



# A European Status for ECIU University

A needs analysis, available entities, the national context and recommendations

Erasmus+ project "A European Status for ECIU University" (ESEU-project)

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## Abstract

The ESEU ("European Status for a ECIU University") project supports ECIU University and other alliances of higher education institutions, such as the 'European Universities', to overcome obstacles to deeper, long-term and flexible transnational cooperation through the design of a suitable institutionalised cooperation instrument.

Achieving a legal statute for European universities is a shared endeavour of multiple stakeholders (e.g., universities, EU Member States, and the European Commission) to empower universities together with societal stakeholders to take higher education, research, and innovation to the next level.

This report is wrapping up Work Package 2 of the ESEU project. It analyses the national context to determine the suitability and applicability of existing EU legal instruments concerning ECIU University's needs and ambitions.

First, eight use cases are defined to illustrate and make concrete the needs of university alliances (chapter 1).

Second, available legal instruments are analysed: the European Grouping of Territorial Cooperation-EGTC, European Cooperative Society-SCE; Societas Europaea-SE, and European Institute of Innovation and Technology-EIT, and matched to the needs of ECIU University (chapter 2).

Third, to better understand the national context of transnational university collaboration, the ESEU project reached out to responsible authorities for higher education in twelve European countries in which ECIU partners are based with a survey and an interview request to discuss the needs of alliances of higher education institutions (HEIs). The project gathered data from 10 countries (chapter 3).



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## Introduction

### Project context

The ESEU ("European Status for a ECIU University") project supports ECIU University and other alliances of higher education institutions, such as the 'European Universities', to overcome obstacles to deeper, long-term and flexible transnational cooperation through the design of a suitable institutionalised cooperation instrument. Achieving a legal statute for European universities is a shared endeavour of multiple stakeholders (e.g., universities, EU Member States, and the European Commission) to empower universities together with societal stakeholders to take higher education, research, and innovation to the next level. This report is wrapping up Work Package 2 of the ESEU project. It seeks to analyse the national context to determine the suitability and applicability of existing EU legal instruments concerning ECIU University's needs and ambitions.

First, to determine the suitability of existing legal instruments for transnational cooperation in higher education, the specific needs of the alliance need to be taken into account. ESEU has defined [eight use cases](#)<sup>1</sup> (Task 2.1), based on a thorough assessment of the needs of university alliances for a legal status to achieve the latitude to act together, make daily strategic decisions, experiment with joint recruitment, design joint curricula or pool resources and capacity (e.g., human, technical, data, education, research, innovation). The use cases cover all missions of the ECIU university (i.e., the knowledge square: education, research, service to society, academic entrepreneurship/spin-offs) and focus on a future state of affairs that the ECIU alliance is trying to reach rather than on the current problems it is facing to get there. These needs analysis was discussed with all ESEU partners at a [kick-off workshop](#)<sup>2</sup> in April 2023. A summary can be found in chapter 1.

Second, existing European cooperation instruments (European Grouping of Territorial Cooperation-EGTC, European Cooperative Society-SCE; Societas Europaea-SE, and European Institute of Innovation and Technology-EIT) were analysed and matched to the needs of ECIU University. The analysis focused on determining the legal implications, benefits, challenges and feasibility of each legal instrument to ECIU's needs(Task 2.2). This analysis was done by external experts and the [report](#)<sup>3</sup> is a public deliverable of the ESEU-project and is summarised in chapter 2. The selection of these four cooperation instruments was based on a previous advice delivered to ECIU University by Marijk van der Wende and Peter van der Hijden analysing many more instruments and selecting the four to be of most relevance for ECIU's needs.<sup>4</sup>

Third, the progress of the ESEU-project, and its results so far, were discussed with national higher education authorities and experts in the countries where ECIU universities are located to better understand the national

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<sup>1</sup> See also ESEU: legal use cases, March 2023, accessible via [https://assets.website-files.com/551e54eb6a58b73c12c54a18/6464971ec2147f5cb4f2718c\\_ESEU%20D2.2.%20deliverable%20use%20cases%20and%20needs%20analysis.pdf](https://assets.website-files.com/551e54eb6a58b73c12c54a18/6464971ec2147f5cb4f2718c_ESEU%20D2.2.%20deliverable%20use%20cases%20and%20needs%20analysis.pdf)

<sup>2</sup> See also the report of the ESEU kick-off workshop, March 2023, accessible via <https://www.eciu.eu/news/legal-structures-for-international-university-partnerships-piloting-a-possible-european-legal-status>

<sup>3</sup> See also EU Legal Structures and Their Applicability to ECIU – A Cross-Examination of EU Legal Entities in Relation to Use Cases, Lavinia Kortese, Juliette Byl, Osama Arshad, March-May 2023, accessible via [https://assets.website-files.com/551e54eb6a58b73c12c54a18/64c13b9b7b653009784b8af0\\_Final%20-%20ESEU%20Project%20Report%20-%20Task%202.2%20-%2030%20May%202023.pdf](https://assets.website-files.com/551e54eb6a58b73c12c54a18/64c13b9b7b653009784b8af0_Final%20-%20ESEU%20Project%20Report%20-%20Task%202.2%20-%2030%20May%202023.pdf)

<sup>4</sup> See also ECIU governance – options and scenarios, 4 May 2021



context. This was done via both survey and interviews (Task 2.3), the results of which are the key part of this report (chapter 3).

Finally, in the next steps, ECIU University will start with the first initial administrative steps to implement one or more suitable legal instruments to facilitate ECIU University's operations and propose a roadmap with future actions needed to improve existing instruments, or to recommend the design of a new EU-level instrument suitable for transnational institutional cooperation in higher education (Work Package 3). Recommendations for this step can be found in the conclusion of this report.

### **Overall objectives**

This report (Task 2.3) brings together the work on the needs analysis, the legal instruments analysis and the national context analysis. The synthesis of findings provided in this report aims to enable ESEU to advise ECIU University on the next steps of implementing one or more suitable legal instruments to facilitate its operations and proposing a roadmap with future actions to improve existing instruments for transnational higher education cooperation, advising national and European policy-makers and other alliances of HEIs.

## Chapter 1. Why European University alliances need a legal status

*To define a suitable legal status, we must define what a European alliance of higher education institutions means in practice, including its governance needs. ESEU defined the needs of alliances for a European status through the formulation of eight use cases.*

A European status will enable university alliances to achieve more systemic cooperation. It will help to fulfil the high ambitions for European cooperation in education and beyond. It will help universities to make common strategic decisions, implement joint recruitment and design joint curricula. It will also help to pool resources and human, technical, data, education, research and innovation capacities, covering all missions of universities and the full knowledge square.

Building on the 25-years of experience, ECIU has grown as a network of universities, and in consultation with the partners of the ESEU-project, including other university alliances like 4EU+ European University Alliance E.V., Una Europa, EU-CONEXUS Alliance, Charm-EU, ESEU conducted the needs analysis as concrete as possible through the formulation of eight use cases. These depict avenues of where ECIU University can evolve in the near future.

