavaria, have decided to do so in BGBl. no. 308/1990 and its updates (“Gesamtrechtvorschrift für Abkommen zwischen Österreich und Deutschland über Gleichwertigkeiten von beruflichen Prüfungszeugnissen, Fassung vom 06.02.2024” regulating the acceptance of professional qualification certifications) and BGBl. III no. 6/2004 (“Gesamtrechtvorschrift für Abkommen zwischen Österreich und Deutschland über Gleichwertigkeiten im Hochschulbereich, Fassung vom 06.02.2024” regulating the acceptance of academic degrees between the two countries). These laws either contain a general agreement that is embedded in the European framework and a list of recognised qualification certificates. In the latter case, this list was updated seven times between 1990 and 2008 and includes several hundreds of professions. However, the latest update being almost 16 years ago, it is questionable whether this list still reflects the reality of the labour market and the diversity of professions. Neither are new professions and qualifications adequately reflected, nor can changes in individual curricula potentially shifting the focus of a degree being taken into account.

NATIONAL/SUB-NATIONAL

The bilateral agreements commonly are based on national laws or legislative works by the Länder. Due to the broad topics covered by the case, a wide range of laws can influence cross-border labour market and (further) education. The following section presents some areas and topics where barriers are identified and most pronounced, however it is not possible to provide a complete assessment of barriers in this context within the framework of this project.

Secondary and tertiary education

Given that in Germany the Länder are responsible for organising the education system, the education system of the Free State of Bavaria is addressed by this case. Primary education is similar in Austria and Bavaria and lasts 4 years. The secondary education system differs between the two entities, however similar certificates “Matura” (Austria) and “Abitur” (Germany) representing the highest-level secondary of education. Both certificates grant access to universities in the respective country and thus also in the neighbouring country. However, a broad range of institutions for vocational education and training are implemented and differ between the countries. An example of general differences to illustrate the complications and subsequently assess barriers in terms of both students and teachers is provided below (see KMK 2023, Arbeiterkammer Österreich 2024).

For students of secondary education in schools of higher general education (“Gymnasium” or “Allgemeinbildenden höhere Schule”), the system is comparable between Austria and Germany. For specialised school forms, in particular VET schools/colleges, however significant differences can be identified. Due to the broad range of school types, one example has been selected to outline potential issues. A form of secondary school (“Berufliche Oberschule Bayern (BOB)”) has been divided into the Fachoberschule (FOS) for students without a vocational qualification and the Berufsoberschule (BOS) for those with a vocational qualification and are specialising in different fields (e.g. Agriculture, technology, business). Students who graduate having completed the Fachabitur or Fachhochschulreife in Germany are able to study at specific higher education facilities in Germany, however cannot study directly at a university or Fachhochschule in Austria. A specific exam (“Hochschulzugangsberechtigungsprüfung”) offers those without the respective certificate the opportunity to obtain a limited entitlement to study one or more closely related courses. In Austria, VET colleges are implemented in different forms, usually with thematic specialisations e.g. as higher technical education facility (Höhere Technische Lehranstalt. HTL), business academy (Handelsakademie, HAK) or general VET colleges (Berufsbildende höhere Schule, BHS, including their special forms) and (generally) after 5 years close with the “Matura” thus opening up access to all forms of tertiary education facilities. Graduating after 4 years will result in

graduation without Matura and no direct access to tertiary education neither in Austria nor in Germany (see KMK 2023, BMAW 2024, Arbeiterkammer Österreich 2024, interviews)².

Evidently, these differences create some barriers for access to tertiary education as well as barriers for access to jobs in specific fields. These barriers are exhibiting some country specific aspects in particular:

- For German pupils aiming to continue their education in Austria, access to universities and further tertiary education can be difficult, if no “Abitur” has been obtained. The obstacle is thus created by the type of school and respective type of diploma³
- For Austrian pupils aiming to continue their education in Germany, access to universities and further tertiary education can be difficult in particular for timing reasons, as graduation diplomas might be issued at a time, where applications to universities have to be submitted already. These deadlines however differ from university to university creating additional challenges for information dissemination⁴.

