

## Permanent EHEA Secretariat

### Draft Revised Concept Note for the February 2024 BFUG Meeting

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## 1. Background and Rationale

So far, the country hosting the next Ministerial Conference has provided the BFUG Secretariat (or Bologna Secretariat, both terms have been used interchangeably in the past; referred to as

Secretariat throughout this document), for a term of 2-3 years, with staff either seconded from ministry, other organisations, or newly recruited.

Since the run-up to the 2010 Ministerial Conference, marking the launch of the EHEA and the transition from a “process” to an “area”, the idea of a more permanent arrangement for the Secretariat emerged. It means that the task of running the Secretariat would be separated from holding the Ministerial conference, which would stay on a rotating basis. The Secretariat would be set up as a separate entity, providing sustainable and stable administrative support for the BFUG. The arrangement would be in place without specific time limit, until the Ministerial Conference decides otherwise. Discussions on the modalities have been held from time to time (see [Bergan and Geanta 2020](#)), with different options explored, but this never resulted in a concrete and specific proposal for an alternative.

A permanent Secretariat may benefit all countries of the Bologna Process by ensuring better and more continuous technical support, and by providing a stable contact point for stakeholders.

When the BFUG set up the Task Force on updating the Rules of Procedures of the BFUG at the Brno BFUG meeting (November 2022), it was also tasked to reconsider organisational structures of the Bologna Process and to develop a proposal with one or more options on how a permanent Secretariat could be implemented.

On balance, the Task Force concluded that a more permanent arrangement would be useful to better support the governing structures of the Bologna Process and thus lead to a more efficient functioning of the EHEA.

During the initial discussions at the May 2023 (Stockholm) and November 2023 (Madrid) BFUG meeting, the majority of the delegations supported in principle the proposal to set up a permanent Secretariat, taking over from the current rotating arrangement after the 2027 Ministerial Conference.

At the Stockholm BFUG, the Task Force (TF) presented an initial discussion paper and then at the Madrid BFUG a revised concept note, responding to several delegations’ wish to see more clearly the budgetary implications of the change and to have an overview of several possible options how it could be realised.

Following the discussion at the Madrid BFUG meeting, the TF further developed the concept note, to answer the key questions that delegations raised and to propose a possible roadmap.

As the Council of Europe requested to “exclude sections pertaining to the Council of Europe’s proposal” (letter to the BFUG, 1 Dec 2023) and EQAR came to the conclusion that it could not integrate or provide the Secretariat (Letter to the TF of 22 Dec 2023), these two options have therefore been discarded.

As a result, this version only contains details on option I, the establishment of a legal entity, which was further developed to address some of the questions and scenarios raised by the BFUG, and a possible roadmap for its implementation.

## 2. Tasks and Responsibilities

The EHEA Secretariat has a **mainly administrative, technical support function**. The **strategic and political guidance** is with the **BFUG**. The Terms of Reference of the Secretariat<sup>1</sup> outlines, among others, the following main tasks:

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1 See <https://ehea.info/page-bfug-secretariat>

#### Management of the EHEA work plan

supporting the BFUG Co-chairs drafting the work plan,  
supporting its implementation throughout the period, in coordination with the responsible groups;

#### Administrative and operational support for the BFUG, its Board and all BFUG sub-structures

assisting in planning the meetings,  
drafting background documents and reports,  
drafting minutes,  
ensuring communication between different bodies;

#### Consistent communication within and outside EHEA structures

managing and keeping updating the EHEA website at all times,  
sharing information with members and stakeholders,  
serving as contact point for outside parties interested in the Bologna Process and the EHEA,  
representation of EHEA at external events/meetings within the mandate agreed by the BFUG co-chairs,  
maintaining contact with other structures and initiatives in Europe and beyond (e.g. European Research Area, ASEM);

#### Support the organisation of the EHEA Ministerial Conferences and Policy Forums

ensuring coordination with the BFUG in close collaboration with the host country

#### Management of the EHEA finances

preparing an annual budget,  
manage accounting,  
providing annual accounts.

