

Case C-40/05

Kaj Lyyski

v

Umeå universitet

(Reference for a preliminary ruling
from the Överklagandenämnden för högskolan)

(Freedom of movement for workers — Article 39 EC — Obstacles — Vocational training — Teachers — Refusal to admit to a training course a candidate employed in a school in another Member State)

Opinion of Advocate General Stix-Hackl delivered on 14 September 2006 . . .	I - 101
Judgment of the Court (Third Chamber), 11 January 2007	I - 117

Summary of the Judgment

Freedom of movement for persons — Workers — Access to vocational training
(Art. 39 EC)

Community law does not preclude national legislation which organises, on a provisional basis, training courses intended in the short term to meet the need for qualified teachers in a State from requiring that candidates for that training be employed in a school in that State, provided, however, that the manner in which that legislation is applied does not lead to the exclusion, as a matter of principle, of all applications made by teachers who are not employed in such a school without prior

individual assessment of the merits of those applications in the light, *inter alia*, of the aptitude of the person concerned, and the possibility of monitoring the practical part of the training received or possibly of exempting that person from it.

(see para. 49, operative part)