Access to jobs: teaching profession as example

For teachers seeking to practice their profession in schools in the respective neighbouring country, the differences between individual schools represent only a limited barrier. However, in both countries teaching in (public) schools is considered a regulated profession and thus requires recognition in an individual procedure in the neighbouring country. In Austria, the Federal Ministry of Education, Science and Research is responsible for carrying out a recognition procedure. The procedure determines whether the professional requirements for exercising the respective teaching profession are fulfilled. If there are significant differences between the applicant’s education and the education required in Austria, compensatory measures may be imposed in the form of an aptitude test or an adaptation period. Most cases of compensatory measures concern proof of adequate knowledge of the German language or Austrian school law. As the spoken language is the same in Austria and Bavaria (Germany), compensation measures in the area of Austrian school law are more likely to be expected. A similar procedure has been established in Germany/Bavaria. If the teaching qualification was not acquired in Bavaria, it must first be recognised by the Bavarian Ministry of Education before admission to the Bavarian preparatory service (Referendariat) or regular employment in the Bavarian teaching profession is possible. Here, too, further training may be necessary if the applicant’s qualifications do not meet the requirements (see BMBWF 2024, BIBB 2023)⁵.

Further education and training

Related to education and training outside of school or tertiary education, it is difficult to identify a clear pattern. In both Germany and Austria there is a wide variety of institutions offering training and certification courses, which include both private organisations as well as services provided by (semi)official institutions such as chambers of commerce and industry. In Austria, two major providers of vocational training are the WIFI (“Wirtschaftsförderungsinstitut”, roughly translating to “economic development institute” linked to the chamber of commerce) and the BFI (“Berufsförderungsinstitut”, roughly translating to “vocational training institute”, linked to the chamber of labour). Courses provided include both informal education and training as well as recognised diplomas and certifications. The further education market in Germany is more fragmented and oftentimes is covered on smaller private institutions, however major players such as the BFZ (“Berufliche Fortbildungszentren der Bayerischen Wirtschaft”, “vocational, training institutes of the Bavarian economy” historically linked to employer’s associations) and chambers such as the IHK (“Industrie- und Handelskammer”, “Chamber of industry and commerce”) play an important role. Similar to the Austrian market, courses provided include both informal education and training as well as recognised diplomas and certifications (Arbeiterkammer Österreich 2024, Arbeiterkammer Tirol n.d., interviews).

² Main relevant provisions: *Berufsausbildungsgesetz (BAG) 1969 (AT)*, *Berufsbildungsgesetz (BBiG) 1969 (DE)*

³ Main relevant provision: *Universitätsgesetz 2002 (AT)*

⁴ Main relevant provision: *Bayerisches Hochschulinnovationsgesetz (BayHIG) (DE)*

⁵ Main relevant provision; *BayBOF, BQFG, (DE), AuBG (AT)*

1.2. Assessing the obstacle

The subsequent section outlines and examines the key obstacles – legal, administrative and practical – faced by individuals and organisations in the areas of education, training and cross-border work. The three main obstacles that could be identified from the above outline are:

- Formal recognition of qualifications: The formal recognition of qualifications, particularly for regulated professions, is a considerable obstacle. While EU directives provide a basis for recognition, they are limited in scope, covering specific requirements for only a selection of professions. In addition, even for those professions covered by the directive, actors such as chambers or others may impose barriers beyond the EU mandates. This narrow approach leaves many professionals to deal with additional requirements set by national authorities.
- Length of recognition procedures: The process of recognising qualifications for both regulated and non-regulated professions is generally swift, however in some cases can be lengthy, resulting in delays that can create a barrier for labour mobility in particular. The (perceived) time-consuming nature of these procedures disincentivises potential employees, contributing to a mismatch between labour supply and demand. In the academic field, administrative processes by universities for recognition and acceptance of students from abroad can create a similar disincentive and delay, however this is usually less pronounced between Austria and Germany.
- Knowledge gaps: There are significant knowledge gaps at both employer and employee levels as well as between education institutions. Employers can lack understanding of degrees and qualifications when recruiting workers from across borders, leading to challenges in recognising the full value of those foreign qualifications. Similarly, employees and applicants are often unaware of the nuances of labour and education regulations in the neighbouring country, limiting their ability to take advantage of cross-border opportunities in work and education.

