

## Annex 1 – Application Form

### Application Form for the expression of interest for hosting the EHEA Secretariat

- Please fill in the template attached (Annex 1) containing the application form.
- Please try to respond to the questions of the form as complete and accurate as possible. The maximum number of words are estimative (not an eligibility criterion).
- If you have any questions, please address them to the TF Co-chairs and the Secretariat. Questions and responses will be shared with all potential applicants.
- Feel free to include additional information and documentation that you think might be helpful, in the application or referenced as annexes.
- Based on the expression of interest, you may be invited to answer further questions, in writing and/or during online meetings with the TF. A presentation of the application to the BFUG is expected in autumn 2025.

<b>A. Administrative information</b>	
<b>1. Applicant (or consortium leader)</b>	<i>Germany</i>
<b>2. Legal representative</b>	<i>Federal Ministry of Research, Technology and Space</i>
<b>3. Contact person and information</b>	<i>Peter Greisler, Kapelle-Ufer 1, 10117 Berlin</i>
<b>4. Consortium members (if applicable), contacts</b>	<i>Insert text</i>
<b>B. Facts and information regarding the hosting of the Secretariat</b>	
<i>Please provide the necessary factual information as accurately as possible. Also indicate in case of issues where you are not entirely sure, and that you do not know.</i>	
<b>5. Legal form (max. 2000 words)</b>	
<i>Please advise on what would be best legal form for the Secretariat in the national context and describe the regulatory framework. Please describe the national legislation to the extent in which it allows flexibility for the governance and operations of the Secretariat.</i>	
a) As an association b) As a foundation c) Any other form d) Any other explanation or information you want to add	
<i>Germany intends to ensure that the future EHEA Secretariat is established on a solid and sustainable basis.</i> <i>Regardless of the model, Germany will ensure that:</i> <ul style="list-style-type: none"> <li>• <i>the Secretariat operates independently from national or institutional influence,</i></li> <li>• <i>it can legally receive funding from EHEA countries,</i></li> </ul>	

- it can recruit international staff; and
- it functions sustainably and transparently.

The legal form will be finalised in line with national legislation and in close coordination with the BFUG, ensuring a credible and lasting foundation for the Secretariat.

## 6. Location (max. 400 words)

- a) Do you suggest a particular, or several venues and locations?\*
- b) If so, under what conditions and why do you think they are suitable?
- c) If not, can you propose how venue and location should be identified, regarding the criteria and the process?

Germany proposes to host the EHEA Secretariat within the framework of the German Academic Exchange Service (DAAD), drawing on its international expertise, operational capacity, and longstanding experience in managing complex international cooperation structures. While the DAAD is proposed as the institutional host, the specific legal form of the Secretariat will be determined in line with the principles of independence and transparency, and in close dialogue with the BFUG.

The DAAD's headquarters in Bonn are seen as the most viable and realistic option for establishing the Secretariat. The premises offer modern infrastructure, accessibility, and an institutional setting that could support the Secretariat's establishment and operations, subject to an appropriate legal and governance framework being agreed upon with the BFUG.

The city of Bonn hosts numerous international institutions and benefits from excellent accessibility, including proximity to Cologne/Bonn Airport and direct connections to Frankfurt International Airport, one of Europe's main air hubs. This makes it a logistically attractive and internationally connected location for the EHEA Secretariat.

Further refinement of institutional and practical arrangements will be undertaken in close coordination with the BFUG and relevant national actors.

## 7. Budget

Please include an approximate budget estimate, based on national costs and the resources required for the operation of the Secretariat, that would be realistic for a Secretariat established in this location. Please note that the main source of funding should be contributions by the EHEA members.

Send the budget separately as an annex, based on the template provided in annex 2.

## 8. Other models (max 400 words) – optional

Can you suggest any other entity comparable to the EHEA Secretariat, located in your country, that could serve as a model?

Insert text

## C. Conditions to be met

## 9. Complying with the hosting principles (max. 6000 words)

Elaborate separately how your application complies with each principle in section III) for hosting the Secretariat.

### a) Independence and Accountability

The Secretariat should operate independently from the country and/or organisation (with)in which it is hosted. Its legal, financial and organisational arrangements should ensure its independence, minimise the risk of undue influence. It should operate under the authority of and be fully accountable to the BFUG including its governing structure arrangements, reporting and appointment of its staff. Its main source of funding should be contributions by the EHEA members.

### b) Sustainability

The chosen arrangements for the Secretariat must be sustainable, with a clear perspective on how it can function for a longer term.

### c) Staff

The Secretariat must be able to recruit and contract a sufficient number of staff, with suitable profiles and competences, from different EHEA countries. The employment rules of the country in which the Secretariat is based should allow for this, under flexible and fair contracts. In addition to its own staff, the Secretariat should be able to accept secondments from EHEA members and consultative members, according to the rules approved by the BFUG.

### d) Legal environment

Regulations of the country where the Secretariat will be located must ensure the rule of law, allow its operation without undue influence of the national and local authorities. There should be no obstacle for receiving funding from different other EHEA countries.

### e) Non-Profit principle

The Secretariat would operate on a non-profit basis, with any surpluses reinvested into its budget. It may accumulate a reserve, which however should not exceed one annual budget. Otherwise, the fees for EHEA members should be reduced.

## 10. Ability to fulfil the roadmap (max. 1200 words)

Please detail the necessary steps and the approximate time needed to establish the Secretariat once a decision would be taken by the BFUG.

- Between Spring 2026, and June 2027, is it realistic to establish the Secretariat in the country, legally (legal status, registration, visa, residency and working permit for the director and other staff members, etc.) and physically (identification of venue and rental of office premises)
- Would you as the host be able to provide the necessary support to ensure this

### Independence and Accountability

Germany fully endorses the principle of independence and accountability as the foundation for the EHEA Secretariat. The Secretariat will operate under the authority of the BFUG and report to it in all strategic and operational matters, including staffing, governance, and financial oversight.