### **3. Advantages and Disadvantages of the Current Arrangement and a Permanent Structure**

Providing the Secretariat of the country holding the Ministerial conference has certain advantages, while also posing significant challenges:

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In order to overcome some of these challenges, the Task Force explored opportunities of a more permanent arrangement:

Considering these challenges, in order to maximise the advantages of a permanent structure, the TF invites the BFUG to consider the requirements and options set out below.

#### **4. Principles of a Permanent Secretariat**

The Task Force suggests a number of general requirements that should be met by any possible arrangement and further suggests that the BFUG uses these requirements to assess the different concrete options for legal forms and structures set out below.

N.B.: As far as these principles concern any Secretariat, regardless how it is organised, they have also been included into the revised Rules of Procedure (Section VII).

##### **4.1 Independence and Accountability**

The Secretariat should be independent of the country or organisation within which it is located. It should operate under the authority of the BFUG and be fully accountable to the BFUG.

The Secretariat should therefore be established as a separate, dedicated entity in order to ensure its independence and minimise the risk of undue influence. The governing structure should be designed in such a way to ensure that the Secretariat is fully accountable to the BFUG itself, both formally and politically.

The BFUG (or a group appointed by the BFUG) should approve the appointment of the Head of the Secretariat, and the Head of Secretariat should report to the BFUG.

#### **4.2 Sustainability**

The chosen arrangements, especially the funding model, must be sustainable and there needs to be a clear perspective on how they can function for a long term, even if there may be no formal guarantees for certain funding sources to be available beyond a certain time.

Ideally, the arrangement should be permanent in the sense that it would continue to function, unless the EHEA bodies decide to discontinue it. At the very least, the chosen model should be secured for two full periods of the EHEA work program; that is, if the Secretariat is established in 2027, it must therefore function at least until the 2033 ministerial conference.

#### **4.3 Staff Requirements**

The Secretariat staff must have sufficient capacity, in numbers as well as in profile. The Secretariat must be able to recruit, contract and dismiss international staff with the required profile.

The employment rules of the country where it is based should allow the employment of staff on open-ended contracts, at a minimum, for a fixed-term contract spanning at least two work periods.

The Secretariat staff should be international, including nationals of different EHEA countries and aiming for geographic balance. In principle, it must be possible to hire staff from at least any EHEA country, notwithstanding the fact that specific visa/work permit requirements can differ depending on country of origin.

In addition to its own staff, the Secretariat should be able to accept a limited number of secondments from EHEA countries or consultative members. Secondments should follow a set of clear rules approved by the BFUG, ensuring a reasonable geographic balance as well as securing the independence of the Secretariat from seconding organisations.

In particular, it would be expected that the host country of the following ministerial conference seconds a liaison officer for the full duration of the work program that will end with the ministerial conference, but will work under the authority of the Head of the Secretariat. The Secretariat will need to cooperate closely with the authorities of the host countries for the organisation of the ministerial conferences.

#### **4.4 Location**

The Secretariat has to be in a location that allows for the various requirements to be fulfilled. In particular, rule of law must be ensured so that the Secretariat can operate without influence of the authorities of the country in which it is located.

As the Secretariat is likely to receive funding from different other EHEA countries, the country of location should not have regulations in place that would prevent that.

Furthermore, the location should be reasonably accessible from across the EHEA.

#### **4.5 Non-Profit Principle**

Any surpluses remaining from the income allocated to the Secretariat exceeding the costs of it must remain reserved for the Secretariat. While it is useful for the Secretariat to have a reasonable reserve, this should not exceed the usual annual operating costs. If the reserves were to approach that level, the fees for EHEA countries should be reduced.

## 5. Required Resources

In line with the Secretariat's tasks, responsibilities and principles as described above, the TF estimated the necessary staff and budget.