In relation to recognition of education, the following detailed **legal and administrative obstacles** could be identified which are of relevance for cross-border education and labour:

The *legal landscape for the recognition of professional qualifications* is characterised by a patchwork of EU directives and national and regional regulations which, while well-intentioned, fall short of creating a harmonious system. In addition to the formal legal framework, requirements put in place by respective chambers and authorities regulating the recognition of degrees or right to pursue a profession create an additional layer of complexity. The Professional Qualifications Directive serves as a foundation, but does not extend its reach to all professions or training pathways. Against the perception of a unified EU with right to live and work in all Member States, this system and the requirements imposed by Member States, workers and seekers of further education can be discouraged from following a difficult approach and opt for using the respective national education system and employment opportunities instead.

The *equivalence of qualifications*, which is crucial for seamless labour and academic mobility, is assessed to a considerable extent on the basis of national agreements. These agreements, sometimes decades old, have not been sufficiently updated to reflect shifts in educational focus, the emergence of new professions or the evolution of existing professions. As a result, individuals with modern qualifications may find their qualifications inadequately recognised, leading to underemployment and discouragement of skilled labourers working and commuting across the border.

In the area of regulated professions as well as unregulated professions, the *difference between national requirements* is a major challenge. For example, if a particular training course has no formal equivalent in a neighbouring country, recognition can be a complicated process and at worst lead to under-recognition of a specific diploma on a lower level. This problem is particularly pronounced in professions that are closely linked to national health and education systems, such as health professionals, where different training models and curricular emphasis create an obstacle for mutual recognition. An example of such a situation can be provided for the profession of nurse. In Austria, three main generalist education/training courses are implemented: “Pflegeassistentz” (assistant nurse, 1 year training), “Pflegefachassistentz” (qualified assistant nurse, 2 years training) and “Diplomierte Gesundheits- und KrankenpflegerIn” (graduate nurse, 3 years academic education including practical training). In Bavaria on the other hand, “Pflegefachhelfer” (qualified assistant nurse) is implemented as 1 year dual training, differentiating between eldercare and healthcare in particular. While in principle an academic equivalent to the Austrian academic education exists, it is also possible to achieve the graduation “Pflegefachfrau/Pflegefachmann” (“graduate nurse”) through vocational training. For the latter, no equivalent exists in Austria.

Likewise this problem is experienced by graduates of *educational institutions and training programs unique to one country* and not officially acknowledged by the other. For example, specific forms of vocational training or schools in healthcare (as outlined above, no Austrian equivalent to the diploma of “graduate nurse” through vocational training exists), science or engineering (as outlined above no Austrian equivalent to “Fachoberschule” exists hindering access to higher education across the border, while on the other hand no German equivalent to HTL – higher secondary technical school – exists), regarded within one country, may not be valued equivalently across the border. This is of particular relevance for schools granting access to higher education without pupils obtaining the generally recognised certificates “Matura” or “Abitur” such as “Fachoberschulen” in Germany.

In addition to the legal and administrative obstacles, a range of difficulties result from the **applied practice** in the border region and in the two concerned countries

Practical challenges in the border area arise from the different *categorisation of qualifications* within national frameworks. For example, job titles that appear similar, such as “Fachwirt” and “Ingenieur”, may represent very different levels of education, experience and expertise in each country. In these cases in particular, differences are most pronounced in relation to the academic or non-academic background respectively requirements. This severe differences in the underlying requirements for these titles can lead to confusion and potential under-valuation of qualifications when individuals seek employment across borders.

