



ITEM
Cross-border

EMRLINGUA

LEGAL AND ADMINISTRATIVE OBSTACLES IN THE MOBILITY OF SECONDARY SCHOOL TEACHERS IN THE EUREGIO MEUSE-RHINE (EMR)

S. SIVONEN, D. COPPENS // FEBRUARY 2023

Preface

This research report has been written in the context of the INTERREG project EMRLingua.¹ One primary objective of this project is to promote the education of *neighbouring languages* (Dutch, French, German) in the Euregio Meuse-Rhine, a Belgian-Dutch-German cross-border region. Certainly, teachers constitute an indispensable group of actors in education. Therefore, the report presents a detailed assessment of legal and administrative obstacles for secondary school teachers who (wish to) work on the other side of a national or linguistic border within the Euregio Meuse-Rhine. Moreover, the report formulates specific policy recommendations regarding how to overcome such obstacles. In the end, these recommendations can serve to promote the exchange of teaching staff in the euregion, for instance for the purpose of language teaching and/or to facilitate bilingual education practices such as *Content and Language Integrated Learning* (CLIL) and *Language Immersion*.

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¹ See <https://emrlingua.eu/en/>.

² See <https://www.maastrichtuniversity.nl/item>.

Executive summary

This report analyses selected legal and administrative obstacles surrounding the cross-border mobility of secondary school teachers in the Euregio Meuse-Rhine (EMR) with the aim of developing recommendations for overcoming them.

The research finds that cross-border mobility of secondary school teachers is currently **limited**.³ However, there is great potential to increase this mobility and use it (also) as a measure in mitigating (language) teacher shortages especially in the regional labour market such as the EMR. However, the research finds that numerous obstacles impede the cross-border mobility of teachers. By means of literature review and case examples gathered via interviews, the report identifies three clusters of obstacles, with **recognition of professional qualifications** as the most prevalent barrier in the cross-border mobility of secondary school teachers. Other obstacles emerged from **differences in the employment conditions**, as well as **social security and taxation**. This report provides an in-depth analysis of these three categories of obstacles.

Moreover, the report highlights the importance of a comprehensive understanding of these obstacles and suggests that solutions to these obstacles are intertwined. A situation that illustrates these findings is that the absence of (recognition of) qualifications of a teacher frequently results in less favourable employment conditions and may result in lower salary, the loss of, or inability to obtain, a permanent employment contract, or/and to be appointed as a civil servant. The status (or its absence) of civil servant, in turn, could also have effects on the Member State in which the teacher is liable for social security contributions and taxation. Altogether, these factors may discourage or encourage the cross-border mobility of a secondary school teacher. Therefore, **the report emphasises the importance of viewing these obstacles not as distinct from one another, and recommends a comprehensive, holistic approach for addressing them.**

To overcome these obstacles and to facilitate the cross-border mobility of secondary school teachers in the EMR the report makes the following recommendations:

1. Strengthen (central) information provision in the EMR.

- 1a. Develop targeted information on cross-border mobility for teachers and schools in the form of a central point for information in the EMR.
- 1b. Clearly define which actor has the responsibility and the mandate for the provision of this information.

2. To bridge differences in the secondary teaching profession in the EMR in order to facilitate the recognition of professional qualifications, common training programs, modules, exchanges, internships and/or secondments should be established throughout the EMR. Focus should be placed on finding solutions that would enable the teacher to gain substantial experience and permanent perspectives in a neighbouring (cross-border) labour market as a fully qualified teacher.

- 2a. Offer internships or other types of exchanges in the neighbouring countries as part of the teacher education programmes.

³ See Annex I.

2b. Develop special educational programmes targeting the cross-border mobility of (language) teachers.

2c. Organise exchanges of teachers via a secondment procedure.

3. Foster cooperation in the EMR at the national, regional and operational levels.

3a. To implement Recommendation 1 and 2, cooperation should be sought from the level of national as well as regional governments, including the authorities responsible for recognition procedures, social security and taxation.

3b. Especially in border regions such as the EMR, which involve countries with federalised structures, decisions that are to affect cross-border workers inherently should not be taken unilaterally on a regional or national level.

3c. To implement Recommendation 2, strong euregional networks at the operational level (including non-institutional actors such as schools) are essential.

Finally, it is recommended that **future research** expands the scope of cross-border mobility studies to include other levels of teachers (for instance, primary schools), as well as exploring the potential and challenges of cross-border internships in teacher education, and secondment of teachers across the borders.

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1. Introduction

Over the years, there have been many calls to promote the education of *neighbouring languages* (Dutch, French, German) in the Euregio Meuse-Rhine, a Belgian-Dutch-German cross-border region (hereafter: EMR).⁴ One prominent reason for such calls is that knowing the official language of a neighbouring country or region makes it less of an obstacle to live, study, work there. Therefore, various INTERREG projects have been developed over time to promote language learning and cross-border exchanges, such as Linguacluster⁵ and EUR.Friends.⁶ The current report is written in the context of the INTERREG project EMRLingua⁷, and highlights the potential of cross-border mobility of teachers for the promotion of language learning and other objectives. Specifically, it discusses existing legal and administrative obstacles and incentives for secondary school teachers who (wish to) work on the other side of a national or linguistic border within the EMR.

The shortage of (language) teachers has become a prominent issue on all sides of the border in the EMR.⁸ Language teachers are often hard to find, as well as teachers who can teach different subjects in another language, for example as part of a bilingual education programme such as *Content and Language Integrated Learning* (CLIL) and *Language Immersion*.⁹ In cross-border regions such as the EMR, one potential way to deal with such shortages is to employ (language) teachers from the

⁴ See for example: Grenslandconferentie Aken 31 maart 2022, 'Grenslandagenda Noordrijn-Westfalen – Nederland 2022', retrieved via: <https://open.overheid.nl/documenten/ronl-8d57f2ece81283a3a514d46d9b0d3866b0376228/pdf>, accessed on 26 February 2023 and Rijksoverheid, 'Voortgangsrapportage Grensoverschrijdende Economie & Arbeid', retrieved via: <https://www.rijksoverheid.nl/documenten/rapporten/2020/07/07/voortgangsrapportage-actie-agenda-grensoverschrijdende-economie-arbeid>, accessed on 26 February 2023.

⁵ See <http://www.linguacluster.org/en>

⁶ See <https://www.interregemr.eu/projects/eur-friends-en>

⁷ See <https://emrlingua.eu/en/>

⁸ Regarding Belgium, for the Flemish Community, see for example: VRT NWS, 'Dossier: lerarentekort', retrieved via: <https://www.vrt.be/vrtnws/nl/dossiers/2022/06/lerarentekort/>, accessed on 31 January 2023. For the French Community, see for example: RTBF, 'Pénurie d'enseignants: école cherche prof désespérément', retrieved via: <https://www.rtf.be/article/penurie-denseignants-ecole-cherche-prof-desesperement-11055872>, accessed on 31 January 2023 and for the German-speaking Community, see for example: Ostbelgien Direkt, 'Lehrermangel: DG will Lehrerberuf attraktiver machen', retrieved via: <https://ostbelgiendirekt.be/lehrerberuf-attraktiver-machen-329412>, accessed on 31 January 2023. Regarding the Netherlands, see for example: Tweede Kamer der Staten-Generaal, 'Decemberbrief lerarenbeleid', retrieved via:

https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2022D53606&did=2022D53606, accessed on 23 January 2023 and Duitsland Instituut, 'Tekort aan leraren Duits', retrieved via:

<https://duitslandinstituut.nl/naslagwerk/1238/tekort-aan-leraren-duits>, accessed on 31 January 2023.

Regarding Germany, see for example: Deutsches Schulportal, 'Lehrermangel in NRW: Gymnasiallehrkräfte an Grundschulen – funktioniert das?', retrieved via: <https://deutsches-schulportal.de/bildungswesen/lehrermangel-in-nrw-gymnasiallehrkraefte-an-grundschulen-funktioniert-das/>, accessed on 31 January 2023.

⁹ Tubantia, 'Middelbare scholen Grafschaft Bentheim staan te springen om leraren Nederlands', retrieved via [https://www.tubantia.nl/oldenzaal/middelbare-scholen-grafschaft-bentheim-staan-te-springen-om-leraren-nederlands~a09c650b/?referrer=https%3A%2F%2Fwww.google.com%2F](https://www.tubantia.nl/oldenzaal/middelbare-scholen-grafschaft-bentheim-staan-te-springen-om-leraren-nederlands~a09c650b/?referrer=https%3A%2F%2Fwww.google.com%2F;), accessed on 31 January 2023 and Le Vif, 'Enseignants en immersion: le nouveau calendrier scolaire, cette goutte de trop (carte blanche)', retrieved via: <https://www.levif.be/opinions/enseignants-en-immersion-le-nouveau-calendrier-scolaire-cette-goutte-de-trop-carte-blanche>, accessed on 30 January 2023.

neighbouring regions.¹⁰ However, considering the currently limited amount of cross-border mobility among teachers in the EMR,¹¹ and the asymmetrical mobility streams in this region,¹² it looks like this potential has not been fully realised thus far.

Although the limited cross-border mobility can be explained by a variety of factors, it is frequently hindered by legal and administrative borders. One example of a legal obstacle arising in such a situation is the recognition of qualifications of teachers, meaning that teachers with foreign qualifications first need to obtain an approval (recognition) from the local authorities before they may begin teaching there. This obstacle was also noted in the previous ITEM research for the B-solutions project "Roadmap and factsheet for the recognition of qualifications for highly demanded professions"¹³, which examined the recognition of qualifications and access to the labour market for secondary school teachers in Belgium, the Netherlands and Germany. The research concluded that, indeed, the complexity and time-consuming recognition procedures discourage the mobility of teachers. At the moment, these obstacles to teacher mobility are also under discussion on the EU-level.¹⁴

Building on the B-solutions project, the current report focuses on the cross-border mobility of secondary school teachers within the EMR.¹⁵ Next to the obstacle of recognition of qualifications, the cross-border mobility of teachers is frequently affected by a variety of other factors, such as changes in their employment conditions and taxation. As will be elaborated later in this study, factors such as differences in salary or the loss or possibility to acquire civil servant status in the neighbouring region may either discourage or encourage such mobility. In order to gain a more comprehensive image of the obstacles that secondary school teachers experience in the event of cross-border mobility, this research aims to gather and analyse these legal and administrative obstacles, while paying attention to potential solutions and best practices for overcoming them. In doing so, this deliverable aim could contribute to improved labour mobility for secondary school teachers in the EMR.

1.1 Research methodology

This report aims to analyse selected legal and administrative obstacles surrounding the mobility of secondary school teachers in the EMR and to develop recommendations for overcoming them. The

¹⁰ ED, 'Kabinet: Nederlander moet beter Duits en Frans spreken', retrieved via: <https://www.ed.nl/politiek/kabinet-nederlander-moet-beter-duits-en-frans-spreken~a8edadaf/>, accessed on 30 January 2023. See also about Dutch language becoming obligatory in Wallonia: RTL Nieuws, 'Wallonië wil Nederlands mogelijk verplichten op school', retrieved via: <https://www.rtlnieuws.nl/nieuws/buitenland/artikel/5336611/nederlands-mogelijk-terug-op-het-lesprogramma-voor-leerlingen>, accessed on 30 January 2023.

¹¹ See Flows of cross-border mobile teachers in Annex I.

¹² More mobility occurs to the Netherlands than to its neighbouring countries, Germany and Belgium, see Annex I.

¹³ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

¹⁴ See Council Resolution on a strategic framework for European cooperation in education and training aimed at the European Education Area and beyond (2021-2030) OJ C 66, 26.2.2021, Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions on achieving the European Education Area by 2025 {SWD(2020) EN 212 final}.

¹⁵ Since some regulation of this report is found at the national level, some of the findings of the report can also be applicable on a broader territorial scope (i.e. extending to other regions).

research methods for this study included a review of literature, semi-structured interviews, and a legal analysis of relevant legislation and policy.

Regarding definitions, it is important to note that in this report, '*cross-border mobility*' does not only encompass movement across a national border, but also a state/Community border. Since in Belgium, education is a matter legislated at the level of the communities (Flemish, French and German-speaking Communities), and in Germany, at the level of States (*Länder*, North Rhine-Westphalia, NRW), legal and administrative obstacles may be encountered also within national borders. In addition, the focus of this report will be on both "temporary" and "permanent" cross-border mobility – meaning that "cross-border mobility" can be understood as the situation of teaching across a border on a flexible, or occasional basis, as well as becoming fully employed in another state while maintaining residence in the home Member State or moving it along with the employment.

The structure of this report adheres to the research methodology. First, in order to identify legal and administrative obstacles experienced by mobile secondary school teachers for the selection of this research, a literature review was carried out (Section 2). Next to identifying insights from prior ITEM research, doctrinal legal research was used as far as possible to pinpoint barriers to the cross-border mobility of teachers. Secondly, in order to gather case examples to find out whether and how these obstacles were encountered in practice, semi-structured interviews were carried out with secondary school teachers who had experiences in cross-border mobility, as well as with school directors or coordinators of secondary schools in border regions, who have second-hand experience¹⁶ of the cross-border mobility of teachers (Section 3).¹⁷ Interviewees were contacted through the network of the authors. Enquiries were also sent to secondary schools in border regions that could potentially employ secondary school teachers from the neighbouring regions. A snowball method was used to identify additional interviewees. The interviews were conducted via online means according to a pre-determined data management plan¹⁸, including obtaining consent from participants and storing audio recordings and notes in a secure, password-protected folder. This combined approach of literature review and interviews led to the selection of the legal obstacles, which were then analysed in this research from a legal perspective.

To understand the legal framework surrounding the mobility of secondary school teachers in the EMR, a legal analysis of relevant legislation and policy was conducted (Section 4). This included reviewing national and European laws and regulations. The research focused specifically on legislation and policy related to secondary school teachers' qualifications and employment conditions. National legislation was analysed from both state and regional levels, which allowed for the comparison of the legal framework across the EMR. Regarding European law, the focus was placed on legislation relevant to

¹⁶ Second-hand experiences of school directors were included in this research to give a general overview of cross-border mobile teachers in a school, and their incentives/obstacles of employing teachers from neighbouring regions. Similarly, second-hand experiences of teachers provided insight into why they have or have not considered cross-border mobility. These interviews were carried out both in the context of this report, as well as in the context of a forthcoming research report for EMRLingua, by Dr. Daan Hovens (2023). The methodological approach to these semi-structured interviews among these two reports was harmonised beforehand.

¹⁷ List of interviews conducted is included in Annex II. List of general interview questions is included in Annex III.

¹⁸ The Data Management Plan was drafted in consultation with the Data Steward from the Faculty of Law and University Library of Maastricht University before the data collection started.

the selected obstacles, namely Directive 2005/36 on the recognition of professional qualifications¹⁹, and Regulation 883/2004 on coordination of social security systems²⁰.

Overall, this combination of legal analysis, literature review, and interviews allows for an in-depth understanding of the selected obstacles surrounding the mobility of secondary school teachers in the EMR, and enabled the research to provide a list of conclusions and recommendations for overcoming these obstacles (Section 5).

2. Literature review: Obstacles known to cross-border mobility of teachers within the EMR

For the theoretical underpinning of this research, it should be noted that the teaching profession as such is a “regulated profession” under the Professional Qualifications Directive. Simply put, a regulated profession is a profession for which specific qualifications are needed as set out in laws, regulations or administrative provisions.²¹ Such regulatory or administrative rules and regulations, particularly in the context of the EMR, have the potential to become a major border obstacle within the category of legal and administrative barriers.

So far, it can be observed that general academic literature on legal obstacles to the cross-border mobility of teachers has focused on bottlenecks in cross-border education at the level of universities and higher education.²² These works can serve as an inspiration for identifying and addressing legal bottlenecks by detecting relevant overlaps with, and possible parallels to, secondary education, despite obvious differences.

In essence, three obstacles to the cross-border mobility of teachers can be deduced from reviewing the existing literature. The first concerns the recognition of qualifications for regulated professions, the second the discrepancies in social security structures and the third the differences in tax systems.

The first cluster of legal difficulties concerns the recognition of qualifications for regulated professions coupled with lengthy and costly administrative procedures (e.g. the translation of documents).²³ In

¹⁹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications [2005] OJ L 255/22 as amended by Directive 2013/55/EU. Find the consolidated version here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005L0036-20211210>. Hereinafter referred to as: “Professional Qualifications Directive”.

²⁰ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems [2004] OJ L 166.

²¹ The full legal definition can be found in Article 3(1)a of the Professional Qualifications Directive.

²² See for example: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a renewed EU agenda for higher education*, SWD(2017) 164 final, 2.1. Literature focusing on the mobility of teachers in secondary education often focuses on specific programmes, see for example: T. Zevgitis, A. Emvalotis, “The impact of European programmes dealing with mobility in secondary education”, *Journal of international Mobility*, nr. 3, 2015, p. 61.

²³ M.I. Cavaion, “Testing feasibility of cross border contacts within primary neighbouring languages classroom”, *Ser. Hist. social.*, Vol. 24, nr.2, 2014, p. 285; M. Mezgec, “Cross-border Higher Education for Primary School Teachers: The Case at the Italo-Slovene Border”, *Journal of Ethnic Studies*, nr. 83, 2019, p. 30; L. Kortese, *The Recognition of Qualifications in the EU: Blurring the Lines of Competences between the Internal Market and Education* (Doctoral Thesis, Maastricht University 2020), Chapter 3 para. 1-3.

this regard, an essential distinction must be made. Recognition of qualifications entails two types of recognition: academic recognition and professional recognition. Academic recognition refers to a situation in which a student's course of study is recognised, such as when applying to a study programme in another country. Professional recognition, on the other hand, becomes relevant in the phase of employment: when a professional wishes to carry out economic activities in another region or a Member State.²⁴ As this report focuses on the mobility of secondary school teachers, the emphasis here will be placed on the professional recognition of teachers' qualifications when they obtained their qualifications in a region or Member State other than the one in which they wish to teach. As a sidenote to this distinction for the remainder of this report, the literature review did indicate that the mutual recognition of diplomas as such is a policy measure of proven effectiveness.²⁵

This research intends to build upon the findings of the previous ITEM research for the B-solutions project "Roadmap and factsheet for the recognition of qualifications for highly demanded professions"²⁶, which concluded with the identification of the following challenges: identifying the competent authority, cooperating with the competent authorities of other Member States, ensuring the completeness of the recognition dossier and understanding of recognition procedures. Specifically for teaching qualifications, the ITEM B-solutions project identified that quick recognition practices were often impeded by the necessity of a case-by-case analysis due to the complexity of the field of education as well as the differences existing in teaching professions between Member States.²⁷

In general, the possibilities of teaching across borders are often not sufficiently known or embedded in teacher training or legislation.²⁸

The last two obstacles are well-known core problems in cross-border work, namely the lack of clarity and limited portability of social security,²⁹ and the differences in tax systems³⁰ (and linked to this, salary differences) between the border countries.³¹ However, it can be pointed out that these differences are not necessarily negative, and they can serve both as disincentives or incentives for teachers to cross the border in their professional careers. Interviews are used to find out to what extent these are relevant for the particular case of cross-border secondary school teachers and assess the need of focusing on these obstacles in the legal analysis.

²⁴ Although in general these two types of recognition are distinguished, in practise they may also overlap. See L.S.J Kortese, "The Grey Area between Professional and Academic Recognition: Exploring the Borders and Defining the Problem" in: *The Recognition of Qualifications in the EU – Blurring the Lines of Competences Between the Internal Market and Education*, 2020.

²⁵ Centraal Planbureau, *De arbeidsmarkt aan de grens met en zonder grensbelemmeringen*, (Centraal Planbureau, 2016), p. 55.

²⁶ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

²⁷ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019, pp. 11 – 14.

²⁸ J. Thönissen, A. Rosier, L. Steehouder, (Nuffic), *Studenten voorbereiden op een toekomst in de eigen regio: een onderzoek naar de meerwaarde van internationalisering bij mbo-scholen in de grensregio* (2020), p. 25.

²⁹ J. Thönissen, A. Rosier, L. Steehouder, (Nuffic), *Studenten voorbereiden op een toekomst in de eigen regio: een onderzoek naar de meerwaarde van internationalisering bij mbo-scholen in de grensregio* (2020), p. 10 and 21.

³⁰ European Commission, Directorate-General for Regional and Urban Policy, *Easing legal and administrative obstacles in EU border regions: final report* (Publications Office of the European Union, 2017), p. 43-44.

³¹ Centraal Planbureau, *De arbeidsmarkt aan de grens met en zonder grensbelemmeringen*, (Centraal Planbureau, 2016), p. 18.

In conclusion, it is also emphasised by the European Commission that the local and/or regional levels are often ideal for seeking solutions to such legal and administrative obstacles and mitigating them through cross-border structures and processes.³²

3. Case examples: Obstacles as experienced by secondary school teachers in the Euregio Meuse-Rhine

It became quickly apparent from the literature review that not much information is available on the obstacles connected to the cross-border mobility of secondary school teachers. In order to gather case examples and gain a better understanding of the obstacles experienced in the Euregio Meuse-Rhine, semi-structured interviews were conducted with teachers and school directors of secondary schools. In total, 14 interviews were carried out with 15 interviewees (for the complete overview of interviews, see Annex II).

First, this section will give an overview of the interviewees' general experiences with cross-border mobility. From the interviews, four significant obstacles were identified. These obstacles have been classified into categories and will be discussed in the following order. The most pressing obstacle was identified as arising from the procedure on recognition of qualifications. Secondly, obstacles were also identified in relation to differing employment conditions. In several interviews, problematic aspects of social security and taxation were identified, particularly in relation to cross-border work. These obstacles are compiled under the 'obstacles typical of cross-border work'. Although this report focuses on obstacles with a legal or administrative nature, other types of obstacles, such as differences in the education cultures, were brought forward in the interviews on multiple occasions. Therefore, these obstacles are included and discussed under the heading 'other relevant considerations'. Finally, this section on interview findings concludes with a selection of the obstacles to be analysed in this report.

3.1 General views and experiences on cross-border mobility

In general, cross-border mobility and opportunities at the neighbouring labour markets were viewed as an interesting option for teachers and secondary schools in the Euregio Meuse-Rhine.