The final arrangement will be determined in close consultation with the BFUG and in accordance with applicable legal frameworks, with a view to ensuring both functional efficiency and structural independence.

Germany is open to the possibility of hosting the Secretariat within an established institution such as the German Academic Exchange Service (DAAD), provided that the Secretariat's

autonomy and accountability towards the BFUG are fully guaranteed. The DAAD, as a long-standing and internationally recognised non-profit institution, could offer relevant experience and infrastructure, while respecting the Secretariat's operational independence.

Germany also stands ready to support the development of a transparent and legally compliant financial framework in coordination with the BFUG and EHEA members. All financial flows will be managed in full accordance with national and EU requirements, ensuring transparency and accountability.

#### *Sustainability*

Germany is committed to permanently hosting the EHEA Secretariat and aims to provide a long-term solution in line with the principles set out in the Call. The proposed arrangements are designed to support institutional continuity, financial viability, and operational effectiveness. At the same time, Germany acknowledges the agreement within the BFUG to reassess the setup after two full Bologna cycles, i.e. in 2033.

#### *Staff*

Germany understands the intention to form a Secretariat team that benefits from the diversity and experience present across the EHEA. While individual administrative requirements may vary, Germany will make every effort to support a framework that facilitates timely and practical solutions, making use of existing structures and good practices.

#### *Legal Environment*

Germany offers a stable legal and institutional framework that guarantees the rule of law and safeguards the independent operation of the EHEA Secretariat without undue influence from national or local authorities.

The final legal structure of the secretariat will be jointly developed with the BFUG, ensuring compliance with the principles set out in the Call, including independence, transparency, and sustainability.

#### *Non-Profit Principle*

The EHEA Secretariat will operate on a non-profit basis. Any budgetary surpluses will be reinvested into the Secretariat's operations. A financial reserve may be accumulated, but it will not exceed the level of one annual budget. Should reserves approach this limit, appropriate mechanisms will be considered — in consultation with the BFUG — to ensure continued compliance with the non-profit principle, including the possible adjustment of member contributions.

#### *Ability to Fulfil the Roadmap*

Germany shares the ambition to establish the Secretariat in line with the proposed timeline and will make all necessary efforts to contribute to a successful implementation.

We acknowledge that a number of legal, administrative, and logistical aspects remain to be clarified. However, we are confident that these can be addressed in close cooperation with the BFUG and relevant stakeholders.

Subject to a positive decision by the BFUG, Germany will initiate the required processes without delay. Our aim is to create the conditions necessary for the Secretariat to become operational by June 2027.

Germany will provide active support to ensure that the Secretariat can be established effectively, sustainably, and in full alignment with the principles and requirements laid out in the Call.

## D. Host motivation, contribution and self-assessment

### 11. Motivation and capacity of the host (max. 800 words)

*What is your motivation, your main ideas and intentions in offering to host the Secretariat? In what ways can you, directly or through related administration and organizations and agencies contribute to the support of the Secretariat? (pls. avoid overlap with the next question)*

#### 1. Enhancing National and Institutional Visibility

*Hosting the secretariat positions the country and its institutions at the center of international information exchange, research, and policy development. The host institution is placed at the "hotspot of information exchange about research, education and policy," raising both national and international visibility. This increased profile can attract talent, partnerships, and investment.*

#### 2. Driving Internationalisation and Knowledge Exchange

*Governments and higher education institutions benefit from internationalisation through increased collaboration, access to global best practices, and the attraction of international students and researchers. Hosting a secretariat strengthens direct links with leading universities and research bodies, facilitating the flow of ideas, innovations, and policy models. This supports domestic educational reform and capacity building.*

#### 3. Economic and Workforce Development

*International students and academic collaborations contribute directly to the host country's economy through tuition, living expenses, and long-term retention of skilled graduates. Hosting a secretariat can amplify these effects by making the country more attractive to international talent and fostering innovation ecosystems that benefit the broader economy.*

#### 4. Improving Policy Coordination and Evidence-Based Governance

*A long-term secretariat enables better coordination across national and institutional boundaries, supporting data-driven policymaking and the sharing of analytical resources. Academic-government collaboration is crucial for evidence-based policy, and hosting the secretariat helps bridge gaps between research and policy implementation. This can lead to more effective reforms and innovation in higher education.*

### 12. Financial and in-kind contributions (max. 600 words) – optional

*Expressions of interest should spell out what the host may offer, but also the limitations, in terms of the nature, volume and duration of any support or contribution, and distinguish between guaranteed and potential provisions*

*Germany is prepared to support the EHEA Secretariat through substantial in-kind contributions, in particular by offering office space, IT infrastructure, and basic administrative support. These contributions would facilitate a timely and effective start of the Secretariat's work.*

*Further details regarding the financial model, including staffing arrangements and cost-sharing mechanisms, should be discussed and agreed collectively within the BFUG. Germany remains fully committed to engaging constructively in this process and to ensuring a transparent and sustainable setup.*

### 13. Relevance (max. 400 words)

Why do you think your proposal is suitable?

*Germany is an ideal location for the establishment of an international secretariat dedicated to the coordination of the Bologna Follow-Up Process. The country is renowned for its political and economic stability, providing a reliable and secure environment for long-term international cooperation. This stability ensures continuity and resilience in the face of global challenges, which is essential for the effective functioning of a secretariat with such a critical mandate.*

*Furthermore, Germany has extensive experience in international coordination, particularly within the higher education sector. German institutions have successfully led numerous multinational projects and initiatives, demonstrating strong organizational skills and the ability to foster collaboration among diverse stakeholders. This expertise will be invaluable in managing the complex tasks associated with the Bologna Process.*

*Germany's higher education sector is highly motivated to advance the goals of the Bologna Process. There is a strong commitment among German universities and policymakers to promote academic mobility, quality assurance, and mutual recognition of qualifications across Europe. Hosting the secretariat in Germany would further energize these efforts and set a positive example for other countries.*