### The eight use cases<sup>5</sup>

To deliver on its ambitions, ECIU University needs to

1. **hire staff at the European level** through simple, agile and equal hiring processes and employment requirements;
2. **flexibly receive public and private funding** from various sources. ECIU University must be eligible to apply for national, regional and European funding sources across Europe and receive private and corporate funding. ECIU University needs to manage and distribute the funding across the ECIU and other stakeholders;
3. **provide flexible learning paths at EU level.** ECIU University needs to be recognised as a higher education provider at the European level that can recruit and serve learners, provide new learning opportunities, and award credentials which are quality assured and recognised;
4. **create private revenue on continuous education.** Continuous education can mix content- and resource-wise with free public degree education (e.g., shared learning modules stemming from the ECIU University member universities). Consequently, commercial continuous education in ECIU University might use learning opportunities developed with a mix of corporate and public funding;
5. **invest in and manage facilities,** both physical and digital in collaboration with its member universities and partners;
6. **manage data-related issues,** such as the owning, sharing, receiving and other management of data to create a seamless digital flow of services for learners across the ecosystem;

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<sup>5</sup> See also ESEU: legal use cases, March 2023, accessible via [https://assets.website-files.com/551e54eb6a58b73c12c54a18/6464971ec2147f5cb4f2718c\\_ESEU%20D2.2.%20deliverable%20use%20cases%20and%20needs%20analysis.pdf](https://assets.website-files.com/551e54eb6a58b73c12c54a18/6464971ec2147f5cb4f2718c_ESEU%20D2.2.%20deliverable%20use%20cases%20and%20needs%20analysis.pdf)



7. **manage issues related to Intellectual Property Rights (IPR).** ECIU University as a legal entity can (jointly) own IPR as needed in the field of education (e.g. micro-modules) and research/innovation; and
8. **buy and own goods and services,** e.g. purchasing data through subscription models. Issues related to taxation, competition law and public procurement must be clear.

As mentioned above, the use cases presented refer to strategic directions in which ECIU aims to develop to in the future to take transnational cooperation in higher education to the next level. Yet, many national issues concerning the different use cases that impede this development have been mentioned in conducted interviews by national authorities (see Chapter 3).

Moreover, much is simply unclear, and neither national authorities, nor stakeholders and universities, have the comprehensive understanding of the implications of joint European structures of alliances, e.g. in the field of fundraising, hiring of staff and the management of facilities. National expert groups and regular meetings with alliance representatives help in building a shared understanding and facilitation of the needs. The ESEU-talks with national/state authorities showed that many authorities are open to make legal changes to enable further transnational cooperation of HEIs.

## Chapter 2. EU legal structures and their applicability to ECIU University

*To understand what possibilities existing legal structures offer to strengthen the cooperation for alliances of higher education institutions, ESEU analysed<sup>6</sup> the status quo of ECIU as a foundation under Dutch law, versus the European Grouping of Territorial Cooperation (EGTC), the Societas Europea (SE), the European Cooperative Society (SCE) and Knowledge and Innovation Community (KIC) under the European Institute of Innovation and Technology (EIT) as possible avenues for strengthened higher education cooperation. The different legal structures were cross-examined against the eight use cases.*

There is a full report available (see footnote 5) that provides more detailed information, e.g. on which structure responds to which use case. This chapter summarises the outcomes and conclusions of the report.

### **How existing legal structures suit ECIU University's objectives**

The analysis of the five different legal structures, including the current Foundation under Dutch law, concluded that there is no single legal instrument that suits all ECIU University's needs. Moreover, the adoption, implementation, and maintenance of one (or more) of the studied European legal instruments is unlikely to provide sufficient gains compared to the current national foundation nor to offset the challenges currently experienced by ECIU University in having to navigate and reconcile multiple systems of national law. In fact, the challenges related to implementing one of the existing instruments analysed are likely to add to the challenge of navigating different national legal systems because they lack encompassing conflict rules. This is a significant hurdle given that ECIU university must function in accordance with the legal and regulatory structures of 12 (nation) states.

Following these observations, there were three possible avenues identified for ECIU University to consider in relation to its legal status:

1. Adopt one (or more) instruments: this option would involve the adoption of one (or more) of the instruments examined in this report (EGTC, SE, SCE, and KIC under EIT). As mentioned previously, it is likely that this option will rather add to existing workload and raise new challenges rather than facilitate and advance ECIU's cooperation.
2. Maintaining status quo: this option would involve maintaining the present activities ECIU University undertakes without considerably expanding these activities and continuing to use the existing legal structure as a foundation under Dutch law, possibly in conjunction with an EU-level instrument more suitable to advance higher education cooperation.
3. Stretching the mould: this option entails not only the continued use of the foundation under Dutch law, but would also involve seeking to use that legal structure to the best of its abilities (for example, by examining further opportunities offered to engage in revenue-making activities) as well as advancing such activities through EU (and national) level funding mechanisms such as Erasmus+ and Horizon Europe.

The third option appears most suitable at this point in time. Considering the maintained complexity related to national law and added complexities in adopting new legal instruments it appears most suitable for ECIU

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<sup>6</sup> For more information, see EU Legal Structures and Their Applicability to ECIU – A Cross-Examination of EU Legal Entities in Relation to Use Cases, Lavinia Kortese, Juliette Byl, Osama Arshad, March-May 2023, accessible via [https://assets.website-files.com/551e54eb6a58b73c12c54a18/64c13b9b7b653009784b8af0\\_Final%20-%20ESEU%20Project%20Report%20-%20Task%202.2%20-%2030%20May%202023.pdf](https://assets.website-files.com/551e54eb6a58b73c12c54a18/64c13b9b7b653009784b8af0_Final%20-%20ESEU%20Project%20Report%20-%20Task%202.2%20-%2030%20May%202023.pdf)



University – in the absence of an option providing for an instrument tailored to transnational higher education cooperation – to continue its current operations in the context of the Dutch foundation and explore avenues to make the best use possible of the opportunities offered by that instrument.

In the table below, a matrix summarises the cross-examination between the eight use cases and five legal structures (including the current foundation under Dutch law).

	Use Case 1	Use Case 2	Use Case 3	Use Case 4	Use Case 5	Use Case 6	Use Case 7	Use Case 8
	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
NL Foundation	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
EGTC	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
SE	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
SCE	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
EIT (KIC)	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

Table 7: Compatibility Matrix – Summary of results

Legend: Green, orange, and pink entries stand for good, medium, and respectively low compatibility. Grey entries correspond to no impact of the instrument for to the use cases.

Source table: EU Legal Structures and Their Applicability to ECIU – A Cross-Examination of EU Legal Entities in Relation to Use Cases, Lavinia Kortese, Juliette Byl, Osama Arshad, March-May 2023

## Chapter 3. The national dimension

*To better understand the national context of transnational university collaboration, the ESEU project reached out to responsible authorities for higher education in twelve European countries (Finland, France, Germany (Hamburg), Ireland, Italy, Lithuania, the Netherlands, Norway, Poland, Portugal, Spain, and Sweden) in which ECIU partners are based with a survey and an interview request. The project gathered data from 11 countries (Finland, France, Germany (Hamburg), Ireland, Italy, Lithuania, the Netherlands, Norway, Portugal, Spain, and Sweden). Fundamental to structuring the survey and interview was the needs analysis (the eight use cases as described in chapter 1) and the analysis of existing legal structures (chapter 2).*

### Key takeaways

When considering the level of awareness of the authorities to the problems ECIU University faces, one of the key takeaways is the complex nature of transnational cooperation in higher education, especially in relation to wide-ranging ambitions of the European Universities Initiative. The ECIU use cases presented to the surveyed and interviewed authorities highlighted the multifaceted issue. Subsequently, authorities do not always have the comprehensive knowledge on all the use cases to accurately describe their national context. After all, before the introduction of the European Universities Initiative, transnational cooperation was quite limited and did not generally include “whole” institution cooperation across all missions.<sup>7</sup>

The surveyed authorities consider that, broadly, countries support the internationalisation of HEIs, in this case referring to practices that introduce aspects of international collaboration, international mobility. Indeed, it was emphasised that governments are open and willing to facilitate larger involvement of HEIs in international collaboration. On the one hand, this sentiment extends only to collaborations that do not necessitate the creation of new transnational legal entities where opinions differ. On the other hand, while examining their regulatory frameworks, some authorities suggested that it would be better to establish a new set of regulations or guidelines and recommendations on the EU level to be adopted by EU Member States. Others considered that existing options should be exhausted before going down the pathway of creating and adopting new legal entities.