The current, urgent situation of teacher shortages was discussed in a number of interviews.³³ Some interviewees even suggested that cross-border mobility could provide solutions to combat (language) teacher shortages, particularly in regional labour markets such as in the Euregio Meuse-Rhine.³⁴ Schools in the Netherlands which hire German teachers to teach the German language were given as an example. Also, the interviews indicated a desperate need for teachers who can teach a subject (such as geography or history) in the neighbouring language (as part of Content and Language Integrated Learning, CLIL, programmes³⁵), French, German and Dutch, in the three communities of

³² European Commission, Directorate-General for Regional and Urban Policy, *Easing legal and administrative obstacles in EU border regions: final report* (Publications Office of the European Union, 2017), 18 and 22.

³³ Interviews 26 January 2022, 17 May 2022, 18 May 2022, 13 July 2022, 19 December 2022.

³⁴ Interview 17 May 2022.

³⁵ Also known as *immersion* (Wallonia, Belgium), *Tweetalig Onderwijs*, *TTO* (the Netherlands), *Bilingualer Unterricht* (North Rhine-Westphalia, Germany).

Belgium.³⁶ However, the interviewees pointed out that the integration of teachers into a foreign education system, both legally and culturally, remains a challenge. Specifically, the procedure for recognition of professional qualifications complicates this process.³⁷

Another challenge brought up in the majority of interviews concerned the issue of the lack of available information. The teachers who were interviewed frequently struggled to find information that was relevant to their situation, or if they did, they stated it was scattered among fragmented sources and occasionally contained contradictory or out-of-date information.³⁸ As further discussed in the following sections, this was shown to be problematic not just in terms of the recognition of qualifications but also in terms of other aspects, including employment conditions, social security, and taxation.

One secondary school indicated that these challenges on cross-border mobility of teachers are not in any way new. In the past, they exchanged teachers with a secondary school in Germany. However, this cross-border exchange was halted due to excessive bureaucracy and other obstacles, particularly with German teachers coming to the Netherlands, e.g., due to complexities arising from insurance and recognition of qualifications. Also, differences between the education systems were viewed as a problem.³⁹ Recently, the COVID-19 crisis also halted efforts to strengthen cross-border exchanges with a partner school from the neighbouring region.⁴⁰ The teachers concluded that although cross-border mobility would be an interesting option to overcome the teacher shortages, usually the long and complex recognition procedures discourage teachers from looking for employment options in the neighbouring countries.⁴¹ This obstacle will be further discussed in the following section.

3.2 Recognition of professional qualifications

In general, the interviewees perceived the recognition of professional qualifications as the most prevalent barrier, for the following reasons: the procedure was lengthy, information provision was lacking, and due to differences in teacher qualifications between the regions, teachers were frequently required to complete additional training before recognition was granted.

Regarding mobility from the Netherlands to Germany, interviewees noted that it is not automatic that a teacher from the Netherlands can teach in Germany. What is a problem, according to a teacher, is the fact that some teachers in the Netherlands are educated at the level of higher vocational schools (HBO), whereas in Germany, teacher education is organised at the university level.⁴² Due to this and the fact that teachers in the Netherlands only study one school subject⁴³ (as opposed to two in

³⁶ Interview 19 December 2022.

³⁷ Interviews 26 January 2022, 2 February 2022, 17 May 2022, 18 May 2022, 13 July 2022.

³⁸ One teacher had this specific experience in relation to information on recognition of qualifications and the equivalency of diplomas between the Belgian Communities, Interview 16 December 2022.

³⁹ Interview 18 May 2022.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Interview 17 May 2022.

⁴³ *Ibid.* A teacher who obtained their education in the Netherlands and as well had some work experience before employment at a German secondary school, has not encountered these difficulties in recognition of qualifications; at the time, teacher training in the Netherlands was structured to result in competence in two subjects (*vakken*). In addition, he had one year of work experience in the Netherlands. In the light of these

Germany), the governmental authorities frequently do not recognise a teacher's professional qualifications and require them to become competent in an additional subject or complete additional training, for instance in the form of *Referendariat* (for more information, see Section 4.1.3).⁴⁴ A school director indicated that the compensation periods issued by the authorities take a minimum of one year but in some circumstances, they can take up to three years.⁴⁵

Similar findings were made also regarding **mobility from Germany to the Netherlands**. In two teachers' experience, it takes six to twelve months before the requirements in the other country are met. This procedure also involves a significant amount of bureaucracy, as numerous institutions are involved.⁴⁶ It was indicated that often teachers from Germany are required to complete additional (pedagogical) training in the Netherlands. In addition, the teacher noted that the didactics studied in the German teacher education are not equivalent to the didactics studied in Dutch teacher education.⁴⁷ Furthermore, in the Netherlands teacher education (HBO) combines theory and practice, whereas in Germany the teacher being interviewed perceived education as rather theoretical. According to him, these differences may be viewed as negative factors in the procedure of recognition of professional qualifications, when the local authorities assess the equivalence of the qualifications in the two countries.⁴⁸

A teacher who had experience regarding mobility **from the Netherlands to the German-speaking Community of Belgium** did not consider recognition of qualifications as an obstacle (in fact, he was the only interviewee with this experience). Although he obtained his teacher qualifications in the Netherlands, his qualifications were recognised without issues or additional training being required. He received a positive decision within two weeks of the application. Furthermore, there were no costs involved. The only additional examination he had to do was a German language test (B2-level)⁴⁹. In fact, he felt that overall, in Belgium, the authorities are stricter on the examination of language skills than the professional qualifications and prior training. He gave an example of a colleague who despite his long-standing residence in a German-speaking region, as well as a university degree in the German language, was also required to do a language test before he could start teaching in the same school.⁵⁰

Regarding **intra-mobility in Belgium** across the Community borders, a school director in Flemish Community noted that they do not employ French teachers from the French Community, mostly because their diploma and qualifications are not automatically recognised in the Flemish Community, but their recognition is subject to a lengthy administrative procedure.⁵¹ A teacher who had the

facts, the German authorities found this equivalent to the level of a *Referendariat*. Thus, he avoided the need to undergo additional training. Nevertheless, since then the educational system in the Netherlands has changed (the interviewee estimates that this happened somewhere around the year of 1999). Therefore, at the moment, teachers who have obtained only competences in one subject may face these difficulties with recognition of their qualifications in Germany.

⁴⁴ Interviews 17 May 2022, 18 May 2022, 13 July 2022.

⁴⁵ Interview 17 May 2022.

⁴⁶ Interview 18 May 2022.

⁴⁷ *Ibid.* According to the teacher, this is a significant difference between the two systems. In the Netherlands, the study of didactics is a combination of communicative language teaching as well as another school (reality) subject. In Germany, however, the study of didactics is more academic-oriented.

⁴⁸ *Ibid.*

⁴⁹ Under the EU Directive, language tests may be required in the process of recognition of qualifications. See Section 4.1.

⁵⁰ Interview 19 December 2022.

⁵¹ Interview 10 June 202.

experience of mobility **from the Flemish Community to the French Community** confirmed this obstacle.⁵² For him, the recognition procedure took 8 years. Not only was the procedure lengthy, but the rules were also complicated and unclear, and the interviewee believed that as an applicant, he (and not the competent authority) was responsible for ensuring the procedure was carried out correctly. He decided to consult a public servant of the French Community, who would provide him with legal advice regarding the procedure. Finally, he received a separate decision for recognition for each subject that he taught. Next to the recognition procedure, he had to pass French language exams (although he would only teach in Dutch as part of an CLIL/immersion programme) within the first 1-2 years of teaching.⁵³ The teacher concluded that based on his experience, recognition of qualifications is likely to be easier for those teachers arriving from neighbouring countries, than for those going across a language/Community border in Belgium.⁵⁴

When asked to rank the current obstacles, most of the interviewees ranked problems with recognition of qualifications as the most pressing obstacle. Second on the list are the disparities in employment conditions. The interview findings regarding this obstacle will be discussed in the following section.

3.3 Employment conditions

Between the Netherlands and Germany, several differences in employment conditions were identified during the interviews. A teacher and a director from a secondary school in Germany noted that since a teaching qualification from the Netherlands is not directly recognised in Germany, the teachers must frequently complete additional training in Germany in the form of *Referendariat*⁵⁵. According to them, next to posing an additional training period for the (already qualified) teacher, this training period may also result in a lower salary. Therefore, they found that seeking employment opportunities across the border is unattractive for teachers with tens of years of experience, as it frequently results in lower pay.⁵⁶ Indeed, one teacher indicated that this was the reason why he did not want to seek employment opportunities in Germany, as it would result in losing his permanent job in the Netherlands, as well as receiving a lower salary.⁵⁷ On the other hand, a school director noted that early-career teachers who have recently graduated may find cross-border mobility more appealing, as they can avoid income loss and integrate into the German education system and culture early on.⁵⁸

Another difference identified in the interviews was in relation to the status of the teacher. Two secondary school teachers from the Netherlands indicated that in Germany, a teacher may have the status of a civil servant and receive a higher salary than in the Netherlands, a fact that may discourage cross-border **mobility from Germany to the Netherlands**.⁵⁹ On the other hand, they found that in the case of **mobility from the Netherlands to Germany**, the position of civil servant may be seen as an inviting factor. Yet, they recalled that in case requirements for public service are not met, it is only

⁵² Interview 16 December 2022.

⁵³ *Ibid*, the language examination results in a certificate '*Communauté française de Belgique: Certificat de connaissance fonctionnelle du français*'.

⁵⁴ Interview 16 December 2022.

⁵⁵ See also Section 4.1.1.2.

⁵⁶ Interview 17 May 2022.

⁵⁷ Interview 13 July 2022.

⁵⁸ Interview 17 May 2022.

⁵⁹ Interview 18 May 2022.

possible to work as an employed teacher. Although they may perform similar tasks at the school, the employed teacher will not have the same advantages as their colleagues with civil servant status, e.g., concerning net salary and less significant social security contributions.⁶⁰ Finally, the teachers noted that having such status also affects the amount of pension, being more favourable for those with civil servant status.⁶¹

Other differences and issues arise in terms of leave hours, more specifically between the vacation periods in the two countries. In the interviews, an example was given of a school that employs teachers who teach simultaneously in the Netherlands and Germany. The issue is that the holiday schedules of these two countries do not align.⁶² This may also be a problem for families of cross-border mobile teachers, when their children attend a school in a different country than the one their parent(s) work in – the families are unable to align the timing of their holidays with their children, according to a teacher.⁶³

Regarding **mobility to Belgium**, it was noted that the recognition of qualifications is also an important procedure influencing the employment conditions. Only those teachers who are fully recognised and qualified may obtain a permanent employment contract, as confirmed by interviewees from the Flemish, French, and German-speaking Communities.⁶⁴ While in the **German-speaking Community of Belgium**, the absence of teacher qualification did not have an effect on the salaries of the teachers, the opposite was said to be true in **the French Community**.⁶⁵

One teacher noted that the salaries are, in general, lower in **Belgium than in the Netherlands or Germany**. However, the working hours were also fewer in Belgium⁶⁶, and the holidays were longer⁶⁷. Altogether, he did not perceive the difference as that great. Another teacher interviewed noted that for the **German-speaking Community**, it is also relevant to consider the proximity of Luxembourg. According to him, many teachers (including language teachers) prefer employment there, due to higher salaries.⁶⁸

The differences in salary and holiday time may also impact the **intra-mobility of teachers in Belgium**, from one Community to another. A teacher noted these differences **between the French and Flemish Communities**. According to him, in general, in the Flemish Community teachers earn more than in the French Community. Recently, also the vacation times were changed and now they no longer align in the two respective communities. In fact, he noted that this change has led many Flemish teachers in the French Community to return to the Flemish Community.⁶⁹ Different holiday timing was also

⁶⁰ Interview 13 July 2022.

⁶¹ Interview 2 December 2022.

⁶² Interviews 2 February 2022, 17 May 2022.

⁶³ Interview 13 July 2022.

⁶⁴ Interviews 9 June 2022, 16 December 2022, 19 December 2022.

⁶⁵ Interviews 16 December 2022 and 19 December 2022.

⁶⁶ Interview 19 December 2022: According to the interviewee, full-time hours in Belgium are 22 hours, whereas in the Netherlands it is 27 hours. However, the school days are longer in Belgium (from 8.00 until 16.00), whereas in the Netherlands school days may be from 9.30 until 15.00.

⁶⁷ Interview 19 December 2022: In Belgium, they have a summer holiday for 2 months, which the interviewee indicates in the Netherlands not to be the case.

⁶⁸ Interview 12 December 2022.

⁶⁹ Interview 16 December 2022.

mentioned as an obstacle **between the French and the German-speaking Communities** by a school director from the French Community.⁷⁰

3.4 Obstacles typical to cross-border work

Obstacles typical to cross-border work, i.e., hurdles in social security benefits and taxation, were known to interviewees who moved across a national border. On the other hand, similar obstacles were not known in intra-mobility cases, as, for instance, in Belgium, these matters are (in contrast with education) regulated on the federal level.

One teacher noted that employing cross-border workers may require numerous administrative hurdles. There are no clear (legal) barriers per se; however, if the teacher **works in the Netherlands and resides in Germany**, they are required to declare their taxes also in the country of their residence. In fact, he found that filling out this form in Germany is much more difficult and time-consuming than in the Netherlands.⁷¹ Whereas these administrative burdens particularly arise as a result of mobility from/to Germany; according to the teacher, the majority of procedures in the Netherlands are digitalised and operate efficiently. As confirmed by multiple interviewees, this also imposes an administrative burden on the employer and the employee, not only in terms of taxation⁷² but also in terms of health insurance, social security contributions, and benefits.⁷³

A teacher who lives in Germany and works in Belgium confirmed this obstacle – although he pays taxes in Belgium, he has to file a tax declaration in Germany, as well. He also mentions that if he were to work as a teacher in Germany, declaring taxes would be extremely complicated because, in his opinion, both countries have distinct laws regarding second (part-time/mini) jobs. During the summer, he also has a second job in Belgium. The teacher mentioned how difficult it is for him to locate any sources of information or institutions that can provide tax advice. In fact, the lack of information has made him less inclined to accept a job in Germany. On the other hand, he points out that other social security issues, like health insurance, function well. Since he works in Belgium, he is covered there, but he has the option to receive medical care in both Germany and Belgium due to a form that was sent from the Belgian insurer to the German health insurance company. The advantage is that this allows him to use healthcare services in Germany that are in general more affordable.⁷⁴

Another example of a practical obstacle was given with respect to **the Netherlands**, where a physician does not provide a declaration of illness to an employee. In **Germany**, employers sometimes require this declaration.⁷⁵ In addition to health insurance and tax-related obstacles, interviewees reported that obtaining childcare was not always easy. An example was given of a **teacher who lived in Germany and worked in the Netherlands** but was unable to bring their child to the day-care centre

⁷⁰ Interview 16 November 2022.

⁷¹ Interview 17 May 2022: According to the interviewee, the system is not digitalised in Germany and requires a considerable amount of paperwork.

⁷² Interviews 17 May 2022, 13 July 2022.

⁷³ Interview 18 May 2022.

⁷⁴ Interview 21 January 2023.

⁷⁵ Interview 17 May 2022.

(*kinderopvang*) because the systems were different, for instance in terms of the age limits of children in the day-care.⁷⁶

Social security matters in cross-border situations may be difficult not only for the cross-border worker, but also for their family. One teacher reported issues with their children's health insurance when they worked on a side job in Germany while being insured in the Netherlands. This obliged the child to obtain health insurance in Germany, making the job unprofitable from a financial standpoint. Another issue was that the interviewee felt they did not receive adequate guidance from the authorities in their situation.⁷⁷ The absence of accessible information may also affect other social security benefits, in more practical terms. One example was given related to the uncertainties about how to complete an income declaration in the Netherlands in order to receive a housing subsidy (*huurtoeslag*).⁷⁸

3.5 Other relevant considerations

In addition to legal and administrative obstacles, on several occasions the interviewees indicated that there are numerous differences between the countries' educational traditions that might challenge the integration of a teacher into the different educational system, and potentially impede cross-border mobility.

These differences between the education system and culture were identified by school directors and teachers especially as arising **between Germany and the Netherlands**.⁷⁹ One teacher noted that teachers (or teachers in training) struggle to adapt to the Dutch education system and culture since education in Germany and the Netherlands are "*two different worlds*."⁸⁰ Another teacher explained that the Dutch education culture is more traditional; for example, students stand and present in front of the class. According to him, Germany is clearly different and perhaps more modern. Other examples of differences related to the "exam culture" (in the Netherlands, teachers administer numerous exams, where "reproduction of knowledge" is crucial⁸¹), the differences in the level of bureaucracy (Germany was viewed as more bureaucratic and for instance, stricter on the regulation of privacy).⁸² Another example was given in relation to digitalisation in education, which has further advanced in the Netherlands as compared to Germany (e.g., using laptops or smart screens). This difference became even more visible during the COVID-19 crisis, when digital tools were used daily in education.⁸³ Although these are examples of seemingly minor differences, the two teachers noted that they may nevertheless impact upon a teacher's integration into the other educational system and practices.⁸⁴

The interviewees also identified differences in relation to teacher training. In the Netherlands, pedagogy receives a great deal of attention, as it may be viewed as a more important element than subject didactics. In fact, the difference was so great that it was known to one teacher to be an obstacle for German students to complete their teacher education in the Netherlands; sometimes,

⁷⁶ Interview 13 July 2022.

⁷⁷ Interview 13 July 2022.

⁷⁸ *Ibid.*

⁷⁹ Interviews 17 May 2022, 13 July 2022.

⁸⁰ Interview 18 May 2022.

⁸¹ Interview 17 May 2022

⁸² Interview 13 July 2022.

⁸³ Interview 13 July 2022.

⁸⁴ Interview 18 May 2022.

the teachers in training found general pedagogical subjects too difficult.⁸⁵ Despite these differences, a school director had observed that there are many German students studying to become teachers in the Netherlands.⁸⁶ In fact, one teacher from Germany indicated that since teacher training is lengthy and more theoretical in Germany, was the reason why he decided to pursue his education in the Netherlands, where teacher qualifications could be obtained more quickly and with more practical experience.⁸⁷ Differences in (financing of) education and organisation of schools were also considered as (dis)incentives leading to the mobility of teachers. One teacher particularly changed school **from the Netherlands in the German-speaking Community in Belgium**, since he perceived the school and student group sizes in the Netherlands as being too large.⁸⁸

Large differences in education (culture and organisation) were also noted to exist **between the Belgium Communities**. A teacher with experience of mobility from the Flemish Community to the French Community noted in this respect that “[..] *it feels like you go to another country*”.⁸⁹ In his experience, the organisation of education differed greatly between the two Communities (see also Section 4.1 and 4.2) as well as the teaching methods and content of the school subjects.⁹⁰

3.6 Conclusions on the obstacles to cross-border mobility of secondary school teachers in the EMR: Selection

The case examples gathered through interviews confirm the three clusters of legal and administrative obstacles as identified by the literature review, which allows for the selection of the legal and administrative obstacles to be analysed in this report. Similarly, as found in the literature review, **recognition of professional qualifications** was viewed as the most prevalent barrier during the interviews. According to the interview data, this appears to be primarily the result of differences in the profession of secondary school teacher in the EMR. Moreover, **differences in employment conditions** (status, salary, and vacation times) could act as an impediment to cross-border mobility or, alternatively, as an incentive for such mobility. **Social security and taxation** were also mentioned as a barrier. In order to have a better understanding of where these obstacles originate and how they could be overcome, the following section will provide an analysis of these three categories of obstacles.

⁸⁵ Interview 26 January 2022.

⁸⁶ Interview 17 May 2022.

⁸⁷ Interview 13 July 2022.

⁸⁸ Interview 19 December 2022, the interviewee noted that the average classes in the Netherlands consisted of minimal of 24-30 students, whereas now in the German-Speaking Community of Belgium he has an average of 8-10 students per class.

⁸⁹ Interview 16 December 2022.

⁹⁰ According to the interviewee, for instance, history in Flemish Community is thought also providing perspectives from the Netherlands, whereas in French Community, it has more focus on France. Interview 16 December 2022.

4. Analysis of selected obstacles

As the literature review and case examples gathered via interviews have shown, the cross-border mobility of secondary school teachers in the EMR is subject to several legal and administrative obstacles. This section analyses the selected obstacles in the following order. First, the focus will be placed on the recognition of professional qualifications. Second, obstacles arising from the differences in employment conditions will be analysed. Third, the focus will be placed on obstacles related to social security as well as taxation. Finally, this section ends with conclusions and findings in terms of how the selected obstacles could be overcome.

4.1 Recognition of professional qualifications

The procedure for recognition of professional qualifications was found as one of the major barriers to the mobility of secondary school teachers in the EMR. This subsection aims to provide a brief explanation of the recognition of secondary school teacher qualifications from the perspective of EU and national law. Finally, this subsection will examine alternative paths that allow for teaching in a neighbouring country/region, evaluating how and if they provide an opportunity to overcome the obstacles experienced in relation to the recognition of qualifications.

The numbers of applications for recognition collected by the European Commission suggests **that the mobility flows are often targeted at the Netherlands**, originating especially from Belgium. The numbers also suggest a **strong link with mobility and language**. For instance, a peak in numbers was found in mobility from the Netherlands to the Flemish Community. Full overview of the data can be found from Annex I.

4.1.1 At the EU-level

Procedures for the recognition of qualifications have been harmonised in the EU by means of the Professional Qualifications Directive.⁹¹ The Directive lays down a legal framework to facilitate cross-border work of regulated professions. Indeed, the Directive only applies to professions that are regulated: professions for which qualification requirements are laid down by law.⁹² This means that certain professions and the use of their titles are protected, and individuals who do not meet the requirements may not practise that profession. The profession of a secondary school teacher is a regulated profession in all countries examined in this report (the Netherlands, Germany (North Rhine-Westphalia) and all three Communities of Belgium), thus before the profession of secondary school teacher may be practised in one of these neighbouring regions, the teacher must first obtain a recognition of their foreign qualifications.

The Directive provides several systems of recognition depending on the profession. Certain professions, such as doctors and nurses, enjoy expedited recognition procedures (so-called automatic recognition), where not only the recognition procedure, but also certain elements of their training are harmonised in the EU.⁹³ Automatic recognition in this context means that these professionals are subject to a recognition procedure, but the procedure does not involve an in-depth evaluation of the applicants' qualifications, but rather a check from the authorities to determine whether the applicants' qualifications meet the minimum requirements set out in the Directive. The requirements on the profession of secondary school teacher are not harmonised, thus it is not included in the list of

⁹¹ Directive 2005/36/EC as amended by Directive 2013/55/EU.