*Additionally, Germany is a committed and active member of the Bologna Follow-Up Group (BFUG). Its binding membership underscores its dedication to the process and ensures that the secretariat would operate within a framework of accountability and shared responsibility. This commitment guarantees that the secretariat's work will align closely with the priorities and values of the BFUG.*

*In summary, Germany's political and economic stability, proven experience in international coordination, strong motivation to advance higher education, and binding membership in the BFUG make it a highly suitable and strategic choice for hosting the international secretariat. Establishing the secretariat in Germany will significantly contribute to the further development and success of the Bologna Process.*

### E. Summary

### 14. Summary (max. 500 words)

Please summarize the main points, in presenting how you manage that the EHEA Secretariat could operate, within the hosting arrangement that you proposed above

#### ***Institutional Independence and Transparency***

- Germany proposes to establish the EHEA Secretariat within the framework of the German Academic Exchange Service (DAAD) in Bonn.*
  - The Secretariat shall operate under the authority of the Bologna Follow-Up Group (BFUG) and report to it in all strategic and operational matters, including personnel, governance, and financial oversight.*
  - The final arrangement will be determined in close consultation with the BFUG and in accordance with the principles of independence and transparency.*
- Rechtliche Rahmenbedingungen und Nachhaltigkeit*
- Germany offers a stable legal and institutional environment that guarantees the rule of law and safeguards the independent operation of the EHEA Secretariat without undue influence from national or local authorities.*
  - The final legal structure of the Secretariat will be developed in close consultation with the BFUG, ensuring compliance with the principles of independence, transparency, and*

sustainability.

**Financial Transparency and Non-Profit-Principle**

- The EHEA Secretariat will operate on a non-profit basis; any budget surpluses will be reinvested into the Secretariat's operations.
- A financial reserve may be accumulated, but it will not exceed the level of one annual budget; upon approaching this limit, suitable mechanisms will be considered, in consultation with the BFUG, to ensure continued compliance with the non-profit principle.

**Germany's suitability as a host country**

- **Political and economic stability:** Germany offers a reliable and secure environment for long-term international cooperation.
- **Experience in international coordination:** German institutions have successfully led numerous multinational projects, demonstrating strong organizational skills and the ability to foster cooperation among diverse stakeholders.
- **Engagement in the Bologna-Process:** As an active member of the Bologna Follow-Up Group (BFUG), Germany is strongly integrated into the process, ensuring close alignment of the Secretariat's work with the priorities and values of the BFUG.

**F. Annexes – optional**

Please list below the annexes that you attach to this application, apart from the budget



**Name of the legal representative, position**

**Signature of the legal representative**

Dr. Lisette Andreae,

Division 413

European Higher Education Area, Internationalization

Federal Ministry of Research, technology and Space

Kapelle-Ufer 1, 10117 Berlin



Annex 2 - Template budget for the long-term Secretariat

Cost Category	Specific costs	Number of Full-Time Equivalent Staff	Annual salary rate (gross)	Total yearly costs (euro)	Budget justification/ comments
Staff costs / Salaries  All values must be stated in gross terms. Estimative total full-time equivalent (FTE) = 8.	Head of Secretariat	1	To be revised		
	Secretariat members	4	To be revised		
	Administrative staff (financial and accounting, communications, IT)	3	To be revised		
	<b>TOTAL</b>	8	-	0.00	
Logistics costs	Rent	-	-	16,000.00	
	Utilities	-	-	9,500.00	
	IT maintenance and software	-	-	42,000.00	
	Taxes	-	-	0.00	
	Furnishing	-	-		
	Miscellaneous	-	-	3,200.00	
	<b>TOTAL</b>	-	-	70,700.00	
Other costs (Add rows if needed)	...	-	-		
	...	-	-		
	...	-	-		
	...	-	-		

Percentage of costs

Please send the template in both pdf and excel format together with the application form (Annex 1). Please add rows and explanations as appropriate.

<b>Total budget (euro)</b>	70,700.00
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## Introduction

Thank you once again for your application.

The Task Force on establishing a long-term Secretariat met on 23–24 June in Brussels (**6th Task Force meeting [link](#)**) and reviewed all submitted applications ([here](#)). It concluded that all applicants should be invited to further elaborate and clarify specific elements of their proposals.

This document sets out:

- **Questions** to be addressed by all applicants. If you are sure that you have already **fully answered this in your application**, you may nevertheless fill it again, but you are not obliged to.
- **Questions** for individual applicants. They should help you to understand where further information is needed. If your response to the general questions to applicants cover them, no need to answer them again.

Apologies for the additional work, and this period of the year, but your responses would help us to get a clearer understanding of your application.

We kindly ask you to:

- Submit your responses in writing (Word document) to the EHEA Secretariat by **the 25<sup>th</sup> of September (EOD)**.
- Keep your answers concise and focused. If a question cannot be answered, please indicate this, and maybe also the reason.

### How the process will continue

- An **online information session** with the BFUG is planned for **end of October**, offering applicants an opportunity to present their proposals and address questions.
- You will be asked to confirm your participation and indicate the name(s) of the presenter(s).
- If colleagues not regularly attending BFUG meetings are involved, their number should be limited to **two**.
- As you have been informed, **the decision on the applications will be taken by the BFUG**, which is expected to discuss them at the BFUG meetings in Copenhagen, 15-16 December, and in Cyprus (1 half 2026).

# Questions

## I. Legal Form, under which the Secretariat could be established

Even if your application focusses on another, third type of legal form, it is important that you provide information on both association and foundation. This would give the BFUG a wider choice.

Wherever applicable, please reference the specific legal provision (article, paragraph, etc).

### A. Association

Can the Secretariat be established as an association, and what are the implications?