A key point is that, in principle, there is no opposition from the relevant authorities to the idea of transnational collaborations that would result in the creation of European Status for European alliances of higher education institutions (HEIs). However, this sentiment also comes with questions about the exact implications of a European Status, and a prerequisite that clear regulatory delineations are established that outline how such transnational cooperative frameworks in higher education would coincide with national/state regulations and solve any and all grey areas that would arise. Furthermore, the creation of a new transnational legal entity would need to demonstrate clear added value in addressing university alliance needs that are not and cannot be met through other pathways. All in all, more information, and a better understanding, is needed.

From the above argument emerge two important topics. First is the legitimisation of a European University as a new legal entity operating under a novel legal framework that is recognised internationally. One important argument from the authorities is that a European Status cannot be the primary objective. Important issues that could merit exploring a new status, are the relationships between HEIs and the state, e.g. related to social

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<sup>7</sup> See also Karvounaraki, A., Subramaniam, S., Hristov, H., Ojala, T., Jonkers, K., Huisman, J. and Goenaga Beldarrain, X., Mapping of European transnational collaborative partnerships in higher education, EUR 29212 EN, Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-85302-9, doi:10.2760/560460, JRC111663

security, hiring practices, funding, legal liability or authorities for any issues national/public HEIs are subject to when part of a university alliance. As an example: If there are funding issues from alliance projects, does the state have a financial liability to cover damages?

The second point is an expressed interest from the authorities to see the results, reports, and analysis of university alliance pilots being shared. In other words, while discussing needs that were identified within the context of ECIU University, authorities kept a wider perspective wishing that action taken on the national/state level address the needs and solve challenges of multiple alliances or types of transnational collaborative partnerships.

Some of the authorities discussed the general legal applications of different frameworks (EGTC, EEIG, SCE and ERIC) supporting international cooperations. Similarly, to the findings discussed earlier in the paper (see Chapter 2. EU legal structures and their applicability to ECIU University), the authorities agreed that these instruments are suitable to address some of the needs (use cases) but none were fully applicable. Furthermore, the authorities agreed that while these instruments are applicable to higher education, they are not specifically designed for the needs of HEIs working in a transnational context. Furthermore, it should be noted that among the consulted authorities, only some were familiar with EGTC, EEIG, SCE and ERIC to be able to reflect on their implementation as a framework for ECIU University.

#### **National/state challenges and limitations for transnational cooperation in higher education**

Although the consulted authorities all indicate that HEIs are able to participate in different international cooperation agreements, and there are often regulations that facilitate internationalisation for HEIs (i.e., often in the form of mobility or joint degrees), ECIU University needs structures beyond the existing regulations. The challenges and limitations for HEIs to enter transnational partnerships concern how comprehensive the partnership would be in creating shared infrastructure and capacity between the partners.

Many challenges emerge when the consulted authorities consider that ECIU University necessitates the creation of a new, transnational legal entity. Whereas transnational cooperation without the creation of a new transnational legal entity is often viewed as within the rights of individual autonomous HEIs, questions still remain, particularly regarding staffing (social security of staff members, etc.) and the national qualification frameworks.

The identified challenges to transnational cooperation for HEIs in many cases are similar across different countries. The chief concern being the need for international legal regulation or guidelines. While individual challenges may be solvable in such partnerships (i.e., alignment of qualification frameworks), the eight use cases, as a compound challenge, raises sufficient concerns on the alignment of different national regulatory frameworks. The points raised by different authorities dealt with how HEIs could operate within existing regulatory frameworks while simultaneously trying to be part of a transnational legal entity. Authorities would remark towards lack of regulatory structures in place to enable HEIs balancing between being a national institution and being part of a transnational entity.

The issue raised is how a new transnational legal entity would intersect with the regulations of individual countries. From this observation several concerns emerge:

- What would be the legal liability of HEIs and the state in such transnational legal entities, particularly if the HEI is a public institution funded by the state. In the event the transnational legal entity and through it the individual HEIs face legal liabilities (for example if the transnational legal entity owed money, would the states whose HEIs make up the transnational legal entity be subject to liability as well).

- How would the transnational legal entity fit within existing qualification frameworks of each country. In this context the questions were raised whether a transnational legal entity would issue qualifications that would have to have equivalents within each country (and in turn be verified by each country). Or would this necessitate the establishment of a qualification authority on the European level that would oversee the qualifications by transnational entities. Furthermore, the proposed use of micro-credentials likewise needs to be scrutinised to determine their place within qualification frameworks.

The overall situation is one where HEIs need to be active in scoping potential cooperation frameworks and identifying how these would interact with national/state regulations. In a sense, the European Universities initiative is helping bring to greater attention the challenges HEIs face in achieving transnational cooperation.

Unsurprisingly, many of the consulted authorities indicated that the ministries and governments, while supportive of HEI participation in European Universities initiative, are also waiting for the alliances to present the results of their work. This includes the aspects of transnational cooperation and what further actions need to be taken to facilitate further work within the European Universities initiative.

Furthermore, while many authorities do not show specific opposition to a new legal status, there is doubt over the necessity of a new regulatory infrastructure, especially as a “one size fits all” solution. Some authorities expressed the concern that a new transnational legal entity would not be capable of meeting the diverse range of needs across the different university alliances already being piloted. Particularly, the lack of clear guidelines and existing regulatory infrastructures is enabling the level of experimentation and evaluation across the European Universities initiative. The core argument is that it is better to support alliances in adopting the different regulatory frameworks by adapting national laws based on the pilot results as opposed to developing new regulatory frameworks on the European level.

Some of the more prominent challenges (though not limited to) mentioned are:

- Hiring staff as an alliance and defining which institutions and under which national laws need to ensure employee rights (employment regulations, social security, etc.). Brought up in particular by Norwegian and Spanish authorities.
- Alignment of qualification frameworks, ECTS and academic years between alliance partners and ensuring recognition of learning outcomes by different national authorities. Issue of particular interest to Irish and French authorities.
- The alignment not only of national but also regional regulations for HEIs, as HEIs in different regions can enjoy different levels of autonomy for transnational cooperation. They must consider both national and regional regulations when entering alliances. Mentioned by Italian and German authorities.
- Limitations in using the existing European cooperation instruments in the context of transnational higher education partnerships. French authorities note how EGTC or EEIG could not replace the activities of their members, particularly to issue diplomas.
- There are some limitations towards HEIs creating private revenue through continuous education. German authorities indicate how regional regulation may result in difficulties in HEI private revenue generation.

The specific national/state support and the challenges for transnational cooperation are presented in the annex to this report.

### **National/state developments in support of transnational cooperation in higher education and potential for the regulatory framework to support ECIU University**

The collected data suggests that higher education authorities are aware, even engaged with the European Universities Initiative (for example by encouraging national HEIs to participate in alliances, by providing co-funding etc) and are monitoring its progress. However, when it comes to actual transnational frameworks, governments are waiting to see what the needs of HEIs are and whether changes to national/state laws would be required.

