Comparative overview of applications

1 Legal Form

The choice of the legal form is important as it can have implications on the governance and the operation of Long-term secretariat(LTS).

The applicants were invited to

1. explain whether and how an association and a foundation could be established in their national legal system, what would the consequences for the governance and operation of the LTS.
2. indicate other possible legal forms
3. share their views on which of these forms would be preferable and why

	CY	CZ	DE	RO	TR
Preferred legal form	Association (implicit)	Structure within the DZS agency	Association	Association	Entity of international nature
Other legal forms presented	Foundation, Non-profit company	/	Foundation, Non-profit company	Foundation	/
Other legal forms possible (not supported)		Association, Foundation		/	/

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The TF came to the following conclusions:

- The non-profit company, mentioned by CY and DE, might also be possible in other countries, but does not align well with the BFUG's governance. Therefore, the TF has not further explored it.
- An association would be preferrable to a foundation, as it is easier to establish (no foundation capital; no founding members), and better aligned with the governance of the BFUG. This is supported by applications of CY, DE and RO, which see association as the preferred model.
- TR proposes the establishment of an "international organisation/entity" as the only feasible form by which the BFUG can establish the LTS. A particularity of this legal form is that its establishment is subject to the endorsement of the President of Türkiye. The question remains whether and to what extent the features of and conditions for the "international organisation" are similar that of an "association".
- The CZ proposes the establishment of the LTS within an existing publicly funded, but fairly autonomous national agency, as an approach that in their view would be preferrable to an association. Hence, the LTS would not be a legal entity itself. CZ highlights the de facto high level of independence that the National Agency itself enjoys, which would extend to the LTS. In addition, CZ proposes to lay down more detailed rules and conditions to ensure a high level of operational autonomy of the LTS from the National Agency, and its governance through the BFUG.

	CY	CZ	DE	RO	TR
Legal form	Association	Structure within the DZS agency	Association	Association	Entity of international nature
Applicable law	Associations and Foundations and Other Related Matters Law of 2017 (Law 104(I)/2017)	Existing regulatory framework applicable to DZS The agency operates under its founding charter issued by the ministry and within the framework of the Act No. 218/2000 Coll. on Budgetary Rules, which defines the legal status, rights, and obligations of public contributory organisations.	registered association ("eingetragener Verein") pursuant to German Civil Code (BGB), §§ 21–79 BGB, in particular §§ 21 ff. BGB	Government Ordinance no. 26/2000 regarding Associations and Foundations	Law 3335/1986 on the Establishment of the Entities of an International Nature
Independence and accountability					
Operate under the authority of and be fully accountable to the BFUG	Yes	Governance developed by DZS and BFUG; a Steering Committee appointed by the BFUG, overseeing the functioning of the Secretariat. This structure ensures that leadership and core decisions are under international rather than national control. A DZS representative is envisaged to be a permanent member of the Steering Committee to ensure institutional	Yes	Yes	Autonomous entity governed by a protocol signed between the Council of Higher Education and the BFUG. The organisation is established with the permission of the President.

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	CY	CZ	DE	RO	TR
		coordination and continuity. The Secretariat could operate fully under BFUG's strategic and operational guidance. The Secretariat's budget would be managed under DZS's regulations, which comply with national and EU financial regulations.			
Appointing the HoS by the BFUG	No - The Board (on behalf of BFUG) has the authority to appoint/dismiss staff, including the Head of Secretariat, as provided in the statute.	By the director of DZS based on the nomination from the Steering Committee	Yes	Yes	There are no mandatory governance structures. According to the MoU that will be signed, the Council of Higher Education (CoHE) will serve as the Secretariat's interlocutor
Sustainability					
Recognition as an operational entity with legal personality	Yes	No	Yes	Yes	Yes
Ability to flexibly employ staff	Yes, staff of associations are employees under general Cypriot labour law (not civil servants).	Yes, The BFUG could nominate its representative(s) to participate in selection procedures for Secretariat positions. Recruitment	Yes, applying the General German labor law	Yes, associations are not required to comply with additional legislation beyond that governing employment in general.	Yes

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	CY	CZ	DE	RO	TR
		would be conducted in line with DZS internal regulations.		This is the Labour Code, approved by Law no 53/2003, with subsequent modifications and additions.	
Easily receive funding from other EHEA countries	Yes	Yes	Yes	Yes	Yes
Staff					
Ability to employ staff from EHEA	Yes	Yes	Yes	Yes	Yes
Flexibility of employment laws	Yes	Yes, employees will not be affected by any legal provisions other than the Labour Code (Act No. 262/2006 Coll.) Secretariat staff would not be civil servants and would not fall under the personnel authority of the Ministry.	Yes, No special labour law regulations would apply to the employees of the Secretariat in Germany if the Secretariat were run in the legal form of an independent foundation under civil law. In Germany, permanent employment contracts are the norm; fixed-term	Romanian labor law, regulated by the Labour - Law 53/2003, allows for a wide range of flexible working conditions to accommodate the needs of both the Secretariat and its employees. Part-time contracts are allowed by the law without special conditions	Not mentioned