In the case of unregulated professions, where *recognition of qualifications is largely at the discretion of the employer*, there is a real risk that foreign qualifications will be undervalued. Employers unfamiliar with the educational standards of the neighbouring country may inadvertently offer lower wages or overlook candidates for jobs for which they are well qualified. This not only affects the individual worker, but also deepens the skills gap in industries that are in need of skilled workers.

The higher education system in both countries present their own challenges, particularly with *non-standardised application and enrolment deadlines*. This lack of synchronisation in addition to the requirement of (administrative) recognition of foreign diplomas for accessing a university creates a significant barrier for cross-border application to universities or tertiary education in general. Prospective students often learn about cross-border educational opportunities and respective requirements too late to take advantage of them. This systemic delay in the dissemination of information hinders academic mobility and subsequently potentials for cross-border employment.

Furthermore, while *recognition procedures* are reported to be generally efficient, they are subject to formal deadlines that can extend over several months. Such lengthy timeframes make it almost impossible for job seekers to spontaneously apply for opportunities across borders, forcing employees to abandon potential employment due to administrative delays.

Support schemes established for people in education (such as e.g. the “Bildungsgutschein⁶” of the chamber of labour in Austria) are furthermore implemented (usually) only from a national perspective, i.e. not supporting a person seeking education, but only supporting specific forms/suppliers of education within the same country or only being provided within these national circumstances.

Opportunities for interested workers or seekers of (further) education to get *information about the necessary steps and procedures* are available in both countries, however suffer from separate issues. In general there is a wide range of organisations responsible for operating such information points and information platforms. These can include public authorities, chambers and interest groups as well as NGOs. This wide range of responsible institutions and scattered information sources represent a considerable obstacle for interested persons. Furthermore, a considerable share of those information platforms and responsible institutions are oriented towards third country nationals and are financed by funds implementing support for non-EU migration, thus representing a different focus of support.

⁶ See [AK_Kursbuch_Fruehling_2024.pdf \(arbeiterkammer.at\)](#)

2. Description of possible solution(s)

For the most part, the obstacles identified in the case do not relate directly to insurmountable legal barriers, but rather to a lack of information and perceived or actual complex processes which discourage residents of the border area to seek education or employment across the border. Furthermore, a considerable lack of knowledge at education and labour market actors on cross-border issues can be identified, which further constrains the information being made available to affected individuals. Therefore, possible solutions are mostly linked to awareness raising and (active) provision of information to interested people. Nevertheless, some recommendations for the legal framework or administrative procedures can be made. The following recommendations could be derived from the analysis and were developed in cooperation with regional actors. These recommendations aim to tackle the array of identified issues comprehensively, from systemic administrative reforms to targeted information campaigns, promoting greater mobility and mutual recognition of qualifications in the DE-AT border area. They target the EU level, the national and state level as well as the regional level and individual actors.

At EU level

- Further *expansion of the EU Professional Qualifications Directive (2005/36/EC)* to cover additional professions, including further expansion of the professions covered by the EPC would strengthen the position of cross-border job applicants in particular in the border region. While still not fully alleviating the need for a recognition process, both symbolic value and practical effect on recognition procedures would be beneficial to job applicants. The recommendation is not limited to individual professions, but all expansions of the professions covered would be considered beneficial.
- Re-evaluating the *added value and potential new rollout of ECVET* or a similar system would be beneficial in particular for cross-border regions. While it is understood that the initiative led to limited improvements within the national education frameworks, results of conducted evaluations so far showed that cross-border mobility of education could be improved.