⁹² *Ibid*, Articles 1 and 3(1)(a).

⁹³ *Ibid*, Articles 21-23.

professions that fall under the automatic system of recognition.⁹⁴ The Member States are free to introduce their own requirements regarding the profession⁹⁵, and the recognition of qualifications of secondary school teachers are evaluated according to the general system of recognition.⁹⁶

Under the general system of recognition, the authorities compare the foreign qualifications of the teacher with those obtained in the host Member State. Central in this procedure is the principle of mutual recognition⁹⁷, as laid down by the Court of Justice (CJEU) in *Vlassopoulou*.⁹⁸ The principle entails that Member States must take into account all evidence on qualifications (diplomas, certificates and other relevant evidence on the applicants' competences)⁹⁹ obtained in another Member State, and if they correspond to the qualifications in that Member State, they are obliged to recognise them. If, during this evaluation, the authorities identify substantial differences¹⁰⁰, it is possible that they will impose compensation measures, the fulfilment of which will allow the teacher to obtain recognition. In principle, recognition may not be refused on the ground that there are differences in the content of training among the Member States.

This was also stated by the Court in *Beuttenmüller*, that concerned the recognition of qualifications of a primary school teacher. She sought recognition in Baden-Württemberg (Germany) on the basis of her two years of training in Austria, that gave her the competence to teach one subject. Since in Baden-Württemberg three years of training were required, leading to competence in at least two subjects, her application for recognition was refused. The matter was brought in front of the CJEU, where the Court specifically stated that: "*Differences in the organisation or content of teacher education and training acquired in another Member State by comparison with that provided in the host Member State are not [...] sufficient to justify a refusal to recognise the professional qualification concerned. At most, where those differences are substantial, they may justify the host Member State requiring that the applicant satisfy one or other of the compensatory measures [...]*".¹⁰¹ Thus, even when such differences exist in the content of teacher training among the Member States, recognition may not, in principle, be refused, but the applicant may be required to complete compensatory measures that fulfil the missing knowledge or competences. As specified by the Directive, such measures can take the form of a test of aptitude (exam) or an aptitude period (training), for a maximum duration of three years.¹⁰²

Procedurally, the Directive lays down an obligation for the competent authority to acknowledge the receipt of the application within one month and inform the applicant of any missing documents.¹⁰³ The examination of the application is to be done "as quickly as possible" and lead to a substantiated

⁹⁴ *Ibid*, Annex V.

⁹⁵ Case 222/86 *Heylens*, EU:C:1987:442, §10. Case C-125/16 *Reynaud*, ECLI:EU:C:2017:707, §47-49 and §53-54.

⁹⁶ Articles 10-14 Directive 2005/36/EC as amended by Directive 2013/55/EU.

⁹⁷ *Ibid*, Article 13.

⁹⁸ Case C-340/89 *Vlassopoulou*, EU:C:1991:193, §16.

⁹⁹ See also: Articles 11-12 Directive 2005/36/EC as amended by Directive 2013/55/EU.

¹⁰⁰ *Ibid*, Article 14(4) defines substantial differences as "matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of duration or content from the training required by the host Member State."

¹⁰¹ Case C-102/02 *Beuttenmüller*, ECLI:EU:C:2004:264, §52.

¹⁰² Article 14 Directive 2005/36/EC as amended by Directive 2013/55/EU.

¹⁰³ *Ibid*, Article 51(1).

decision. The decision must be taken within three months (extendable by one month) from the date on which the complete file was submitted by the applicant.¹⁰⁴

Although obtaining recognition of qualifications may be one of the requirements before the teacher may provide education in a neighbouring region or a country, it may not be the only requirement before the teacher is employed by a school. The teacher may be asked to prove, for instance, a certain language level (as stipulated by the Directive)¹⁰⁵ or provide certificates of good conduct. The following subsection will also briefly reflect on how these requirements are implemented.

Since the requirements for a profession of secondary school teacher differ between the countries, and a comparison of a secondary school teacher's skills and competencies to those of a teacher in a neighbouring country is crucial in determining whether a teacher's qualification is recognised, the following subsections will first provide a brief overview of the profession of a secondary school teacher in the three countries, as well as a general outlook on the procedural aspects of recognising foreign teacher qualifications in them.¹⁰⁶

4.1.2. The Netherlands

Certain qualifications are required to become a secondary school teacher in the Netherlands (*leraar in het voortgezet onderwijs*), as regulated on the national level by Secondary Education Act (*Wet voortgezet onderwijs 2020*)¹⁰⁷ and Implementation and Adjustment Act (*Invoerings- en aanpassingswet WVO 2020*)^{108, 109}.

In the Netherlands, a distinction is made between first-degree and secondary-degree teaching qualifications, which have different training and may subsequently result in teaching at different levels. Teacher training at a university of applied sciences (HBO master)¹¹⁰ or teacher training at a university (in combination with a bachelor's or master's degree in the desired subject¹¹¹) may lead to qualification as a first-degree teacher. Second-degree teachers follow, in general, a shorter training. There are two ways to become a second-degree teacher: either by completing HBO teacher training on secondary education¹¹², or by first completing an HBO-bachelor course, after which a shorter, one-

¹⁰⁴ *Ibid*, Article 51(2).

¹⁰⁵ *Ibid*, Article 53.

¹⁰⁶ Comparison of secondary education in the Euregio Meuse-Rhine can be found from Hovens (forthcoming), Research report for EMR-Lingua, 2023, as well as at Euregiowaves, 'Vijf onderwijssystemen', retrieved from: https://euregiowaves.eu/welcome#maas_rhein, accessed on 23 February 2022 and Nuffic, 'Onderwijssystemen', retrieved from: <https://www.interregemr.eu/projecten/eur-friends>, accessed on 23 February 2023.

¹⁰⁷ *Wet voortgezet onderwijs 2020*. Available here: <https://wetten.overheid.nl/BWBR0044212/2022-08-01>.

¹⁰⁸ *Invoerings- en aanpassingswet WVO 2020*. Available here: <https://wetten.overheid.nl/BWBR0044812/2022-08-01>.

¹⁰⁹ The law came into effect on 1 August 2022, replacing Secondary Education Act (WGVO) and WVO BES; changes were not made regarding content, but the legal text was adapted to be more readable and clearer in structure.

¹¹⁰ In general, the training takes 3 years, see Onderwijsloket, 'Hoe word ik leraar in het voortgezet onderwijs', retrieved via <https://www.onderwijsloket.com/kennisbank/artikel-archief/hoe-word-ik-leraar-in-het-voortgezet-onderwijs/>, accessed on 18 September 2022.

¹¹¹ With a university bachelor's degree, the educational master diploma takes 2 years. With a university master's diploma, the educational master diploma takes one year.

¹¹² In general, the training has a duration of four years.

year teacher training (*kopopleiding*) follows. Both the first- and second-degree teachers become specialised in one school subject.

Secondary-degree teaching qualifications limit the possibility of teaching to four instances: pre-vocational secondary education (*vmbo*), practical education (*praktijkonderwijs*), and the lower years of secondary education (*onderbouw havo*)¹¹³ and pre-university education (*onderbouw vwo*). With the first-degree teacher qualification, in addition to these levels of secondary education, the teacher is also eligible to teach at the level of general secondary education (*havo*) and pre-university education (*vwo*).¹¹⁴

It is also possible to become a *limited* second-degree teacher (*beperkte tweedegraads bevoegheid*) by following an educational minor or module in a university, in combination with a university bachelor's degree related to the school subject.¹¹⁵ After this education, the teacher may teach at the level of pre-vocational secondary education (*vmbo*) and lower levels of secondary and pre-university education (*onderbouw havo* and *vwo*).

If a teacher with foreign qualifications wishes to exercise the profession of *leraar in het voortgezet onderwijs*, the teacher must submit an application¹¹⁶ for recognition by the competent authority in the Netherlands, the *Dienst Uitvoering Onderwijs* (DUO).¹¹⁷ As part of the application, DUO requires the applicant to produce evidence of education, employment experience, and optionally a certificate of good conduct. After DUO issues an opinion on the application, the Ministry of Education, Culture and Science (*Ministerie van Onderwijs, Cultuur en Wetenschap*, OCW) takes a final decision on whether recognition is granted. The recognition procedure is free of charge¹¹⁸ and the processing times are indicated to be 8-10 weeks on average.¹¹⁹ After a positive decision, the future employer may still request a proof of Dutch language skills from the teacher.¹²⁰

¹¹³ First three years of HAVO and VWO (the total duration of HAVO is 5 years, for VWO 6 years).

¹¹⁴ For a chart on the Dutch education system and the different levels of secondary education, see: <https://www.nuffic.nl/en/education-systems/netherlands/chart-dutch-education-system>.

¹¹⁵ In general, the educational minor or educational module take 0,5 year. Minors are followed during the bachelor education, while a module is done after a bachelor's degree is already completed. *Regeling verwantschapstabel educatieve minor* sets out for which studies it is possible to follow and educational minor or module. It is also possible to complete an educational minor at university of applied sciences, however, it does not give the qualification to teach, but it may lead to a full qualification later on if list of other conditions are met, see: <https://www.rijksoverheid.nl/onderwerpen/werken-in-het-onderwijs/vraag-en-antwoord/leraar-voortgezet-onderwijs>.

¹¹⁶ Application for recognition of EU professional teaching qualifications can be retrieved via: <https://duo.nl/images/recognition-of-eu-professional-teaching-qualifications.pdf>, accessed on 18 September 2022.

¹¹⁷ DUO, 'Working as a teacher with foreign diploma in the Netherlands', retrieved via: <https://duo.nl/particulier/foreign-diploma-in-the-netherlands/working-as-a-teacher.jsp>, accessed on 18 September 2022.

¹¹⁸ DUO, 'Working as a teacher with foreign diploma in the Netherlands', retrieved via: <https://duo.nl/particulier/foreign-diploma-in-the-netherlands/working-as-a-teacher.jsp>, accessed on 18 September 2022.

¹¹⁹ DUO, 'Processing times', retrieved via: <https://duo.nl/particulier/processing-times.jsp>, accessed on 18 September 2022.

¹²⁰ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

4.1.3. Germany (North Rhine-Westphalia)

In Germany, education is organised and regulated on the level of the German States, the *Bundesländer*.¹²¹ In North Rhine-Westphalia (NRW), the training of teachers is regulated by Teacher Training Act (*Lehrerausbildungsgesetz – LABG*)¹²² and the Ordinance on Access to the Teaching Profession (*Lehramtszugangsverordnung – LZV*)¹²³. Secondary education and subsequently teaching are divided into two levels. The lower secondary level (*Sekundarstufe I*) in NRW consists of *Hauptschule, Realschule, Gesamtschule, Hauptschule, Förderschule, and Sekundarschule*. On the other hand, the upper secondary level (*Sekundarstufe II*) consists of *Gymnasium and Berufskolleg*.¹²⁴

In general, the training of a secondary school teacher (*Lehrer/in*) consists of two phases. The first phase consists of a university education leading to the Master of Education degree.¹²⁵ In the second phase, the teacher candidate follows a practical preparatory service, that is concluded with a state examination.¹²⁶ The requirements may differ depending on the level at which the teacher wishes to teach, with the distinction between *Lehramt an Haupt-, Real-, Sekundar- und Gesamtschulen (HRSGe), Lehramt an Gymnasien und Gesamtschulen (GyGe), or Lehramt an Berufskollegs (Bk)*.¹²⁷

Teacher candidates begin their university education with a three-year bachelor's degree program in which they specialise in two subjects.¹²⁸ The bachelor's degree also includes a 25-day internship focusing on aptitude and orientation.¹²⁹ After successfully completing the bachelor's degree, the two-year master's degree program begins. It may be possible to enrol in a master's degree program with a bachelor's degree from another federal state or from abroad, depending on the university.¹³⁰ The master's degree focuses on the acquisition of knowledge and skills and educational sciences and includes a five-month practical semester in a secondary school.¹³¹ After passing the master's

¹²¹ Article 7 *Grundwet voor de Bondsrepubliek Duitsland* (Basic Law for the Federal Republic of Germany).

¹²² *Gesetz über die Ausbildung für Lehrämter an öffentlichen Schulen (Lehrerausbildungsgesetz – LABG)*. Available here:

https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=223&bes_id=12764&menu=1

¹²³ *Verordnung über den Zugang zum nordrhein-westfälischen Vorbereitungsdienst für Lehrämter an Schulen und Voraussetzungen bundesweiter Mobilität (Lehramtszugangsverordnung - LZV)*. Available here:

https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=223&bes_id=34604&menu=1&sg=0&aufgehoben=N&keyword=LZV.

¹²⁴ See the infographic over the school system in North Rhine-Westphalia via:

https://www.schulministerium.nrw/sites/default/files/2021-06/Grafik_Schulformen.jpg, accessed on 15 September 2022.

¹²⁵ See the list of universities in the NRW that provide teacher education via:

<https://www.schulministerium.nrw/hochschulen-nrw-mit-lehrerausbildung>, accessed on 15 September 2022.

¹²⁶ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Voraussetzungen', retrieved via: <https://www.schulministerium.nrw/voraussetzungen>.

¹²⁷ See overview on the website of Landesprüfungsamt für Lehrämter an Schulen:

<https://www.pruefungsamt.nrw.de/beratung/beratungsstelle-fuer-lehraemter-schulen>.

¹²⁸ For secondary schools, list of subjects that can be taken as specialisations are found in §3-4 LZV.

¹²⁹ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Praxiselemente', retrieved via: <https://www.schulministerium.nrw/praxiselemente>, accessed on 15 September 2022.

¹³⁰ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'FAQ zum Lehramtsstudium nach dem Lehrerausbildungsgesetz vom 12. Mai 2009 und der Lehramtszugangsverordnung vom 25. April 2016' retrieved via: <https://www.schulministerium.nrw/faq-zum-lehramtsstudium-nach-dem-lehrerausbildungsgesetz-vom-12-mai-2009-und-der>, accessed on 15 September 2022.

¹³¹ Die Landesregierung Nordrhein-Westfalen, 'Lehramt HRSGe', retrieved via:

<https://www.pruefungsamt.nrw.de/lehramt-haupt-real-sekundar-und-gesamtschulen>, accessed on 15 September 2022.

examination, the teacher candidate may begin the preparatory service, during which the paid traineeship (*Vorbereitungsdienst*, also known as *Referendariat*)¹³² is completed.¹³³ The preparatory service lasts 18 months and concludes with a state examination.¹³⁴ The duration of the state examination is one day, during which the teacher candidate must complete an exam centred on the two subjects on which they have focused during their preparation service. The performance during the preparatory service is considered while evaluating the exam.¹³⁵ In the State of NRW, state examinations are carried out by the state examination office in Dortmund (*Landesprüfungsamt für Lehrämter an Schulen*).¹³⁶

As well as education, recognition of professional qualifications is organised on the level of *Bundesländer*. A teacher with foreign qualifications obtained from Netherlands or Belgium may apply to be recognised at the district government of Arnsberg (*Bezirksregierung Arnsberg*), which deals with applications for recognition of teaching qualifications for the State of NRW. Qualifications must be recognised before a teacher may enter the preparatory service or school service.¹³⁷ It is worthwhile to note that not only foreign qualifications, but also qualifications obtained in other States of Germany require recognition.¹³⁸ The application, as well as attachments, must be translated into German. The procedure is free of charge.¹³⁹ After a positive decision on recognition is received, the employer may ask for additional documents on German language skills, good health, and personal aptitude of the teacher.¹⁴⁰

¹³² Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Vorbereitungsdienst referendariat', retrieved via: <https://www.schulministerium.nrw/vorbereitungsdienst-referendariat>.

¹³³ There may be differences between the Federal States on how the traineeship/*referendariat* is structured. For the State of NRW, the relevant regulations for the preparatory service and state examination may be found in *Ordnung des Vorbereitungsdienstes und der Staatsprüfung für Lehrämter an Schulen (Ordnung des Vorbereitungsdienstes und der Staatsprüfung – OVP)* and for part-time training, in *Verordnung zur berufsbegleitenden Ausbildung zum Erwerb des Lehramts für sonderpädagogische Förderung (VOBASOF)* and *Ordnung zur berufsbegleitenden Ausbildung von Seiteneinsteigerinnen und Seiteneinsteigern und der Staatsprüfung (OBAS)*.

¹³⁴ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'FAQ zum Lehramtsstudium nach dem Lehrerausbildungsgesetz vom 12. Mai 2009 und der Lehramtszugangsverordnung vom 25. April 2016' retrieved via: <https://www.schulministerium.nrw/faq-zum-lehramtsstudium-nach-dem-lehrerausbildungsgesetz-vom-12-mai-2009-und-der>, accessed on 13 September 2022. See also infographic on preparatory service, retrieved via: https://www.pruefungsamt.nrw.de/system/files/media/document/file/hrge-grafik-m.ed_.pdf, accessed on 13 September 2022.

¹³⁵ Die Landesregierung Nordrhein-Westfalen, 'Staatsprüfung - Verwaltung und Organisation', retrieved via: <https://www.pruefungsamt.nrw.de/staatspruefung/staatspruefung-verwaltung-und-organisation>.

¹³⁶ Landesprüfungsamt für Lehrämter an Schulen, 'Portal des Landesprüfungsamtes', retrieved via: <https://www.pruefungsamt.nrw.de/>, accessed on 13 September 2022.

¹³⁷ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Anerkennungsverfahren', retrieved via: <https://www.schulministerium.nrw/anerkennungsverfahren>, accessed on 13 September 2022.

¹³⁸ *Ibid.*

¹³⁹ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

¹⁴⁰ *Ibid.*

4.1.4. Belgium

In Belgium, education is regulated on the level of the Flemish, French, and German-speaking Communities.¹⁴¹ This also means that a secondary school teacher who has obtained their qualifications in one Community is not automatically recognised in another Community. Therefore, it is necessary to examine the regulations in place in these three Communities separately.

In the Flemish Community of Belgium, secondary education last between 6-7 years, where every two years of study make up three stages (*eerste, tweede and derde graad*) with the possibility of an additional, more practical specialisation year at the end.¹⁴² Content-wise, the secondary education programmes are currently subject to gradual reform, which started in 2019 and will be completed in 2025¹⁴³. The first stage (*eerste graad*) will now be divided into an A-orientation (*A-stroom*) and a B-orientation (*B-stroom*), whereas the second and third stages (*tweede en derde graad*) are divided into three different study “purposes” (*finaliteiten*). The first “purpose” is called a “progression purpose” (*doorstroomfinaliteit*) and is intended for students wishing to continue their studies after secondary education, the second “purpose” is a “double purpose” (*dubbele finaliteit*) intended for students focusing on both possibly continuing their studies as well as preparing themselves for the labour market and finally, a third “purpose” is called “labour market purpose” (*arbeidsmarktfinaliteit*). Within these study purposes, students can choose their preferred way of teaching (from abstract-theoretical to practical (*ASO, TSO, KSO, BSO*)) and their area of interest (*Taal en Cultuur, Kunst en Creatie, Economie en Organisatie, Sport, STEM, Land-en Tuinbouw, Maatschappij en Welzijn, Voeding en Horeca*).¹⁴⁴

Depending on the level, the subject, and the school which the teachers (*leraar/onderwijzer*) wish to teach in, a specific education programme is followed. In order to teach on the 1st or 2nd level of secondary education, the teacher follows a bachelor’s degree (*educatieve bacheloropleiding voor secundair onderwijs*), leading the aspiring teacher to be competent to teach two subjects.¹⁴⁵ A master’s degree gives the competence to teach multiple subjects, on the 2nd and 3rd levels of secondary education.¹⁴⁶ Occupational secondary education can be taught on the basis of graduate training (*educatieve graduatsopleiding voor secundair onderwijs*).¹⁴⁷

The authority responsible for the Flemish part of Belgium regarding the recognition of qualifications is AGODI (*Agentschap voor Onderwijsdiensten*).¹⁴⁸ The procedure is free of charge, and a decision is given approximately in 30 calendar days. A positive decision is given in the form of a certificate of

¹⁴¹ Article 127 of the Belgian Constitution. Communities are responsible for education, with the exception of the start and end date of compulsory education, the minimal conditions for the awarding of diploma’s and the pensions, for with the federal level is responsible.

¹⁴² Onderwijskiezer, ‘Secundair onderwijs’, retrieved via:

https://www.onderwijskiezer.be/v2/secundair/sec_gewoon_so.php, accessed on 23 January 2023.

¹⁴³ Vlaanderen Onderwijs en Vorming, ‘Studierichtingen secundair onderwijs’, retrieved via:

<https://www.kwalificatiesencurriculum.be/studieaanbod-secundair-onderwijs> accessed on 23 January 2023.

¹⁴⁴ Vlaanderen Kwalificaties & Curriculum, ‘Studierichtingen secundair onderwijs’, retrieved via:

<https://www.kwalificatiesencurriculum.be/studieaanbod-secundair-onderwijs> accessed on 23 January 2023.

¹⁴⁵ Vlaanderen Onderwijs en Vorming, ‘De lerarenopleiding op bachelorniveau’ retrieved via:

<https://onderwijs.vlaanderen.be/de-lerarenopleiding-op-bachelorniveau> accessed on 31 January 2023.

¹⁴⁶ Vlaanderen Onderwijs en Vorming, ‘De lerarenopleiding op masterniveau’ retrieved via:

<https://onderwijs.vlaanderen.be/de-lerarenopleiding-op-masterniveau> accessed on 31 January 2023.

¹⁴⁷ Vlaamse Overheid, ‘Lerarenopleidingen’, retrieved via: <https://www.vlaanderen.be/lerarenopleidingen> accessed on 23 January 2023.

