

# EVENT: A BLUEPRINT FOR A EUROPEAN DEGREE | 29 APRIL

## Legal status for alliances: the way forward

**Moderator:** Tine Delva  
(European Commission)

**Speakers:**

Barbara Gagliardi (EGAI)

Daniela Craciun (ESEU)

Eric Tschirhart (Leg Uni-GR)

Timothée Toury (STYX)

**CHALLENGING  
CONVENTIONAL  
THINKING**



**A European Status for  
ECIU University (ESEU)**



**Co-funded by  
the European Union**

**Legal status for alliances:  
The way forward**

**Insights from ESEU –  
A European Status for ECIU  
University**

**Daniela Craciun  
University of Twente, CHEPS/KiTeS**

*“A European Legal Status will not be a single solution for a single problem.”*

Paper published Feb 10th 2022



## ***Why* EUROPEAN UNIVERSITIES *need a* EUROPEAN LEGAL STATUTE**

ECIU University welcomes the initiative to work towards a Legal Statute for European Universities as stated in the recent European Strategy for Universities.

***“(...) design institutionalised cooperation instruments, based on a preliminary thorough assessment of their necessity, benefits and feasibility.***

***The aim is to give alliances, on a voluntary basis, the latitude to act together, make common strategic decisions, experiment joint recruitment, design joint curricula or pool resources and human, technical, data, education, research and innovation capacities.”***

European Council Conclusions 5 April 2022



# Aim of ESEU

Understand how suitable existing European legal instruments are for the strategic vision of ECIU & how to move forward to realize the strategic ambitions of the alliance.

# How?

- Developed use cases
- Analysed of 4 European instruments for cooperation
- Gathered insights from:
  - ✓ Alliance members
  - ✓ Stakeholders
  - ✓ National ministries
  - ✓ Other users of European legal instruments for cooperation