At the national and state level in Austria and Germany

- Consider possibilities and potentials for *harmonising tertiary education access rules* for graduates without Abitur or Matura who are eligible for specific tertiary education paths in the national system. These include in particular graduates of the school forms of “Fachoberschule” and “Berufsbildende Höhere Schule” and the relevant provisions for access to tertiary education in the Bavarian higher education law (Bayerisches Hochschulinnovationsgesetz 2022) and the Austrian law on universities (Universitätsgesetz 2002). Such harmonisation measures could be implemented as a bilateral agreement similar to those already in place.
- Consider a perpetual update of the bilateral agreements on acceptance of diplomas in order to ensure the up-to-dateness of the covered professions. Due to the broad field of development, in line with national customs a working group involving the relevant social partners (in particular economic chambers) and as a minimum the main relevant authorities for recognition at federal level (i.e. the German BIBB and the Austrian BMBWF). In order to ensure an encompassing coverage it is however recommended to involve further authorities with a relevant field of competence in the recognition process, even if their competence extends only to individual sectors.
- Address the *nostrification issues* in particular in the healthcare field, which due to incompatibilities between degrees recognised by the German act on nursing professions (Pflegeberufegesetz 2017) and the Austrian law on healthcare professions (Gesundheits- und Krankenpflegegesetz 1997) can lead to a devaluation of qualifications in particular for Austrian healthcare professionals with tertiary degrees. Provide an easily accessible path towards required upskilling for cross-border applications, including transition periods to allow for parallel work and acquisition of the required qualifications, to ensure adequate employment.
- Revise *financial support schemes* for people in education and training as provided by semi-public institutions such as chambers to allow support for residents acquiring education and training in the neighbouring country. This could include development of joint financing sources on regional level, to provide targeted support within the border area.

At regional level

- Enhance *possibilities for university access and respective information dissemination* in regional schools and higher education institutions. In particular information dissemination in schools, at least 1 year before graduation to allow for sufficient time for pupils to familiarise themselves with the opportunities and required steps is advised in this context. Furthermore awareness at universities and higher education institutions in the border area should be raised about the specific challenges for cross-border students, in particular in relation to application deadlines and administrative obstacles faced.

- Develop a *regional information hub* dedicated to providing targeted information for jobseekers or seekers of further education in the border area as well as for employers. While there are already well-established information portals at federal level in both countries⁷, these are oriented towards a target group of potential immigrants to Germany or Austria and as such only provide a limited amount of information for the target group of cross-border workers or education-seekers. Furthermore, both being federal portals, they oftentimes do not provide targeted information but simply refer to the contact points on regional or “Länder” level. As such an information hub for the cross-border labour market should provide clear guidance for the relevant target group on what to take into consideration when seeking education or employment across the border and (if necessary) where to get the relevant detailed information from. This could overcome the “national” perspective dominating the information currently provided and provide a comprehensive perspective for people interested in pursuing further education or employment in the region.
- Make *use of existing structures and events* to promote cross-border education and employment opportunities. These could include job-fairs, academic fairs, events hosted by education institutions and education networks and any other events addressed at jobseekers and seekers of further education. This approach would entail invitation of companies and education institutions throughout the cross-border area to respective events, and in addition the implementation of an infohub providing guidance to interested people on paths and steps necessary to pursue cross-border work or education.
- Take advantage of the *opportunities offered by the Bavaria-Austria INTERREG programme*, which has a specific strand on cross-border training and cooperation to address the skills gap faced by SMEs in the region. Particularly in the health sector, which is explicitly mentioned in the programme and which also presented some of the most significant barriers in this case, there is potential to reduce these barriers through joint initiatives.
- Improve *cooperation between relevant education and labour market actors* tasked with the support of employment seekers and reskilling of workers such as the Austrian Arbeitsmarktservice (AMS) or the German Bundesamt für Arbeit and their respective regional subsidiaries. Such cooperation would foster promotion of education and particularly employment opportunities across borders. This should – where legally possible - include sharing of information about open positions and people looking for employment or reskilling across borders. It has to be noted however, that some authorities or relevant organisations in this regard might be limited by legal constraints or the limitations of their mandate. Within those limits, the authorities and organisations should be encouraged however to explore cooperation opportunities.
- While numerous barriers could be identified, evidence of how they limit cross-border education and work is currently mostly anecdotal. It is therefore recommended to *conduct a thorough potential analysis* to identify areas where barriers in cross-border education and employment are most relevant and actions to tackle them can provide the highest benefit to the region. This can contribute to the development of an understanding of the “competition versus cooperation” mindset to encourage more cross-border efforts in cooperation between relevant institutions.
- Finally, to ensure the long-term cooperation of relevant actors in the field, it is recommended to *establish a regular exchange format with regional actors*. This does not automatically require a new institutionalised structure such as an EGTC, but can be implemented as an informal, non-official exchange format. It is recommended however to implement this under the auspices of an existing institution such as the EUREGIO to safeguard the continuous replication. The case has unveiled a particular need for improved knowledge sharing and continuous exchange between (similar) institutions on both sides of the border. Such a regular exchange format could ensure that information flows across the border on institutional level remain active and support long-term positive changes.