¹⁴⁸ See more at their website: <https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/bekwaamheidsbewijzen>.

conformity (*conformiteitsattest*), valid for an unlimited period of time, that in turn is to be given by the teacher of the Flemish educational institution where the teacher is applying. The certificate states which subjects and age groups the teacher is competent to teach.¹⁴⁹ Next to the obligatory recognition procedure, the teacher must demonstrate a sufficient level of the Dutch language.¹⁵⁰ In case the language requirement is not met, and the school is unable to find another candidate, it is possible to apply for a derogation valid on a temporary basis (3 years) during which the teacher has to complete the training necessary to meet the requirements. The same requirement applies to the French language, in case the teacher is providing classes in the 3rd level of secondary education.¹⁵¹

For the **French Community** secondary education is divided into 4 different forms of education, namely general secondary education (*enseignement général (G)*), technical secondary education (*enseignement technique (T)*), art secondary education (*enseignement artistique (A)*) and occupational secondary education (*enseignement professionnel (P)*). Each of these forms of education is divided into three levels (*1er degré, 2e degré, 3e degré*) which each cover two years of education.¹⁵²

The education programme to become a teacher differs depending on whether the person wants to teach in the 1st or 2nd level of secondary education (*professeur dans l'enseignement secondaire inférieur*) or in the last three years of secondary education (*professeur dans l'enseignement secondaire supérieur*). For the first option, the aspiring teacher follows a bachelor's degree which combines pedagogical training with the subjects of their choice (*agrégé de l'enseignement secondaire inférieur*). Specific bachelor programmes with different subject combinations are available.¹⁵³ For the second option, a teacher follows either a programme with 30 ECTS with the aim of becoming a teacher (*agrégation de l'enseignement secondaire supérieur*) after completing a master's degree or a 2-year master's degree with a preparation program for teaching in the chosen subjects already integrated (*master à finalité didactique*), which comprises the 30 ECTS of the *agrégation de l'enseignement secondaire supérieur*.¹⁵⁴

The authority responsible for the French Community regarding the recognition of foreign qualifications is the *Direction de la reconnaissance des diplômes étrangers*. A dossier is compiled of (1) the basis on which a teacher is teaching in a different country (e.g., a degree, or a degree combined with passing a vocational examination), (2) the specific subjects the teacher is fully qualified to teach

¹⁴⁹ Vlaanderen Onderwijs en Vorming, 'Formulieren', retrieved via: <https://data-onderwijs.vlaanderen.be/formulieren/default.aspx?id=835>, accessed on 23 January 2023.

¹⁵⁰ Vlaanderen Onderwijs en Vorming, 'Professionele erkenning van buitenlandse beroepskwalificaties', retrieved via: <https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/bekwaamheidsbewijzen/professionele-erkenning-van-buitenlandse-beroepskwalificaties>, accessed on 20 January 2023.

¹⁵¹ Vlaanderen Onderwijs en Vorming, 'Taalkennis', retrieved via: <https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/aanstellingsvoorwaarden/taalkennis>, accessed on 1 December 2023.

¹⁵² Le portail de l'enseignement en fédération Wallonie-Bruxelles, 'Formes et degrés de l'enseignement secondaire ordinaire de plein exercice', retrieved via: <http://enseignement.be/index.php?page=24547&navi=45>, accessed on 12 December 2022.

¹⁵³ The available bachelor programmes are listed on the website of the French Community: <http://enseignement.be/index.php?page=26826&navi=3427>

¹⁵⁴ Le portail de l'enseignement en fédération Wallonie-Bruxelles, 'Les études pour devenir enseignant', retrieved via: <http://www.enseignement.be/index.php?page=26826#:~:text=Pour%20devenir%20professeur%20de%20l,%20l'enseignement%20secondaire%20inf%C3%A9rieur>, accessed on 12 December 2022.

and (3) the different age groups of students the teacher is qualified to teach. The dossier will be examined by an advisory body specifically set up for this task, namely the *Commission des titres pour l'accès aux fonctions enseignantes*.¹⁵⁵

Regarding the procedure, the experts of the aforementioned *Commission* will verify whether the qualifications and experience can be recognised in the French Community. The procedure itself costs 65 euros. The *Commission* has three months to give an opinion on the application for recognition. This opinion will be used to make the final decision, which is then forwarded to the applicant by the *Direction de la reconnaissance des diplômes étrangers*. Via the PRIMOWEB tool, aspiring teachers can make a simulation of their teaching possibilities, based on their individual profile and teaching qualifications.¹⁵⁶

Next to the recognition procedure itself, the teacher needs to fulfil specific language requirements. For teaching in secondary education, teachers need to give proof of their knowledge of French. Teachers who do not have a formal proof of their knowledge of French can participate in exams which are organised yearly by the *Commission de langue française*. Depending on the position the teacher is applying for, these exams concern the thorough (*approfondie*), satisfactory (*suffisante*) or functional (*fonctionnelle*) knowledge of French.¹⁵⁷ In case the language requirement is not met, it is possible to apply for a derogation of one year, which can be renewed four times.¹⁵⁸

In the German-speaking Community of Belgium, secondary education may be followed by the following types of education: general secondary school (*Allgemeinbildender/technischer Übergangsunterricht*), technical secondary education (*Technischer Befähigungsunterricht*) and occupational secondary education (*Berufsbildender Unterricht*). Generally, education is divided into three stages, each lasting two years (*Beobachtungsstufe*, *Orientierungsstufe* and *Bestimmungsstufe*).¹⁵⁹ Within the regulatory framework of the German-speaking Community, secondary education is provided at schools that are either within the officially subsidised education system (*Offizielle subventionierte Unterrichtswesen*, *OSUW*) subject to public law and organised by the municipalities, or the Community education system (*Gemeinschaftsunterrichtswesen*, *GUW*), subject to public law and organised by the Community, or within the free and subsidised education system (*Freie subventionierte Unterrichtswesen*, *FSUW*) subject to private law and organised by private individuals/organisations.¹⁶⁰ Respectively, a secondary school teacher (*Sekundarschullehrer/in*) submits an application subject to the legislative framework and requirements of the particular

¹⁵⁵ Le portail de l'enseignement en fédération Wallonie-Bruxelles, 'Procédure', retrieved via : <https://equisup.cfwb.be/en/professional-recognition/procedure/>, accessed on 31 January 2023.

¹⁵⁶ Le portail de l'enseignement en fédération Wallonie-Bruxelles, 'Se connecter à Primoweb', retrieved via: <http://www.enseignement.be/index.php?page=28044&navi=4511>, accessed on 3 January 2023.

¹⁵⁷ The relevant decision in this regard by the French Community can be accessed via: https://www.gallilex.cfwb.be/document/pdf/28954_000.pdf.

¹⁵⁸ Le portail de l'enseignement en fédération Wallonie-Bruxelles, 'Examens linguistiques pour enseigner ou travailler dans l'enseignement', retrieved via: <http://www.enseignement.be/index.php?page=27003>, accessed on 3 January 2023.

¹⁵⁹ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Die Schulebenen im Unterrichtswesen in der DG', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2189/4268_read-31599/, accessed on 3 January 2023.

¹⁶⁰ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Die Schulnetze', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2188/4267_read-31598/, accessed on 3 January 2023.

system.¹⁶¹ Therefore, it is difficult to generalise about what type of training a teacher must have since they depend on the applicable system and the position the teacher is applying for, ranging from a higher school diploma to master's degree obtained from a university. In general, a secondary school teacher gives lessons in one or two subjects.¹⁶²

In the German-speaking Community, it is the Ministry (*Ministerium der Deutschsprachigen Gemeinschaft Belgiens*) that is competent to decide on applications for recognition of foreign teacher qualifications. The required documents (informal letter of request, transcript of academic records, list of subjects, and a declaration from the competent authorities in the Member State of origin) must be submitted in German, French, Dutch, or English. Furthermore, next to the recognition procedure, the teacher is subject to language requirements. In secondary education, lessons in German (either language or subject lessons) may be taught only by those who have a 'thorough' command of German. For teachers who give lessons in French (either language or subject lessons), a similar level of French is required, next to a 'sufficient' command of the German language.¹⁶³ In case the teacher does not hold the required proof of German language, they can obtain it by passing exams organised by the Examination Board of the Ministry (*Sprachenprüfungsausschuss Deutsch des Ministeriums der Deutschsprachigen Gemeinschaft*).¹⁶⁴

4.1.5 Conclusions

The above subsections examined the different regulations in place in the EMR regarding the professional qualifications of a secondary school teacher, as well as the procedures for recognising such qualifications in a neighbouring state or region. As this section has illustrated, such a comparison between the qualifications obtained in the home Member State or region (as in the case of Belgium and Germany), and qualifications of secondary school teachers in the host Member State/region, is the central during the recognition procedure carried out by the competent authorities. As there is no harmonisation of the profession of secondary school teacher in the EU, the qualifications and the content of the training greatly varies in the EMR.

¹⁶¹ See Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Beruf: Lehrer', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2294/4395_read-31726/. For instance, for GUW, generally, the secondary school teacher must hold certain qualifications laid down in legislation, or to have obtained a derogation. See here: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2297/4551_read-32186/ The Royal Decree of 22 March 1969 lays down the Staff Regulations for the staff members of the current Community Schools For language teachers, the relevant provision is Article 7(9). For OSUW, the requirements differ according to municipality. See 29 March 2004 staff statute for the staff members of the schools of the official subsidised education system. For FSUW, see 4 December 1998 - laying down the staff regulations for the staff of the free subsidised education system.

¹⁶² Arbeitsamt der Deutschsprachigen Gemeinschaft Belgiens, 'Sekundarschulehrer/in', retrieved via: https://adg.be/desktopdefault.aspx/tabid-5839/9948_read-54564/, accessed on 13 January 2023.

¹⁶³ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Sprachliche Anforderungen für Schul- und Lehrpersonal', retrieved via: <https://ostbelgienbildung.be/desktopdefault.aspx/tabid-6146/>, accessed on 13 January 2023. See also Decree of April 19, 2004 on the teaching and use of languages in education (*Dekret vom 19. April 2004 über die Vermittlung und den Gebrauch der Sprachen im Unterrichtswesen Mehr zum Thema*).

¹⁶⁴ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Sprachennachweise für Personal im Unterrichtswesen', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2315/4283_read-57198/, accessed on 13 January 2023.

What is common in the recognition procedures in all the three countries examined, is that the recognition procedure and the qualifications of the applicant are assessed on a case-by-case basis, with the focus on the applicant's qualifications in their country/region of origin and how they fit into the qualifications in the host country/region. This fact also confirms the necessity of the analysis and comparison of the profession of secondary school teacher in the EMR, as included in this report, in order to increase the transparency of the differences and regulations on them. Indeed, as a general conclusion it can be said that it is recommendable that information is shared on multiple levels. First, it is important that the competent authorities of the EMR cooperate and exchange information, increasing their knowledge of the differences of secondary school teachers' qualifications, which in turn may lead to enhancing (and possibly speeding up) the recognition procedures. Secondly, it would be important to strengthen the information provision to schools and secondary school teachers who are interested in cross-border mobility, which was identified as lacking in the interviews.

Regarding the comparison of the profession of a secondary school teacher in the EMR, a few major differences can be identified. First, unlike in Germany (NRW) and Belgium, where teachers typically teach two (or more) subjects, in the Netherlands teachers are usually qualified to teach only one subject. This was also mentioned as one of the primary barriers to the recognition of qualifications in cross-border mobility from the Netherlands to Germany (NRW) in the interviews. Consequently, this difference may impede secondary school teachers' mobility to neighbouring regions when they have obtained their teacher qualification in the Netherlands since before receiving recognition and being approved to begin teaching, the teacher might need to undergo additional training (compensation period) to develop competences in a second subject.

Secondly, when comparing levels of education, it can be observed that in the Netherlands, some teachers receive their training at HBO-level (higher vocational schools), whereas in Germany, the teachers are educated at universities. The same applies to Belgium, where in general, the teacher has a university degree (although large variations were found among the Communities¹⁶⁵). As an overall remark it can be observed that it is these types of differences which may cause issues in the recognition procedure. One example given during the interviews was in relation to the balance of practice (internships) and theory; training in the Netherlands was indicated to have a larger focus on pedagogy, didactics and practice, compared to Germany. These disparities may also be considered negatively by the competent authorities when assessing the compatibility of a teacher's qualifications. In addition, they may hinder the teacher from integrating into the other educational culture, as was found for mobility between the Netherlands and Germany as well as mobility within the Communities of Belgium, as reported in the interviews.

Due to these differences in the qualifications of secondary school teachers in the EMR, a benefit could be seen from common training programmes and internships across the EMR, that would bridge these differences and enable the teachers to acquire (euregional) competences in each other's respective secondary education system. Instead of seeking harmonisation (such as joint or double degree

¹⁶⁵ For instance, in the German-speaking Community, teachers were subject to different rules depending on whether they were part of a community, municipality, or a funded education system. Belgian teachers who teach in the eerste en tweede graad in the Flemish Community) and *l'enseignement secondaire inférieur* go to a "Hogeschool", thus higher vocational school, for a bachelor's degree.

programmes, that are generally subject to high and long-term investment)¹⁶⁶, several lighter, first steps could be taken.¹⁶⁷ Common training, exchanges or internships across the EMR would be beneficial for teachers in training to learn about the neighbouring education systems and strengthen their knowledge of neighbouring languages, as well as their intercultural and euregional competences. Furthermore, this experience could also be positively evaluated during the recognition procedure and possibly bridge the need to fulfil compensatory measures. Regarding funding, options could be sought from EU-level funds, such as the Erasmus+ programmes that offer funding for teachers to gain experience in teaching in a school abroad¹⁶⁸ or from language-oriented organisations, such as Taalunie promoting the (neighbouring language) education of Dutch, also providing funding for projects and activities.¹⁶⁹

Differences between the profession of secondary school teacher could also be bridged by special training programmes. For instance, a specific teacher trajectory could be developed in the Netherlands within which the teachers would become directly competent in two subjects. In turn, this could potentially avoid the obstacle that teachers from the Netherlands face when they seek recognition in Germany (NRW) and Belgium, where teacher education concludes in competence in two subjects. The only downside of these training programmes is that these may be more interesting for aspiring or recently graduated teachers, rather than those “senior level” teachers who already have completed their education, possess years of experience in the labour market, and would like to avoid following another training programme. Exchanges of “senior level” teachers could also be considered to be organised via a secondment procedure, which would allow the senior level teacher to gain experience in the neighbouring country, while keeping their formal employment (and employment conditions, such as salary) in their Member State of origin. Also, these employment periods during which the teacher gains relevant work experience in the neighbouring country can be evaluated as positive factors by the competent authorities during the recognition procedure.

Regarding the comparison of the recognition procedure itself, in the Netherlands and Germany (NRW), as well as in the Flemish Community and German-speaking Community of Belgium, the recognition procedure is free of charge. The only exception was found in the French Community, where the procedure costs 65 euros. However, the teacher may be subject to translation costs in cases where their documents are not in one of the languages accepted. Nevertheless, documents are often accepted in the neighbouring languages (Dutch, German and French) and in some instances, in English, thus in the EMR, the translated documentation is not likely to constitute a (heavy) obstacle. The EU Directive stipulates a maximum of four months on the duration of the recognition procedure. Indeed, the average processing time varied in the EMR between one month to four months. In Belgium, the recognition procedure results in a certificate of competence that specifies the subject and age range

¹⁶⁶ For the feasibility of this report, the possibilities of joint or double degrees, or harmonisation of the teacher profession in the EMR or on the EU-level, are not considered in-depth. A standpoint is taken that before such a situation can be reached, several (lighter) steps would need to be taken.

¹⁶⁷ See also: Kortese, L. S. J. (2020). *The Recognition of Qualifications in the EU: Blurring the Lines of Competences between the Internal Market and Education*. [Doctoral Thesis, Maastricht University]. Maastricht University, pp. 474-476.

¹⁶⁸ More information can be found here: <https://erasmus-plus.ec.europa.eu/nl/opportunities/opportunities-for-individuals/staff-teaching/school-education-staff-teaching>.

¹⁶⁹ See more here: <https://taalunie.org/informatie/10/financiering-van-projecten-en-activiteiten>.

the teacher is qualified to teach. This also presented an administrative challenge, as such recognition must be applied individually for each subject.

Regarding language requirements, it was found that they were not necessarily part of the recognition process in the countries of EMR, but a condition that was checked by the employing school. The strictest requirements were found in the three Belgium Communities. Although a certain level of language skills may be required in the Netherlands (Dutch) or Germany, NRW (German), such certification was mandatory in the Flemish Community (Dutch, some instances French), French Community (French) and German-speaking Community (German, in some instances French). It was also perceived by the interviewees that in fact, in Belgium the language requirements were interpreted strictly.¹⁷⁰ The (strict) language requirements suggest the need to strengthen the awareness of them, so that teachers interested of cross-border mobility can prepare for obtaining the required certification. Nevertheless, it can be considered as a best practice that even in cases where certain language skills are required, in all three Communities of Belgium exceptions or a “transition period” were available, meaning that in the absence of this certification, the teacher could begin teaching as long as they could fulfil the language requirement within a certain period.

As indicated in the interviews, recognition of qualifications was particularly difficult in terms of potential compensation measures. In fact, the authorities may require these additional training periods for up to three years, as stipulated by the EU Directive. Due to the differences in the content of the training of secondary school teachers in the EMR, and as the interviews confirmed, these compensation periods were often imposed on cross-border mobile teachers. This may influence the teachers' decision to seek employment opportunities across the border, particularly if they already have years of professional experience. In some exceptional situations, the recognition procedure, as explained above, is not always necessary. The following subsection briefly explores alternative paths to begin teaching in a neighbouring country/region, and whether they could provide ground to overcome the obstacles experienced in relation to the recognition procedure.

4.1.6 Alternative paths to teach in a neighbouring country/region

The above section described the general system of recognition of qualifications that secondary school teachers must undergo before they may teach in a neighbouring Member State. Next to this general system, the Directive also provides other, procedurally lighter, options, including *temporary mobility* and *partial access*. While these are relevant in all the regions examined in this report, specific possibilities are also provided on the national or regional level that enable the teacher to begin teaching. This section will first examine options at the EU level, followed by an examination of alternative paths in the three countries.¹⁷¹

4.1.6.1 On the EU-level

The procedure on recognition of qualifications described earlier entails a situation where the professional wishes to permanently *establish* themselves in the neighbouring country. However, under the same EU Directive, it is also possible to provide services on a *temporary basis* without having

¹⁷⁰ See Section 3.

¹⁷¹ Several alternative ways are explored, but the list is not necessarily exhaustive.

to go through an in-depth recognition procedure. In addition, it is also possible to obtain *partial access* to the professional activity.

On the basis of freedom to provide services in the EU, professionals who are established in their home Member State and who wish to work only **occasionally and on a temporary basis** in a regulated profession in another Member State, may do so without undergoing the same recognition procedures as maintained in the case of establishment.¹⁷² Whether the practice of a profession is temporary and occasional in nature, is determined on an individual, case-by-case basis. The duration, frequency, regularity, and continuity of the service provision become relevant in this evaluation.¹⁷³ This option could be interesting, for example, for teachers who give lessons a few times per week in a neighbouring region. Nevertheless, although the rules governing the provision of temporary services are typically more flexible than those governing the permanent establishment of a professional, a formal procedure must still be followed. Before providing the service for the first time, the host Member State may require the professional to submit a declaration.¹⁷⁴ This declaration may be required to include proof that the professional is legally established in a Member State, as well as evidence of their qualifications and good conduct (for example, a clear criminal record).¹⁷⁵

In case the profession poses a risk to public health or safety, such as professions that include the education of minors¹⁷⁶, the authorities may check the qualifications of a service provider entering a Member State for the first time. For this purpose, it may be necessary to provide additional information, such as the content and duration of one's education and professional experience. This check of the authorities is not, however, a comprehensive comparison of the qualifications obtained in the home state and the host state, as required by the recognition of qualifications for establishment purposes. It primarily evaluates if there are substantial differences between the training in the home and host Member State, and if those differences pose a potential risk to the health or safety of the service's beneficiaries. In the event that this evaluation reveals that the disparity is so great that it poses a threat to public health or safety, the authority may impose compensation measures in the form of an aptitude test.¹⁷⁷ If the person must undergo such a test, the professional must be able to start providing the service within one month after this decision has been taken. If the authorities do not provide a decision within two months, the professional may begin providing the service.¹⁷⁸

The Directive also provides for the possibility of **partial access**. Since in some cases the same profession (such as a secondary school teacher) in one Member State may include a larger scope of activities than in the other Member State, the authorities may grant the professional partial access to exercise that profession on a case-by-case basis. This is the case when the person is fully qualified in their home Member State in the professional activity for which they seek recognition, and when the differences of the profession in the two respective states are so large, that the recognition procedure would conclude in compensation measures that would amount to requiring the applicant to complete

¹⁷² Case C-458/08 *Commission/Portugal*, EU:C:2010:692.

¹⁷³ Cases C-55/94 *Gebhard*, EU:C:1995:411, C-215/01 *Schnitzer*, EU:C:2003:662, C-458/08 *Commission/Portugal*, EU:C:2010:692.

¹⁷⁴ Article 7(1) Directive 2005/36/EC as amended by Directive 2013/55/EU.

¹⁷⁵ *Ibid*, Article 7(1)(e): the requirement is specifically extended for professions concerning the education of minors.

¹⁷⁶ Article 7(2)(e).

¹⁷⁷ *Ibid*, Article 7(4).

¹⁷⁸ *Ibid*, Article 7.

a full programme of education and training. The professional activity must also be objectively distinguishable from activities that fall under the receiving Member State's regulated profession.¹⁷⁹ In practice, this means that if a secondary school teacher is only competent in one subject (as is the situation in the Netherlands), but the receiving state requires competencies in two subjects, the teacher could be granted partial access to teach that one subject. For instance, in Belgium, the authorities provide the possibility to obtain partial recognition for qualifications in one subject in this specific situation.¹⁸⁰ In case partial access is granted, the teacher may teach with the professional title of the home Member State (in contrast to full recognition, where the teacher obtains the title in the receiving Member State).¹⁸¹

4.1.6.2. In the Netherlands

There are alternative paths to begin teaching as a secondary school teacher in the Netherlands. This section examines opportunities for becoming qualified via lateral entry, and to work as a teacher in a temporary situation, as a quest/hybrid teacher, as well as under an exemption.

