



Why we decided to embark on the journey of creating an INGENIUM EGTC – and why you should also consider it

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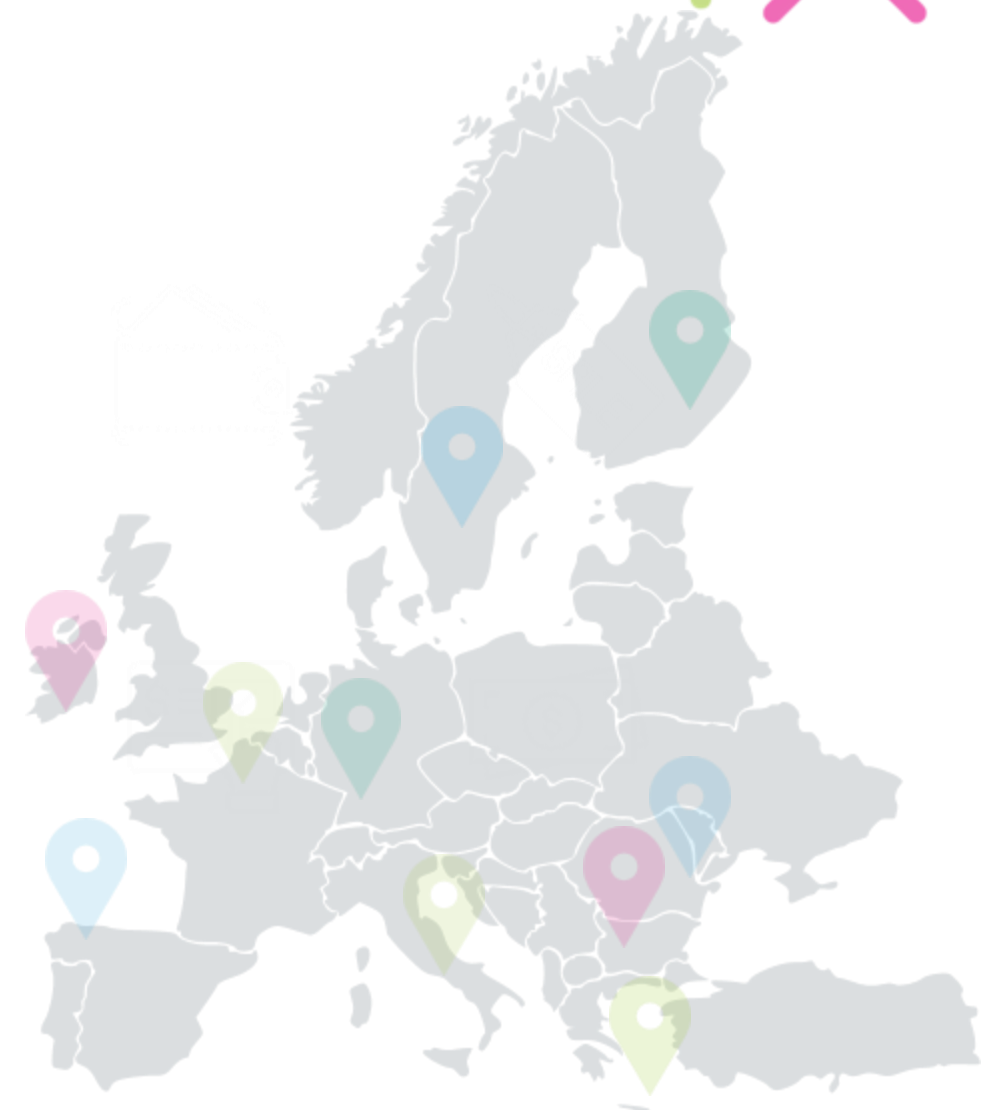
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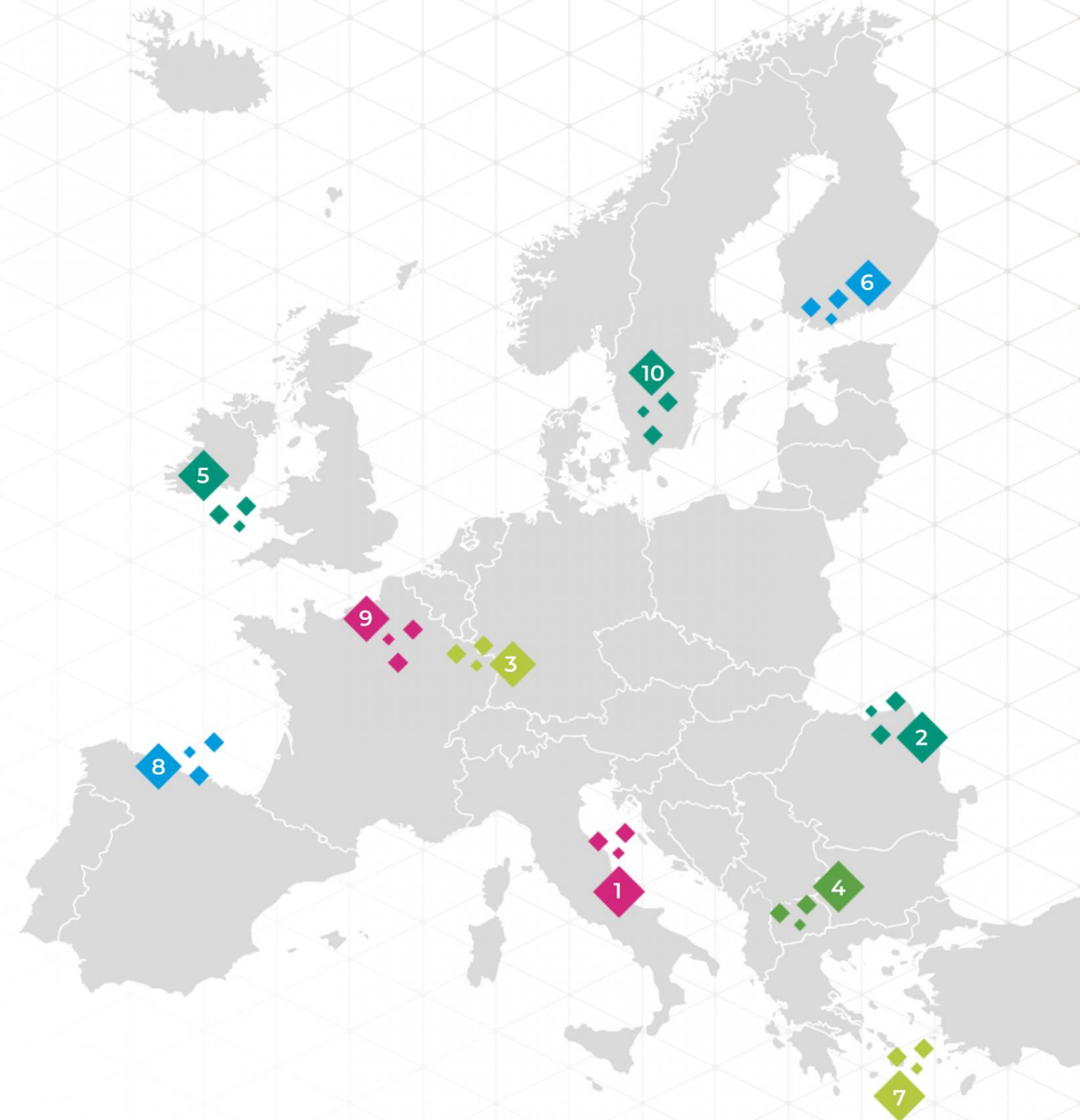