While full integration of European systems of education and access to employment seems desirable in the long term, in the short to medium term it is unrealistic to fully change the national education systems and requirements for regulated and unregulated jobs (partially) building on them. Nevertheless, the recommendations provided can contribute to mitigation of the majority of the obstacles identified in this case. Even though the obstacles are multi-faceted and some cannot be fully overcome, in particular awareness raising and provision of clear information and guidance to seekers of education or employment, to employees as well as to institutions operating in the education sectors can considerably improve the situation.

⁷ A german portal (anerkennung-in-deutschland.de) and an austrian portal [Berufsanerkennung in Österreich](http://Berufsanerkennung.in.Oesterreich) are available

3. Full list of all legal provisions relevant to the case with the correct citation both in original language and in English

3.1. Austria

Original language

Bundesgesetz über Gesundheits- und Krankenpflegeberufe BGBl. I Nr. 108/1997 idF. BGBl. I Nr. 108/2023

Bundesgesetz über die Organisation der Universitäten und ihre Studien (Universitätsgesetz 2002 – UG) BGBl. I Nr. 120/2002 idF. BGBl. I Nr. 52/2023

Bundesgesetz über die Vereinfachung der Verfahren zur Anerkennung und Bewertung ausländischer Bildungsabschlüsse und Berufsqualifikationen (Anerkennungs- und Bewertungsgesetz – AuBG) BGBl. I Nr. 55/2016 idF. BGBl. I Nr. 76/2022

Berufsausbildungsgesetz (BAG) 1969 BGBl. Nr. 142/1969 idF. BGBl. I Nr. 62/2023

Ausländerbeschäftigungsgesetz (AuslBG) 1975. BGBl. Nr. 218/1975 idF. BGBl. I Nr. 175/2023

Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Bundesrepublik Deutschland über die Zusammenarbeit in der beruflichen Bildung und über die gegenseitige Anerkennung der Gleichwertigkeit von beruflichen Prüfungszeugnissen BGBl. Nr. 308/1990 idF. BGBl. III Nr. 2/2008

Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Bundesrepublik Deutschland über Gleichwertigkeiten im Hochschulbereich BGBl. III Nr. 6/2004

In English language

Federal law on healthcare professions BGBl. I Nr. 108/1997 idF. BGBl. I Nr. 108/2023

Federal law on the organisation of universities BGBl. I Nr. 120/2002 idF. BGBl. I Nr. 52/2023

Federal Act on the Simplification of Procedures for the Recognition and Assessment of Foreign Educational Qualifications and Professional Qualifications (AuBG) BGBl. I Nr. 55/2016 as amended by BGBl. I Nr. 76/2022

Vocational Training Act 1969 BGB1 Nr. 142/169 as amended BGB1. I Nr. 62/2023

Foreigner Employment Act 1975. BGBl. Nr. 218/1975 as amended BGB1. I Nr. 175/2023

Agreement between the Government of the Republic of Austria and the Government of the Federal Republic of Germany on co-operation in vocational education and training and on the mutual recognition of the equivalence of vocational examination certificates BGBl. No. 308/1990 as amended. Federal Law Gazette III Nr. 2/2008