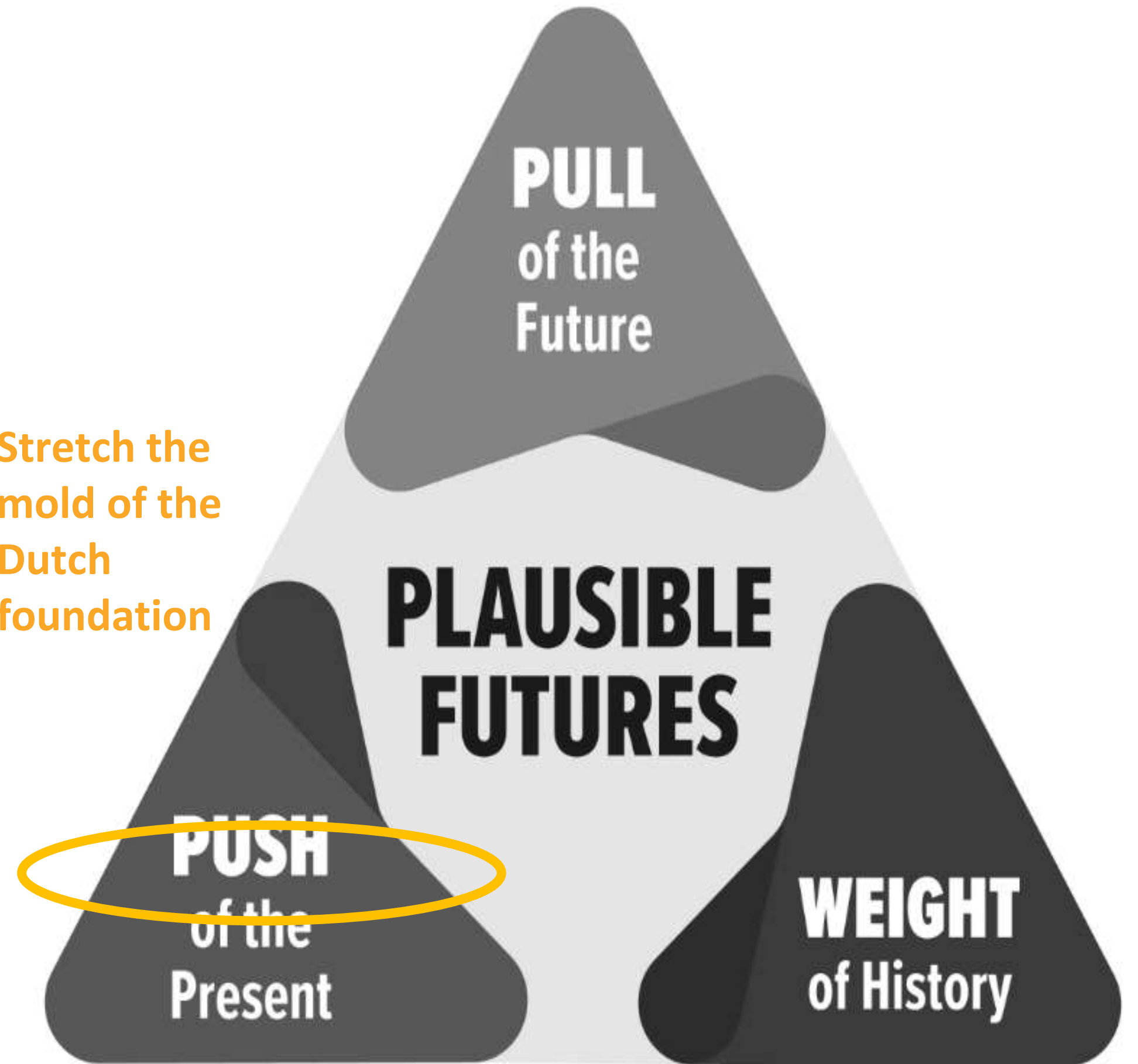
	Hiring of staff	Receiving public & private funding	Providing flexible learning paths	Creating private revenue on continuous education	Investing into & managing facilities	Managing data-related issues	Managing IPR-related issues	Buying & owning goods & services
<b>NL foundation</b>	Need to navigate differences in i.a. national tax & social security law	Account to be taken of non-profit nature NL foundation	No automatic recognition & quality assurance subject to national law	Consideration of legislation on cross-subsidising & of non-profit nature of foundations	Account to be taken of non-profit nature NL foundation	Data management subject to GDPR	IPR subject to national law	Foundations can buy goods & services
<b>EGTC</b>	Need to navigate differences in i.a. national tax & social security law	Geared mainly to public domain	No automatic recognition & quality assurance subject to national law	Instrument mainly aimed at public domain & aimed at structural matters, not teaching activities	Investments possible	No provisions on management of data	No provisions on IPR	EGTC can dispose of property & services
<b>SE</b>	Staff needs to be hired in subsidiaries & additional criteria on worker involvement	Limited possibilities public funding	No automatic recognition & quality assurance subject to national law	Need for verification if companies can provide education	Investments possible	No provisions on management of data	No provisions on IPR	SE can buy & own goods & services
<b>SCE</b>	Staff needs to be hired in subsidiaries & additional criteria on worker involvement	Public & private possible, but regard for national law on cooperatives	No automatic recognition & quality assurance subject to national law	Need for verification if companies can provide education	Investments possible	No provisions on management of data	No provisions on IPR	SCE can buy & own goods & services
<b>EIT (KIC)</b>	Subject to national law & dependence EIT	Subject to national law & dependence EIT	No automatic recognition & quality assurance subject to national law	Subject to national law & dependence EIT	Subject to national law & dependence EIT	No provisions on management of data	No provisions on IPR	Subject to national law & dependence EIT

Source: Kortese et al. (2023)



Facing  
uncertainty  
& complexity

Stretch the  
mold of the  
Dutch  
foundation



# Roadmap – Where do we go from here?

## 3 SCENARIOS

### **Scenario 1:** **Do nothing**

Keep ECIU current  
legal status as Dutch  
foundation

### **Scenario 2:** **Design a new instrument**

ECIU's preferred  
scenario, but lengthy  
political process

### **Scenario 3:** **Adapt an existing instrument**

Most feasible scenario  
- EGTC (UniGR, STYX) &  
EGEI (UNITA)