The overall sentiment regarding furthering transnational cooperation for HEIs has been a positive one. Across the countries, authorities noted that these steps are a natural progression in European higher education development. The need for a new legal status for transnational cooperation has been recognised by several different countries, with national/state authorities responsive and willing to introduce changes that would enable transnational entities within European higher education to achieve their aims. As noted, this is not a universal sentiment with some authorities preferring that university alliances identify existing frameworks to form partnerships rather than develop new ones.

Furthermore, the interest of national authorities in the university alliance pilot results highlights the need for a joint forum of European Universities' initiative alliances to articulate the needs and challenges towards more comprehensive transnational cooperation in higher education. Many of the consulted authorities expressed interest in seeing joint work by university alliances in exploring the regulatory changes required for their cooperation. This is largely due to a desire on the part of national authorities that any changes made reflect the needs encountered by all HEI participating in the European Universities initiative rather than the needs of a single alliance.

Those who considered the potential of a new transnational legal entity to be developed suggest that this process should be led at the European level, in collaboration with alliances and national/state authorities. At the same time, creating a new legal status for university alliances should not be seen as the end goal but as a means to achieve the alliance's objectives. This goes back to the pilot results and the need for alliances to demonstrate the value of a new transnational entity for higher education in Europe. Additionally, the development of a new legal entity (or the guidelines on how it or a similar outcome could be achieved) should come with the understanding that no European level framework should replace the statutes of the university alliance members but complement them.

The creation of a new legal status for transnational alliances must clearly present how individual HEIs will function as national entities and how as part of a larger international entity. And answer how this duality impacts the HEIs relationship with national authorities, particularly in terms of public HEIs that are financially linked with the state and are part of national considerations when it comes to higher education development.

Most of the authorities consider that further regulatory changes for transnational cooperation will emerge as a response to the pilot results from university alliances, giving clearer indication on the exact needs. This highlights the overall sentiment that policy makers want to collect comprehensive input from across the range of university alliances regarding transnational cooperation.

As for specific developments, the annex presents a brief summary of the planned future developments of national/state authorities linked to transnational cooperation as well as the potential of existing regulations to support ECIU University. Notably, micro-credentials are being explored in Ireland, Italy and Spain when authorities are considering their place within national qualification frameworks. In Norway and Portugal work is under way to support different forms of international higher education degrees to support joint programmes between HEIs. And Spain has already introduced regulatory changes to support degrees issued by University Alliances.

## Conclusions and recommendations

### Understanding the needs of European University alliances

European University alliances, such as ECIU University, are currently not able to undertake all desired activities of transnational cooperation due to limitations posed by the incompatibility of legislative and regulatory frameworks in different national contexts.

For ECIU University, the context of its current legal status as a foundation under Dutch law comes with particular challenges in relation to the hiring of staff (use case 1), and making revenue (use case 2 and 4). Eight use cases were formulated to illustrate the precise needs of a university alliance such as ECIU University.

While supportive of international cooperation activities in the higher education sector, national authorities do not seem to be aware of the exact challenges and needs that alliances face in achieving the deep transnational cooperation. **Therefore, policy experimentation projects like ESEU are crucial for indicating the legal needs and requirements for deep transnational cooperation to the national states and working on joint approaches.** Next to first type of policy experimentation project, the ambitious level of transnational cooperation envisioned by the European Universities Initiative is also unprecedented. Before the EUI, the majority of European transnational partnerships in higher education happened at the departmental or faculty level (JRC, 2018).<sup>8</sup> Yet, the fact that there are legal barriers that “do not allow for more intense and sustainable cooperation, and European Universities could tackle that with a European Statute” (JRC, 2018, p.2) was apparent even before the first alliances were piloted.

### Available legal structures

The cross-examination of four existing legal structures with the eight use cases did not identify one instrument having better suitability to help achieve ECIU University’s objectives. Moreover, the challenges related to the adoption, implementation and maintenance of one (or more) legal instruments is unlikely to provide sufficient gains to offset challenges currently experienced by ECIU University, as many of them relate to navigating to multiple systems of national law. Social security, taxes, and education are simply bound by national law, as these are not topics where Europe has any competence.

Despite the patchwork of national realities, more collaboration between member states is needed to build joint European structures. Or to achieve a level of national regulation alignment where transnational HEI partnerships under highly comprehensive cooperation frameworks can function without concern.

The talks with the national authorities confirmed that the European University Initiative provides political momentum for such intensified collaborations. National authorities favour the European Universities Initiative and want to support the alliances. They are generally not against a European framework that supports collaboration between higher education institutions. Yet, to make decisions that are relevant and applicable to the wider higher education sector for which they are responsible, they want to know the results of the first pilot years of the EUI. Some even suggest that the pilot results will be used to revise national higher education laws and regulations.

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<sup>8</sup> Karvounarakis, A., Subramaniam, S., Hristov, H., Ojala, T., Jonkers, K., Huisman, J., Goenaga, X., Mapping of European transnational collaborative partnerships in higher education, EUR 29212 EN, Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-85302-9 , doi:10.2760/560460, JRC111663.

As a result, it is recommended that at the European level, the results of the monitoring efforts of the European Universities Initiative and the self-evaluation reports of alliances are aggregated, summarised and communicated clearly and widely so that the challenges faced, and the benefits brought by European alliances are known to relevant stakeholders.

Furthermore, there are in fact several other possible avenues to explore, among which could include, for example: Include feasibility analyses of other existing instruments besides the four selected, such as the European Grouping of Economic Interest (EGEI). Its fit with university collaboration is currently explored by another legal status pilot project: *the European Grouping of Academic Interest (EGAI)*.<sup>9</sup> Or the just adopted proposal to facilitate cross-border activities of non-profit associations in the EU.<sup>10</sup> In work package 3, the ESEU-project could discuss the feasibility of a brand-new instrument for EU University Alliances, or a framework in which the multiplicity of functions and needs of European University alliances could find their individual space (as suggested by the National Authorities, vide Chapter 3); another option is to explore an intergovernmental approach to a solution akin to the European University Institute of Florence. These options will be further explored in the ESEU-project work package 3, which will kick-off in October and present its final conclusions in February 2024.

It is also recommended that the conversation about the challenges and needs of university alliances are continued at the national level to ensure a broader understanding of the necessary legal, regulatory, and administrative interventions needed to achieve deep transnational cooperation. The existing national working groups consisting of alliances and member states, are an important tool for achieving this understanding.

### Summary of recommendations

Concluding, the workshops, surveys and interviews conducted by ESEU show that the needs of university alliances are not yet well understood, and the current structures and regulations are not responding to those needs. However, there is much support for alliances, and willingness to adopt regulations and work towards solutions that are needed. To work towards such a solution, we come to three recommendations at three different levels:

- At the **alliance level**, alliances and their partners must continue the conversations about the challenges and needs of university alliances to ensure a broader understanding of the necessary legal, regulatory, and administrative interventions needed to achieve deep transnational cooperation.
- At the **national level**, Member States must collaborate more to support joint European structures despite the patchwork of national realities (e.g., in the field of social security, taxes, and education).
- At the **European level**, the results of the monitoring efforts of the EUI and the self-evaluation reports of alliances must be more clearly and widely communicated so that the challenges faced and the benefits brought by European alliances are known to relevant stakeholders.