Agreement between the Government of the Republic of Austria and the Government of the Federal Republic of Germany on Equivalences in Higher Education BGBl. III Nr. 6/2004

3.2. Germany

Original language

Bayerisches Hochschulinnovationsgesetz (BayHIG) 2022 GVBl. 414

Berufsbildungsgesetz (BBiG) 1969 BGBl. I S. 1112 idF. von 2023 BGBl. I Nr. 217

Gesetz über die Pflegeberufe 2017 BGBl. I S. 2581 idF. BGBl. 2023 I Nr. 359

Gesetz über die Feststellung der Gleichwertigkeit von Berufsqualifikationen (Berufsqualifikationsfeststellungsgesetz – BQFG) 2011 BGBl. I S. 2515 (Nr. 63) idF. BGBl. 2023 I Nr. 217

Gesetz zur Verbesserung der Feststellung und Anerkennung im Ausland erworbener Berufsqualifikationen (BQFGEG) 2011 BGBl. I S. 2515 (Nr. 63) idF. BGBl. 2023 I Nr. 217

Bayerisches Gesetz über die Feststellung der Gleichwertigkeit ausländischer Berufsqualifikationen (Bayerisches Berufsqualifikationsfeststellungsgesetz – BayBQFG) GVBl. S. 439, BayRS 800-21-2-A

Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Republik Österreich über die Zusammenarbeit in der beruflichen Bildung und über die gegenseitige Anerkennung der Gleichwertigkeit von beruflichen Prüfungszeugnissen 1991 BGBl. II S.712 (Nr. 15)

Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Republik Österreich über Gleichwertigkeiten im Hochschulbereich 2004 BGBl. II S.127 (Nr.4)

In English language

Bavarian higher education law (BayHIG) 2022 GVBl. 414

Vocational Training Act (BBiG) 1969 BGBl. I p. 1112 as amended in 2023 BGBl. I No. 217

Act on the nursing professions 2017 BGBl. I S. 2581 as amended in BGBl. 2023 I Nr. 359

Act on the Assessment of the Equivalence of Professional Qualifications (Professional Qualifications Assessment Act – BQFG) 2011 BGBl. I S. 2515 (Nr. 63) as amended BGBl. 2023 I Nr. 217

Act to Improve the Assessment and Recognition of Professional Qualifications Acquired Abroad (BQFGEG) 2011 BGBl. I S. 2515 (Nr. 63) as amended BGBl. 2023 I Nr. 217

Bavarian Law on the Determination of the Equivalence of Foreign Professional Qualifications (Bavarian Professional Qualifications Assessment Act – BayBQFG) GVBl. S. 439, BayRS 800-21-2-A

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Austria on co-operation in vocational education and training and on the mutual recognition of the equivalence of vocational examination certificates 1991 Federal Law Gazette II p. 712 (No. 15)

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Austria on Equivalences in Higher Education 2004 Federal Law Gazette II p. 127 (No. 4)

3.3. Europe

DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005 on the recognition of professional qualifications. OJ L 255/22 30.09.2005.

Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”). OJ L 354/132, 28.12.2013.

DIRECTIVE 2004/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. OJ L 158, 30.4.2004.

Consolidated versions of the Treaty on European Union (OJ C 326/13, 26.10.2012) and the Treaty on the Functioning of the European Union (OJ C 326/47, 26.10.2012).

Council Recommendation of 22 May 2017 on the European Qualifications Framework for lifelong learning and repealing the 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 C 189/15, 15.06.2017.

European Convention on the Equivalence of Diplomas leading to Admission to Universities; ETS 15 – Equivalence of Diplomas, 11.XII.1953 (Council of Europe).

4. **Other relevant aspects to this case**

No other aspects are of particular relevance to this case.