<p>A.1 Would it be possible to establish the Secretariat as an association under your national legislative framework? – If not at all possible, no need to answer the following questions in this section.</p>	<p>Under German law, it is generally possible to establish the EHEA Secretariat as a registered association (“eingetragener Verein”). The legal basis for this is provided by the German Civil Code (BGB), §§ 21–79 BGB, in particular §§ 21 ff. BGB, which regulate the establishment and organization of non-profit associations.</p>
<p>A.2 How easy and feasible is the establishment of an association as a long-term EHEA Secretariat in your own country?</p>	<p>Establishing an association in Germany is comparatively simple and well-established. It is a common and legally secure organizational form for non-commercial purposes – even in an international context. Establishing a permanent secretariat as an association is realistic and practical, but is subject to certain requirements, such as defining a non-profit purpose and registering it in the association register.</p>
<p>A.3 Please reference the specific provisions (primary law or other legislative provisions) that regulate associations in your own country.</p>	<p>see above: German Civil Code, §§ 21–79 BGB</p>
<p>A.4 Please explain whether and how, based on the legislative framework, an association would ensure the independence of the Secretariat, its legal and operational accountability exclusively to the BFUG and that the host would not have other legal, financial or organisational competencies or responsibilities than those shared by the BFUG collectively (see the Call for details on the interpretation of the independence principle)</p>	<p>An association in Germany is an independent legal entity and thus independent in its organization and administration. The association's statutes can be designed so that:</p> <ul style="list-style-type: none"> <li>- responsibility and accountability to the BFUG can be guaranteed, e.g., through an association body composed exclusively of BFUG members),</li> <li>- the association does not assume any tasks other than those defined by the BFUG,</li> <li>- the legal framework allows for the flexible establishment of optional bodies that enable decisive influence on the association and the control of its management by the BFUG.</li> </ul> <p>The statutes are the central instrument for the legal and operational design of independence.</p>
<p>A.5 Please detail how the BFUG might exercise the governance and administrative responsibilities within an association under your national legislative framework, including:</p> <p>A.5.1 Does the legislative framework for associations mandate any specific</p>	<p>According to German association law, the following bodies are legally prescribed:</p> <ul style="list-style-type: none"> <li>- General assembly (Mitgliederversammlung, § 32 BGB)</li> <li>- Executive Board (Vorstand, § 26 BGB)</li> </ul> <p>Additional bodies (e.g., advisory board, committees) are possible to be provided for in the statutes of the association (Satzung). The structure could be</p>

<p>governance bodies. If yes, how would the composition and competencies (authority) of such bodies be best aligned with the governance structure of the BFUG?</p>	<p><b>designed as follows:</b></p> <ul style="list-style-type: none"> <li>- EHEA countries as members of the association (collectively or by delegation)</li> <li>- BFUG Board as board or executive body</li> <li>- Decision-making authority transferred to these bodies in accordance with the statutes of the association</li> </ul>
<p>A.5.2 What would be the legal liability of the members of governance bodies (deliberative and/or executive bodies)?</p>	<p><b>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 members. They also bear liability towards the association itself for breaches of duty, namely for wilful 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.</b></p>
<p>A.5.3 What would be the rules for nomination, appointment or removal of members of such bodies? Please also describe the level of flexibility permitted to adjust those provisions.</p>	<p><b>The appointment and removal of board or committee members falls within the competence of the general assembly (Mitgliederversammlung). These powers can however be delegated to optional bodies provided for in the statutes of the association (Satzung). The rules for appointment and removal are flexible. According to dispositive general rule the right to appoint is only limited when the appointee would be clearly unfit for the position as board member. The right to dismiss is only limited where the dismissal would constitute harassment or would be abusive or violates specific rights of a member (see section 35 of the German Civil Code). The statutes can provide for secondment rights. They can limit the right to dismiss according to certain criteria.</b></p>
<p>A.5.4 How would the BFUG and BFUG Board (or a similar executive structure) be in a position to take decisions in relation to the Secretariat, including related to the adoption and execution of the budget? Are there any restrictions?</p>	<p><b>The statutes may provide for BFUG to make decisions and issue instructions binding for the association and its board on several levels. The BFUG members could for example be called to be the sole members of the association and as such be rendered the competence to dominate the decision making on this superior level. Members of the BFUG could also be granted special rights to secondment of board members. Such secondment could also be established for additional optional bodies, e.g. an advisory board. The statutes can provide for approval reservations for board decisions and actions in favour of the BFUG. The statutes may stipulate that the BFUG adopts the budget. The BFUG board would be responsible for its implementation. There are no legal restrictions as long as association law and, if applicable, tax laws (potentially for non-profit and charitable entities) are observed.</b></p>

<p>A.5.5 How would the establishment as an association impact the employment status of staff, the definition of staff profiles, remuneration/salary grids, ability to appoint/dismiss the Head of Secretariat and other employment rules? Please briefly elaborate if there are any additional regulations beyond the general labour laws.</p>	<p><b>An association may conclude its own employment contracts and employ staff. The following apply:</b></p> <ul style="list-style-type: none"> <li>- <b>General German labor law</b></li> <li>- <b>No specific collective agreement is required, but is possible</b></li> <li>- <b>Management positions (e.g., Head of Secretariat) can be assigned to the BFUG or its bodies through the statutes regarding their selection and dismissal.</b></li> <li>- <b>Additional regulations apply if the association is non-profit and charitable in the sense of German tax law (e.g., regarding the use of funds).</b></li> </ul>
<p>A.6 Do you see any particular rules and requirements that could pose difficulties for the BFUG, respectively its representative body, e.g. the BFUG Board or a committee to be established under the legal form. For example,</p> <ul style="list-style-type: none"> <li>• specific requirements regarding nationality or residency of the associations' members, or the representatives of its governance structures,</li> <li>• limitations regarding the purpose of the legal form,</li> <li>• other practical requirements that might be difficult to implement (e.g. pertaining to the physical presence of the association's members, General Assemblies have to held in the country, national regulations that would restrict the activity of association with international members, or set specific rules for it, etc.)</li> </ul>	<p><b>There are several aspects to consider with regard to an international organization:</b></p> <ul style="list-style-type: none"> <li>- <b>Members based abroad are generally permitted; there are no restrictions regarding the nationality or residence of members of the association or the members of the executive board.</b></li> <li>- <b>The association's registered office must be located in Germany, as must the competent registration court.</b></li> <li>- <b>General meetings can also be held digitally or in a hybrid format (Section 32 of the German Civil Code, Federal Court of Justice rulings); physical presence is not mandatory.</b></li> <li>- <b>The purpose of the association must be clearly defined in the statutes of the association (Satzung) and must not be commercially motivated – this requires precise legal wording to acquire and maintain the status as a charitable non-profit organization.</b></li> </ul>