Lateral entry

Those who already have experience of teaching either in primary or secondary education, may apply for a lateral entry (*zij-instroom*), that is, a shortened training of two years. During this training, the teacher candidates are employed within a school and receive a salary. The training results in a formal qualification as a secondary school teacher. This option could be particularly interesting for early-career teachers from the neighbouring countries, who would like to transition to the Dutch labour market.¹⁸²

Depending on the applicant's previous education and work experience, the lateral entry provides possibilities to complete either first- or second-degree qualifications as a secondary school teacher. To be eligible for lateral entry, the applicant must first be appointed at a school as a teacher and provide a certificate of good conduct (*Verklaring Omtrent Gedrag, VOG*). Furthermore, they must have not been enrolled in a teacher training in the past two years. Additionally, they must possess certain competencies, knowledge, and experience relevant to teaching. Also, the applicant must have completed education at the university or higher vocational school (HBO) level, relevant to the school subject for which they wish to qualify. The training occurs in a school selected by the candidate. It is up to the school to determine whether or not to accept a lateral entrant.

After deciding to accept a teacher via lateral entry, the school's board requests a suitability investigation for the candidate. This assessment evaluates the individual situation and skills of the teacher. If the evaluation determines that the teacher is suitable, they may begin teaching. The lateral

¹⁷⁹ *Ibid*, Article 4f.

¹⁸⁰ H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

¹⁸¹ Article 4(f)(5) Directive 2005/36/EC as amended by Directive 2013/55/EU.

¹⁸² An interesting example of a lateral entry program is the recent cooperation framework by the Universities of Radboud and Maastricht. In order to remedy the arising secondary school teacher shortages and to facilitate teacher training in Limburg, the universities now offer a lateral entry program that results in a 1st grade secondary school teacher qualification. Due to geographical proximity, this could be also interesting for aspiring teachers coming from Belgium or Aachen, Germany. See more at:

<https://www.maastrichtuniversity.nl/news/workplace-education-programme-secondary-school-teachers-limburg>.

training is adapted to the specific needs of each individual, although following common guidelines. Under the lateral entry, the candidate may teach without formal qualifications for a maximum period of two years, unless a longer period is justified. The teacher receives the same salary as other teachers during this training period, for which the employer may apply for a subsidy from DUO.¹⁸³ The training concludes with an aptitude test to determine whether the teacher has attained the competences and skills needed in the teaching profession. If the examination is passed, the lateral applicant receives formal qualifications as a secondary school teacher.¹⁸⁴

Lateral entry programmes are also available specifically for language teachers.¹⁸⁵ For instance, due to the shortage of German teachers in the Netherlands, Nuffic (the Dutch organisation for internationalisation in education) offers a 2-year programme for native speakers of German, or a DaF-course (German as a foreign language).¹⁸⁶ Similar possibilities exist for aspiring French language teachers. Native French speakers benefit from a shortened training of 1-2 years, consisting of a paid traineeship in a school and resulting in a formal qualification as a secondary school teacher.¹⁸⁷

Temporary or occasional work as a teacher with foreign qualifications

Pursuant to the EU Directive, it is also possible to teach in the Netherlands on the basis of a temporary and occasional service provision, compared to full integration (establishment). A teacher with foreign qualifications must register at DUO. The registration form requests documentation of education and work experience, as well as proof of identity.¹⁸⁸

Guest/hybrid teacher

Formal teaching qualifications are not required from guest teachers (*gastdocent*, also known as hybrid teacher, *hybride leraar*), if the teaching hours do not exceed six hours a week. Formally speaking, this guest teacher must teach under the supervision of a teacher with a valid qualification. However, the teacher is not required to be physically present during the guest teachers' lessons. Arrangements for guest teaching are made directly with the schools, who may also require a certificate of good conduct (*Verklaring Omtrent Gedrag, VOG*) and a certain level of language proficiency from the teacher.¹⁸⁹

Exemption in exceptional circumstances

The Ministry of Education may grant an exemption to teach a particular subject without a formal qualification in exceptional situations. The exemption may be granted if, for example, the individual

¹⁸³ The subsidy is 20,000€ per lateral entrant at the time of writing.

¹⁸⁴ Onderwijsloket, 'Hoe word ik leraar in het voortgezet onderwijs', retrieved via:

<https://www.onderwijsloket.com/kennisbank/artikel-archief/hoe-kan-ik-zij-instromen-als-leraar-in-het-voortgezet-onderwijs/>, accessed on 17 September 2022.

¹⁸⁵ Find an overview of lateral entry programmes for language teachers in the Netherlands at:

<https://duitslandinstituut.nl/programmas-voor-zij-instromers>, accessed on 17 September 2022.

¹⁸⁶ Nuffic, 'Duale Ausbildung zum Deutschlehrer in den Niederlanden', retrieved via:

<https://www.nuffic.nl/onderwerpen/talenonderwijs/duale-ausbildung-zum-deutschlehrer-in-den-niederlanden>, accessed on 17 January 2023.

¹⁸⁷ Nuffic, 'Formation en alternance pour devenir professeur de français aux Pays-Bas', retrieved via:

<https://www.nuffic.nl/onderwerpen/talenonderwijs/professeur-de-francais>, accessed on 17 January 2023.

¹⁸⁸ Dienst Uitvoering onderwijs, 'Notification: Temporary or occasional services of EU professional qualifications for teaching professions', retrieved via: <https://duo.nl/images/temporary-or-occasional-service-of-eu-professional-qualifications-for-teaching-professions.pdf>, accessed on 17 January 2023.

¹⁸⁹ Onderwijsloket, 'Hoe word ik gastdocent?', retrieved via:

<https://www.onderwijsloket.com/kennisbank/artikel-archief/hoe-word-ik-gastdocent/>, accessed on 17 September 2022.

demonstrates exceptional skills and accomplishments and intends to teach the subject for at least four hours per week on average. The application for such an exemption must be submitted at DUO.¹⁹⁰

Teaching a subject for which there is no teaching training programme

In situations where the teacher intends to teach a subject for which there is no teacher training program, they may teach without formal qualifications required. However, the school may request recognition of their competences at DUO. The recognition may be granted in situations where the teacher teaches the subject on average at least four hours a week, when there is no training that leads to a teaching certificate in the subject, and the teacher demonstrates professional skills in terms of subject matter, didactics and pedagogical skills.¹⁹¹

4.1.6.3 In Germany (North-Rhine Westphalia)

In North Rhine-Westphalia, alternative pathways to teaching as a secondary school teacher are available. This section examines opportunities to become qualified via lateral entry and begin teaching in a temporary situation as well as the possibility to teach at a private school.

Lateral entry

In North Rhine-Westphalia, it is possible to become a teacher via lateral entry (*Seiteneinstieg*) to assist schools in meeting the high demand and teacher shortage. This option only exists when no fully qualified teachers are available. In practice, the school posts a job ad for this position in an online portal.¹⁹² The school may then hire a teacher without teacher training if they possess a (non-teaching) degree in the desired subject area and are deemed suitable. While side entry is restricted at certain levels of education, it is possible in all subjects and professional specialisations at the secondary level.¹⁹³

The side entrants receive training in which they are taught the pedagogical basics of the teaching profession.¹⁹⁴ The extent of this training depends on their background.¹⁹⁵ In general, the pedagogical introduction training consists of two phases: an orientation phase (up to three months) and an intensive phase (up to 9 months).

In general, there are four ways for lateral entrants to obtain qualifications in the teaching profession. With a certain educational background, such as a non-teaching related university degree, two years of professional experience after their studies, and a positive evaluation that the candidate can teach two subjects, the lateral entrant may complete the preparatory service as a two-year part-time period (*Berufsbegleitender Vorbereitungsdienst, OBAS*). This is followed by the state examination. After this, the lateral entrant obtains the same teaching qualifications as those who obtained them through the

¹⁹⁰ Dienst Uitvoering Onderwijs, 'Onderwijsbevoegdheid', retrieved via: <https://duo.nl/particulier/onderwijsbevoegdheid/ontheffing-eisen-benoembaarheid-vo.jsp>, accessed on 17 September 2022.

¹⁹¹ Dienst Uitvoering Onderwijs, 'Erkenning Bekwaamheid Leraar Aanvragen', retrieved via: <https://duo.nl/zakelijk/voortgezet-onderwijs/personeel/erkenning-bekwaamheid-leraar-aanvragen.jsp>, accessed on 17 September 2022.

¹⁹² The portal can be accessed via: <https://www.schulministerium.nrw.de/BiPo/LOIS/angebote>.

¹⁹³ Completed training, health suitability, certificate of good conduct, under 42 years of age.

¹⁹⁴ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Seiteneinstieg', retrieved via: <https://www.schulministerium.nrw/seiteneinstieg>, accessed on 17 September 2022.

¹⁹⁵ *Ibid.*

"general" route.¹⁹⁶ Thus, they may become civil servants, if they meet the attached criterion (see also Section 4.2.1.2).¹⁹⁷

The second option is for those with a bachelor's degree who do not meet the other criteria to participate in part-time preparatory service. Instead, they complete a one-year pedagogical introductory course (*Pädagogische Einführung, PE*) concurrently as they are teaching in a school. As a result, these lateral applicants may teach in the subject area of the appointment, but however, they do not obtain formal teaching qualifications. For this reason, they may be hired as paid employees, but official appointment (as civil servants) is not possible.¹⁹⁸ Thirdly, participation in the PE-course is also possible for those who wish to teach at the lower levels of secondary education (level I), and they may be hired in subject-specific training.

A fourth option exists for entrants with a degree obtained from the university of applied sciences (either a bachelor's or master's), who are employed at vocational colleges in certain technical disciplines¹⁹⁹. They must first acquire a Master of Education degree in a dual study program.²⁰⁰ After that, they follow the 18-month part-time preparatory service (*OBAS*), which concludes with the state examination. After successfully passing the examination, the entrant obtains a formal teaching qualification.²⁰¹

Temporary employment

In the event of teacher shortages, it is also possible to hire teachers on a temporary basis that do not fulfil the requirements on formal qualifications (as substitute teachers, *Vertretungslehrer/in*). This applies, for instance, to university graduates with or without a teaching degree; students who are suitable for teaching; and part-time professionals without teaching qualifications. The school management and school supervisory authorities decide whether the person is suitable for the advertised subject(s).²⁰² The positions are published in a common portal.²⁰³ In principle, substitute teachers perform similar functions as a teacher with qualifications; however, their employment status and conditions may be less beneficial.²⁰⁴

¹⁹⁶ Regulations for part-time training for side entrants and the state examination (*Ordnung zur berufsbegleitenden Ausbildung von Seiteneinsteigerinnen und Seiteneinsteigern und der Staatsprüfung (OBAS)*).

¹⁹⁷ Completed training, health, qualified certificate of good conduct, under 42 years of age.

¹⁹⁸ Ministerium für Schule und Weiterbildung des Landes Nordrhein-Westfalen, 'Pädagogische Einführung in den Schuldienst Handreichung für Schulen, Zentren für schulpraktische Lehrerausbildung und für Seiteneinsteigerinnen und Seiteneinsteiger in Nordrhein-Westfalen', retrieved via:

https://www.schulministerium.nrw/sites/default/files/documents/Handreichung_PEinf.pdf, accessed on 19 September 2022. See also Bildungsland NRW, 'Pädagogische Einführung Sek. I und II', retrieved via:

<https://www.schulministerium.nrw/paedagogische-einfuehrung-sek-i-und-ii>, accessed on 19 September 2022.

¹⁹⁹ Mechanical engineering, electrical engineering, automotive engineering and chemical engineering.

²⁰⁰ Find list of universities that offer dual master programmes: <https://www.pruefungsamt.nrw.de/lehramt-berufskollegs>.

²⁰¹ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Seiteneinstieg', retrieved via: <https://www.schulministerium.nrw/seiteneinstieg>, accessed on 17 September 2022.

²⁰² Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Vertretungseinstellung und andere befristete Beschäftigung nach Angebot', retrieved via: <https://www.schulministerium.nrw.de/BiPo/Verena/angebote?action=501.2093163498041717>, accessed on September 2022.

²⁰³ Find the portal at: <https://www.schulministerium.nrw.de/BiPo/Verena/online>.

²⁰⁴ Regarding e.g., contract duration (temporary) or lower pay, H. Schneider, L. Kortese, "Roadmap and factsheet for the recognition of qualifications for highly demanded professions" (B-Solutions Project), 2019.

Teaching at a private school

In North Rhine-Westphalia, next to public schools, education may also be offered at private schools. Distinction in private schools is made between substitute (*Ersatzschulen*) and supplementary schools (*Ergänzungsschulen*). In substitute schools, teachers are subject to comparable conditions as in the public sector. However, in supplementary schools, the school is not subject to such state regulation and has more freedom in the selection of teachers; also in respect to their education and training: in principle, (recognition of) qualifications is not required.²⁰⁵

4.1.6.4 In Belgium

In the **Flemish Community**, in general, schools must give priority to those with a suitable certificate of competence: either an educational degree in the subject taught or a certificate of pedagogical competence next to the basic diploma.²⁰⁶ Only in **exceptional and temporary situations**, may the school or centre deviate from this requirement and appoint a teacher with a different qualification. This must be declared to the Ministry of Education and Training (*Vlaams Ministerie van Onderwijs en Vorming*) unless the appointment does not exceed 97 days or in case the teacher has the basic diploma but not the pedagogical competence yet. In the latter situation, the exemption of declaration obligation is valid for the time it takes to acquire the pedagogical competence, plus one school year.²⁰⁷ Overall, such an exceptional and temporary appointment may not exceed one school year, and the teacher cannot acquire a formal temporary or permanent appointment (*benoeming*), and s/he is also subject to a lower salary scale.²⁰⁸ Another alternative in the absence of a certificate of competence is when it can be substituted with **relevant professional experience** (*nuttige ervaring*). In fact, up to 10 years of such experience in the private sector as an employee or self-employed person may count toward the seniority (*geldelijke anciënniteit*) in some teacher positions, including those of technical and practical subjects in a secondary school.²⁰⁹ The experience must be recognised by the Flemish Ministry of Education and Training.²¹⁰

²⁰⁵ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen (MSB NRW), 'Informationen zum Entgelt für Lehrkräfte im Tarifbeschäftigungsverhältnis im Schuldienst des Landes Nordrhein-Westfalen', retrieved via:

<https://www.schulministerium.nrw/system/files/media/document/file/Informationen%20zum%20Entgelt%2001.01.2021.pdf>, accessed on 17 September 2022.

²⁰⁶ Vlaanderen Onderwijs en Vorming, 'Soorten bekwaamheidsbewijzen', retrieved via:

<https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/bekwaamheidsbewijzen/soorten-bekwaamheidsbewijzen>, accessed on 23 January 2023.

²⁰⁷ Vlaanderen Onderwijs en Vorming, 'Soorten bekwaamheidsbewijzen', retrieved via:

<https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/bekwaamheidsbewijzen/soorten-bekwaamheidsbewijzen/ander-bekwaamheidsbewijs>, accessed on 23 January 2023.

²⁰⁸ Vlaanderen Onderwijs en Vorming, 'Ander bekwaamheidsbewijs', retrieved via:

<https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/info-voor-starters/bekwaamheidsbewijzen/soorten-bekwaamheidsbewijzen/ander-bekwaamheidsbewijs>, accessed on 23 January 2023.

²⁰⁹ Full list of these subjects where relevant professional experience may be recognized is found here:

https://onderwijs.vlaanderen.be/sites/default/files/2021-07/vakken_gewoon_secundair_onderwijs_nuttige_ervaring_0.pdf.

²¹⁰ Vlaanderen Onderwijs en Vorming, 'Nuttige ervaring', retrieved via:

<https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/je-loopbaan/je-anciënniteit/nuttige-ervaring>, accessed on 23 January 2023.

In the **French Community** a 2016 reform²¹¹ changed the qualifications required for different teaching positions. Aside from having the required qualifications to teach (*titre requis (TR)*), teachers with a “**sufficient**” qualification (*titre suffisant (TS)*) who lack pedagogical training can already start teaching, but they can only get appointed permanently after completing pedagogical training. Especially for teachers in subjects where there is a shortage of (for 2020-2021, this included language teachers at different levels, as well as teachers in Content and Language Integrated Learning (CLIL) education²¹²), if the qualification is mentioned in a pre-set form and has a link with the subject to be taught (*titre de pénurie (TP)*), it is possible to obtain a permanent position if pedagogical training is completed. For qualifications not mentioned in the pre-set forms (*autre titre ou titre de pénurie non listé (TPNL)*), even with pedagogical training present, no permanent appointment is possible, but when there is a shortage, teaching is possible.²¹³ With the involvement of the *Commission Interréseaux des titres de capacité (Citicap)* and the use of the tool PRIMOWEB tool, (aspiring) teachers can assess which subjects they would be able to teach, and in which position (TR, TS, TP or TPNL).²¹⁴

In the **German-speaking Community**, it is also possible to employ teachers who do not fulfil the required qualifications or language requirements specified by law. In this situation of a **temporary shortage of qualified school staff**, the school board must submit a written declaration to the Ministry.²¹⁵ However, those who teach without qualification in this event must acquire the missing requirements in order to have the possibility for a permanent appointment.²¹⁶ Furthermore, missing qualifications can, on some occasions, be substituted with **relevant experience** (*nützliche Erfahrung*), such as with relevant teaching or professional experience, upon decision by the Ministry (*Das Ministerium der Deutschsprachigen Gemeinschaft*).²¹⁷

²¹¹ Décret du 11 avril 2014 réglementant les titres et fonctions dans l'enseignement fondamental et secondaire organisé et subventionné par la Communauté française, which entered into force on September 1st 2016.

²¹² Moniteur Belge, 'Annexe 2.1 de l'arrêté du Gouvernement de la Communauté française du 9 juillet 2020 arrêtant la liste des fonctions en pénurie pour l'année scolaire 2020-2021 pour la zone du Brabant Wallon', retrieved via : https://www.ejustice.just.fgov.be/mopdf/2020/07/22_1.pdf#Page176; accessed on 23 January 2023, see in general also: Fédération Wallonie-Bruxelles, 'Carrières dans l'enseignement: pénurie dans l'enseignement', retrieved via : <http://www.enseignement.be/index.php?page=24944> accessed on 23 January 2023.

²¹³ Wallonie-Bruxelles Enseignement, 'Titres et Fonctions : La réforme des titres et fonctions (RTF)', retrieved via : <https://www.wbe.be/ressources/ressources-reglementaires/titres-et-fonctions/> accessed on 23 January 2023.

²¹⁴ Wallonie-Bruxelles Enseignement, 'Accroches cours-fonctions', retrieved via : <https://www.wbe.be/https://www.wbe.be/citicap/> accessed on 23 January 2023.

²¹⁵ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Nachweis des Mangels an Schulpersonal, das die gesetzlich festgelegten Diplom- und Sprachbedingungen erfüllt', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/4545_read-32194/, accessed on 30 January 2023.

²¹⁶ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, 'Lehrbefähigung', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2314/4425_read-31785/, accessed on 30 January 2023.

²¹⁷ See for instance, Art. 2 and 3 22. März 1969 – Königlicher Erlass zur Festlegung des Statuts der [Personalmitglieder des Gemeinschaftsunterrichtswesens] (on GUW, Community education.)

4.1.6.5 Conclusions

The above section explored various alternative ways for secondary school teachers to become qualified or to begin teaching in a neighbouring country/region.

Pursuant to the EU Directive, next to the general system of recognition (in situations of permanent establishment) it is also possible to offer **temporary and occasional teaching services** in the EMR. This may be especially interesting for those teachers who live and work in a border region and would like to teach a few classes per week in the neighbouring state. Although this option also necessitates formal procedures, it is typically a faster and less intensive procedure than qualification procedures for permanent (establishment) purposes. Temporary provision of teaching services is advantageous not only because it allows the teacher to begin teaching sooner and with less administrative formality, but also because the work experience which is gained can help in the recognition process if the teacher later wants to become permanently established and fully qualified in the neighbouring state. The disadvantage of this option is that what constitutes *temporary* nature is determined on a case-by-case basis, which may leave the teacher uncertain about where the line between temporary and permanent teaching is drawn. Furthermore, it is obviously not an option for teachers who wish to teach in a neighbouring region on a permanent basis. The Directive's **partial access** provision was another option for overcoming professional differences and the resulting compensation measures required under the general system of recognition. The competent authorities could provide this possibility particularly for teachers who received their training in the Netherlands and now wish to transfer to a system in which teachers teach more than one subject (such as Germany, NRW or Belgium).

In **exceptional and temporary situations, such as teacher shortages**, all the regions in the EMR provide options for teachers to begin teaching with fewer formalities required. In the Flemish Community, such a situation must be declared to the Ministry of Education, as well as in the German-speaking Community, where the school board must submit a declaration to the Ministry. Specifically, in the French Community, such an option is available in case of language teacher shortages. However, a general disadvantage can be observed. In a case where a teacher is employed in such an exceptional situation, it usually does not allow for the possibility of permanent appointment, and the teacher may be subject to a lower salary scale. The same applies to a similar exception in place in Germany (NRW), under which *Vertretungslehrer/in* may teach without formal qualifications, but under less beneficial employment conditions. In the Netherlands, such an exception can be provided for teachers by an application at the Ministry. However, it appears that the exemptions are granted on very limited grounds. Moreover, other alternative paths in the Netherlands often were limited to few teaching hours per week.

As an overall conclusion on the possibilities provided under exceptional and temporary situations, it is found that they can be beneficial for teachers to gain experience of teaching in a neighbouring country/region. However, they should not be used as the (only) solution to address the obstacles arising from the recognition of qualifications. Cross-border mobility of secondary school teachers should not only be sought under exceptions or as a temporary solution in exceptional situations, such as teacher shortages. Instead, focus should be placed on finding solutions that would enable the teacher to gain experience and permanent perspectives in a neighbouring (cross-border) labour market.

This section discussed the possibility of becoming a fully qualified secondary school teacher by a **shortened training (lateral entry)** in Germany and the Netherlands. Specifically in the Netherlands, options were targeted at native speakers of neighbouring languages. Next to the recommendation to establish common training programmes that strengthen the intercultural and euregional competences of a teacher (as described earlier in Section 4.1.5), this type of lateral entry programmes could be used to attract (language) teachers from the neighbouring countries. This option is appealing not only because it is shorter in duration than 'regular' teacher education, but also because it includes a training period during which the teacher is employed, reimbursed and has the opportunity to gain relevant teaching experience in the other country. Furthermore, in the majority of cases, lateral entry leads to a formal qualification as a secondary school teacher. However, in Germany (NRW), it is also possible to take a *Pädagogische Einführung*-course if not all preparatory service requirements are met. Positively, this may provide more options for candidates who do not meet the requirements; however, they will not obtain a formal qualification and will not be eligible for employment as civil servants, and the subsequent beneficial employment conditions. Another disadvantage of lateral entry is that it may be of particular interest to professionals beginning their careers, but less appealing to teachers with multiple years of professional experience, for whom the training period potentially would mean a decrease in income or other employment-related benefits. Therefore, instead of lateral entry, other alternative options that allow the teacher to gain experience in teaching in a neighbouring country described in this section may be more interesting for senior-level teachers, next to the recommendation of secondment (Section 4.1.5).