### 5.1 Staff

Based on the experiences of the previous Secretariats, the estimated staffing needs are the following:

- **Head of Secretariat** – team leader and overall coordinator, supports BFUG and additional key WGs, accountable to the BFUG for the Secretariat's operation. It is an important managerial role that needs to be filled by a highly skilled professional with strong expertise in European cooperation, understanding of higher education policy and experience in managing a small, dynamic team;
- **Policy Officers** – assigned to support BFUG/WGs both in terms of policy and logistics. In most cases, one officer supports two/three working structures, therefore 4 or 5 officers are usually required;
- **Communication Officer** – responsible for overseeing both internal and external communication;
- **Administrative Officer** - managing administrative tasks in the country hosting the Secretariat;
- Staff dedicated to supporting the organisation of the Ministerial Conferences.

This leads to **approximately 8 FTE** staff needed for a Secretariat, including a staff member seconded from the following Ministerial Conference host country.

The position of the Head of Secretariat should be recruited through an open competition. The BFUG should approve the appointment based on a proposal by the BFUG Board. The Head of Secretariat should report to the BFUG.

It should be clear that the Head of Secretariat is a professional, not a political role. Hence, they should be appointed for an open-end contract or for a long term (e.g. 5 years renewable).

Further staff of the Secretariat should be recruited by the Head of Secretariat (within the agreed budget) and report to them. The host country of the next Ministerial Conference should second one staff member to the Secretariat to facilitate liaison with the local organising team. In addition, the Secretariat host country might second one staff member to the Secretariat. Seconding staff should be principally open to all BFUG members and consultative members.

### 5.2 Budget

Based on previous experiences, the total cost of running the Secretariat varied greatly depending on the country, especially due to different levels of staffing and local salaries. Moreover, there has been no explicit reporting of the actual costs covered by host countries, e.g. in-kind contributions such as office space or staff covered by national budgets.



The following is an estimate of the annual costs based on different past examples and the staff needs described above. As described, costs might vary, possibly up to +/-20%, thus the below calculation should be seen as a rough estimate.

Item	Estimated cost (EUR)
Staff salaries (ca. 8 FTE)	675 000
Travel/meeting costs (BFUG and EHEA structures, occasional external representation)	65 000
Office space	75 000
Other administrative costs	50 000
<b>Total</b>	<b>865 000</b>

### 5.3 Financial Contributions by EHEA Members

In order to share the costs of the Secretariat fairly and to ensure sustainable funding, the TF recommends that the Secretariat be financed by annual contributions by EHEA countries, differentiated based on GDP and GDP per capita, similar to the system currently used by EQAR.

. Moreover, it is expected that the European Union continues to make available funding of ca. EUR 250 000 per year dedicated to the EHEA Secretariat through the Erasmus+ programme.

The exact amount of the contributions should be agreed by the BFUG once the location of the Secretariat has been decided upon. As an example, the TF calculated indicative annual contributions adding up to the estimated costs as above (excluding the EU grant):

Indicative annual contributions per country (EUR)			
Example based on the current EQAR fee system: countries are assigned to one of four brackets based on an index calculated from their GDP (absolute) and GDP per capita. See <a href="https://www.eqar.eu/assets/uploads/2022/04/GA_06_1_Membership_Fees_v1_0.pdf">https://www.eqar.eu/assets/uploads/2022/04/GA_06_1_Membership_Fees_v1_0.pdf</a> for details and for the allocation of countries to the four brackets.			
Lowest bracket			Highest bracket
7 500	15 000	22 500	30 000

## 6. Possible Legal Forms and Structures

Based on the above requirements, the TF considered several models for legal forms and structures how a permanent Secretariat could be set up. Several potential scenarios for an independent

international Secretariat were previously explored in more detail by Bergan & Geanta (2020) and have been explored further and discussed by the TF.

A) Private-law legal entity (e.g. non-profit association or foundation)

This could be realised in various ways in different jurisdictions and different legal forms. Based on the good experience made with the setup of EQAR, the TF explored the possibilities of establishing a new private-law legal entity in a similar way..