## B. Foundation

### Can the Secretariat be established as a foundation, and what are the implications?

<p>B.1 Would it be possible to establish the Secretariat as a foundation under your national legislative framework? – If not at all possible, no need to answer the following questions in this section</p>	<p>The BFUG Secretariat can be established as a foundation with legal capacity and thus independent under civil law in Germany and fulfils the principle of "independence". In addition to natural persons (private individuals), legal entities can also establish foundations, including several persons jointly in a single act. Therefore, all full and advisory members of the BFUG are eligible to become (co-)founders. The foundation is usually established for an indefinite period (a so-called "perpetual foundation") and is subject to permanent state supervision; it thus fulfils</p>
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	<p>the principle of "sustainability".</p>
<p>B.2 How easy and feasible is the establishment of a foundation as a long-term EHEA Secretariat in your own country?</p>	<p>In order for the foundation to be established, a foundation deed and recognition of the foundation by the competent authority of the federal state in which the foundation is to have its registered office are required. The foundation deed (the foundation charter) only needs to be in writing; it does not need to be notarised.</p> <p>Recognition of the foundation must be applied for at the competent authority. The foundation authority must generally decide on recognition within a period of six months. The foundation must be recognised if the foundation deed meets the legal requirements and the permanent and sustainable fulfilment of the foundation's purpose appears to be assured. If the foundation and the founder(s) are to enjoy tax privileges, the purpose of the foundation must be charitable, benevolent or ecclesiastical within the meaning of the German Tax Code. This requires separate recognition by the competent tax authority. The foundation then fulfils the "non-profit" principle.</p>
<p>B.3 Please reference the specific provisions (primary law or other legislative provisions) that regulate foundations in your own country.</p>	<p>The legal basis for foundations in Germany is:</p> <ul style="list-style-type: none"> <li>- §§ 80–88 of the German Civil Code (BGB – the civil law concerning foundations)</li> <li>- the foundation laws of the individual federal states (the foundation supervisory law)</li> </ul> <p>The most important guideline for managing a foundation is the founder's will.</p>
<p>B.4 Please explain whether and how, based on the legislative framework, an foundation would ensure the independence of the Secretariat, its legal and operational accountability exclusively to the BFUG and that the host would not have other legal, financial or organisational competencies or responsibilities than those shared by the BFUG collectively (see the Call for details on the interpretation of the independence principle)</p>	<p>Once the foundation has been established, recognised and the dedicated assets transferred, the EHEA Secretariat would be independent of the host country's influence in the form of an autonomous foundation under civil law. The EHEA members, the BFUG and the foundation bodies established and staffed by them would make independent decisions within the framework of the foundation's statutes and the purpose of the foundation as defined by them.</p> <p>Once the foundation has been successfully established, the competent foundation authority monitors compliance with and fulfilment of the wishes of the founder(s). It ensures state supervision of the foundation and is responsible for ensuring that the wishes of the founder(s) as set out in the statutes of an independent foundation are observed in the long term and that the foundation's assets remain intact.</p>
<p>B.5 Please detail how the BFUG might exercise the governance and administrative responsibilities within a foundation under your national legislative framework, including B.5.1 Does the legislative</p>	<p>The foundation must have at least one executive board to manage its affairs. The executive board represents the foundation in and out of court; it has the status of a legal representative. The executive board may consist of one or more persons. This must be regulated in the statutes. The composition and competencies of the</p>

<p>framework for foundations mandate any specific governance bodies. If yes, how would the composition and competencies (authority) of such bodies be best aligned with the governance structure of the BFUG?</p>	<p>executive board may perfectly be aligned with the governance structure of the BFUG.</p>
<p>B.5.2 What would be the legal liability of the members of governance bodies (deliberative and/or executive bodies)?</p>	<p>The foundation is liable for any damage caused to a third party by the Executive Board, a member of the Executive Board or another constitutionally appointed representative through an act committed in the performance of their duties that gives rise to a claim for damages.</p> <p>The statutes may limit the liability of members of the executive body for breaches of duty towards the foundation to intent and gross negligence. If members of the governing body or special representatives work without remuneration, they are only liable to the foundation for damage caused in the performance of their duties by law in cases of intent or gross negligence. Members of the governing body must exercise the diligence of a prudent manager in conducting the foundation's business. There is no breach of duty if the member of the body could reasonably assume, in accordance with the statutory and constitutional requirements, that he or she was acting in the best interests of the foundation on the basis of appropriate information.</p>
<p>B.5.3 What would be the rules for nomination, appointment or removal of members of such bodies? Please also describe the level of flexibility permitted to adjust those provisions.</p>	<p>There are no specific legal requirements regarding the composition and nomination, appointment or dismissal of members of the Executive Board, their term of office or re-election. In this respect, the founders are free to lay down provisions in the statutes that correspond to their ideas or the decision-making structures of the BFUG and/or the BFUG Board.</p> <p>The following procedures for appointing members of the Executive Board are possible in principle:</p> <ul style="list-style-type: none"> <li>- Co-optation (supplementary election by the remaining members of the Executive Board)</li> <li>- Election by another foundation body</li> <li>- Appointment by another legal entity</li> <li>- "Natural" members</li> </ul> <p>In addition to the executive board, the statutes may provide for other bodies (such as a foundation council, a board of trustees or an advisory board) and the possibility of appointing special legal representatives, i.e. managing directors, for defined transactions or areas of business. In this case, the articles of association should also contain provisions on the formation, tasks and powers (decision-making,</p>