INGENIUM European University: the Alliance of diversity

INGENIUM - European University is an ambitious alliance of 10 universities from EU member states, supported by various organizations such as governments, industries, and civil society groups. INGENIUM brings together 10 mid-size institutions of very different profiles (comprehensive, applied science, technological, technical, and even a medical university).

With diverse backgrounds and activities, **we complement each other in education and research, creating a platform for cooperation and learning. Our overarching goal as INGENIUM Alliance is to enhance inter-university cooperation and become a fully integrated European University with ten campuses across the Union.**

Our **focus areas** include creating our version of **open degrees “pathway programmes”**, expanding **joint programs**, innovating in academic offerings, and **providing opportunities for students to customize their study programs in different ways**. We prioritize pedagogical innovation, entrepreneurship, inclusiveness, and sustainability.





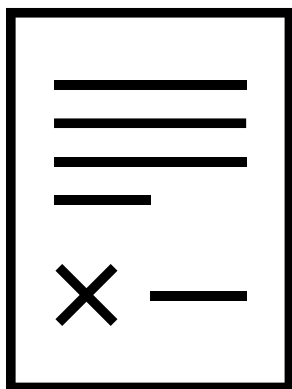
Why did INGENIUM decided to create a legal entity? Why now?

The Mission Statement mentions the commitment to explore the creation of a legal entity

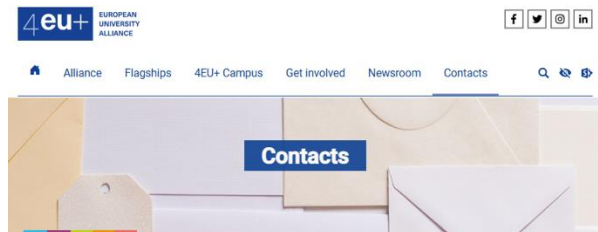
*Our fully mandated representatives will integrate and actively participate in the Alliance Council, the Consortium Steering Committee and other Associated with governing and operational bodies, according to the provisions of our Consortium Agreement, and we will explore options for further integration, **including the creation of a jointly held legal entity***

Only by starting early (right before the mid term report) we had the chance of getting the timming right

***The timeline designed in September 2024 sought to ensure that the legal entity is operational by the end of the current reporting report, which ends in December 2026.** This will allow the alliance to showcase the creation of the legal entity in its final report, boosting the chances of receiving future funding.*



Initial considerations: the context



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- **The picture of legal entities of alliances is quite diverse**, both in term of the profile of the universities and the specific functions assigned to the legal entity.
- **In most cases, legal entities have a key role in the support to transversal aspects in the work of EUAs** such as funding, governance, policy, communication or IT. **They do not have academic responsibilities as of now.**
- **Alliances have set up membership fees and include their legal entities in their Erasmus+ projects** as beneficiaries as the main sources of funding.

Initial considerations: the pragmatic side



- The **establishment of legal entities** is seen by EACEA/EAC as **one of the best ways to reinforce the governance of alliances and guarantee their sustainability.**
- **The key EU policy documents produced in the last 5 years all mention legal entities,** and they are one of the flagships of the European Strategy for Universities.
- **Around 1/3 of the 60 alliances have either** established legal entities (more than 10) or are in the process of doing so (10/15).
- The work done by the Erasmus+ policy experimentation projects and other alliances facilitates the establishment of new legal entities.

The European Commission plans to continue working on the topic of legal entities

ENTRY POINT: A EUROPEAN DEGREE

A degree would be awarded jointly by several universities from different countries (e.g. a European University alliance). The European degree would be integrated into national legislation as a new type of qualification. This would offer a significant simplification for universities and students by removing disparities between national rules and provides EU universities with a common and clear framework for creating joint degree programmes. As with any degree, the European degree would be accredited in accordance with national legislation and national qualifications frameworks by the competent authorities at institutional, regional, or national level.

A European degree could also be awarded by a legal entity established by several universities from different countries (e.g. a European University alliance with a legal status). Some alliances of universities have already set up such legal entities, and are exploring the use of existing European legal tools like the European Groupings of Territorial Cooperation (EGTCs). This path would possibly be the simplest and most efficient for universities, in terms of associated costs and required resources.

Legal entities have been incorporated into the Mandate Letter of the new executive vice-president of the EC responsible for education. They are also mentioned in the Union of Skills Communication

The blueprint for a European Degree proposes the possibility of allowing legal entities to award future “European Degrees” – although MS do not seem to be really happy about it.

The EC has also included a recommendation in this direction into its proposal on a Council Recommendation on a European QA and recognition system.

Changes to the EGTC regulation to make it more adapted to the needs of HEIs are on the cards for this EU political cycle. It seems to be the tool of choice of the EC.