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<sup>9</sup> More information: <https://www.ubi.pt/Sites/unita/en/Evento/1300>

<sup>10</sup> For more information, see Commission facilitates the activities of cross-border associations in the EU, 5 September 2023

## Annexes - The national dimension and challenges for transnational cooperation

**Annex 1.** National authority understanding of the needs of ECIU University regarding transnational cooperation within existing national higher education regulatory frameworks and the potential extent to which they could be met

<i>ECIU University needs (use cases)</i>	<b>Country position</b>
<i>Hiring staff</i>	<p><b>Spain.</b> EGTCs that have a registered office in Spain must comply with the General State Budgets Laws and other regulations related to public expenditure or restrictions on remuneration increases in the public sector. EEIGs can hire staff in accordance with Spanish labour regulations. SCEs can hire staff but it must have clearly established labour rights and responsibilities present in the SCE’s statute. For ERICs, the subject of hiring staff based on their internal regulations.</p> <p><b>Norway.</b> The current legal framework at the national level has few limitation for Norwegian citizens about accepting working abroad.</p> <p><b>Italy.</b> Universities are autonomous and manage staff recruitment through competitions. Under Law 240 of 2010 (Article 16), individual wishing to participate in university competitions for the position of Professor I or II fascia must have a National Scientific Qualification which is issued directly by the ministry through national commissions for each of the competition areas.</p> <p><b>France.</b> No provision preventing EU legal instruments of a European economic interest grouping or a European grouping of territorial cooperation type from recruiting their own staff. EPSCP can provide or second their staff to these structures. EEIGs cannot employ more than 500 staff.</p> <p><b>Ireland.</b> Hiring of staff for institutions operating transnationally would be a matter for the institutions concerned, subject to the employment laws and tax regimes relevant to the employing institution. Staff from other countries working in Ireland would be subject to regulations based on their status. EU/EEA nationals can be freely employed in an Irish institution, subject to national and EU employment laws and regulations. Non-EU/EEA nationals require a work permit. Currently national law is not specifically geared towards facilitating transnational education in relation to hiring staff.</p> <p><b>Germany.</b> Hiring staff is regulated by the federal law and European law where applicable.</p> <p>No specific legal framework at the national level support the transnational higher education cooperation staff hiring activities in <b>Lithuania, Portugal, Sweden and Finland.</b></p>
<i>Receiving public and private funding flexibly from various sources</i>	<p><b>Spain.</b> EGTCs have full flexibility to receive public funding from public and private sources for joint projects. EEIGs likewise have the capacity to receive both public and private funding; however, within the limitations of relevant regulations and requirements connected to each EEIG. SCEs can receive both public and private funding for its activities. Furthermore, each SCE must include the obligation of the Legal Reserve in its statute. ERICs can receive public and private funding in accordance with Title VI of the European Financial Regulation.</p> <p><b>Portugal.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures receiving public and private funding.</p> <p><b>Norway.</b> Both public and private institutions may receive funding from either public or private sources for the provision of higher education. However, public institutions may not claim fees from Norwegian/EEA-students for regular higher education programmes.</p> <p><b>France.</b> Higher education cooperative infrastructures have the possibility to receive both public and private funding. For example, EEIGs can get external funding, borrow and receive subsidies.</p> <p><b>Ireland.</b> Different rules apply to different types of institutions in relation to the generation of income. The traditional universities have the most liberal regime, as they have a statutory borrowing framework and a consequent degree of freedom to generate income not only through their academic and research activities, but also through seeking investment from other sources (philanthropy, borrowing etc). Other institutions, like the new technological universities, have legislation that allows for borrowing but this requires ministerial approval, which has not yet been sanctioned.</p>



*Providing flexible learning paths at the European level*

**Germany.** The Hamburg Higher Education Act is only applicable to HEIs listed within the act, as such, ECIU University would not be subject to the provision outlined in the Act. The Free and Hanseatic City of Hamburg provides annual funding to the state’s HEIs which are largely free to use these funds as they see fit. HEIs can receive private funding for their activities. Individual professors may receive private funding for a limited period of time (endowed professorships).

No specific legal framework at the national level supporting the transnational higher education cooperation activities related to receiving public and/or private funding in **Lithuania, Italy, Sweden and Finland.**

**Spain.** There is no limitation within Spanish law for EEIGs, SCEs or ERICs. With EGTCs there is an existing example of using EGTC as a framework for flexible learning pathways - the IACOBUS Programme. Spain also has two different legislations for joint degrees. The first deals with national degrees and joint degrees which must be accredited by any of the 11 agencies registered in Spain that can provide quality assurance and accreditation. Joint degrees of the European universities consortia can be registered with any agency that is part of European Consortium for Accreditation in higher education (ECA).

**Portugal.** The specific legal framework at the national level would support transnational higher education cooperation infrastructures that are aimed and have activities towards providing flexible learning pathways. Provisions are in place to ensure that student education and training attained at foreign HEIs is recognised in Portugal to enable joint degree provision and student mobility.

**Italy.** The Ministry for Universities and Research has signed a reform which aims to increase the flexibility and interdisciplinarity of degrees offered at HEIs and facilitate collaboration with foreign HEIs. The reform is currently under review.

**France.** French HEIs, operating within university alliance, can submit a study programme to external evaluation within the framework of the “European approach” to the High Council for Evaluation of Research and Higher Education (Hcéres), undergoing quality assurance to match the requirements for the qualification framework. European legal instruments (EGTC or EEIG) cannot be used to replace the tasks of their members. Under no circumstances may the structure replace the missions of its members, in particular by issuing national diplomas.

**Ireland.** HEIs have a lot of autonomy to design flexible learning pathways and introduce micro-credentials. Irish regulations for higher education degrees already include minor special purpose and supplementary awards which are similar in their use to micro-credentials (though Irish HEIs are free to decide whether to use them in their degree programmes). Ireland is strongly committed to the maintenance of its National Framework of Qualifications, which is maintained by QQI, and supported by all of Irish HEIs. QQI is also committed to the use of the overarching European Qualifications Frameworks (EQF and QF-EHEA). Irish authorities hold the view that more work should be undertaken to secure greater clarity on the issue of whether micro-credentials are qualifications that could be included in Qualification Frameworks.

**Sweden.** The legal framework in Sweden is geared towards supporting flexible learning pathways at the European level. The Swedish student loan system facilitates loans and contributions for studies abroad and other legal framework support credit transfers.

**Germany.** The Hamburg Higher Education Act supports flexible learning pathways. Under the act, different learning, working experiences can be recognised provided there is no significant difference between the student experience and the skill requirement of the HEI. Knowledge and skills acquired through means other than a HEI course, but which are equivalent to requirements for completion of the course, shall be credited for up to half of the course’s credit requirements. The state also hosts Hamburg Online Open University (HOOU) which was established in 2015 as a joint institution of the Free and Hanseatic City of Hamburg, five state universities in Hamburg, Multimedia Kontor Hamburg gGmbH and the University Medical Centre Hamburg-Eppendorf. HOOU is involved in the development of novel and freely available digital learning opportunities.

**Finland** has launched the Digivisio 2030 programme which aims to implement a comprehensive e-Learning ecosystem across Finnish HEIs. Utilising a “flexible learning tray” the Digivision platform is meant to enable students at a glance comparison between available programmes from different HEIs.

No specific legal framework at the national level supporting the transnational higher education cooperation aimed at providing flexible learning pathways in **Lithuania and Norway.**

*Creating private revenue through continuous education*

**Spain.** EGTCs can earn private revenue through continuous education if the revenue earning activities are aligned with the objectives presented in the EGTC’s statute. EEIG can charge tuition fees or registration fees to participants. SCEs have no limitation within Spanish law. ERICs may engage in limited economic activities if these are demonstrably and closely linked to the main objectives, purpose of the ERIC.