References

- Arbeiterkammer Österreich. (2024). *Nostrifikation von Zeugnissen*. Arbeiterkammer Österreich. https://ooe.arbeiterkammer.at/beratung/bildung/schule/ahsunterstufe/Nostrifikation_von_Zeugnissen1.html
- Arbeiterkammer Tirol. (n.d.). *Grenzgänger:innen von Tirol nach Italien, Deutschland bzw. In die Schweiz*. Retrieved 5 April 2024, from https://tirol.arbeiterkammer.at/service/broschuerenundratgeber/SteuerundGeld/Merkblatt-Grenzgaengerinnen_2023.pdf
- Arbeitsmarktservice Österreich. (2018). *Leben in Deutschland, Arbeiten in Österreich. Leitfaden für GrenzgängerInnen*. <https://www.euregio-salzburg.eu/cdn/uploads/001-grenzgaengerinnen-oest-deutschl-2018-v2.pdf>
- Beratungszentrum für Migranten und Migrantinnen im Rahmen der Koordination – Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen (AST). (2024). *AST: Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen*. <https://www.anlaufstelle-erkennung.at/>
- Bundesinstitut für Berufsbildung (BIBB). (2024). *Interview*.
- Bundesinstitut für Berufsbildung (BIBB). (2023). *Anerkennung von Qualifikationen zum Zwecke der Beschäftigung in einem anderen Mitgliedstaat*. <https://verwaltung.bund.de/leistungsverzeichnis/de/rechte-und-pflichten/102835433>
- Bundesinstitut für Berufsbildung (BIBB). (n.d.). *Anerkennung in Deutschland—Anerkennung in Österreich und Schweiz*. Anerkennung in Deutschland – Anerkennung in Österreich und Schweiz. Retrieved 5 April 2024, from <https://www.erkennung-in-deutschland.de/html/de/pro/aus-der-praxis-erkennung-in-oesterreich-und-schweiz.php>
- Bundesministerium für Arbeit und Wirtschaft (BMAW). (2024). *Lehrlingsausbildung—Duales System*. Bundesministerium für Arbeit und Wirtschaft. <https://www.bmaw.gv.at/Themen/Lehre-und-Berufsausbildung/Lehrlingsausbildung-Duales-System/Lehrlingsausbildung-Duales-System-Allgemeine-Informationen.html>
- Bundesministerium für Bildung, Wissenschaft und Forschung (BMBWF). (2024). *Diplomanerkennungsverfahren für Bundeslehrpersonen*. https://www.bmbwf.gv.at/Themen/schule/fpp/lehrdr/dav_blp.html
- Bundesministerium für Bildung, Wissenschaft und Forschung (BMBWF). (2024). *Interview*.
- Bundesministerium für Wirtschaft und Energie (BMWE). (2016). *Anerkennung ausländischer Berufsqualifikationen im Handwerk*.
- Deutscher akademischer Austauschdienst (DAAD). (n.d.). *Zulassungsdatenbank*. www.daad.de. Retrieved 5 April 2024, from <https://www.daad.de/de/in-deutschland-studieren/voraussetzungen/zulassungsdatenbank/>
- European Commission. (2024). *Anerkennung von Berufsqualifikationen in der EU*. Your Europe. https://europa.eu/youreurope/business/human-resources/equal-treatment-qualifications/recognition-qualifications/index_de.htm
- Österreichischer Integrationsfonds – Fonds zur Integration von Flüchtlingen und MigrantInnen (ÖIF). (2024a). *Berufsanerkennung in Österreich*. <https://www.berufsanerkennung.at/de/>
- Österreichischer Integrationsfonds – Fonds zur Integration von Flüchtlingen und MigrantInnen (ÖIF). (2024b). *Berufsanerkennung in Österreich: Verfahren zur Anerkennung*. <https://www.berufsanerkennung.at/de/berufsanerkennung/verfahren-zur-erkennung/>
- Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland (KMK). (2023). *Schulwechsel über Ländergrenzen hinweg*. <https://www.kmk.org/service/servicebereich-schule/schulwechsel-ueber-laendergrenzen-hinweg.html>