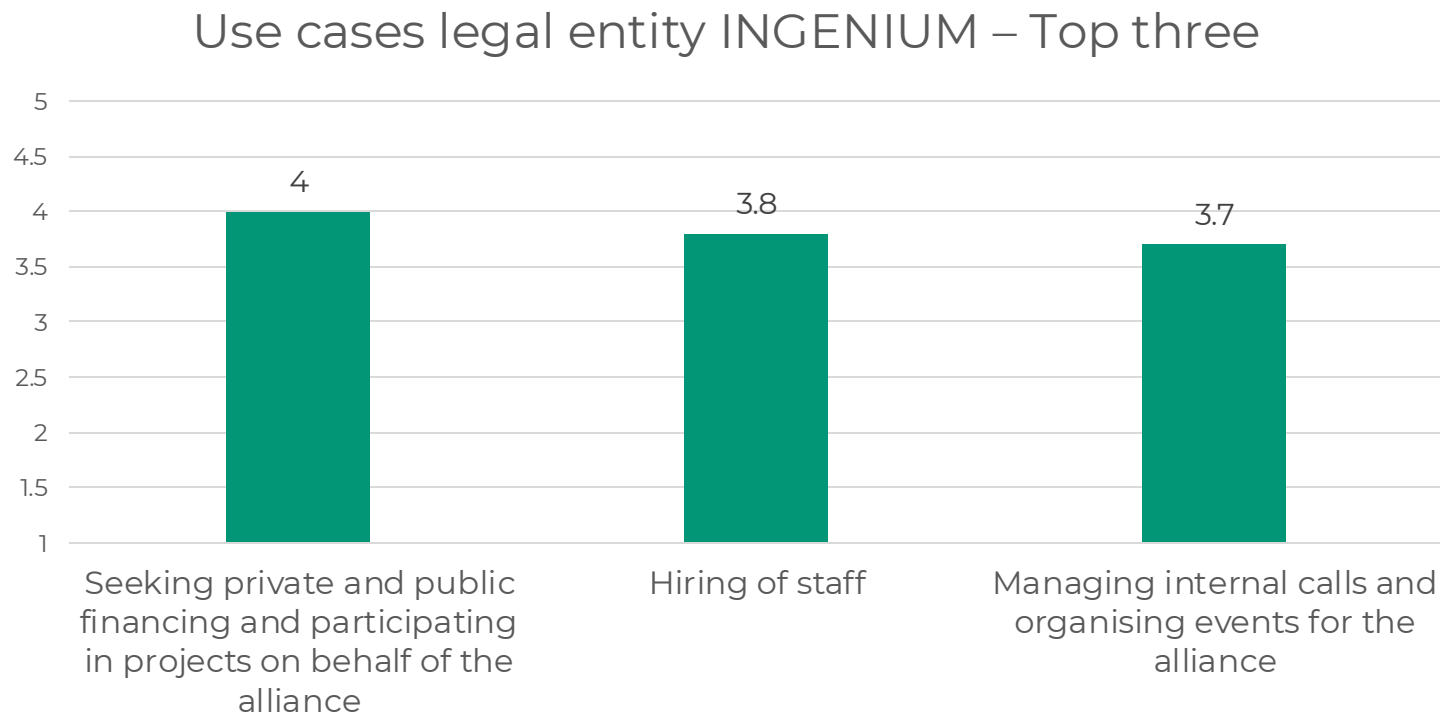
INGENIUM Partner consultation



- **All partners are members of associations, foundations and other types of legal entities.** Several partners are members of the European University Association, a non-profit set up under Belgian law. They usually pay an annual membership fee. Legally speaking, this means that there could be a model that allows them to join an “INGENIUM legal entity” of some kind.
- **Partners report considerably different, yet generally simple, procedures to become members of legal entities and create the. HS seems to be the main outlier.** Some partners like UDA and XAMK report having rather simple procedures to establish legal entities. UR, MTU, and UoC have defined procedures in their higher education laws. In the cases of UR, MTU and HS, there needs to be some kind of approval by national or regional authorities. MTU reports that the process to create a legal entity can take them between 6 and 12 months.
- **6 out of the 10 partners report having legal entities.** The legal entities take different forms, such as Foundations (UNIOVI, UDA, TUIASI) or different kinds of companies that operate under public (UOC) or private law (XAMK).
- **Flexible and predictable regulatory frameworks that do not contradict other national laws** were pointed out by several partners as the most important factor to be considered when making the decision of the country of establishment of the legal entity.