**Portugal.** The specific legal framework at the national level would support transnational higher education cooperation infrastructures earning private revenue for continuous education activities.

<i>Investing in and managing facilities</i>	<p><b>France.</b> European legal instruments (EGTC or EEIG) cannot be used to replace the activities of member HEIs, as these tasks must be auxiliary and remain incidental.</p> <p><b>Ireland.</b> Irish HEIs, including public HEIs, are able to generate revenue through various forms of continuous education, including executive education, continuous professional development programmes etc, on top of their publicly - funded degree provision.</p> <p><b>Germany.</b> HEIs in Hamburg can generate private revenue under certain conditions though it has been regarded that generally this is not easily done.</p> <p>No specific legal framework at the national level supporting the transnational higher education cooperation activities that would result in private revenue through continuous education in <b>Lithuania, Norway, Italy, Sweden and Finland.</b></p>
<i>Managing data-related issues</i>	<p><b>Spain.</b> EGTCs, EEIGs, SCEs and ERICs can invest in and manage facilities if it is established in their statutes or cooperation agreements. Furthermore, within each example, they must also comply with any relevant Spanish regulation, legal requirement.</p> <p><b>Italy.</b> No specific legal framework at the national level supporting the transnational higher education cooperation activities aimed at investing in and managing facilities.</p> <p><b>France.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in investing in and managing facilities.</p> <p><b>Ireland.</b> Capital investment is generally supported by the State through particular programmes for public HEIs, though traditional universities have access to a borrowing framework that allows them to borrow money directly for specific projects. Many such projects are also part of the Government’s overarching strategy Project Ireland 2040, and the National Development Plan 2021-30.</p> <p>No specific legal framework at the national level supporting the transnational higher education cooperation activities aimed at investing in and managing facilities in <b>Lithuania, Portugal, Norway, Italy, Sweden, Germany and Finland.</b></p>
<i>Managing IPR-related issues</i>	<p><b>Spain.</b> EGTCs, EEIGs, SCEs and ERICs must all comply with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons about the processing of personal data and on the free movement of such data.</p> <p><b>France.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in managing data-related issues.</p> <p><b>Ireland.</b> There is cooperation between Irish HEIs on IPR under Knowledge Transfer Ireland (KTI), particularly in relation to research commercialisation.</p> <p>No specific legal framework at the national level supporting the transnational higher education cooperation activities for managing data-related issues in <b>Lithuania, Portugal, Norway, Italy, Sweden, Germany and Finland.</b></p>
<i>Buying and owning goods and services</i>	<p><b>Spain.</b> EEIGs, SCEs and ERICs must comply with international, EU and any other country-specific regulations in the field of their activities. EGTCs do not automatically possess IPR. However, the actions carried out by an EGTC may involve the use or creation of intellectual assets protected by IPR.</p> <p><b>Portugal.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in managing IPR. Under current legislation Portuguese HEIs manage IPR themselves.</p> <p><b>Norway.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in managing IPR.</p> <p><b>France.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in managing IPR.</p> <p><b>Ireland.</b> There is cooperation between Irish HEIs on IPR under Knowledge Transfer Ireland (KTI), particularly in relation to research commercialisation.</p> <p><b>Germany.</b> Adheres to European requirements for IPR.</p> <p>No specific legal framework at the national level supporting the transnational higher education cooperation activities managing IPR-related issues in <b>Lithuania, Italy and Sweden.</b></p>
	<p><b>Spain.</b> There is no limitation within Spanish law for EGTCs, EEIGs, SCEs and ERICs.</p> <p><b>France.</b> The legal framework at the national level would support transnational higher education cooperation infrastructures in buying and owning goods and services.</p>



**Ireland.** Publicly funded institutions are required to comply with national and EU procurement legislation.

**Germany.** The Hamburg Higher Education Act is only applicable towards transnational higher education cooperation activities related to buying and owning goods and services.

No specific legal framework at the national level supporting the transnational higher education cooperation activities related to buying and owning goods and services in **Lithuania, Portugal, Norway, Italy, Sweden and Finland.**

## Annex 2. National challenges and limitations for transnational cooperation in higher education

<b>Country</b>	<b>Reported support for transnational cooperation</b>	
<i>Spain</i>	Support for transnational cooperation	<p>The Spanish Service for the Internationalization of Education (SEPIE) promote HEI internationalisation activities and serves as the Spanish National Agency for the Erasmus+. Offering both support in Erasmus+ activities and establishing contact between Spanish HEIs and other partners.</p> <p>The Ministry of Universities (state foundation) provides legal advice to Spanish HEIs regarding transnational cooperation activities. It would also support actions on the EU level to develop recommendations, guidelines on how transnational legal entities composed of HEIs could function.</p> <p>A working group between the Ministry of Universities and Spanish HEIs that are part of alliances has been established. The working groups meets every 3-4 months to discuss the ongoing developments within the alliances and the needs and challenges they face.</p>
	Challenges and limitations for transnational cooperation	<p>One of the identified issues stems from hiring of staff and how this would function within the context of a university alliance. The subject of hiring staff from abroad by individual Spanish HEIs is not a problem. The challenges emerge when considering hiring staff by an alliance and how this affects social security, taxation, etc. There is a grey area when considering whether a staff member would be hired by a Spanish HEI or by ECIU; in the later case which country's laws are applicable, which country has the legal responsibility to ensure the staff member receives the full support of the legal system for their employment.</p> <p>Similar concerns are raised regarding funding of HEIs and how these funds would be divided between a HEI as a national institution and a HEI as part of a university alliance.</p> <p>Consulted Spanish authorities do not have the comprehensive understanding of the full regulatory framework that would be required to establish a framework for transnational cooperation in line with the needs (as they are expressed through the use cases). It is suggested that guidelines for such cooperation should be drafted on the European level to facilitate their adoption by countries. Otherwise, the country is supportive of HEI internationalisation and the work to find pathways towards creating such regulations.</p>
<i>Lithuania</i>	Support for transnational cooperation	<p>The government closely observes the ongoing activities related to European Universities initiative and encourages HEI participation in the initiative and is open towards making changes to national legislation to</p>
	Challenges and limitations for transnational cooperation	<p>In some ways, the challenge is that Lithuania does not have regulations, regulatory tools, etc. addressing the needs (use cases) identified for ECIU University. Authorities consider that the wider Lithuanian regulatory framework is often strict and inflexible, resulting in reduced possibilities for Lithuanian HEIs to enter into university alliances. Reportedly, this can reduce the capacity of Lithuanian HEIs to experiment within the context of alliance pilots in finding novel pathways for transnational cooperation.</p> <p>Still, the country is supportive of the European Universities initiative and encourages participation. Policymakers are waiting for the results of pilots and conducted analysis to determine the next steps forward on the national level and the Ministry of Education, Science and Sport is likewise working on identifying areas where regulatory changes could lead to better opportunities for Lithuanian HEI participation in the European Universities initiative.</p>
<i>Portugal</i>	Support for transnational cooperation	<p>In 2018 the Portuguese government approved legislative measures specifically aimed at strengthening transnational collaboration. Under these measures Portuguese HEIs can offer Portuguese higher education study cycles to be taught abroad. Furthermore, the process of creating double and joint degrees and awarding them has been made more favourable in order to encourage increased development of international study programmes.</p> <p>In Portugal, HEIs can establish cooperation agreements with international partners, join networks within the scope of the European Union, through bilateral or multilateral agreements signed by the Portuguese State. Within such partnerships HEIs can develop joint degrees, share resources and equipment.</p>
	Challenges and limitations for transnational cooperation	<p>The Portuguese government is open to make changes to enable further transnational cooperation for HEIs.</p>
<i>Norway</i>	Support for transnational cooperation	<p>Authorities consider the state funding for HEIs to be substantial when compared to other European countries, with the government encouraging HEIs to seek international cooperation opportunities.</p>