There is also a difference in requirements for qualifications between public and private schools. In Germany, for example, employment is possible at private schools, where, in contrast to federal government requirements, the school has the autonomy to choose its own teachers and no formal qualifications are required by law. However, it is reasonable to assume that schools want to ensure that their students receive a high-quality education. Thus qualifications or specific education and work experience may be considered advantageous in the recruiting process. Nonetheless, a teacher interested in employment opportunities in a neighbouring region could use this option, which would also allow them to gain experience that may also be evaluated positively during the recognition procedure.

This section focused on the main obstacle identified in the interviews, which was the recognition of professional qualifications. As a general conclusion, it can be stated that the use of these alternative paths to facilitate cross-border mobility would focus on providing opportunities for (aspiring) teachers to gain experience in the teaching profession in a neighbouring country/region, which would aid/lead them to become fully qualified there. This would also be advantageous for the education systems in the EMR. Rather than seeking for exceptions to the formal qualifications that are normally required of a secondary school teacher, it would be more advantageous to consider it from a perspective that aims to facilitate access to the profession while maintaining a certain level of qualification of teachers and subsequently the quality of education.

This approach is also more advantageous to the teacher themselves, as their qualifications also have consequences on their employment conditions. As this section has shown, the absence of full qualifications often leads to a lower salary for the teacher or the inability to obtain a permanent employment contract. Because of this is essential that these obstacles as well as their solutions are not considered in isolation from each other, since in fact they have an effect on each other.

Also, in the case of fully qualified teachers, the differences of employment conditions across the EMR become relevant. Employment conditions and salary which may be less favourable, play a role in a teacher's decision to seek employment in a neighbouring country or region. The following section delves deeper into the second category of obstacles analysed in this report: the differences in employment condition across the EMR.

4.2 Differences in employment conditions

As previously indicated, the differences in employment conditions between teachers in the EMR can cause an additional stumbling block when looking at ways to facilitate cross-border teacher mobility. The next section offers an overview of certain employment conditions in the countries and regions of the EMR and is intended to provide a basis to identify similarities and differences found in the teaching profession throughout the EMR.

A division is made by the three countries involved, namely the Netherlands, Germany (North-Rhine-Westphalia), and lastly Belgium (with a further division in the Flemish, French, and German-speaking Communities entrusted with education competencies). A selection of employment conditions will be discussed in the following order: first, the professional status of teachers, second, an indication of the salaries and their composition, and third the provisions on working time and holiday planning.

4.2.1 A Three-country comparison

4.2.1.1 The Netherlands

Since 2020, the **professional status** of teaching personnel no longer depends on the school being either a public authority school or a privately run school. All teaching personnel is governed by private employment law, making them salaried workers part of a two-sided employment contract with the school concerned.²¹⁸ The employment conditions of teaching personnel are set out in collective labour agreements specifically for secondary education.²¹⁹

Salary scales are linked to the nature of the position and relevant staff duties.²²⁰ To reach the maximum salary level in a salary scale, teachers in the Netherlands need to move up through several levels within the given career path.

A specific situation, as mentioned earlier under Section 4.1.6.2, is that of teachers entering the profession through a lateral entry (*zij-instroom*), in which case they have already obtained relevant

²¹⁸ Rijksoverheid, 'Verandering rechtspositie medewerkers in het openbaar onderwijs', retrieved via: <https://www.rijksoverheid.nl/onderwerpen/werken-in-het-onderwijs/verandering-rechtspositie-medewerkers-in-het-openbaar-onderwijs#:~:text=Medewerkers%20openbaar%20onderwijs%20niet%20langer,niet%20langer%20onder%20het%20ambtenarenrecht>, accessed on 19 December 2022.

²¹⁹ The collective labour agreement for 1 January 2022 until 1 May 2023 can be found here: VO-Raad, Collectieve arbeidsovereenkomst voor het voortgezet onderwijs, retrieved via: <https://www.vo-raad.nl/onderwerpen/cao-vo/praktijk-ondersteuning>, accessed on 19 December 2022.

²²⁰ Salary scales from 1 July onwards can be found at: Onderwijsloket, 'Wat verdient een leraar in het voortgezet onderwijs?', retrieved via: <https://www.onderwijsloket.com/kennisbank/artikel-archief/wat-verdient-een-docent-in-het-voortgezet-onderwijs/>, accessed on 20 December 2022.

experience and are taking on shorter teacher education training. Throughout this training, they will not be seen as a trainee, but are considered to be “appointed” at the school. This implies they will have a regular salary as a teacher. A DUO subsidy is available for the school to pay for the training program, but this does not go towards the remuneration of the teacher as such.²²¹

When it comes to **working time and holiday planning**, the teaching hour in and of itself consists of 50 minutes. The maximum of teaching hours per week is set to 26 hours. School holidays count 11,5 weeks in total, with national and religious holidays.²²²

4.2.1.2 Germany (North Rhine-Westphalia)

In **public sector schools** in North Rhine-Westphalia²²³, a teacher’s **professional status** is usually a civil servant employed by the State, *Land*. Teachers obtain a classification to higher service (*gehobener Dienst*) for so-called *Hauptschulen* and *Realschulen* and a classification to senior service (*höherer Dienst*) for *Gymnasien* and vocational schools or are classified in a specific entry-level office.²²⁴

Teachers can be employed as salaried workers by a fixed term or open-ended employment contract in a case of replacement for a member of the teaching staff who is on leave or sick (*Vertretungslehrer/in*), or in a case where the requirements for obtaining the professional status of a civil servant are not met (see also Section 4.1.1.2 for the alternative paths for teaching in North Rhine-Westphalia). In this case, substitute teachers can be subject to more precarious working conditions than those with civil servant status when they are hired to work during a given academic year and required to register as unemployed at the start of the summer holidays.²²⁵ In general, the employment conditions of teachers working as salaried workers are governed by the Collective Agreement for the Public Sector of the Länder (TV-L).

In connection with Section 4.1.2.3, it is interesting to point out that when a school hires a teacher without the appropriate training when there is a teacher shortage (*Seiteneinstieg*), their ability to acquire civil servant status will depend on their background before entering the teaching profession, and linked to this, the training procedure they take on. Teachers in the *Berufsbegleitender Vorbereitungsdienst*, *OBAS* will be able to acquire civil servant status as they can become fully qualified

²²¹ Onderwijsloket, ‘Hoe kan ik zij-instroom als leraar in het voortgezet onderwijs?’, retrieved via: <https://www.onderwijsloket.com/kennisbank/artikel-archief/hoe-kan-ik-zij-instroom-als-leraar-in-het-voortgezet-onderwijs/>, accessed on 20 December 2022.

²²² European Commission: Eurydice, ‘Netherlands: 9.2 Conditions of service of teachers working in early childhood and school education’, retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/netherlands/conditions-service-teachers-working-early-childhood-and>, accessed on 20 December 2022.

²²³ See also, for Germany in general: European Commission: Eurydice, ‘Germany: 9.2 Conditions of service of teachers working in early childhood and school education’, retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/germany/conditions-service-teachers-working-early-childhood-and-school>, accessed on 19 November 2022.

²²⁴ See also: Kultusministerkonferenz, *The Education System in the Federal Republic of Germany 2018/2019*, p. 211.

²²⁵ See for example: CESI, ‘The precarious situation of substitute teachers in Germany: contribution from Bernd Saur (dbb/DPhV)’, retrieved via: <https://www.noprecariouswork.eu/the-precarious-situation-of-substitute-teachers-in-germany-contribution-from-bernd-saur-dbb-dphv/#>, accessed on 19 November 2022.

teachers after successfully completing the state exams.²²⁶ However, teachers in the *Pädagogische Einführung*, PE will not only be able to teach solely in the subject they were appointed to after completing this program, but they will also not become civil servants and remain salaried employees.²²⁷

Private schools (*Ergänzungsschulen*) are not organised by the *Land*, therefore they cannot employ teachers as civil servants. However, Article 7, Section 4 of the German Constitution (*Grundgesetz für die Bundesrepublik Deutschland*) does state that private schools can only be approved by the State in the case where the economic and legal position of the teachers is sufficiently secured.²²⁸ In North Rhine-Westphalia, private schools usually apply the TV – L to their teachers, making them comparable to teachers working as employees in the public school system. Some private schools do offer a type of permanent contract with pay and benefits similar to those of civil servants.²²⁹

In general, the **salary** of teachers is determined by the civil servant's remuneration acts (*Beamtenbesoldungsgesetze – R45 - 60*)²³⁰. After teaching studies are completed and the preparatory service (*Vorbereitungsdienst*) is completed, teachers are usually in scales A 12 when it comes to *Hauptschulen* and *Realschulen* or A 13 (*Realschulen, Gymnasien [Studienrat]*), plus post allowance, with scope for promotion to *Oberstudienrat* (A 14) and *Studiendirektor* (A 15).²³¹

For teachers with civil servant status, the basic salary depends on the salary group and their grade and is supplemented by family and other allowances. Moving up a grade happens generally after two years, and then every three, four, or five years. For salaried employees, social security contributions are deducted, in contrast to civil servants, who are entitled to certain benefits due to their status.

The salary of teachers with employee status, such as temporarily employed substitute teachers (*Vertretungslehrer/in*), is governed by the provisions of the Collective Agreement for the Public Sector of the Länder (TV-L).²³²

In the specific situation of lateral entrants to the teaching profession who are still in their educational training program of the *Berufsbegleitender Vorbereitungsdienst*, they will also be remunerated during

²²⁶ Bildungsland NRW, 'Berufsbegleitender Vorbereitungsdienst (OBAS)', retrieved via: <https://www.schulministerium.nrw/berufsbegleitender-vorbereitungsdienst-obas>, accessed on 19 November 2022.

²²⁷ Bildungsland NRW, 'Pädagogische Einführung Sek. I und II', retrieved via: <https://www.schulministerium.nrw/paedagogische-einfuehrung-sek-i-und-ii>, accessed on 19 November 2022.

²²⁸ Grundgesetz für die Bundesrepublik Deutschland, Art. 7.

²²⁹ Verband Deutscher Privatschulen Nordrhein-Westfalen e.V., 'Lehrer an Privatschulen – das ist wichtig', retrieved via: <http://vdprnw.com/wp-content/uploads/2017/11/Info-%E2%80%93-Lehrer-an-Privatschulen.pdf>, accessed on 19 November 2022.

²³⁰ In the case of North-Rhine-Westphalia, this concerns the Besoldungsgesetz für das Land Nordrhein-Westfalen (Landesbesoldungsgesetz - LBesG NRW: Art. 2 des Dienstrechtsmodernisierungsgesetz für das Land Nordrhein-Westfalen) Vom 14.06.2016 (GVBl. Nordrhein-Westfalen 70.2016,18, S. 310 ff.), zul. geänd. durch Gesetz vom 12.07.2019 (GVBl. Nordrhein-Westfalen 73.2019,16, S. 378 ff.)

²³¹ European Commission: Eurydice, 'Germany: 9.2 Conditions of service of teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/germany/conditions-service-teachers-working-early-childhood-and-school>, accessed on 19 November 2022.

²³² An online salary simulation for teachers with employee status that are subject to the TV-L can be done at: Öffentlicher Dienst.Info, 'Gehaltsrechner TV-L Lehrer 2016b', retrieved via: <https://oeffentlicher-dienst.info/c/t/rechner/tv-l/lehrer?id=tv-l-lehrer-2016j>, accessed on 19 November 2022.

their trainee status at a school. The salary depends on their prior qualifications, and their assignment, linked to the type of school they teach at. Prior professional experience can be considered, but this is treated on a case-by-case basis.²³³

For the salary of teachers at private schools, usually the TV – L salary scales are used to set the amount, although a higher salary is possible in individual circumstances.²³⁴

When it comes to **working time**, the teaching hour consists of 45 minutes. The amount of teaching hours per week depends on the type of school. In a *Hauptschule* 26 to 28 teaching hours per week are to be expected, in a *Realschule* 24 to 28 teaching hours per week, in a *Gymnasium*: 22,2 to 27 teaching hours per week and finally, in a *Gesamtschule*: 21,4 to 27 teaching hours per week.²³⁵ School holidays consist of 12,5 weeks, with national and religious holidays.²³⁶

4.2.1.3 Belgium

In Belgium, the Communities are responsible for education and therefore for establishing the employment conditions of teachers, except for the rules regarding making education compulsory and the retirement of employees in the educational system, which has stayed a federal matter.²³⁷ No separate attention is dedicated to the pension regimes for teachers in the EMR in this study, but the implementation of the competencies of the Communities will be touched upon.

In the **Flemish Community**, the **professional status** of teachers²³⁸ differs in a formal sense from the civil servant status, as the term '*rechtspositie*' is used. Furthermore, a distinction is made between the personnel of public authority schools and the personnel of subsidized schools.

When it comes to hiring teachers, the first distinction is made between personnel under the '*rechtspositieregeling*' and contractual teachers. Under the '*rechtspositieregeling*', a further

²³³ Verband Deutscher Privatschulen Nordrhein-Westfalen e.V., 'Lehrer an Privatschulen – das ist wichtig', retrieved via: <http://vdpnrw.com/wp-content/uploads/2017/11/Info-%E2%80%93-Lehrer-an-Privatschulen.pdf>, accessed on 19 November 2022. Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen, 'Seiteneinstieg in den Schuldienst', retrieved via: https://www.schulministerium.nrw/system/files/media/document/file/broschuere_seiteneinstieg_obas_2202_16.pdf; accessed on 19 November 2022. Bildungsland NRW, 'Besoldung und Entgelt', retrieved via: <https://www.schulministerium.nrw/besoldung-und-entgelt>, accessed on 19 November 2022.

²³⁴ Ministerium für Schule und Bildung des Landes Nordrhein-Westfalen, 'Seiteneinstieg in den Schuldienst', retrieved via: https://www.schulministerium.nrw/system/files/media/document/file/broschuere_seiteneinstieg_obas_2202_16.pdf; accessed on 19 November 2022.

²³⁵ See also: Kultusministerkonferenz, *The Education System in the Federal Republic of Germany 2018/2019*, p. 215.

²³⁶ European Commission: Eurydice, 'Germany: 9.2 Conditions of service of teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/germany/conditions-service-teachers-working-early-childhood-and-school>, accessed on 19 November 2022.

²³⁷ Belgium – Official information and services, 'The powers of the Communities', retrieved via: https://www.belgium.be/en/about_belgium/government/communities/competence, accessed on 25 October 2022.

²³⁸ See also: European Commission: Eurydice, 'Belgium – Flemish Community: 9.2 Conditions of service for teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-flemish-community/conditions-service-teachers-working-early>, accessed on 21 October 2022.

distinction into three categories can be made. First, teachers can be appointed for a fixed amount of time (*tijdelijke aanstelling bepaalde duur*). Second, a so-called 'TADD' status, *i.e. a tijdelijke aanstelling van doorlopende duur* can be obtained when two conditions are fulfilled: (1) a seniority of at least 290 days over at least three school years; out of those 290 days, 200 need to be effectively performed, (2) a positive review by the 30th of June of the school year in which the teacher acquires the 290 days of seniority.²³⁹ The third category consists of the permanently appointed teachers, who need to have obtained their *TADD* prior to the permanent appointment.

Amongst contractual teachers, there is a difference between on the one hand, those hired by the Ministry of Education and Training (*contractueel personeelslid ten laste van het Departement Onderwijs en Vorming, CODO's*) who have a contract of indefinite duration and can accumulate rights for a future statutory employment. On the other hand, contractual staff can be appointed based on the resources of the school itself (*contractueel personeelslid ten laste van het werkingsbudget, COWE's*).²⁴⁰

Acquiring a status under the *rechtspositieregeling* leads to protection against being dismissed because of the permanent status of employment and a guaranteed amount of teaching hours. Next to this, replacement contracts often run only from September to June, with the implication that no salaries are awarded during the summer holiday months of July and August.

The **salary** scales of teachers are linked to specific certificates of competence and are made up of a minimum salary to a maximum salary and are subject to periodic increases on annual and biennial intervals, as well as at the end of a career.²⁴¹

When it comes to **working time**, a teaching hour is set at 50 minutes. The minimal and maximal teaching hours are set between 20 and 29 hours per week. 15 weeks of school holidays, with national and religious holidays, constitute the leave of teachers in the Flemish Community. Four additional legal or reglementary days can be chosen by the school itself.²⁴²

In the **French Community**, the **professional status** of teachers²⁴³ cannot be assimilated with that of civil servants either, but they work under similar legal status, depending on the network where they teach (state or subsidized education).

²³⁹ These preconditions entered into force from September 2021, see also: Vlaanderen Onderwijs en Vorming, 'Tijdelijke aanstelling van doorlopende duur', retrieved via: <https://onderwijs.vlaanderen.be/nl/onderwijspersoneel/van-basis-tot-volwassenenonderwijs/je-loopbaan/je-statuut/tijdelijke-aanstelling-van-doorlopende-duur>, accessed on 21 October 2022.

²⁴⁰ For more information, see Vlaanderen Onderwijs en Vorming, 'Contractueel personeel', retrieved via: <https://onderwijs.vlaanderen.be/nl/directies-en-administraties/personeelszaken/statuut/contractueel-personeel>, accessed on 21 October 2022.

²⁴¹ Salary scales can be retrieved via this website Vlaanderen Onderwijs en Vorming, 'Salarisschalen', retrieved via: <https://data-onderwijs.vlaanderen.be/salaris/schalen/>, accessed on 21 October 2022.

²⁴² European Commission: Eurydice, 'Belgium – Flemish Community: 9.2 Conditions of service for teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-flemish-community/conditions-service-teachers-working-early>, accessed on 21 October 2022.

²⁴³ See also: European Commission: Eurydice, 'Belgium – French Community: 9.2 Conditions of service for teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-french-community/belgium-french-community-overview>, accessed on 21 October 2022.

The **salaries** are determined by function, in relation to the job title. A teacher goes up a salary scale according to pecuniary seniority by predefined increases, set at annual and bi-annual intervals. Salary increases are linked to factors such as the position that is being held, the applicable status, the administrative situation, the required credentials, the nature and volume of work, family circumstances, and seniority.²⁴⁴

Considering the **working time and holiday planning**, a teaching hour consists of 50 minutes, and the weekly minimal and maximal teaching time is set at between 24 and 28 teaching hours. 15 weeks of school holiday, with national and religious holidays. From 2022 onwards, these 15 weeks of school holidays will no longer be the same as the Flemish schools, with a shorter summer break (seven weeks instead of nine) and longer autumn and spring break (two weeks instead of one).²⁴⁵

In the **German-Speaking Community**, the **professional status** of teachers²⁴⁶ varies according to the schools they teach at. Teachers at Community schools (*Gemeinschaftsunterrichtswesen, GUW*) obtain an 'official' status as they are employed by the German-Speaking Community itself, whereas teachers of free subsidized schools acquire a comparable status. This holds true both for subsidized public schools of the municipalities (*offiziellen subventionierten Unterrichtswesen, OSU*) as for the teachers employed on a contractual basis in the subsidized private independent Catholic schools (*freien subventionierten Unterrichtswesen, FSU*).²⁴⁷

Since 1 September 2021, temporary employment in the German-Speaking Community can take on three different forms.²⁴⁸ When first starting as a teacher, a career-entry temporary employment for an indefinite duration (*zeitweilige Bezeichnung auf unbestimmte Dauer ab Dienstbeginn, UZWAD*) can be obtained under certain conditions.²⁴⁹ When these conditions are not met, a teacher can work on a temporary basis for a set duration (*zeitweilige Bezeichnung auf bestimmte Dauer*). A teacher in the UZWAD situation is expected to complete a so-called "career entry phase" (*Berufseinstiegsphase*), the conditions of which include inter alia 720 days of seniority in the position²⁵⁰, before they can obtain

²⁴⁴ Fédération Wallonie-Bruxelles, 'Quels sont les barèmes pour les enseignants ?', retrieved via : <http://www.enseignement.be/index.php?page=27360>, accessed on 22 October 2022.

²⁴⁵ Fédération Wallonie-Bruxelles, 'Calendrier scolaire', retrieved via: <http://www.enseignement.be/index.php?page=23953>, accessed on 21 October 2022.

²⁴⁶ See also: European Commission: Eurydice, 'Belgium – German-Speaking Community: 9.2 Conditions of service for teachers working in early childhood and school education', retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-german-speaking-community/conditions-service-teachers-working>, accessed on 31 January 2023 and Das Bildungportal der Deutschsprachigen Gemeinschaft Belgiens, 'Wie funktioniert die Schule in der Deutschsprachigen Gemeinschaft?', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-5529/9552_read-51640/, accessed on 31 January 2023.

²⁴⁷ Arbeitsamt der Deutschsprachigen Gemeinschaft Belgiens, 'Sekundarschullehrer/in', retrieved via: https://adg.be/desktopdefault.aspx/tabid-5839/9948_read-54564, accessed on 20 December 2022.

²⁴⁸ Das Bildungportal der Deutschsprachigen Gemeinschaft Belgiens, 'Formen der zeitweiligen Bezeichnung/Einstellung im Unterrichtswesen', retrieved via: <https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/>, accessed on 31 January 2023.

²⁴⁹ These conditions can be found at: Das Bildungportal der Deutschsprachigen Gemeinschaft Belgiens, 'Zeitweilige Bezeichnung auf unbestimmte Dauer ab Dienstbeginn (UZWAD)', retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/4545_read-64634/, accessed on 31 January 2023.