	<p>advisory or supervisory functions) of the additional bodies and the managing director(s). In this respect, too, the founders are free to design the foundation as they see fit and can transfer their ideas or the decision-making structures of the BFUG and/or the BFUG Board to the foundation.</p>
<p>B.5.4 How would the BFUG and BFUG Board (or a similar executive structure) be in a position to take decisions in relation to the Secretariat, including related to the adoption and execution of the budget? Are there any restrictions?</p>	<p>It is conceivable, for example, to make all or some of the members of the BFUG Board, represented by named representatives, members of the Foundation's Executive Board for their term of office and to design the legal position and function of the Secretary General and other executives of the Secretariat as special legal representatives, i.e. as managing directors or managing directors who are not organs or members of an organ of the foundation. All decisions and measures relating to management and administration (including the appointment of the managing director and the preparation of the budget) would then be the responsibility of the board of directors, and the management implements the decisions of the Executive Board and is originally only responsible for the day-to-day (operational) business (e.g. including the hiring of other Secretariat's staff) and the functions and tasks assigned to the Secretariat in the Terms of Reference. In any case, the Executive Board has the authority to issue instructions to all employees of the Secretariat in terms of labour law, and employees of the Secretariat are accountable to the Executive Board. This would fully comply with the principle of accountability.</p>
<p>B.5.5 How would the establishment as a foundation impact the employment status of staff, the definition of staff profiles, remuneration/salary grids, ability to appoint/dismiss the Head of Secretariat and other employment rules? Please briefly elaborate if there are any additional regulations beyond the general labour laws.</p>	<p>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 employment contracts are only possible under certain conditions. Unless appointed as members of the foundation's executive board, the secretary general and other managers would probably not be senior executives who would be excluded from the scope of the Unfair Dismissal Protection Act from the outset, should this become applicable.</p> <p>The establishment of the permanent BFUG Secretariat in the legal form of an independent foundation under civil law does not lead to any restrictions on the number, requirement profiles and performance records of potential employees. These can be defined by the Secretariat or the BFUG itself, and employees can be hired accordingly.</p> <p>Nationals of the vast majority of BFUG member countries either face no restrictions or, at any rate, have easier conditions for taking up employment in</p>

	<p>Germany. According to the regulations mentioned above, it is generally not difficult for the Secretariat's staff to be composed of international personnel, particularly from the member countries of the EHEA, taking into account geographical balance.</p>
<p>f.6 Do you see any particular rules and requirements that could pose difficulties for the BFUG, respectively its representative body, e.g. the BFUG Board or a committee to be established under the legal form. For example,</p> <ul style="list-style-type: none"> <li>• specific requirements regarding nationality or residency of the foundations' members, or the representatives of its governance structures,</li> <li>• limitations regarding the purpose of the legal form,</li> <li>• other practical requirements that might be difficult to implement (e.g. pertaining to the physical presence of the foundation's members, General Assemblies have to held in the country, national regulations that would restrict the activity of foundation with international members, or set specific rules for it, etc.)</li> </ul>	<p>There are no special requirements regarding the nationality or residence of the founders or members of the foundation's bodies, with the exception that the foundation's administration must be based in Germany. The nationality of the founder or the members of the bodies is not relevant for the establishment and management of a German foundation.</p> <p>If a body consists of several members, decisions are generally made at a meeting, unless otherwise specified in the statutes. The statutes may provide that members may participate in the meeting and exercise their rights by means of electronic communication without being present at the meeting venue (hybrid meeting). The statutes may also stipulate that meetings may only be convened as virtual meetings in which members must participate and exercise their rights by means of electronic communication without being present at the meeting venue. If a hybrid or virtual meeting is convened, the invitation must also specify how members can exercise their rights by means of electronic communication. Even without a meeting of the members, a resolution is valid if the articles of association stipulate that all members must declare their approval of the resolution in writing.</p> <p>The articles of association should also specify the majorities required for passing resolutions. Special majorities may also be specified for certain topics (such as amendments to the articles of association or the dissolution of the foundation).</p>
<p>B.7 In your view, between association or foundation, which legal form would fit best the criteria for the Secretariat and its link to BFUG governance? What would you see as advantages or disadvantages?</p>	<p>As a legal form and entity, the Registered Association offers sufficient flexibility in its structure for the intended purpose. It is comparatively simple and inexpensive to establish and maintain. It can guarantee the required independence from the country in which it is based. At the same time, the legal structure of the organisational principles and the organisational structure can be used to ensure that the BFUG executive body controls the decision-making process of the Registered Association's bodies and implements the specified decisions. The liability risks of those involved in the establishment and management of a Registered Association can be limited by means of a tailored structure, both in terms of content and with regard to the group of potential liable individuals or entities. The ongoing decision-making and management can be carried out largely independently</p>

	<p>of the residence of those involved, in particular through the use of digital communication platforms. The membership fee system as a means of financing the Secretariat can be designed flexibly. Subject to a final review, it appears that charitable status (“Gemeinnützigkeit”) under German tax law can be achieved.</p> <p>The foundation under German law would also be suitable as the legal entity for the activities of the secretariat. However, it has significant actual and potential disadvantages compared to the Registered Association as a legal vehicle for the purpose in question:</p> <p>A major disadvantage of a foundation is the considerable financial and time expenditure involved in setting it up. The establishment requires considerable initial capital, which must be permanently contributed to the foundation and is no longer available for other purposes. The founder(s) no longer have direct access to the contributed capital; in principle, only the income is available to the foundation. The foundation's assets are tied up forever, and the specified purpose of the foundation can only be changed with great effort. Another disadvantage is state supervision and control. The ongoing operation of a foundation involves a high level of administrative effort and regular reporting obligations. Government supervision also means that the foundation lacks flexibility in its approach, because even amendments to the statutes that do not directly affect the purpose of the foundation must be approved.</p>
<p>B.8 If you did not propose an association or foundation in your expression of interest, would the establishment of the Secretariat in your country in such a legal form impact your proposed contribution?</p>	<p><b>not applicable</b></p>

### C. Other legal forms for the long-term Secretariat

If your expression of interest included any other legal form for establishing the Secretariat (i.e. not an association or a foundation), please answer this section.