	<p>International mobility was cited as a focus for HEI international cooperation. Norwegian HEIs are part of Erasmus+ and the Nordplus programmes. Furthermore, Norwegian students have access to three different types of instruments facilitating international studies: basic support (equivalent to a student loan for studying abroad); travel support (including subsidies to travel to different continents); loan for tuition fees.</p> <p>In June 2023, the Ministry has proposed a new Act relating to universities and university colleges to Parliament. In this new Act, the Ministry has proposed three amendments to improve the legislations facilitation for international cooperation, student mobility, and the legislations harmonisation with guidelines adopted in the Bologna-process. It is specified in the law proposal that joint degrees include degrees accredited based on the European Approach for Quality Assurance of Joint Programmes. This implies that European joint degrees may be accredited by a quality assurance agency that is registered in the European Quality Assurance Register for Higher Education (EQAR). In addition, a definition of study points based on the European Credit Transfer System (ECTS) is included in the proposal of the new Act, as well as the Norwegian degree structure which is based on the Bologna process.</p>
	<p>The employment regulations in Norway may pose challenges as the employment framework is described as dynamic with close connection between laws, collective agreements, etc. Therefore, for ECIU University it would be important to clearly establish who the employer is (i.e., a Norwegian HEI or ECIU itself) and who is responsible for the employee's social security guarantees.</p>
<i>Italy</i>	<p>The Italian government has included HEI internationalisations as one of the goals for the 2021-2023 development plan for the HE sector. Among the measures is an increase in the number of international study courses, support for participation in international networks for teaching and facilitating growth of international students.</p> <p>Italian universities enjoy a lot of autonomy in terms of issuing degrees. Italian HEIs are allowed to award foreign degrees or joint degrees with other HEIs.</p>
	<p>Need to consider regional differences in how HEIs are regulated.</p>
<i>France</i>	<p>Authorities note that French HEIs have considerable autonomy in organising education and training programmes with international partners in general and within the university alliances in particular. The national training framework is noted for its flexibility in facilitating adjustments required for collaboration with international partners.</p> <p>HEIs can receive funding support for internationalisation actions under PIA3 and France 2030 programmes.</p>
	<p>The difficulties encountered are most often due to national differences, i.e., start of academic year, alignment of ECTS.</p>
<i>Ireland</i>	<p>Irish HEIs have a great degree of autonomy for transnational education agreements, activities. This is supported by the Irish legal system. Authorities indicate that if a specific activity, subject, etc. isn't prohibited or restricted, it is considered permitted.</p> <p>However, Irish HEIs must ensure that international activities are within the requirements of the Irish quality assurance requirements and adhere to national regulations. An example of how this functions is present in cooperation agreements with China. Many Irish HEIs have transnational programmes with China and these programmes must adhere to the internal quality assurance procedures of the Irish HEIs and subject to external evaluation by Quality and Qualifications Ireland (QQI) at institutional level. QQI also has agreement with authorities in other countries to ensure recognition of degrees awarded in the host country.</p> <p>Any joint degree programme involving an Irish HEI is included in the national qualification framework as it is automatically assumed it has gone through the internal quality assurance of the HEI. And HEIs are considered to have intrinsic power to award degrees.</p> <p>There is some difference between universities and technology universities where the former have more freedom to participate in transnational cooperation, establish new entities for promoting or assisting in their functions. Technology universities can establish joint research projects and education and training programmes.</p>
	<p>Within the context of university alliances and ECIU, transnational cooperation raises the subject of a new transnational legal entity being established that can award degrees. Here, the question emerges of how such degrees would fit within national qualification frameworks. In the case of Ireland, the perspective is that such a degree is not being issued as a joint degree between an Irish and another international partner HEI (in such cases there is no conflict) but by an entirely new legal entity that has an Irish HEI as a participant.</p>

<i>Sweden</i>	Support for transnational cooperation	The Swedish government has provided limited funding for HEIs directly for their participation in the European Universities initiative. There are individual cases of the government support for HEI international collaboration, with examples for co-acquisition of properties or stocks related to international cooperation. Although it may be seen as a support, the process itself (including separate parliamentary decisions) may also be seen as a challenge.
	Challenges and limitations for transnational cooperation	Swedish HEIs are in the process of investigating their participation in European Universities initiative and the government is waiting for the results of their work to see the identified challenges.
<i>Germany</i>	Support for transnational cooperation	<p>The regulatory support for transnational cooperation of HEIs largely comes from the individual German states (Länder) that have their own higher education laws. Within the context of university alliances, areas that intersect higher education (i.e. labour laws) are regulated by the federal government. As such, it is important to consider that specific support for higher education can differ from state to state. Keeping this in mind, the Hamburg Higher Education Act (Hamburger Hochschulgesetz HmbHG) promotes international cooperation and exchange between German HEIs and international partners.</p> <p>On the national level, the German Academic Exchange Service (Deutschen Akademischen Austauschdienst DAAD) is running a national programme for European Universities – “European University Networks (EUN) – national initiative”. EUN in essence offers extra support for German HEIs involved in the European Universities, including additional funding for their activities.</p>
	Challenges and limitations for transnational cooperation	The needs (use cases) of ECIU University and associated challenges largely fall outside the regulatory framework of the Free and Hanseatic City of Hamburg. HEIs part of the European University Alliances should be involved in determining the challenges and barriers for further cooperation, for example, the legal departments of these HEIs.
<i>Finland</i>	Support for transnational cooperation	<p>The promotion of HEI internationalisation is among the goals for the Finnish performance-based funding model for higher education. Internationalisation Programme for Higher Education Institutes 2021–2024 is investing in internationalisation through two broad funding streams – Global Networks (for attracting international research talent) and TalentBoost (for attracting and retaining international students within HEIs and subsequently the workforce).</p> <p>The TalentBoost programme was launched to specifically support attracting and retaining international students coming to Finnish HEIs through a combination of investment designed to improve willingness of businesses to employ foreign students. The goal is to increase the retention and employment of international students by 75%.</p> <p>The country launched its Digivisio 2030 programme which is developing an e-Learning platform that brings together the 38 HEIs currently operating in Finland. The platform will enable greater flexibility in learning pathways for students, offering easy comparability between available education offerings across the participating institutions.</p>
	Challenges and limitations for transnational cooperation	Studies show staff internationalisation is the least supported part of the overall HEI internationalisation support.