The priority use cases for a legal entity among INGENIUM partners



Three use cases clearly stand out among the different possibilities. The top three use cases are quite practical and could be implemented swiftly once the legal entity is set set up. They can also pave the way for further involvement in other areas.

The different options available and the choice of the EGTC



The legal instruments we considered

Instruments based on EU law

European Grouping of Territorial Cooperation

Instrument designed for the collaboration between public institutions across EU MS.

Lengthy registration process, highest strategic value.

European Economic Interest Grouping

Instrument designed for the collaboration in economic activities between EU entities.

Simple registration process – less strategic value as less suitable for certain public activities.

Based only on national/regional law

National association/foundation

Most used instrument by alliances. Fully dependent on national legislation.

Can be set up in a Member State even if there are no partners from that country (Belgium is a typical case)

EGTC: The most strategic, yet complex, instrument



Apply for and receive European funding. The EGTC regulation specifically states that these entities may apply and manage EU funds. This is applicable also to Erasmus+ cooperation projects and even the European Universities initiative.

Employ staff, either through hiring or secondment of existing staff from the member universities (if their regulations allow it) Most EGTCs employ their own staff, and many have seconded staff in different capacities from their member authorities. In other cases, such as the EUCOR EGTC, staff from the universities are “placed” to work full time in the general coordination aspects of the EGTC.

Enter into contracts – acquire services and goods. This relates directly to the potential organization of events and other activities on behalf of the alliance, which was selected as one of the most important use cases. EU rules to public procurement would apply in all cases, in accordance with EU Directive 2014/24. Depending on the country of establishment, the EGTC will have to consider other national rules.



Why do we say that the EGTC is the most strategic legal instrument?

Nature and purpose of the instrument

EGTCs were created to support territorial cooperation between public bodies, eliminating single market barriers.

This is extremely aligned with EUAs and INGENIUM objectives – even more in light of the so called “5th Freedom”

Sustainability and institutional consolidation

It takes more time to build an EGTC, and it requires direct engagement with authorities.

This added commitment strengthens INGENIUM – helping it to gradually move from being an Alliance to a real European University

External impact

The EGTC will allow us to become more active player in European policy processes and EU funded projects, highlighting our European commitment.

Country of establishment – a defining feature



Even for European legal instruments, the **country of establishment** plays a key role in **determining labour and tax laws**, among others.

At the last Rector 's meeting, INGENIUM decided to use Finland as country of establishment for our EGTC. The country has clear, flexible and predictable law, and a really responsible administration.

The EGTC offers **certain room for manoeuvre** in the definition of legal fora – this means that different legislations from different countries can coexist. We are exploring the practical implications of this in areas like employment law.

Some key legal aspects

Liability

EGTC: liable for all its debts – **potential limited liability** can be included in the statutes.
Insurance would be needed in that case.

Financial contributions

EGTC: No minimum capital. Funding arrangements should be addressed in founding documents.

Organs

EGTC: two mandatory organs, which are the **assembly and the director, as defined in article 10.**

Flexibility to set up other organs

The process to set up an EGTC





So... is it actually so difficult to set up an EGTC?



The main complexity in the process of setting up an EGTC does not come from the actual process, but from the diversity of institutional and national regulations of different EU Member States.

However, regulations must align with the EGTC regulation, as EU law has primacy over national law.

The documentation required is quite basic: convention, statuts, and basic proofs of legal personality.



EGTC Registration – a lengthy process with several steps, but increased support available

1

Preparation of the founding documents. Such preparation should be done following a need thorough needs analysis and an internal process to decide on several key aspects for the establishment of the EGTC, including the place of establishment, and agreements in structural and operational aspects. **Drafts will be ready July 2025.**

2

Official notification to each Member State, including the proposed convention and statutes. Article 4 of the Regulation incorporates a tacit approval by each national authority if no objection is raised within 6 months. **The exception is the Member State where the proposed office of the EGTC is to be located (Finland in our case), since this authority should formally approve the convention in order to allow the EGTC to be established.**

3

Acquisition of legal personality and publication in the official journal. The convention and statutes of the EGTC “shall be registered or published, or both, in the Member State where the EGTC concerned has its registered office”. This registration will lead to the acquisition of legal personality by the EGTC. After this, the members should inform the Member States concerned and the Committee of Regions, requesting to the latter the publication in the Official Journal of the European Union.