<p>C.1 Would the secretariat be a separate legal entity?</p>	<p><b>A potential other legal form for the long-term Secretariat would be a gGmbH (gemeinnützige Gesellschaft mit beschränkter Haftung / Non-profit charitable limited liability company). A gGmbH is a sub-type of the traditional GmbH, whose purpose is charitable as defined by the German Tax Code. It combines entrepreneurial structures with a charitable purpose.</b></p> <p><b>A gGmbH is a separate legal entity, i.e. the secretariat would have independent legal capacity as a gGmbH.</b></p>
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<p><u>C.2</u> If <u>yes</u>, what would be the legal entity? Please reference the specific provisions (primary law or other legislative provisions) that regulate in your own country.</p>	<p><b>The legal form would be a gGmbH regulated by:</b></p> <ul style="list-style-type: none"> <li>- GmbH Act (GmbHG)</li> <li>- German Civil Code (BGB)</li> <li>- Fiscal Code (AO)</li> </ul> <p><b>Key features would be:</b></p> <ul style="list-style-type: none"> <li>- At least one shareholder</li> <li>- Share capital</li> <li>- One or more managing directors</li> <li>- Commitment to non-profit and charitable purposes</li> <li>- Registration in the commercial register</li> </ul>
<p><u>C.3</u> If <u>not</u>,</p> <p>C.3.1 Who would be legally responsible for the Secretariat?</p>	<p><b>not applicable</b></p>
<p>C.3.2 What are the implications for the Secretariat regarding its competence to adopt, execute and manage the budget, open bank accounts, sign contracts and hire staff?</p>	<p><b>not applicable</b></p>
<p>C.3.3 Would this impact the employment status of staff, the definition of staff profiles, remuneration/salary grids, ability to appoint/dismiss the Head of Secretariat and other employment rules? Please briefly elaborate if there are any additional regulations in additional to generic labour laws.</p>	<p><b>not applicable</b></p>
<p>C.3.4 How would the BFUG relate to the Secretariat and the legal entity that governs it? E.g. would this be based on a written agreement? Of what legal status?</p>	<p><b>not applicable</b></p>
<p>C.4 What would you see as the major advantages of this legal form, compared to establishing it as an association or a foundation?</p>	<p><b>A gGmbH is a practical, legally secure, and internationally understandable legal form. It offers high operational flexibility, clear structures, and allows for easy implementation of employment relationships and budget management. The involvement of the BFUG would have to be ensured through shareholder status or cooperation agreements.</b></p>
<p>C.5 What could be disadvantages?</p>	<p><b>Compared to a registered association (eingetragener Verein), the management has to adhere to much stricter rules applying to corporations, in particular, but not limited to, accounting requirements. The liability risks of executive bodies and its shareholders are significantly higher.</b></p>

## D. Additional questions for individual applicants

### D.2 Germany

- i) The application mentions that the Secretariat will be hosted by DAAD and it would be independent, but leaves open how this would be done. Therefore, please explain within Section I whether it will be possible to establish the Secretariat at the DAAD, as an association and as a foundation
- ii) In case you consider to host it as part of DAAD, fill section I, part C and explain
  - a. What would be the implications for its independence? Would the Secretariat be subject to any specific administrative rules due to the connection with DAAD? How would this support or impact the functioning of the Secretariat (administrative rules, IT rules and platforms etc)?
  - b. What would be the status of the Secretariat staff?
  - c. Would you see any difficulties arising from the fact that the Secretariat would be partially financed through fees paid by BFUG members?
  - d. Do you have any examples for an organisation established in similar fashion?

The integration of a comprehensive and independent BFUG Secretariat into the organisational structure of the DAAD in its current form (e.g. as a dependent unit with its own staff) is likely to be precluded by considerations relating to statutes, liability and funding law. In addition, some of the key requirements defined by the task force could not be met. A Secretariat established within the DAAD is legally and organisationally inseparable from it. *De facto* independence from the organisation cannot be guaranteed in this structure and constellation. Accountability directly and exclusively to the BFUG or the BFUG Board, bypassing the DAAD Executive Board, is also incompatible with the DAAD statutes in their current form. In addition, there are technical and logistical difficulties.

It is also questionable whether the establishment and management of the EHEA Secretariat and the tasks to be performed by it are compatible with the statutory purpose of the DAAD. According to Section 2 (1) and (2) of the statutes, this consists of promoting science and research, education and training, art and culture, and international understanding, in particular by fostering academic relations with foreign countries, with the association providing and promoting international mobility and cooperation as well as scientific and student exchanges, both conceptually and financially. Whether the activity as a purely administrative service unit for the BFUG fulfils this purpose seems highly doubtful. According to Section 2 (3) of the statutes, the DAAD may support the activities of other scientific and educational institutions that serve the same purposes; however, despite the general objectives of the Bologna Process, it is not at least obvious whether the BFUG or the EHEA can be subsumed under these conditions. Any activity by the DAAD that is not in line with its purpose could have an impact on its non-profit status.

The requirement of "sustainability" also includes financial sustainability or permanence. This would only be guaranteed if the economic risk for establishing the secretariat within the DAAD were covered. The secretariat is to be financed by regular annual contributions from EHEA members, graded according to gross domestic product, and a subsidy from the European Commission. The DAAD does not have its own financial resources and is not permitted to build up reserves to cover any deficits. The DAAD could therefore only finance losses or payment defaults from its institutional budget, which would require the approval of the Federal Foreign Office, the funding body. In order to cover the financial risks associated with the establishment and management of the secretariat, a corresponding funding commitment from the relevant departments would therefore be necessary.

