



Federal Ministry
of Research, Technology
and Space

Establishing the EHEA Secretariat in Germany

BFUG online information session, 22 October 2025



Why Germany applies

- Geographically in the centre of Europe
- Politically and economically stable environment, including constitutionally guaranteed academic freedom
- Experience in international coordination
- Engaged higher education sector

Germany is a committed and active member of the BFUG since the beginning -> close alignment with priorities and values of the EHEA



Application-Process

- Formal application (June), additional answers (September, updated (21 October, 2025))
- Germany has commissioned an **independent legal opinion** to examine all legal aspects related to the establishment of a permanent EHEA Secretariat.
- Its findings confirm the **suitability of the registered association** as the most appropriate legal form, ensuring:
 - **Independent legal personality** within the framework of BFUG governance
 - **Flexibility** in governance and operations
 - **Full alignment** with the **BFUG's structures and decision-making principles**

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Concise Legal Opinion

On the legal questions in and in connection with the questionnaire of the Task Force (TF) of the Bologna Follow-up Group (BFUG) for the Bologna Process (European Higher Education Area - EHEA)
to the Federal Republic of Germany
on the possible establishment and construction of the permanent
EHEA Secretariat in Germany

finalised on 10 October 2025
by Hümmerich legal Rechtsanwälte in Partnerschaft mbB
on behalf of the German Academic Exchange Service e.V.

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Legal Form: Registered Association

Why an Association?

- After detailed legal analysis, the association model emerges as the most appropriate for the Secretariat's needs.
- It ensures:
 - Full legal independence
 - Operational flexibility
 - Transparency and accountability towards the BFUG
 - Efficient administration with limited bureaucracy

Legal Framework

- Governed by §§ 21–79 of the German Civil Code (BGB)
- Recognized and widely used form for non-profit organizations and international cooperation structures
- Can pursue charitable, scientific, or educational purposes consistent with the Secretariat's mission
- Requires registration in the association register and statutes (Satzung) defining purpose, governance, and accountability

Governance and Structure of the association

Mandatory bodies under German law:

- **General Assembly** (highest decision-making body)
- **Executive Board** (legal representative)

Optional additional bodies:

- **Advisory Board**
- **Committees**

Requirements for the Establishment:

- At least 7 **founding members**
- **Statutes** (Founding document)
- **Appointment of executive board**
- Entry in the **registry** of associations



Possible adaptations

BFUG Member States as Association Members

- All BFUG countries can be represented in the association through their national delegates.
- The GA would consist of these representatives, enabling collective decision-making.

BFUG Board as Executive Body

- May act as the Executive Board of the association, or
- Appoint its members with full authority over Secretariat operations.

Optional Structures

- Advisory boards or working groups can reflect BFUG's existing structures.
- Statutes allow flexible creation and delegation of roles.

Decision-Making & Oversight

- BFUG adopts the budget and strategic direction.
- BFUG can appoint and dismiss the Head of Secretariat.
- Secretariat reports directly to BFUG.

→ This setup guarantees **independence**, **continuity**, and **direct accountability** to the BFUG.



Ensuring Independence and Accountability

- The association is a **separate legal entity**, not attached to any ministry or organization.
- **Independence** can be explicitly safeguarded in the statutes.
- **Accountability mechanisms** (e.g. annual reporting, financial audits) can be **aligned with BFUG expectations**.
- The **statutes** can ensure that **no external influence** is exerted beyond what is decided collectively by the BFUG.



Legal and Operational Advantages

Simple establishment procedure (registration usually completed within a few weeks)

Low administrative burden compared to other legal forms

Full capacity to employ staff, conclude contracts, and manage funds

Eligible for non-profit status, providing tax benefits and public trust

No nationality or residency restrictions for members or board representatives

Digital and hybrid meetings fully permitted under German law



DAAD as a Blueprint for the Secretariat's Structure

- While hosting the Secretariat **within** DAAD poses challenges, **the DAAD model itself** offers valuable insights:
- The DAAD, as a **successful registered association under German law**, demonstrates the effectiveness of this structure.
- Its **governance model, accountability mechanisms, and operational efficiency** show that an **association-based framework** can be both **robust and adaptable**.
- **Many of DAAD's structures and procedures** – such as transparent decision-making, multi-stakeholder governance, and financial oversight – **can be adapted** for the EHEA Secretariat.
- → This would ensure a **smooth, sustainable, and credible implementation**, fully aligned with **BFUG's independence and accountability principles**.



Implementation and Next Steps



Agreement by the BFUG on the association model and its governance principles



Drafting of statutes (Satzung) defining:

- Purpose and tasks
- Membership (BFUG)
- Governance and decision-making
- Financial oversight



Registration of the association in Germany



Obtaining non-profit status (gemeinnützig)



Operationalization phase: staff recruitment, financial setup, and activity planning



Conclusion: Proven Model and Practical Experience

- **Germany reaffirms its commitment** to establishing a **sustainable, transparent, and independent EHEA Secretariat**.
- Germany's proposal is **underpinned by an independent legal opinion**, shared in advance for full transparency.
- The **association model** offers a **legally sound and operationally effective solution**, inspired by **Germany's long-standing experience with international cooperation structures** such as DAAD.