The required documents to create an EGTC

Convention: Article 8 EGTC regulation



Name of the EGTC
Territorial implementation
Objectives and tasks
Duration
Members
Applicable law
Rules applicable to staff/personnel management and recruitment
Liability
Arrangements for mutual recognition
Adoption of statutes and amendments of the convention

Statutes: Article 9 EGTC regulation

Organs and competences
Decision making
Working languages
Arrangements for the functioning
Financial contribution
Applicable accounting rules
Designation of external auditor





Examples from our draft convention

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7. Article: Bodies and their responsibilities

The bodies of the EGTC are:

- > The General Assembly "INGENIUM Alliance Council"
- > The Presidency
- > The Management Committee
- > The Director
- > The coordination office
- > The student board

The General Assembly may decide to create other complementary bodies by unanimous agreement at any time

10. Article: funding and membership fee

The EGTC shall be adequately funded by the members to achieve its objectives.

It may obtain funding from public, private and internal contributions from the members.

The EGTC shall establish an annual membership fee. The fee will be decided by the General Assembly, at the proposal of the president

13. Article: Liability

The EGTC is liable for all its debts. As stated in article 12.2.a of the EGTC Regulation, due to the Limited liability character of one of the founding partners, the members have limited their liability to their contributions given to the EGTC.

The EGTC shall take out appropriate insurance as a pre-requisite to operate. The insurance shall be contracted centrally in the country where the legal seat of the EGTC is located. This insurance shall cover all potential liabilities that may emerge. The insurance shall cover contractual and extra-contractual liabilities.



In order to accommodate the different legal processes, we have planned for a process that can **take up to two years.** This should allow for any necessary approval, even from governments/parliaments



The creation process of an EGTC should be considered from two legal perspectives

General administrative procedure at the national/regional level

All EU Member States have established a process based on Regulation (EU) No [1302/2013](#). The processes might differ in terms of the **bodies responsible for approval and the timelines**, but they seem to be mostly based in the presentation of the founding documents.

Particularities based on higher education law

Processes for HEIs to create legal entities are considerably different from EU Member State to EU Member State (EUA Autonomy Scoreboard).

Important to analyse the difference between setting the HQ/joining as a partner.

As only few HEIs are members of EGTC, examples are limited

Potential required approvals

General administrative procedure at the national/regional level

Main decision making body (senate, governing council, equivalent)

Supervisory authority (regional/local government, national government in some cases)

Best way forward: consult with all relevant bodies.

Particularities based on higher education law

A particular process for the creation **of any legal entity** may be defined in the HE law and the HEI statutes (or equivalent).

The EGTC would be created as a structured cooperation of entities that are governed by public law. **This may facilitate the process as compared to other types of entities governed by private law.**

4.3.8 Bulgaria



Responsible Authority

EG: Министерство за планирано развој i finansijsko upravljanje / Управление за reportovano razvojnopravne

EN: Ministry of Regional Development and Public Works

Relevant legislation

EN: Decree No. 199 of 27 August 2007 / Decree No. 24 of 10/2007/2013 / Minister changes in the last Decree of 23.03.2017

4.3.24 Ireland



Responsible Authority

Department of Public Expenditure and Reform

Relevant legislation

Statutory Instrument, 53 No. 108

4.3.13 Finland



Please note: Procedures are relevant if the registered office is in Finland or elsewhere.

Responsible Authority

FI: Työ- ja elinkeinoministeriö

EN: The Registry of the Ministry of Economic Affairs and Employment

Relevant legislation

FI: Laki eurooppalaista alueellisen yhteistyön yhtymästä, EN: Act on a European Grouping of Territorial Cooperation (1340/2013)

EN: Act on a European Grouping of Territorial Cooperation (1340/2013)

4.3.14 France



Please note: Procedures are relevant if the registered office is in France or elsewhere. Differences concerning the registration of the EGIC apply.