## **Adapting the EGTC for HE cooperation – Recommendations from ECIU**

**(1) Remove explicit consent from all member states**

**(2) Enable recognition as a HEI**

**(3) Provide clarity on the provision of staff**

**(4) Provide clarity on the hiring of staff**

**(5) Strong preference for limited liability**

**(6) Allow for a private dimension**

**(7) Strengthen European dimension**

**For more details, see the Roadmap developed by ESEU**



# What would be the benefits of a European legal status?

## HEIs

### Financial:

Pool resources and capacities, joint access to funding

### Governance:

Make common strategic decisions easier, build trust, legal certainty

### Internationalisation:

Facilitate transnational collaboration, increase attractiveness

## Staff

### Employment:

Improved employment opportunities, clarity on tax & social security

### Resources:

Facilitate access to the ecosystem of partner universities

### Internationalisation:

Increased opportunities for staff mobility and cooperation on all missions of HE

## Learners

### Education:

Improved learning opportunities & study offer, access to learning resources

### Internationalisation:

seamless short-term & long-term mobility, facilitate recognition of learning periods, graduate with a European degree



***A European legal status for transnational cooperation would help fulfill the high ambitions of European cooperation in education, research innovation & service to society.***

**Want to know more about the ESEU project? Check out our findings:**

**ESEU Roadmap**



**ESEU project results**





# *A Blueprint for a European Degree*

Legal Status for Alliances: the Way forward

Brussels, 29th April 2024

## From the European Grouping of Economic Interest to the European Grouping of Academic Interest

Barbara Gagliardi

Università degli Studi di Torino

# The Unita Choice: The European Economic Interest Grouping (EEIG)

EU CONSORTIUM set up to pool means and other resources and share losses and costs  
(Reg. EEC n. 2137/85 of 25 July 1985)

Statute written and discussed in 2021-  
2022



Formally approved by each member in  
summer 2022



EEIG registered at the Turin Chamber of  
Commerce in Jan. 2023



Presentation and funding of a pilot  
project in Jan. 2023 (EGAI)



EEIG funded within the UNITA second  
phase in June 2023



# Is it the EEIG a suitable solution?

The reasons of our choice: **flexibility and easy establishment**

## First EU-Specific Company Form

«more than a joint venture, but less than a merger» (Fleischer, 2010)

### Model of the **ENTREPREUNERIAL UNIVERSITY:**

Innovation and creation of opportunities; development of a comprehensive internal system for knowledge commercialization, including patenting and licensing, new companies creation, custom-made further-education courses, consultancy services, contract research by providing a support structure, "natural incubator", through different stakeholders (RADKO et a., 2023)

LIMITS: ANCILLARY AND ECONOMIC ACTIVITIES

# Institutionalising Cooperation: What for?



# What do we need?

Analysis based on Portugal,  
Spanish, French, Italian and  
Romanian legal systems



**EUROPEAN GROUPING OF ACADEMIC INTEREST**



# How should the EGAI be?

EXPLICITLY DEVOTED TO ACADEMIC  
COOPERATION



Based on ACADEMIC FOUNDING VALUES:  
ACADEMIC FREEDOM and INSTITUTIONAL AUTONOMY



For easier ACCESS TO INTERNATIONAL, EU AND  
NATIONAL FUNDING for HE



For easier recognition in ACADEMIC STAFF CAREER  
PATHWAYS



Under the RESPONSABILITY OF HE NATIONAL MINISTERS

University is not an administration like any other

# How should the EGAI be?

EASY TO ESTABLISH



To be coherent with TRADITIONAL UNIVERSITY  
AUTONOMY

HAVING A PUBLIC LAW NATURE



For easier SECONDMENT OF ACADEMIC AND NON  
ACADEMIC STAFF

EXPLICITLY OPEN TO NON EU  
PARTNERS



To increase ACADEMIC COOPERATION at the global level

EXPLICITLY OPEN TO PRIVATE  
UNIVERSITIES AND OTHER HE  
INSTITUTIONS



To comply with PUBLIC PROCUREMENT RULES



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