²⁵⁰ For more information on this and other requirements, see: Das Bildungportal der Deutschsprachigen Gemeinschaft Belgiens, 'Zeitweilige Bezeichnung auf unbestimmte Dauer (UZW)', retrieved via:

temporary employment for an indefinite duration (*zeitweilige Bezeichnung auf unbestimmte Dauer, UZW*). This position in turn can lead to permanent employment (*unbefristete Bezeichnung*) if such a position becomes available.²⁵¹ A permanent employment position gives the teacher more job security in case of, for example, a decline in the number of pupils at the school.²⁵²

It is important to note that for this procedure, the term “*Bezeichnung*” is used in the *Gemeinschaftsunterrichtswesen (GUW)* and the *offiziellen subventionierten Unterrichtswesen (OSU)*, but the *freien subventionierten Unterrichtswesen (FSU)* uses the term “*Einstellung*”.²⁵³

Salaries are determined by various factors such as the post that is being held, the statutory situation of the teacher in question (temporary/definitive), the position, the qualifications and the size of the post occupied, next to the family situation, and the seniority of the teacher. Salary tables are divided into 11 to 15 levels and linked to (bi)annual increase until a maximum after 22-29 of service.²⁵⁴

Like the **working time** in its counterparts, the teaching hour in the German-speaking Community is set at 50 minutes. For lower secondary education, the amount of teaching hours per week is set at 22 to 24 teaching hours, whereas in upper secondary education, the week consists of 20 to 22 teaching hours. 15 weeks of school holidays, with national and religious holidays, constitute the leave for teachers in the German-Speaking Community of Belgium.²⁵⁵

4.2.2 Conclusions

When it comes to the various employment conditions in the different countries/regions responsible for education in the EMR, both similarities and discrepancies are apparent.

Regarding professional status, the countries differ, ranging from a system fully without civil servant status for teachers (the Netherlands), to systems with a comparable form under a different name (certain parts of Belgium), to a system where the majority of teachers are still civil servants (Germany). Each of the regions in the EMR has a system for using salaried workers in education as well. In general, the differences regarding professional status are particularly country-bound and give rise to questions regarding acquiring professional status in some cases, and the building (and possible transfer) of

https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/4545_read-64637/ accessed on 31 January 2023.

²⁵¹ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, ‘Zeitweilige Bezeichnung auf unbestimmte Dauer (UZW)’, retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/4545_read-64637/, accessed on 31 January 2023.

²⁵² European Commission: Eurydice, ‘Belgium – German-Speaking Community: 9.2 Conditions of service for teachers working in early childhood and school education’, retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-german-speaking-community/conditions-service-teachers-working>, accessed on 31 January 2023.

²⁵³ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, ‘Formen der zeitweiligen Bezeichnung/Einstellung im Unterrichtswesen’, retrieved via: <https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2304/>, accessed on 31 January 2023.

²⁵⁴ European Commission: Eurydice, ‘Belgium – German-Speaking Community: 9.2 Conditions of service for teachers working in early childhood and school education’, retrieved via: <https://eurydice.eacea.ec.europa.eu/national-education-systems/belgium-german-speaking-community/conditions-service-teachers-working>, accessed on 31 January 2023.

²⁵⁵ Das Bildungsportal der Deutschsprachigen Gemeinschaft Belgiens, ‘Schulkalender und Ferienregelung’, retrieved via: https://ostbelgienbildung.be/desktopdefault.aspx/tabid-2212/4397_read-31727/, accessed on 31 January 2023.

seniority in others. Teaching across the border can sometimes become an obstacle when going towards civil servant status or a comparable one in a specific school district in a different country.

Specifically for cross-border mobile secondary school teachers in the EMR, the differences in professional status and the different systems for acquiring civil servant status or a permanent position, in general, can make a big difference. For example, for teachers coming from Germany, wanting to teach in the Netherlands, this could mean losing their civil servant status and all the benefits attached to it. On the other hand, teachers going in the opposite direction might find the prospect of a civil servant status in Germany appealing, and it might be an incentive to obtain civil servant status abroad after the changes in the Netherlands. Nevertheless, all systems in the EMR are in a sense geared towards building seniority in one system to obtain more job security. For example the number of teaching days required in the Flemish and German-Speaking Communities to get as much as a temporary employment for an indefinite duration at a certain school. **This means it is not only important to get prior seniority in a different country or region of the EMR recognised, but also that a second type of seniority or rather loyalty to a school system is valued.** This requires an investment of effort and time for cross-border secondary school teachers to obtain the same type of job security that they might have already secured in (a different community of) their home Member State.

Regarding salaries, each system has its own structure with salary scales, which depends a lot on the personal circumstances and the seniority of the teacher. Salary scales are often linked to the seniority a teacher has, which for a cross-border teacher, also links to how their possible previous experience or qualifications are recognised in the system of a different region of the EMR. Linking back to the interviews, differences in the wages as such could also discourage senior-level teachers from Germany from going to the German-Speaking Community in Belgium and might also influence the decision of early career teachers in deciding where to start their career. In some cases, such as in the Netherlands for teachers arriving through the lateral entry possibility, teachers can be encouraged to enter the profession on an equal footing as they do receive payment as a “regular” teacher throughout their training period.

Teaching hours range from 45 minutes to 50 minutes, but regarding the working time, most differences can be found in the amount of teaching hours across borders. Each region has adapted the holiday planning to its own specificities and teaching culture, leaving teachers in multiple countries/communities to be mindful of their schedules. Even within country borders, such as in Belgium, the French Community has the power to decide virtually unilaterally on the changing of holiday times, a fact that was highlighted during the interviews and has resulted in some Flemish teachers changing their minds about teaching across the (language) border.²⁵⁶ This shows the importance and influence the employment conditions of neighbouring regions can have on fostering a climate where teaching across (language) borders is encouraged. The differences in teaching hours can be seen as not an “obstacle” per se, but rather a testament to the specific teaching culture inherent in the different (communities of) the Member States that a future cross-mobile teacher needs to be aware of.

²⁵⁶ See also: Le Vif, ‘Enseignants en immersion: le nouveau calendrier scolaire, cette goutte de trop (carte blanche)’, retrieved via : <https://www.levif.be/opinions/enseignants-en-immersion-le-nouveau-calendrier-scolaire-cette-goutte-de-trop-carte-blanche/>, accessed on 30 January 2023.

The different systems and approaches in the different regions, coupled with the different pathways of becoming a teacher can often make it difficult for an (aspiring) cross-border teacher to get access to the right information, or, for that matter, up-to-date information, as the field of education in each of the regions has seen many reforms in the last couple of years. The Netherlands for example had a change in the professional status of teachers in 2020, the German-Speaking Community had a new structure for their temporary employment, and the education system in the Flemish Community is currently under a gradual review until 2025.

A common point to all the systems, however, is that the permanent employment situation (whether civil servant status exists in the system or not) leads to access to better employment conditions. Particularly in the context of cross-border mobility of secondary school teachers, making sure to have fulfilled all conditions to get to a situation of permanent employment can pose a challenge when experience and qualifications from abroad are involved.

As a concluding note to this section, it should be noted that these small and large differences between the employment conditions are not necessarily negative, as they can also be an incentive for teachers to work across the border. The conditions of employment are of course of importance to every teacher, but their value as a deciding factor on whether or not to seek employment across the (language) border might also depend on the career stage of the teacher and their personal circumstances. For senior-level teachers, the findings of this section support the recommendation as made in Section 4.1 regarding the possibility of secondment, that would allow the teacher to retain their employment conditions in the current position in their home Member State, while teaching in another school across the border.

In general, the differences in employment conditions cannot be disentangled from the recognition of qualifications, as the two often go hand in hand. The recognition of qualifications can give way to better employment conditions for the cross-border teacher, leading to the conclusion that a holistic approach to teaching across (language) borders is needed.

As the following subsection will show, next to the interlinked consequences for the recognition of professional qualifications on employment conditions, the employment conditions (namely the status of a teacher) may affect the Member State in which they are liable for taxation and social security contributions. The following section will examine the final category of obstacles analysed in this report, namely those related to social security and taxation.

4.3 Obstacles to social security and taxation

The section below briefly describes the consequences of taxation and social security for cross-border secondary school teachers. As will be discussed later in the following subsections, these consequences depend to a great extent on the independent circumstances of the teacher. There are several possible situations that may arise when teachers move across national borders, including relocating with their job and changing their place of residence, beginning a long-term teaching position, or taking on a temporary or part-time teaching position. Each of these specific circumstances may influence the outcome of the social security and taxation of the teacher. For the feasibility of this research, this section will place emphasis on cases in which the mobile teachers are considered *cross-border workers* (working in one state, living in the other), in line with the interview findings (Section 3). Furthermore, as has been addressed in the methodology-section of this report, it is to be noted that in this report,

'cross-border mobility' does not only encompass movement across a national border, but also a community border. However, obstacles to social security and taxation have to be addressed differently, since they are regulated at the national level and obstacles potentially arise when crossing national borders.

First, a brief overview on aspects of social security will be discussed, followed by a similar overview of tax legislation in cross-border situations. Finally, conclusions are made in relation to the obstacles that secondary school teachers in the EMR experienced in this regard.

4.3.1 Social security: based on the teacher's capacity as an insured person

Social security encompasses the teachers' rights to social benefits, such as family and healthcare benefits. In a cross-border situation (e.g. when the teacher resides in one Member State and works in another), at the EU level Regulation 883/2004 lays down rules on the coordination of social security systems of the Member States and on which Member State's social security legislation the person is subject to. Based on the principle of exclusivity, persons subject to the Regulation²⁵⁷ are covered by the legislation of one Member State.²⁵⁸ Practically, this means that the teacher pays social security contributions in that state (the competent Member State) and may receive benefits there on the basis of the requirements laid down in the respective national legislation.

By the main rule, persons are subject to the legislation of the State of their employment (*lex loci laboris*).²⁵⁹ However, in some specific situations such as when the teacher qualifies as a civil servant (such as in Germany), he/she is subject to the social security system of the state of the administration (in this case; the employing school).²⁶⁰ In most cases, however, these two states coincide (the state where the teacher actually works; and the state where the school is located). In situations where the school (as employer) is located in a different state from the state where the work as a teacher is performed, these two different conflict rules applicable on other hand, to "regular" employees, and on the other, to civil servants, may have different consequences. Although this will only occur in a few cases, this can occur if a teacher living in the Netherlands, and employed by a German school, actually performs his work as a teacher in Belgium.

Some examples below clarify the functioning of these rules:

- The teacher resides in the Netherlands and starts full-time teaching at a secondary school in Germany. His/her social security will shift from the Netherlands to Germany, irrespective of whether he/she qualifies as either a civil servant or employee in Germany.²⁶¹

²⁵⁷ According to Article 2 of Regulation 883/2004, the Regulation applies to nationals of a Member State, stateless persons and refugees residing in a Member State who are or have been subject to the legislation of one or more Member State, family members and survivors.

²⁵⁸ Article 11(1) Regulation 883/2004. See also CJEU 12 June 1986, 302/84, ECLI:EU:C:1986:242 (Ten Holder) where the Court advocated a strict application of the exclusivity principle.

²⁵⁹ Article 11(3)(a) Regulation 883/2004.

²⁶⁰ Article 11(3)(b) Regulation 883/2004.

²⁶¹ Article 11(3)(a) either (b) Regulation 883/2004.

- The teacher resides in Belgium, and starts full-time teaching at a secondary school in Germany. His/her social security will shift from Belgium to Germany, irrespective of whether he/she qualifies as a civil servant.²⁶²
- The teacher resides in Germany, works as a teacher in Belgium, and is qualified as civil servant in an employment relation under public law for a Dutch education institution. He/she will be socially insured in the Netherlands.²⁶³

As mentioned above, these examples cover the situation when the teacher is employed in a different Member State than the one in which they reside. Special rules are applied to those who work simultaneously in two or more Member States²⁶⁴, or work as posted workers.²⁶⁵

As these examples illustrate, in a case where a teacher begins employment in a school located in another Member State, it often also leads to a situation where their social security coverage is also subject to a change. As the entitlement and the substance of social security benefits, for instance healthcare insurance, differ between the States, it may lead to either a better or worse outcome for the teacher. Indeed, the EU Regulation only coordinates the social security systems, and does not harmonise them.²⁶⁶

Regarding health insurance, the above findings also mean that a teacher is generally insured for healthcare in the State where they work. Between the countries differences may also exist regarding, for instance, the content of the public insurance package (care which is reimbursable), and the amount of premiums and personal contributions that must be made. Cross-border workers, in principle, have a choice to receive healthcare in either of the States of their employment or residence.²⁶⁷ Practically, this is done via S1-form, given by the competent institution.²⁶⁸ Family benefits, for instance childcare allowance, are also generally paid by the competent State as designated by the conflict rules of Regulation 883/2004. However, in cross-border situations it is possible that the family is entitled to benefits from two states. Then, on the basis of both parents' situation, a decision is made on which state has the primary responsibility for paying benefits, while the second Member State may provide for supplementary benefits.²⁶⁹ Again, it has to be noted that since in the EU there is no harmonisation of social security benefits, family benefits also differ greatly between the Member States, and in the EMR.²⁷⁰

4.3.2 Taxation: based on the teacher's income earned

In a cross-border situation, the taxation of a teacher is decided on the basis of bilateral concluded tax treaties, which have been concluded between two contracting states. They allow two or more States under their national tax laws to tax the elements of income. It is to be noted that, for instance contrary

²⁶² Article 11(3)(a) either (b) Regulation 883/2004.

²⁶³ Article 11(3)(b) Regulation 883/2004.

²⁶⁴ Article 13 Regulation 883/2004.

²⁶⁵ Article 12(1) Regulation 883/2004.

²⁶⁶ Article 153 Treaty on the Functioning of the European Union (TFEU). OJ C 326, 26.10.2012.

²⁶⁷ Article 17 Regulation 883/2004.

²⁶⁸ Article 24 Regulation 987/2009.

²⁶⁹ See Articles 67-69 Regulation 883/2004.

²⁷⁰ See also: https://europa.eu/youreurope/citizens/work/unemployment-and-benefits/family-benefits/index_en.htm#benefits-differ.

to Regulation 883/2004²⁷¹ in the sphere of social security, tax treaties attribute taxing rights on the basis of elements of income, rather than relying on the element of persons. Furthermore, contrary to Regulation 883/2004, within tax treaties an exclusivity principle does not apply, i.e., taxing rights may be either attributed exclusively to the residence state, exclusively to the source (of income) state, or as a *shared* taxing right to both these states.

To this end, a tax treaty specifies for each category of income whether the residence state or the source state holds the primary taxing right (the so-called 'allocation rules'). If this primary taxing right is allocated to the residence state, the source state must refrain from taxation altogether. If, on the other hand, the primary taxing right is attributed to the source state, the state of residence will often still be allowed to include the relevant component in the worldwide income taxed by this state, albeit that the state of residence must prevent effective double taxation of the component attributed to the source state through exemption or credit.

With regard to above, it must be noted that tax treaties, in themselves, do not create taxing rights, but rather allocate (existing) taxing rights to contracting states, i.e., they are granted as 'permissive'. It follows from this that the charge to tax is found in a state's national law. However, to what extent the teacher's income will actually be taxed, taking into account Belgian, German and Dutch national tax laws, is not discussed in this section. Incidentally, it is also difficult to determine the extent to which taxation in one state or the other is advantageous or disadvantageous to the mobile teacher in question. After all, this also depends on the entire income position and personal circumstances that can be taken into account in this regard.

It should be noted that tax treaties are concluded between two (of these three) Member States. It should also be noted that the qualification of income earned as an employee (private employment relationship) or as a civil servant (public employment relationship) plays a central role in this regard, i.e. what treaty provision applies. It is further assumed that the teacher qualifies as a frontier worker (returning to his home state at least once a week) and qualifies for the profession of teacher as a civil servant, under public law, in Belgium and Germany. In the Netherlands, as of 1 January 2020, teachers legally qualify as an employee, as described in Section 4.2.1.2. The tax treaties concluded between the EMR-countries (Belgium, Germany, and Netherlands) stipulate the following when it comes to the division of taxing rights on income between these countries, earned as a (cross-border) teacher.

The principle rules on the distribution of taxing rights are as follows:

- **Tax treaty Netherlands-Germany:** teacher resides in the Netherlands, and works (qualified as civil servant) in Germany: the income is taxable in Germany.²⁷² Conversely, if the teacher

²⁷¹ Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems [2004] OJ L 166.

²⁷² Art. 18 (1) Tax treaty concluded between the Netherlands and Germany. Art. 19 of the treaty does not apply to secondary school-teachers. On the basis of this provision professors or lecturers who receive rewards for teaching or conducting scientific research must pay tax on these elements of income. It may happen that a professor from Germany teaches at a university in the Netherlands or vice versa (a Dutch professor teaches at a university in Berlin). Article 19 of the tax treaty regulates which country (the Netherlands or Germany) may tax the remuneration they receive for their work.

resides in Germany, and works as a teacher in the Netherlands (qualified as employee), the income is taxable in the Netherlands.²⁷³

- **Tax treaty Belgium-Netherlands:** teacher resides in the Netherlands, and works (qualified as civil servant) in Belgium: the income is taxable in Belgium.²⁷⁴ Conversely, if the teacher resides in Belgium, and works as a teacher in the Netherlands (qualified as an employee), the income is taxable in the Netherlands.²⁷⁵
- **Tax treaty Germany-Belgium:** teacher resides in Germany, and works (qualified as a civil servant) in Belgium: income taxable in Belgium.²⁷⁶ Conversely, if the teacher resides in Belgium, and works as a teacher in Germany (qualified as a civil servant), the income is taxable in Germany.²⁷⁷

However, it is important to know that exceptions to these general rules may apply in the field of education. For instance, the tax treaty between Netherlands-Belgium and Netherlands-Germany provides that if certain criteria are met, the teacher may be subject to the tax rules of the state of their residence for a maximum of two years from the beginning of their employment.²⁷⁸

It is also worthwhile to note that the distribution of taxing rights does not only have an effect on the teachers' net income directly, but also more indirectly via tax allowances and advantages. In principle, the state of residence is responsible for taking into account someone's (tax) ability to pay. Governments do so via tax allowances and advantages, such as the, often well-known, interest deduction for mortgages.

In cross-border settings, the so-called *Schumacker*-criterion is relevant.²⁷⁹ The Court of Justice of the European Union (CJEU) indicated in, among others, the *Schumacker* ruling²⁸⁰ that if the foreign taxpayer does not have sufficient taxable income in the state of residence and all or almost all of the taxable income is earned in the state of employment, the state of employment is obliged to provide for the personal situation, as that is where the taxable income is located. Two elements of this ruling became well-known as the *Schumacker*-criterion: (1) all or almost all income is acquired in the country of work; (2) insufficient taxable income in the country of residence to take account of the personal situation. In the Netherlands, this is translated as the 90%-criterion for qualifying as qualified foreign taxpayer, i.e. 90% of the worldwide income should be taxable in the Netherlands in order to have a

²⁷³ Art. 14 (1) Tax treaty concluded between the Netherlands and Germany.

²⁷⁴ Art. 19 (1)(a) Tax treaty concluded between the Netherlands and Belgium. Art. 20 of the treaty does not apply to secondary school-teachers.

²⁷⁵ Art. 15 (1) Tax treaty concluded between the Netherlands and Belgium.

²⁷⁶ Art. 19 (1) Tax treaty concluded between Belgium and Germany. Art. 20 of the treaty does not apply to secondary school-teachers.

²⁷⁷ Art. 19 (1) Tax treaty concluded between Belgium and Germany.

²⁷⁸ Find more information at the website of Belastingdienst:

<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/priv/internationaal/verdrag/en/belastingverdrag-met-belgie/belastingverdrag-met-belgie#onderwijs> (BE-NL) and

<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/priv/internationaal/verdrag/en/belastingverdrag-met-duitsland/#onderwijs> (for NL-DE).

²⁷⁹ See also: P. Mertens, Welk land houdt nu rekening met de fiscale draagkracht?, Vakblad Grensoverschrijdend Werken, nr. 32, 2020.

²⁸⁰ Case C-297/93 *Schumacker*, ECLI:EU:C:1995:31.

right to tax allowances and benefits in the Netherlands.²⁸¹ In Belgium, this percentage is 75%²⁸² and in Germany again 90%²⁸³. While fulfilling these criteria may be less of a problem for a teacher whose only employment and income is from one Member State, for teachers who work in two states it may result in a *salary split*, where income is taxed in two countries. A salary split can again have implications for fulfilling the Schumacker-criterion and having access to tax allowances and benefits. This issue is similar to working from home as a cross-border worker.²⁸⁴

Tax declarations were frequently mentioned as time-consuming in the interviews, especially when they had to be completed in two countries. In principle, a cross-border worker has to file tax returns in both countries (to comply with the national law of both countries). However, if certain conditions are met, non-resident taxpayers can be exempted from the obligation to file a tax return.²⁸⁵

4.3.3 Conclusions on the obstacles of social security and taxation

As the above section illustrates, the legal framework applicable to social security and taxation is a complex one and is highly dependent on the individual circumstances of the secondary school teacher. This also explains the uncertainties that the teachers who were interviewed, and schools experienced. Moreover, as this section described, it is vital to consider these aspects as frequently employment in a neighbouring country leads to changes in the teacher's social security, and taxation, and may be (dis)advantageous for the teacher. In a case where precise information for the teacher is not available, it may also lead to hesitancy concerning cross-border mobility (as also shown by the interviews). The impact is not limited to just salary or income, as it also affects family benefits such as childcare, health insurance, and tax deductions for expenses such as mortgages.

Once again, it was shown that the differences in employment conditions across the EMR, i.e., whether the teacher qualifies as a civil servant, may have an impact on the state where the teacher is subject to social security contributions and taxation. Again, the importance of a comprehensive (holistic) perspective on these obstacles arises. Regarding the obstacles on social security and taxation it can be concluded that the provision of information to cross-border mobile teachers should be enhanced in order to avoid obstacles arising from inaccessible information or ambiguity. In cross-border work in general, several good initiatives can be identified. For instance, Cross-border Information Points (GIPs) provide information for cross-border workers.²⁸⁶ However, cross-border mobile secondary school teachers could benefit from specific information applicable particularly to their profession and circumstances.

The above section mainly focused on social security and taxation of cross-border workers, i.e. those teachers who are employed in one state and reside in another. It is worthwhile to mention in the light

²⁸¹ Article 7.8 Wet IB 2001.

²⁸² Article 243/1 WIB 1992.

²⁸³ Article 1a Einkommensteuergesetz.