Responsible Authority

FR: Ministère de la cohésion des territoires et des relations avec les collectivités territoriales / Direction générale des collectivités locales / Sous-direction des compétences et des institutions locales

Relevant legislation

FR: Loi n° 2008-363 visant à renforcer la coopération transfrontalière, transnationale et interrégionale par la mise en conformité du code général des collectivités territoriales avec le règlement communautaire relatif à un groupement européen de coopération territoriale

4.3.32 Romania



Responsible Authority

RO: Ministerul Dezvoltării, Lucrărilor Publice și Administrației, EN: MOLRA

Relevant legislation

Government Emergency Ordinance no. 127/2007 / Government Ordinance no. 127/2007 regarding the European Grouping of Territorial Cooperation amending and supplementing the Government Emergency Ordinance no. 127/2007

Expected time required for approval and registration process

First contact until receiving the final convention for approval

4.3.15 Germany – Baden-Württemberg



Responsible Authority

DE: Regionalpräsidium Freiburg, Stabsstelle für grenzübergreifende Zusammenarbeit und europäische Angelegenheiten

Relevant legislation

DE: Verwaltungsvorschrift der Ministerien zur Ausführung der Verordnung des Europäischen Parlament und des Rates über den EGTC

Expected time required for approval and registration process

First contact until receiving the final convention for approval 30 months
Receiving the final convention until completing the registration 6 months

4.3.35 Spain



Please note: Procedures are relevant if the registered office is in Spain or elsewhere. Differences concerning the implementation of changes to EGIC apply.

Responsible Authority

ES: Ministerio de Política Territorial y Función Pública, EN: Ministry of Territorial Policy and Civil Service

Relevant legislation

Real Decreto 23/2005, de 23 de enero, por el que se adoptan las medidas necesarias para la aplicación efectiva del Reglamento (CE) nº 1406/2006 del Parlamento Europeo y del Consejo, de 14 de julio de 2006, sobre la Agrupación Europea de Cooperación Territorial (EGCT) modificado por el Reglamento (UE) nº 182/2013 del Parlamento Europeo y del Consejo, de 27 de diciembre de 2013 en lo que se refiere a la clasificación, la aplicación y la inscripción de las EGCT en el Registro de las EGCT y a la aplicación del principio de cooperación institucional en Art. 4

Expected time required for approval and registration process

First contact until receiving the final convention for approval

4.3.22 Greece



Please note: Procedures for modifying an EGIC are relevant if the registered office is in Greece or elsewhere.

Responsible Authority

EL: ΥΠΟΥΡΓΕΙΟ ΕΠΙΧΕΙΡΗΣΙΑΚΗΣ ΑΝΤΙΣΤΑΣΗΣ ΜΑΚΡΑΣ ΔΙΑΧΡΟΝΙΚΗΣ ΠΡΟΟΠΤΙΚΗΣ

EN: Ministry of Interior, Department of International and European Affairs

Relevant legislation

Law n. 4483/2017

Expected time required for approval and registration process

First contact until receiving the final convention for approval 6 months
Receiving the final convention until completing the registration 3 months

4.3.36 Sweden



Please note: Procedures are relevant if the registered office is in Sweden or elsewhere.

Responsible Authority

SE: Näringsdepartementet

EN: Ministry of Enterprise and Innovation

Relevant legislation

SE: Särskilda förfarandeguidning - Lag om europeiska gruppningar för territoriellt samarbete

Expected time required for approval and registration process

First contact until receiving the final convention for approval

All the national (and when relevant, regional) processes to register EGTCs are available at the registration handbook – a great support tool!

Our timeline



**Starting a process to
choose a country of
establishment.**

**October
2024/February 2025.**

**Preparing the founding
documents of the legal
entity
(Currently – July 2025)**

**Registration of the
legal entity
Start in Autumn 2025**

1.Launch of an internal call among INGENIUM partners. October – January.

2.Research within partners.

3.Decision taken at the February 2025 IAC Meeting on the next steps.

- Preparation according to national legislation
 - Continuation of the legal taskforce
 - Potential liaison with national authorities..
-
- The convention and statutes will be approved by the rectors this Autumn
 - Exact length of the process will depend on national legislation.
 - The registration will be the last step before starting with the operations.



Conclusion: being a pioneer requires taking bold steps – even when not everything is certain

In INGENIUM, we are well aware of the challenges and uncertainties about the EGTC and legal entities in general.