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	CY	CZ	DE	RO	TR
			employment contracts are only possible under certain conditions.		
Legal environment					
Liability	The association is liable towards third parties for unlawful acts or omissions by its officers or employees, provided these acts occur within their duties. If such acts are intentional, fraudulent, or due to gross negligence, personal liability falls on the responsible board members	Employment and financial decisions will be formally executed by the Director of DZS, who remains the legally responsible authority under Czech law. While the Director of DZS remains the legally respon sible authority, certain operational compet ences may be delegated to the Head of the EHEA Secretariat, in accordance with Czech law and internal procedures	The members of the association in general do not bear liability. Members of the executive board bear no general liability for obligations established by them on behalf of the association. They are however liable to third parties (in general alongside of the association) for tortious acts in connection with their role. The liability of the executive board toward third parties can be limited to certain board	The members of the deliberative body can be held liable for the actions of the association only if they voted for illegal acts and their culpability is proven. When the association itself is liable (pursuant to Article 219 of the Romanian Civil Code), the liability is limited to its own assets (limited liability) and does not entail the liability of the members of the GA or Board unless individual responsibility and culpability is proven.	No information provided

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	CY	CZ	DE	RO	TR
			members. They also bear liability towards the association itself for breaches of duty, namely for willful misconduct or certain degrees of negligence. The latter can be limited through agreements between the association and the executive board, respectively its members. A specific insurance for associations comparable to a Directors and Officers insurance is obtainable and recommended.		
Non-profit principle	Yes				

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2. Additional Requirements

2.1 Costs and finances

	CY	CZ	DE	RO	TR
Eurostat Price Level Index 2025 for host countries (100 = EU average)	91	73	108	59	39
UN salary grid difference for internationally competitive salaries for host cities (1 = baseline)	1.03	1.15	1.05	1.00	1.03
Net salaries as percentage of salary package	Average between 55-60%	Average between 55-60%	Could not be calculated	Average between 55-60%	Could not be calculated

The TF tried to consider the impact of the location on the actual costs of the LTS. It came to the conclusion that this needs to be considered in the development of the budget of the LTS, but it could not matter as a criteria for the selecting the host.

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2.2 Location and accessibility

	CY	CZ	DE	RO	TR
Location	Nicosia	Prague	Bonn	Bucharest	Istanbul
Accessibility	EU non-Schengen	EU Schengen	EU Schengen	EU Schengen	Non-EU
International connectivity index (IATA, 2022) – country, not city	59th place	55th place	3rd place	46th place	10th place

2.3 Support (non-material) from the host

	CY	CZ	DE	RO	TR
Support (non-material)	Assistance with legal registration, support in identification and leasing of appropriate office premises, facilitation of administrative procedures related to staff employment and integration, assistance with translation	DZS employee with relevant language skills will be made available to assist the Secretariat with communication in the local administrative or legal context as needed.	Support services closely related to the actual establishment and registration process of the sponsoring association or foundation are subject to the Legal Services Act, as is the ongoing advice provided to the Secretariat on issues relating to labour, tax and social security law.	Operational and administrative assistance, legal assistance, support in obtaining visas	Administrative support to streamline international hiring, liaison with authorities

2.4 Financial or in-kind contribution

	CY	CZ	DE	RO	TR
Financial or in-kind contribution	Preferential access to public facilities for meetings and conferences subject to	1–3 fully equipped dedicated offices and meeting rooms.	Office space, IT infrastructure, basic administrative support	Equipped offices offered rent-free, covering the utilities for the offices,	Conference and meeting rooms, technical infrastructure, computer equipment

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	availability and in accordance with applicable regulations	Additional contributions will be provided depending on the financial support received from EHEA member states' organisations, as defined in the Secretariat's budget and based on proportional cost-sharing or provided finance for personnel support. These may include: • Operational costs such as utilities, cleaning services, basic maintenance, and security. • Access to DZS's IT infrastructure and services, including software licenses, IT support, and hybrid meeting facilities. • Administrative and back-office support for the Secretariat's day-to-day functioning (e.g., HR, finance, procurement), provided within existing DZS capacities – 3 FTE's from the Secretariat budget allocated across relevant departments within DZS • Basic office equipment and furnishings in line with DZS internal standards. All contributions are subject to standard public budgeting, internal regulations, and approval procedures.		additional spaces for events in the higher education institution	The CoHE will cover the rent for a period of eight years. In addition, the CoHE will also provide the initial furnishings. All other expenses—such as utilities (including electricity, water, heating, and internet), cleaning services, IT maintenance and software, as well as other miscellaneous costs—will be borne by the EHEA Secretariat.

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