B) Existing European organisation to assume the role of the EHEA Secretariat

This requires careful consideration as to which organisations would be suitable. As the existing organisation would need to be familiar with/related to the higher education policy area, one obvious option is to consider organisations already involved in the EHEA as members, consultative members, non-voting members or partners.

Given the independence requirement (see 4.1), the TF only considered such organisations as suitable that represent or are governed by a large number of countries or stakeholders jointly; individual countries as well as consultative members or partners representing a specific stakeholder group were ruled out.

This would leave the Council of Europe (CoE), UNESCO (both consultative members), the European Commission (full member) and EQAR (non-voting member) as possible options. Considering the geographic remit, the European Commission (covering only 27 of the EHEA countries) and UNESCO (worldwide coverage) would be ruled out.

C) Secretariat provided as a contracted service

Another alternative would be to entrust the setup and operation of the Secretariat to an organisation or company that has no formal relationship with the EHEA, e.g. a consultancy firm or another organisation. Contracting the Secretariat as a commercial service provided by a company or organisation, however, seems incompatible with the non-profit principle (see 4.6 above). The TF therefore did not pursue this direction further.

D) Secretariat established by a treaty as a new intergovernmental organisation

This would be cumbersome and take significantly longer time to set up. Moreover, it might be seen as changing the character of the Bologna Process entirely, from a “soft law” framework of agreed policies and monitoring towards a formally binding treaty. This direction was therefore not explored further.

C) and D) have been excluded early on, as they would not align well with the goals of the EHEA.

The TF initially explored A) and B) three options for how the Secretariat could be provided: by a newly established private-law legal entity (e.g. non-profit association or foundation, scenario A), by the Council of Europe or by EQAR (both scenario B).

As mentioned in the introduction, the options under scenario B could not be explored further.

The following sections provide examples how a new legal entity could be established and function. The entity would be located in the EHEA member country where the Secretariat will physically be based<sup>2</sup>, and would be subject to its rules. Therefore, at this stage, the examples can only be generic ones. Once a location has been agreed by the BFUG, and it will be clear under which jurisdiction the new entity would be founded, this will allow to draw up more detailed structures and plans.

### 6.1 Example: Non-Profit Association

Most EHEA jurisdictions offer the possibility to set up non-profit associations. Even though the details and regulatory framework differ slightly between jurisdictions, a non-profit association is likely to be one of the suitable legal forms regardless of location.

An association is normally easy to establish, and is conceptually based on members (= EHEA members) that associate around a common cause or activity (= supporting the EHEA, through a permanent Secretariat), which is not of a commercial nature (self-evident). A small group of countries, for example the current BFUG co-chair country and the next ministerial conference hosts, could act as founding members, depending on the legal framework of the location country. In the case of EQAR, for example, the E4 Group were mandated by ministers to act as founding members.

The membership and governing structure of the association could be based on and linked to the existing EHEA concepts and bodies to the greatest possible extent:

- The **EHEA members** would be members of the association, forming its general assembly (GA) with identical voting rights as in the BFUG. The country’s representative in the GA and the BFUG should be identical for practical reasons and to guarantee the BFUG’s ultimate authority.

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2 The EU legal forms, such as European Economic Interest Grouping (EEIG) or *Societas Europaea* (SE), were not found suitable when EQAR was established. Theoretically, the legal entity could be established in country A while the physical location would be in country B. As this would usually create unnecessary additional complications, this option was not considered further.

Members would normally be expected to pay annual fees to cover the Secretariat costs. The European Commission could be considered a member automatically, without paying a separate annual fee given its financial contribution through a grant.

The regulations should be flexible and allow countries to have either the ministry responsible for higher education itself or another organisation designated by it, e.g. a national public agency, act as member of the association. This should, however, not change the participation of the BFUG, where countries are represented by Ministries.