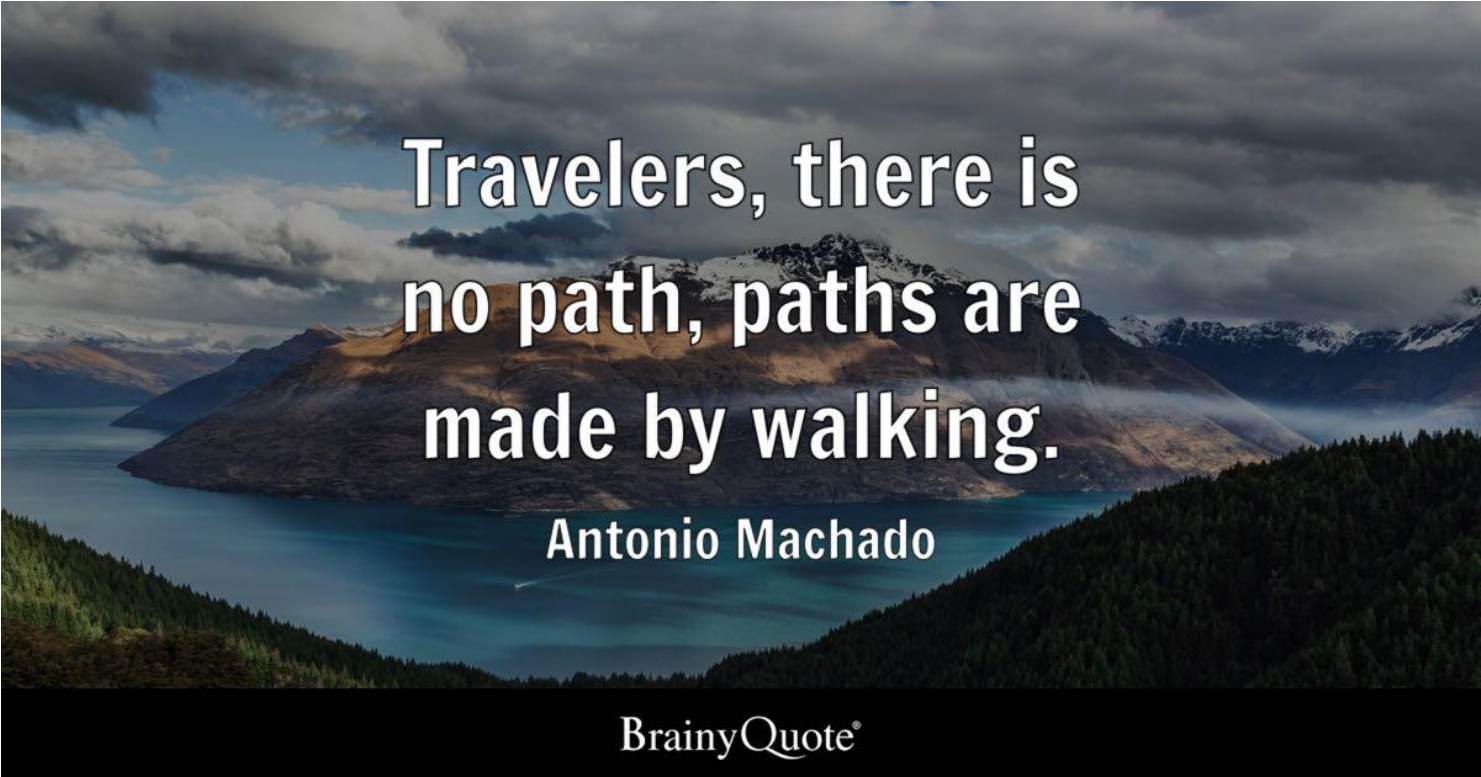
These challenges exist, and we know we do not yet have all the answers-

We do not approach the creation of this EGTC purely from a pragmatic standpoint – there are easier tools, and we know it.

This is also about the role of universities in European society.
The easiest option will not always be the best one.

The process is already helping us to strengthen INGENIUM, learn from each other and become more active in European discussions.

A proof of this: we are here today with all of you, learning from all your excellent work as a leading alliance



Travelers, there is
no path, paths are
made by walking.

Antonio Machado

BrainyQuote®

Thank you so much!

Jesús Daniel Santos

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