Furthermore, the secretariat integrated into the DAAD's structure would probably not be able to meet the staff requirements. As an institutionally funded institution, the DAAD is bound, among other things, by the budgetary prohibition on preferential treatment in Section 1.3 ANBest-I, which prohibits it from placing its employees in a better financial position than comparable federal employees. Remuneration higher than that provided for in the collective agreement for the public sector and other benefits above or outside the collective agreement may not be granted at all or may only be granted to a limited extent and require the prior approval of the approving authority in each individual case. In addition, Section 20(2) of the statutes stipulates that the employees of the administrative office shall be employed and paid in accordance with the principles of the public service. The task force had already noted that the salaries proposed to date, which were based on the TVöD salary structure, were not sufficiently competitive internationally.

The BFUG expects the host country or host institution to support the secretariat by providing infrastructure, contributions in kind and cooperation, both during its establishment and – at least initially (in the first two years after its establishment) – during its operation, for example through advice or the sharing of resources. The call for expressions of interest stipulates that it is mandatory to support the secretariat in finding premises and obtaining visas, residence and work permits for employees and seconded staff, as well as support in "navigating national and local administrative processes", in particular with regard to legal registration (including legal proceedings, if necessary) and in the form of advice on compliance with the legal framework, for example in matters of employment, taxation and social security. It is also mandatory to designate a contact person or first point of contact within the host organisation to ensure smooth communication between the Secretariat, the BFUG and its working structures. Optional benefits in kind include the provision of office space, furniture and other office equipment and resources free of charge or at a reduced rate ("preferential price"), the provision of meeting rooms and logistical support for events, interpreting or translation services if required, or "preferential treatment" with regard to taxes and fees. In its revised concept note, the Task Force also assumes that the host country of the Secretariat will second an employee to the Secretariat.

Whether the support services for the establishment and initial operation of the EHEA Secretariat constitute "support for an activity of another scientific and educational institution serving the same purposes (i.e. maintaining academic relations with foreign countries by promoting and facilitating international mobility and cooperation as well as scientific and student exchange, both conceptually and financially)" within the meaning of Section 2 (3) of the statutes must be examined with regard to the nature, scope and duration of each individual measure.

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. According to Section 6 RDG, such legal services are only permissible if they are provided free of charge and if the DAAD ensures that they are provided by a person who is authorised to provide legal advice for remuneration, or by a person qualified to hold judicial office, or under the guidance of such a person. These requirements would also apply if the DAAD were classified as an enterprise or association within the meaning of Section 8 (1) No. 2 RDG, which provides these legal services within the scope of its tasks and responsibilities.

## II. International staff

Please note that the Task Force considered that the salaries proposed for the Head of Secretariat and the policy staff (non-administrative staff) were not sufficiently internationally competitive, as determined in the Call. In this sense, based on the [United Nations' Common System Compensation Package](#), the TF proposed in the table attached (Annex I) a list of potential salaries, which do not represent actual proposals for the salaries of the Secretariat, but guiding, estimate gross salaries helpful for better understanding the implications of the fiscal systems in the applicants' countries.

For each of the non-administrative staff category, the table includes a level/grade based on the UN system (for junior policy officer two levels), a minimum number of years of relevant experience (for the Head of Secretariat two alternative proposals), as well as information regarding dependant spouse and children.

Apart from base salary, the compensation includes post adjustment (to quantify differences in cost of living) and, in the case of the Head of Secretariat and senior policy officer, additional allowances.

II.1 Based on the table provided, please indicate for each category in the table the netto amount. Please take into account income tax, contributions to pension funds or healthcare, as well as other regular or customary levies.

II.2 Please explain how you reached the netto amount (what type of levies and the amount) the fiscal treatment of the allowances or other benefits, as well as any particular mandatory or customary pecuniary benefits (e.g. 13<sup>th</sup> or additional salary).

Table for answers related to questions II.1-2

Category	Gross amount	Netto amount	Description/explanation
Head of Secretariat – 5 years of experience	10.236 € per month / 122.833 € per year	5.884 € per month / 70.608 € per year	Tax deduction based on tax class 1, (excluding church tax, calculated without child allowances). Incl. employee contribution to social security branches (pension/health/unemployment/nursing care insurance)
Head of Secretariat – 10 years of experience	10.796 € per month / 129.561 € per year	6.181 € per month / 74.174 € per year	Tax deduction based on tax class 1, (excluding church tax, calculated without child allowances). Incl. employee contribution to social security branches (pension/health/unemployment/nursing care insurance)
Senior policy officer	7.516 € per month / 90.198 € per year	4.470 € per month / 53.647 € per year	Tax deduction based on tax class 1, (excluding church tax, calculated without child allowances). Incl. employee contribution to social security branches (pension/health/unemployment/nursing care insurance)
Junior policy officer – P2 level	4.715 € per month / 56.587 € per year	2.998 € per month/ 35.982 € per year	Tax deduction based on tax class 1, (excluding church tax, calculated without child allowances). Incl. employee contribution to social security branches (pension/health/unemployment/nursing care insurance)
Junior policy officer – P3 level	5.993 € per month / 71.917 € per year	3.672 € per month / 44.068 € per year	Tax deduction based on tax class 1, (excluding church tax, calculated without child allowances). Incl. employee contribution to social security branches (pension/health/

			unemployment/nursing care insurance)
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II.3 Please indicate, if not already provided,

II.3.1 The applicable national legal employment regulation (link, ideally to an English text version)

II.3.2 Any particular rules impacting international staff (in the case of applicants from EU countries, both EU and non-EU international staff)

II.4 Please explain how the BFUG would

II.4.1 appoint and dismiss the Head of Secretariat under the applicable employment regulations

### III. In-kind support

III.1 In case you offered in your application in-kind support, please clarify the duration for which it would be offered and whether the in-kind support is backed by a firm commitment.

III.2 In case you have not already stated this, is there any limit of duration for which the Secretariat could be hosted?

III.3 In case you offer premises, are there any limitations regarding access, during weekends, holidays? Are there any restrictions for visitors?