- **Consultative members** of the EHEA would be consultative members of the association likewise. They would automatically be considered as such and be invited to participate in the GA - without voting rights - based on their status in the BFUG. They would not be expected to become members or to contribute financially.
- The **BFUG Board** or a new, dedicated **Secretariat Governing Board** would serve as the association's board of directors. In most jurisdictions, the board of directors is in charge of the ongoing management of the association within the decisions of the GA. The board would usually delegate a number of everyday tasks to the managing director.
- The **Head of the Secretariat** should serve as managing director.

## 6.2 Example: Foundation

Most EHEA jurisdictions also offer the possibility to establish (charitable) foundations. Even though foundations are often created with a substantial foundation capital, several countries have no minimum requirements. In practice, foundations are another legal form frequently chosen for non-profit organisations with a specific and fixed purpose. For example, some small, EQAR-registered agencies are established as foundations.

While a foundation also has a defined cause or activity, it does not have members but is governed by a board, usually appointing new board members itself. A foundation may be required to have a public-interest/non-commercial nature to benefit from advantageous taxation regimes, but this would presumably be simple to demonstrate in this case.

A small group of countries, represented by their BFUG representatives, could serve as the initial board members, e.g. the BFUG co-chairs and vice-chair as in the association example. The foundation statutes could be designed in such a way to ensure compliance with the principles set out above:

- The statutes could regulate that certain decisions, such as the selection of the Head of Secretariat, need to be taken by the board based on and following a decision of the BFUG.
- Either the BFUG Board or a smaller, dedicated **Secretariat Governing Board**, nominated by the BFUG, could form the foundation's board. The statutes could stipulate that the board of the foundation needs to appoint the BFUG-nominated members.
- The EHEA members would be expected to pay annual contributions to the foundation, but would not be required to become members of it. The regulations should be flexible and allow countries to decide whether the ministry or another organisation designated by it, e.g. a national public agency, practically pays the financial contribution.
- The **Head of the Secretariat** would serve as managing director of the foundation.

## 7. Location

The new legal entity should be set up in an EHEA country. There are two ways in which a location could be chosen:

1. The BFUG could make a decision on a desired location without specific involvement of the country in question. This would underline the Secretariat's complete independence of the location country and exclude any interference in its operations.
2. The BFUG could issue a "call for hosts" for countries to express interest in having the Secretariat located in their territory, or for organisations to propose setting up the Secretariat in a specific country. While this raises potential questions about the host country's influence on the Secretariat's operation, this could have economic as well as symbolic benefits.

In either case, the location would have to fulfil the requirements set out under 4.5 above.

The TF recommends that the BFUG agree on a call for hosts that could be launched immediately after the Tirana Ministerial Conference, provided that Ministers agree to establish a Secretariat in line with the proposal. Expressions of interest should:

- specify the location proposed;
- explain the motivation for proposing this location;
- briefly elaborate for each principle (in section 4) how it can be assured for a Secretariat in that location;
- propose a legal form under which to establish the Secretariat;
- include a budget estimate (based on the required resources described in section 5) that would be realistic for a Secretariat established in this location.

The following criteria could be used to rank possible locations or host country offers, respectively:

- suitability and flexibility of the country's legal framework and the proposed legal form;
- openness and flexibility of employment regulations in terms of hiring nationals from other EHEA countries;
- accessibility of the proposed location from across the EHEA;
- ability to meet the principles described in section 4;
- cost (budget required for usual salaries, premises, other costs and taxes).
- Potential commitment of the country (if any, with a clear indication that this should not impact the neutrality and independence of the Secretariat, the approach should be generally open for in-kind contributions, e.g. provision of an office space).

Once the location has been agreed, the legal form and its governing structure could be developed in full detail.

## **8. Roadmap and Next Steps**

With regard to the Secretariat, the TF recommends for the Tirana Communiqué that Ministers:

1. Decide to modify the arrangements for the EHEA Secretariat so that the Secretariat will be established from 1 July 2027 on for a longer term horizon, and will no longer need to be provided by the hosting party of the next Ministerial Meeting;
2. Agree that the financial support for and the governance of the Secretariat shall be shared among the members of the EHEA;
3. Ask the BFUG to ensure that the new secretariat arrangements be effective as of 1 July 2027, in agreement with Appendix X;
4. Decide that these arrangements shall be assessed after the completion of the first two full years of operation.