### Annex 3. National developments in support of transnational cooperation in higher education and potential for the national regulatory framework to support ECIU University

<b>Country</b>	<b>Reported future developments for transnational cooperation and potential for the national regulatory framework to support ECIU</b>	
<i>Spain</i>	Reported future developments for transnational cooperation	<p>The analysis shows that, overall, the authorities are optimistic about the future for European Universities initiative and enabling more cooperation in higher education in Europe. While the authorities lean more towards having European level guidelines and recommendations, they do consider it would be possible to make changes in the Spanish legislation to meet identified needs for university alliances.</p> <p>To that end, the results from the European Universities initiative pilots are anticipated to provide a better understanding of the needs the changes that would need to take place on the national level. According to the collected data, the Spanish government is very supportive of European Universities initiative and meeting the alliance needs, including making legislative changes. The important part is ensuring that changes can be made based on comprehensive research and data supplied to the Spanish legislators to ensure that any such changes do not require frequent amendments.</p> <p>A recent example of meeting alliance needs when the Spanish government passed a new regulation which enabled Spanish HEIs to issue diplomas for studies that were completed within the alliance.</p> <p>The applicability and issuing of micro-credentials is also being discussed and developments regarding it on from university alliances observed.</p>
	Potential for the national regulatory framework to support ECIU	<p>Authorities considered that the Spanish regulatory framework supports different aspects of transnational cooperation; however, none fully meet the development requirements of ECIU. It was also noted that the existing laws and regulations may pose challenges for ECIU as an independent legal institution. It has been suggested that to meet ECIU's needs, new legal instruments may need to be designed in the future.</p>
<i>Lithuania</i>	Reported future developments for transnational cooperation	<p>The government continues to support HEI participation in European Universities initiative and considers this to be the future of higher education in Europe. Authorities consider the European Universities initiative could be a driver towards even greater harmonisation of higher education systems across the EU – a prospect that Lithuanian authorities are in favour of.</p>
	Potential for the national regulatory framework to support ECIU	<p>Lithuanian authorities are supportive of continued analysis into the development of a new legal status that would support transnational cooperation for HEIs and enable ECIUs development. The Ministry of Education, Science and Sport have formed working groups that are in the process of identifying regulatory obstacles preventing Lithuanian HEIs from participating/being more integrated in university alliances.</p>
<i>Portugal</i>	Reported future developments for transnational cooperation	<p>Portuguese HEIs are currently part of EGAI, ESEU, ETIKETA and Edlabel projects with the expectation from the Portuguese government that the projects will facilitate further internationalisation of the higher education system. However, It has been pointed out the current involvement and discussions have been kept internal, with government waiting for the first outcomes of these projects to be presented.</p> <p>There are plans to revise the Portuguese higher education laws in 2024 and the government intends to use any outcomes that the European Universities initiative can present regarding furthering international cooperation. The government is particularly interested in further guidelines regarding Joint and Double degrees, mobility of academic staff and students' mobility at vocational courses.</p>
	Potential for the national regulatory framework to support ECIU	<p>Portuguese authorities were sceptical regarding further development of ECIU within the current national legal structures as they are now, noting that for this European initiative to move forward the existing regulatory framework requires amendments in the following areas: access to higher education, students support, human resources and management. However, national authorities also note that the government would be willing to introduce the regulatory changes to facilitate transnational cooperation for HEIs.</p>
<i>Norway</i>	Reported future developments for transnational cooperation	<p>In terms of future developments, in June 2023, a new legislative Act was proposed which would introduce three amendments to the Norway HEI legislation to facilitate HEI international cooperation, student mobility and harmonising HE legislation according to the with guidelines adopted in the Bologna-process, including harmonising the existing credit system with the European Credit Transfer System (ECTS). As part of this process the amendments propose that joint degrees include degrees accredited based on the European Approach for Quality Assurance of Joint Programmes. According to authorities the implication is that European joint degrees may</p>

		be accredited by a quality assurance agency that is registered in the European Quality Assurance Register for Higher Education (EQAR).
<i>Italy</i>	Potential for the national regulatory framework to support ECIU	With the changes taking place, Norwegian authorities consider that the regulatory framework is in line with the government goals for transnational cooperation. HEIs are encouraged to develop programmes that integrate international mobility in their design and the government aims that students who attain a degree in Norway will have spent some time studying abroad as part of their course. The end goal is to reach a point where students have to actively opt out of international mobility as part of their overall studies.
	Reported future developments for transnational cooperation	Italy has a working group that is developing guidelines to universities on the adoption and issuing of micro-credentials.  Degree accreditation, particularly joint degree accreditation, is being worked on to facilitate more joint degrees with international partners for Italian HEIs. ANVUR (Italian National Agency for the Evaluation of universities and research institutes) has taken these steps to enable greater flexibility in degree accreditation as a response to the university alliances.
	Potential for the national regulatory framework to support ECIU	Italian authorities are of the opinion that the existing regulatory framework can support developments in line with the legal use cases presented by ECIU. Italian HEIs have a lot of autonomy in their operations with the government raising goals for internationalisation and actions taken in support of this.
<i>France</i>	Reported future developments for transnational cooperation	It has been noted that the Ministry of Higher Education and Research is ready to support ECIU, and other consortia, towards furthering HEI transnational cooperation.
	Potential for the national regulatory framework to support ECIU	French authorities indicate that there are no obstacles in the French regulatory framework for ECIU's further development.
<i>Ireland</i>	Reported future developments for transnational cooperation	Irish authorities considered that the Irish regulations are less restrictive towards transnational cooperation because Ireland does not have a licensing system for transnational activities. Irish HEIs are autonomous in the programme development and are not subject to national accreditation system. Irish government seeks to continue strengthening the quality assurance of Irish institutions involved in transnational education through periodic renewal of our existing statutory QA guidelines and the introduction of the new international education mark.  There is an ongoing project by the Irish Universities Association regarding the introduction of micro-credentials in Ireland with a focus on the status of micro-credentials in relation to the national qualification framework, whether micro-credentials can operate within a framework of formal qualification.
	Potential for the national regulatory framework to support ECIU	Further support for ECIU's development depends on its scope of the ambitions. Particularly in terms of the legal status of ECIU if it becomes a transnational entity and what this would mean for the legal liability of the Irish government in terms of Irish (public) HEIs being part of it. Irish authorities would like to see further discussions on the regarding these topics to see what the position of other countries and the EU is.  There is potential towards degree recognition. In Ireland, Pontifical Irish College is a pontifical university under the Holy See and its degrees are not included in the national qualification framework as they are awarded under foreign legislation. Institutions can approach the QQI to have their degrees introduced into the national qualification framework. There is a process called listing of awarding bodies where the QQI can either recognise the external quality assurance process of the corresponding institution or the HEI can submit to QQI's external quality assurance.
	Reported future developments for transnational cooperation	Sweden is currently engaged in evaluating the possibilities and challenges of Swedish HEIs participating in European Universities initiative, with the results of this work expected around April 2024.
<i>Germany</i>	Potential for the national regulatory framework to support ECIU	Swedish authorities would like to see how the changes necessary for ECIU University are introduced in other countries.
	Reported future developments for transnational cooperation	German Länder and the Federal Government are involved in dialogue related to EU topics. Discussions related to European higher education institutions fall under „Gemeinsame Wissenschaftsministerkonferenz (GWK) - Working Group Europa“..  The Federal Government also supports European Level funding being directed at European HEIs on a permanent basis to ensure stable and sufficient funding for European higher education.



<i>Finland</i>	Potential for the national regulatory framework to support ECIU	<p>Under the Hamburg Higher Education Act German HEIs are expected to cooperate with other education and research institutions to support the development and provision of education and research opportunities. Under the Act, HEIs may enter into agreements for the fulfilment of joint tasks, form special decision-making bodies and create joint institutions with the consent of the competent authority.</p> <p>German authorities are also interested in creating recognition mechanism for higher education attained through digital means.</p>
	Reported future developments for transnational cooperation	The Digivisio 2030 programme has been allocated additional funding in support of developing the e-Learning platform and ecosystem.
	Potential for the national regulatory framework to support ECIU	The Digivisio 2030 programme is aiming to achieve similar concepts to those of ECIU University (or indeed the university alliances) in creating flexible learning pathways through access to multiple higher education providers under a centralised platform, ecosystem. While not aiming towards international partnerships, the programme does offer insights into how flexible learning pathways can be introduced within an ecosystem.



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