²⁸⁴ See for instance the ITEM Cross-Border Impact Assessment 2021 on working from home.

²⁸⁵ See, for instance, such exception in place in the Netherlands: Belastingdienst, 'Verklaring vrijstelling van aangifte voor buitenlandse werknemers', retrieved via:

<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/priv/internationaal/internationale-belastingregels/verklaring-vrijstelling-aangifte-inkomstenbelasting-buitenlandse-werknemers/#:~:text=U%20kunt%20een%20verklaring%20bij%20ons%20aanvragen&text=dat%20u%20een%20Overklaring%20wilt,om%20welk%20jaar%20het%20gaat>, accessed on 1 February 2023.

²⁸⁶ See more here: <https://www.grensinfo.nl/nl/>.

of the recommendations made in respect to recognition of qualifications and the differences in employment conditions that indeed, secondment or posting of workers (teachers) could lead to an exemption to these general rules on social security and taxation, where the teachers could retain their right to benefits in their original Member State. Further research could focus on the assessment of the possibilities for the secondment of secondary school teachers across borders.

5. Conclusions and recommendations

This report analysed selected legal and administrative obstacles surrounding the cross-border mobility of secondary school teachers in the Euregio Meuse-Rhine (EMR) with the aim of developing recommendations for overcoming them.

The research found that cross-border mobility of secondary school teachers is currently limited.²⁸⁷ However, there is great potential to increase this mobility and to use it (also) as a measure in mitigating teacher shortages in language and Content and Language Integrated Learning (CLIL) education, especially in the regional labour market such as the EMR. However, it was also found that numerous obstacles impede the cross-border mobility of teachers. The report concludes that the case examples gathered through interviews confirm the three clusters of obstacles identified by the literature review, with **recognition of professional qualifications** being viewed as the most prevalent barrier in the cross-border mobility of secondary school teachers. Other obstacles emerged from **differences in the employment conditions**, as well as **social security and taxation**. This report provided an in-depth analysis of these three categories of obstacles.

Regarding the recognition of professional qualifications, the obstacle was found to arise from the differences in the profession of a secondary school teacher in the Euregio Meuse-Rhine. Since the profession of a secondary school teacher is a regulated, thus protected profession in all the regions examined in this report, such recognition is necessary before the teacher may begin teaching in a neighbouring region. Although procedural aspects are harmonised by the EU Directive, there is no harmonisation on the profession of teachers, thus their recognition is carried out on a case-by-case basis, with a focus on comparing qualifications from the home country or region to those in the host country or region. The absence of harmonisation leads to the situation that the profession of a secondary school teacher is differently regulated by the Member States, or in the case of Belgium, by the Communities, and in the case of Germany, by the States (*Länder*), resulting in differences in the EMR. Due to these differences, as examined in this report, cross-border mobile secondary school teachers face an obstacle: in many cases, they are not directly recognised in the neighbouring country unless they could complete compensation measures, usually in the form of additional training. These measures may be imposed for the maximum of three years pursuant to the Directive, thus, cross-border mobile teachers may be required to undergo lengthy and extensive additional training before they may begin teaching in a neighbouring country or region.

This report also examined alternative paths for teachers to obtain qualifications, or to begin teaching in a neighbouring country that do not in principle require (the recognition of) qualifications in the first instance. Although many exceptions to formal qualifications are implemented as a result of the pressing teacher shortages in the EMR, most often these alternatives lead to the outcome of less

²⁸⁷ See Annex I.

favourable employment conditions compared to that of fully qualified teachers: being subject to a lower salary scale or the impossibility of being appointed for a permanent employment contract. Furthermore, such differences in employment conditions were also found to discourage mobility of teachers, even in a situation where they would be fully recognised. Indeed, the professional status of teachers varies across different countries in EMR, with some countries having fully non-civil servant status for teachers, while other teachers enjoy the status of a civil servant (or a comparable), subject to more beneficial terms of contract, salary and social security benefits and taxation regimes. Also, other factors such as misalignment of holiday planning between the neighbouring regions were found to discourage the mobility of secondary school teachers.

Regarding the obstacles to social security and taxation, it was found that these obstacles are typically known to cross-border workers (including those outside the teacher profession). As the overview of social security and taxation illustrated, the legal framework is highly complex and requires a case-by-case analysis of the individual circumstances of the teacher. Since cross-border mobility may change the Member State in which the teacher is subject to social security and taxation it is also a factor that can either be an incentive or a deterrent for such mobility. Furthermore, the interviews confirmed that the teachers experienced burdens at the administrative level, such as those stemming from differences in the degree of digitalisation of systems between countries and the uncertainty caused by a lack of information regarding how certain documents, such as income declarations, should be filled out in a cross-border situation. On top of this, the many recent changes in each of the education systems of the EMR can cause a lack of clarity.

This report emphasises the importance of not viewing these obstacles to the cross-border mobility of secondary school teachers as distinct from one another. Instead, a comprehensive – holistic – image of these obstacles should be adopted, that forms one reality for a cross-border mobile teacher. Indeed, solutions to these obstacles should also be sought; although solutions to overcome the most prevalent obstacle, namely recognition of professional qualifications, might be found, teachers may still be discouraged from exercising cross-border mobility if it results in the loss of more favourable employment conditions. Another situation that illustrates this complexity was when the report found that the teacher's seniority, i.e., the teachers' years of working experience and the "loyalty" to a school, was not always directly translatable in the teacher position in the neighbouring region, i.e., not accumulating towards a permanent appointment and more favourable employment conditions. While these factors may play a lesser role in a newly graduated, early-career teacher, they were found to have an impact on more senior teachers who had been active in the labour market for a longer period of time. In the analysis of the social security and taxation related obstacles, another example of the interconnected nature of these obstacles was provided. Again, different employment forms and conditions, and specifically whether a teacher was a civil servant, were found to influence in which state the teacher is entitled to social security benefits, such as family benefits or healthcare.

To overcome these obstacles and to facilitate the cross-border mobility of secondary school teachers in the EMR this report recommends the following:

1. Strengthen (central) information provision in the EMR. One of the main findings of this report (confirmed by the interviewees and the authors themselves during the research) was that the availability of information on the recognition of qualifications, employment conditions, social security, and taxation was deemed insufficient, since it is fragmented over various sources, available only in one language, and in some situations, the information was found to be outdated. The absence of

information and the ambiguity of these legal and administrative documents has the potential to discourage teacher mobility or a school's interest in employing cross-border mobile teachers. To enhance information provision on cross-border mobility, it is recommended to:

1a. Develop targeted information on cross-border mobility for teachers and schools in the form of a central point for information in the EMR. In line with the existing Cross-border Information Points (GIPS), this central point would be developed specifically for cross-border mobile (secondary school) teachers including specific, accurate and up-to-date information on relevant aspects of cross-border work (social security, taxation, recognition procedures, and education systems), in all neighbouring languages of the EMR. The findings of this report, as well as the factsheets developed in the course of the B-solutions project, can serve as a starting point to improve information provision in this area. As opposed to information points established at the national level, a central information point in the EMR would have the benefit of overcoming the fragmentation of information, and also take into account the regional specificities and differences in the EMR, as discussed throughout this report.

1b. Clearly define which actor has the responsibility and the mandate for this information provision. As this report has highlighted, the obstacles that secondary school teachers encounter in cross-border mobility are interconnected, and they should be approached in a holistic manner. Therefore, it is difficult to pinpoint any one authority that would have the responsibility to provide information on the over-arching matters relevant in the cross-border mobility of (secondary school) teachers. In connection with Recommendation 1a to develop a central information point in the EMR, a clear mandate for the provision of information should be established.

2. To bridge differences in the secondary teaching profession in the EMR in order to facilitate the recognition of professional qualifications, common training programs, modules, exchanges, internships and/or secondments should be established throughout the EMR. Focus should be placed on finding solutions that would enable the teacher to gain substantial experience and permanent perspectives in a neighbouring (cross-border) labour market as a fully qualified teacher. Instead of seeking harmonisation (or joint or double degree programmes that are generally subject to high and long-term investment), in the first place, other lighter forms could be adopted. Common training programmes, modules, exchanges and/or internships can help bridge the differences in the qualifications of secondary school teachers across the EMR. As a consequence, these experiences can be positively evaluated by the competent authorities during the recognition procedure, potentially mitigating the need for the teacher to complete compensation measures (additional training). Furthermore, these programmes and exchanges can aid the teacher to gain intercultural and euregional competences, facilitating their integration to the neighbouring education system. Overall, it should be ensured that these training programmes, modules, exchanges, and/or internships have sustainable funding, so that they do not expire when the subsidies do.

The report explored various alternative paths that allow the teacher to begin teaching without (recognition of) formal qualifications (and possibly additional training) required. Although these alternative paths can be used to facilitate cross-border mobility and they provide opportunities for (aspiring) teachers to gain experience in the teaching profession in a neighbouring country/region, they should not be used as the (only) solution to address the obstacles arising from the recognition of qualifications. Cross-border mobility of secondary school teachers should not only be sought as

exceptions or as a temporary solution in urgent situations, such as teacher shortages, in a border region such as the EMR. Instead, focus should be placed on finding solutions that would enable the teacher to gain substantial experience and permanent perspectives in a neighbouring (cross-border) labour market: solutions that would aid/lead the teacher to become fully qualified there. This would also be advantageous for the education systems in the EMR. Rather than seeking exceptions to the formal qualifications that are normally required of a secondary school teacher, it would be more advantageous to consider it from a perspective that aims to facilitate access to the profession while maintaining a certain level of qualification of teachers and subsequently the quality of education. This approach is also more advantageous to the teachers themselves, as full qualifications as a teacher often lead to more beneficial employment conditions and perspectives.

2a. Offer internships or other types of exchanges in the neighbouring countries as part of teacher education programmes. These exchanges can provide more ground for recognition and bridge professional differences, equip the teachers with intercultural and euregional competences, and aid in their integration in the neighbouring education system.

2b. Develop special education programmes targeting the cross-border mobility of (language) teachers. Specific training programmes could be created for teachers with relevant experience and especially in fields, such as language education, where teacher shortages are experienced. An example of good practise is the shortened (lateral entry) training programmes offered by Nuffic for native German or French speakers, leading to a full qualification as a secondary school teacher in the Netherlands. Another benefit of these programmes is that the teachers are paid during this training at a local school, allowing them to simultaneously build up relevant work experience in the neighbouring country.

Furthermore, special trajectories of teacher education could be created, that would overcome the largest differences of teacher profession in the EMR. For instance, for teachers educated in the Netherlands, it frequently caused problems that they were only qualified to teach one subject, whereas in Germany and Belgium, secondary school teachers teach at least two subjects. In the Netherlands, a special trajectory of teacher education could be developed that would allow teachers to become competent in two subjects.

2c. Organise exchanges of teachers via a secondment procedure. This could be an interesting option especially for senior-level teachers, that would allow them to gain experience in the neighbouring country while keeping their employment (conditions) and social security rights in their home State. Future research could focus on evaluating the possibilities of organising teacher exchanges via such a procedure.

3. Foster cooperation in the EMR at the national, regional and operational levels. This recommendation strongly links with that of Recommendation 1 and 2. It is recommended that cooperation should be strengthened in information exchange and networking on multiple levels across the EMR. This will improve transparency and information provision for schools and teachers. Furthermore, cooperation should be achieved through both top-down and bottom-up approaches:

3a. To implement Recommendation 1 and 2, cooperation should be sought from the level of national as well as regional governments, including the authorities responsible for recognition procedures, social security and taxation. The interconnected nature of the obstacles discussed in this report requires cooperation to be sought from multiple levels,

including the regional level, enabling the outcomes to be tailored to the needs of the specific border region and labour market in the EMR. Linked to that of Recommendation 2, sustainable funding of these recommended common training programmes and exchanges also requires the political will and investments from the level of regional and national governments. As this research found, cross-border mobility has the potential to strengthen neighbouring language education, and combat (language) teacher shortages and the current, relatively small flows of mobility reflect the potential to expand (neighbouring language) teaching via cross-border mobility.

3b. Especially in border regions such as the EMR, which involve countries with federalised structures, decisions that are to affect cross-border workers inherently should not be taken unilaterally on a regional or national level. This report highlights the importance of considering the EMR as a regional labour market. Since the EMR includes countries with federalised structures, the aim should be to align policies not only between Member States, but also within national borders (on a regional level). The example mentioned in the report on the misalignment of holiday planning in the French Community of Belgium illustrates this necessity.

3c. To implement Recommendation 2, strong euregional networks on the operational level (including non-institutional actors such as schools) are essential. Regarding bottom-up approaches, smaller actors on the operational level, such as secondary schools themselves, should also be involved. For instance, the Euregional networks of partner schools can be considered as a best practice in relation to frameworks that could be used to initiate exchanges of (aspiring) teachers, as set out in Recommendation 2. For the success and continuity of these recommended cross-border projects, these networks should be strong and sustainable.²⁸⁸

Finally, it is recommended that **future research** expands the scope of cross-border mobility studies to include other levels of teachers (for instance, in primary schools), as well as exploring the potential and challenges of cross-border internships in teacher education, and the secondment of teachers across the borders.

²⁸⁸ See also the results of the Crossquality-project (Interreg EMR), conducted by ITEM [to be published in 2023]: <https://www.maastrichtuniversity.nl/research/item/research/crossquality>.

Annex I - Flows of cross-border mobile teachers

In order to gain insights into the current numbers and flows of cross-border mobile (secondary school) teachers, a brief look was taken at publicly available statistics.

Table 1: Number of cross-border commuters in the educational sector in 2018, from Belgium, Germany, and the Netherlands to the Dutch province of Limburg, the Belgian province of Limburg, and the Belgian province of Liège²⁸⁹

Working in	Living in Belgium	Living in Germany	Living in Netherlands
NL-Limburg	960	460	(25,580)
BE-Limburg	(27,330)	10	110
BE-Liège	(38,300)	80	20

From data collected by Statistics Netherlands (*Central Bureau Statistiek*, CBS) two conclusions can be drawn. First, it seems that cross-border commuting in the educational sector does not happen frequently. When it does, streams of cross-border mobility often originate from Belgium and Germany and target the Netherlands. However, the data has to be carefully interpreted. In the first place, as the data does not distinguish between different levels of education, conclusions cannot be drawn only for secondary school level along the scope of this report. Secondly, the data only represents cross-border commuters, i.e., those who work in another country than the one they live in. It does not encompass other potential mobility flows, for instance when a teacher decides to work and as well to move their residence to the neighbouring country. Furthermore, the data does not include the number of commuters working in Germany, providing an incomplete image of cross-border mobility there.

²⁸⁹ <https://opendata.grensdata.eu/#/InterReg/nl/>

Table 2: Number of decisions taken on recognition of qualifications as a secondary school teacher in 2018²⁹⁰

Recognition sought in	From Germany	From Belgium	From the Netherlands
The Netherlands <i>Leraar als bedoeld in de Wet op het voortgezet onderwijs</i>	154 (67 positive automatically, 60 negative, 27 being examined)	532 (222 positive automatically, 6 positive after adaptation period, 200 negative, 104 being examined)	-
Germany <i>Lehrer (alle Lehrämter)</i>	-	3 being examined	12 (3 positive automatically, 3 positive after adaptation period, 6 being examined)
Belgium – Flemish Community <i>Leraar</i>	7 (4 positive automatically, 1 positive partially, 2 negative)	-	122 (64 positive automatically, 26 positive partially, 27 negative)
Belgium – French Community <i>Professeur de l'enseignement secondaire supérieur</i>	4 (positive automatically)	-	4 (positive automatically)
Belgium – German-speaking Community <i>Lehrbefähigter für die Oberstufe</i>	3 (positive automatically)	-	1 (positive automatically)

To get a better picture of the mobility flows of teachers, a look was taken at data focused on decisions on recognition of qualifications and collected by the European Commission database on regulated professions. As further explored in Section 4, secondary school teachers wishing to exercise their profession in neighbouring countries/regions must first have their qualifications recognised by the relevant authority. This decision can be either ‘*positive automatically*’ (with the decision, the teacher may immediately start teaching), ‘*positive partially*’ (only a certain part of the teacher’s qualifications is recognised, for instance only competences related to one school subject) or ‘*positive after adaptation period*’ (the teacher must supplement missing knowledge or skills, and after the training/adaptation period, they obtain a positive decision) or ‘*negative*’ (recognition not granted)²⁹¹. Some numbers refer to unknown status (‘*being examined*’).

If an assumption is made that a (partially) positive decision will lead to mobility (or at least indicates the interest in such mobility), the data indicates that most of this (limited) mobility is targeted on the Netherlands. This also supports the findings of the CBS data above. Relatively high flows of mobility are identified from Belgium to the Netherlands. In the case of Germany, the numbers suggest low mobility.²⁹² Some mobility flows are identified to Belgium, where a peak in the numbers can be found from mobility from the Netherlands to the Flemish Community. Indeed, this could indicate that a

²⁹⁰ <https://ec.europa.eu/growth/tools-databases/regprof/index.cfm>

²⁹¹ This table does not further define why a certain application was rejected (negative); it can cover a case where the required aptitude test or period is, for instance, not completed.

²⁹² In fact, the numbers are so low that it raises the question of whether the data is, in fact, comparable or perhaps incomplete.

language is a factor promoting (or impeding) mobility. Overall, there is a higher rate of positive decisions (either automatic, partial or with an adaptation period). However, the numbers of negative decisions are considerable from Germany and Belgium to the Netherlands: every third application led to a negative decision.²⁹³

This data also presents some pitfalls that must be carefully considered in its interpretation. First, while Community -specific data could be found on mobility *to* Belgium, the data was not available for mobility *from* Belgium. Secondly, the profession of teacher was specified in different ways between the countries. While *Lehrer/in* for Germany includes teachers from all levels, *Leraar als bedoeld in de Wet op het voortgezet onderwijs* in the Netherlands includes all secondary school teachers. In Belgium, in the French- and German-speaking Communities, a further distinction was made with teachers in higher and lower secondary education.

These findings also support the number of applications for recognition in the three countries, as stated in the previous ITEM B-solutions report²⁹⁴:

Table 3: Overview of the numbers of applications for recognition

State of application	Number of applicants
Netherlands	137 applicants from Belgium in 2018
Germany – North Rhine-Westphalia	Approx. 19 annually from the Netherlands, 9 annually from Belgium
Belgium – Flemish Community	85 annually from the Netherlands (both primary and secondary school teachers)
Belgium – French Community	In the period 2015-2019, the competent authority received 1 application from the Netherlands
Belgium – German-speaking Community	Between 2-5 annually from the Netherlands and from Germany

Again, these numbers suggest that cross-border mobility flows targeted to the Netherlands are the highest – originating from Belgium. Another (relatively) high flow of mobility can be found from the Netherlands to the Flemish Community. Cross-border mobility flows from/to other regions remain low.

²⁹³ Negative decision formed 39% in Germany, and 38% in Belgium. However, as explained under footnote 275, it may result, for instance, from the fact that the application was incomplete or that the applicant did not complete the required aptitude test or period.

²⁹⁴ H. Schneider, L. Kortese, “Roadmap and factsheet for the recognition of qualifications for highly demanded professions” (B-Solutions Project), 2019

Annex II – Table of interviews conducted²⁹⁵

Nr	Date	Interviewee(s)
1	26 January 2022	Teacher in a secondary school located in a border region in the Netherlands
2	2 February 2022	Teacher in a secondary school located in a border region in the Netherlands
3	17 May 2022	Secondary school teacher with experience in cross-border mobility between Netherlands-Germany & Director of a secondary school located in a border region in Germany
4	18 May 2022	Two teachers in a secondary school located in a border region in the Netherlands
5	9 June 2022	Coordinator of a secondary school located in a border region in Belgium (Flemish Community)
6	10 June 2022	Director of a secondary school located in a border region in Belgium (Flemish Community)
7	13 July 2022	Secondary school teacher with experience in cross-border mobility between Germany (North Rhine-Westphalia)-the Netherlands
8	23 September 2022	Teacher in a secondary school located in a border region in Belgium (French Community)
9	16 November 2022	Director of a secondary school located in a border region in Belgium (French Community)
10	2 December 2022	Director of a secondary school located in a border region in Germany (North Rhine-Westphalia)
11	12 December 2022	Director of a secondary school located in a border region in Belgium (German-speaking Community)
12	16 December 2022	Secondary school teacher with experience in cross-border mobility between Belgium (Flemish Community)-Belgium (French Community)
13	19 December 2022	Secondary school teacher with experience in cross-border mobility between the Netherlands-Belgium (German-speaking Community)
14	21 January 2022	Secondary school teacher with experience in cross-border mobility between Germany (North Rhine-Westphalia)-Belgium (Flemish Community)

²⁹⁵ Interviews 3, 7, 12, 13 and 14 were carried out in the context of this report. Interview 4 was carried out jointly in the context of this report and of that of Hovens, 2023 (forthcoming). Interviews 1, 2, 5, 6, 8, 9, 10, 11 were carried out in the context of the report by Hovens, 2023 (forthcoming).

Annex III – List of general interview questions

Introduction

1. Have you read and do you agree with the information and consent form?
2. Brief introduction to the study
3. Do you have any questions at this time?
4. Are you aware that we are making an audio recording?

Interview questions

1. Introduction: What is your position and professional background?
2. Do you have experience in teaching across a (language) border?
 - a. If yes, what were your experiences?
 - i. As a teacher, what obstacles have you encountered in working across borders?
 - ii. What obstacles prevent you from teaching across the (language) border?
 - b. If not, are you interested in the possibilities of teaching across the (language) border?
 - i. Are you aware of the current (im)possibilities of doing so?
 - ii. What do you need to make the step across the border?
3. If you have already taught across the (language) border, how did you experience the recognition of qualifications procedure?
 - a. What went well/not well?
 - b. How long did the procedure take?
 - c. What kind of documents did you have to send? Was translation of the documents required?
 - d. Was there enough information available?
4. Is there a difference in the employment conditions between these two regions and if so, did this play a role in your decision to teach in [...]?
5. Do you have experience with other types of legal or administrative obstacles, for example, in relation to social security?
6. Did you face any other (type of) obstacles that were not mentioned yet, that are also relevant in cross-border mobility of secondary school teachers?
7. Do you know anyone (e.g. teacher with experience of cross-border mobility) that could be relevant for us to interview?