The Appendix should include the principles (section 4) and the following roadmap.

In order to set up the EHEA Secretariat such that it would take up its function in 2027, the TF proposes the following roadmap, which provides sufficient time for working out the details and the proper set-up, including the financial arrangements that will require different approaches for EHEA members, in line with their national provisions. The implementation might benefit from establishing a dedicated BFUG Task Force for the period 2024 - 2027, which would support the BFUG, be a partner to the potential countries/organisations applying for hosting the secretariat and would report to the BFUG on progress.

### Planned work until the Tirana Ministerial Conference

February 2024	BFUG	<ul style="list-style-type: none"> <li>● consider the current, revised concept note</li> <li>● discuss and agree on the roadmap</li> </ul>
March 2024	TF	<ul style="list-style-type: none"> <li>● revise the concept note if necessary</li> <li>● prepare the draft call for hosts</li> <li>● prepare the appendix to the Tirana Communiqué</li> </ul>
April 2024	BFUG	<ul style="list-style-type: none"> <li>● consider and agree on the text for the Tirana Communiqué</li> <li>● agree on the call for hosts (provisionally)</li> <li>● appoint a Task Force to continue work after Tirana</li> </ul>
May 2024	Ministerial Conference	<ul style="list-style-type: none"> <li>● agree to change the approach for the EHEA Secretariat</li> <li>● approve the principles and roadmap</li> <li>● mandate the BFUG to decide on the location and on the details for establishment of the Secretariat</li> </ul>

### 2024/2025: call for hosts and selection of a location

June 2024	BFUG	<ul style="list-style-type: none"> <li>● extraordinary BFUG (online) meeting if needed to finalise call</li> <li>● launch the call for hosts (Secretariat in consultation with co-chairs)</li> </ul>
November 2024	BFUG	<ul style="list-style-type: none"> <li>● update to the BFUG on expressions of interest</li> </ul>
December 2024		<ul style="list-style-type: none"> <li>● deadline for expressions of interest</li> </ul>
Jan/Feb 2025	TF	<ul style="list-style-type: none"> <li>● evaluate expressions of interest</li> <li>● prepare proposed shortlist for the BFUG</li> </ul>
spring 2025	BFUG	<ul style="list-style-type: none"> <li>● review expressions of interest</li> <li>● shortlist no more than 3 locations</li> <li>● formulate additional questions for the shortlisted bids</li> </ul>

afterwards	TF	<ul style="list-style-type: none"> <li>● address the BFUG's questions with the shortlisted countries</li> <li>● review additional information</li> <li>● prepare proposal for final selection</li> </ul>
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### Second semester 2025 and onwards: implementation

autumn 2025	BFUG	<ul style="list-style-type: none"> <li>● final decision on the location</li> </ul>
throughout	BFUG TF Host	<ul style="list-style-type: none"> <li>● establish the new legal entity</li> </ul>
spring 2026	BFUG	<ul style="list-style-type: none"> <li>● update on progress, decision on financial contributions, payable as from 2027</li> <li>● launch recruitment for the Head of Secretariat</li> </ul>
autumn 2026	BFUG	<ul style="list-style-type: none"> <li>● final approval of the detailed arrangements, in particular the statutes of the new legal entity</li> <li>● approve Head of Secretariat</li> </ul>
spring 2027	BFUG	<ul style="list-style-type: none"> <li>● (backup)</li> </ul>
first half of 2027	Head of Secretariat	<ul style="list-style-type: none"> <li>● recruit additional staff</li> <li>● training secretariat staff</li> </ul>
May/June 2027	Ministerial Meeting	<ul style="list-style-type: none"> <li>● official launch of the secretariat</li> </ul>
July 2027	Secretariat	<ul style="list-style-type: none"> <li>● operational and ready to take over from the 2024-2027 rotating Secretariat</li> </ul>