

BRIEFING

Brexit – what now for universities?

January 2020

On 31 January 2020, the UK will leave the European Union. Many in the university sector are committed to the European idea and regret this fact, and there is widespread worry about how this will affect the strong links in research, education and innovation between the UK and the rest of Europe. However, having avoided a chaotic “no-deal” Brexit allows for clarity about the next steps in the negotiation and about the new relationship between the UK and the EU. This briefing gives an overview of what has already been agreed and the further process towards the future relationship between the EU and the UK, with a focus on areas relevant to universities.

WHAT IS ALREADY AGREED?

The agreement between the UK and the EU is made up of two parts: 1) the Withdrawal Agreement, which sets out the terms for the UK’s departure in a legally binding way, and 2) the Political Declaration, which describes the agreed ambitions for new relations.

The [Withdrawal Agreement](#) concerns the rights of citizens, financial settlements, and the Irish border.

It makes sure that EU citizens who already live in the UK and UK citizens who live in the EU continue to have the rights that they had before Brexit. This includes residence permits, pension and social rights and recognition of professional qualifications (architects or medical doctors for example). This means that university staff will have the same rights to live and work as before and that, for example, an EU-born medical doctor living in Britain before Brexit can continue to practice after Brexit and that a UK-born doctor living in the EU can do the same. Recognition of non-professional academic degrees (for example historians and mathematicians) are not regulated by the EU to begin with so there will be no change.

The Withdrawal Agreement also states that the UK will continue to pay to the EU what was agreed in 2013 for the 2014-2020 long-term EU budget. In practice, this means that the UK will continue to pay into programmes such as Horizon 2020 and Erasmus+ until the projects end, and that UK entities can participate in these programmes until they end. In sum, the two programmes will continue as before with projects awarded until the end of the programme and being funded for their whole duration.

The Irish border will remain open, but will be subject to a special arrangement, which will not impact universities located outside of the island of Ireland.

There will also be a transition period, meaning that all present arrangements between the UK and the EU will remain in force until 31 December 2020. This includes data sharing, trade in goods and services, short-term mobility for students and staff and all other areas regulated by the EU. These things are agreed and are legally binding.

The [Political Declaration](#) sets out the ambitions for the new relationship between the EU and the UK. The principle of this relationship from the part of the EU is very clear: the new relationship needs to be deep and wide, but a country that does not fulfil the obligations of a member state cannot enjoy the full benefits of being an EU member.

The most immediately important parts of the Political Declaration for universities regard UK participation in EU programmes and mobility of people.

The Political Declaration states that:

“Noting the intended breadth and depth of the future relationship and the close bond between their citizens, the Parties will establish general principles, terms and conditions for the United Kingdom’s participation in Union programmes.”

This demonstrates intent for the UK to participate in EU programmes in the future: the EU has already prepared the first draft regulations for the different programmes, including the possibility of third-country association. In the draft regulation for Erasmus and for Horizon Europe (the two programmes that will be most relevant for universities), it is stated that third countries can associate either to the full programme or to parts of it. However, there must be a balance between the contributions of the associated country and the benefits it has from the programmes, and third countries cannot have decisional powers over the programme. The regulations have not reached final agreement by the Council of the EU and the European Parliament, but EUA expects that the rules for association will not change dramatically.

The EU and the UK plan to first negotiate that the EU and the UK will first negotiate an “umbrella agreement” that sets the basis for the participation of the UK in EU programmes in general, and then the parties will negotiate individual association agreements for example to Horizon Europe and the new Erasmus Programme. In theory, this is planned so that UK entities can participate in the new programmes when Horizon 2020 and Erasmus+ come to an end on 31 December 2020. The timeline is clearly very tight and might be made more complicated by a third element: the wish of the EU to have “reciprocity”.

Reciprocity means that for example researchers on both sides get the same rights to participate in programmes from the other side, if UK researchers gain access to EU programmes, EU researchers should have access to UK programmes. Moreover, it is clear from the Political Declaration that the rules for mobility of researchers will be part of the negotiations. It is understandable that a continued deep cooperation in research and education requires rules that are not overly diverging between the UK and the EU. It would be good that the regulatory framework is at least comparable if not identical. For example, it would not be appropriate to have widely different rules for ethics or privacy to avoid EU-funded research from being conducted in countries where citizens have less rights in terms of privacy or consent.

Concerning the mobility of persons, the Political Declaration explicitly states that there should be an “appropriate arrangement” for recognition of professional qualifications and this would be part of the trade agreement between the EU and the UK (as it is for CETA, the agreement between the EU and Canada).

WHAT WILL HAPPEN NOW?

The negotiations through 2020 will be very complex, as many different processes need to be aligned within a very short time span. It is important to keep two things in mind: First, the end goal of deep association agreements to EU programmes is shared by both sides and despite the complexity of the situation, association remains a likely outcome. Secondly, the agreement on a transition period means that nothing will concretely change for the whole of 2020.

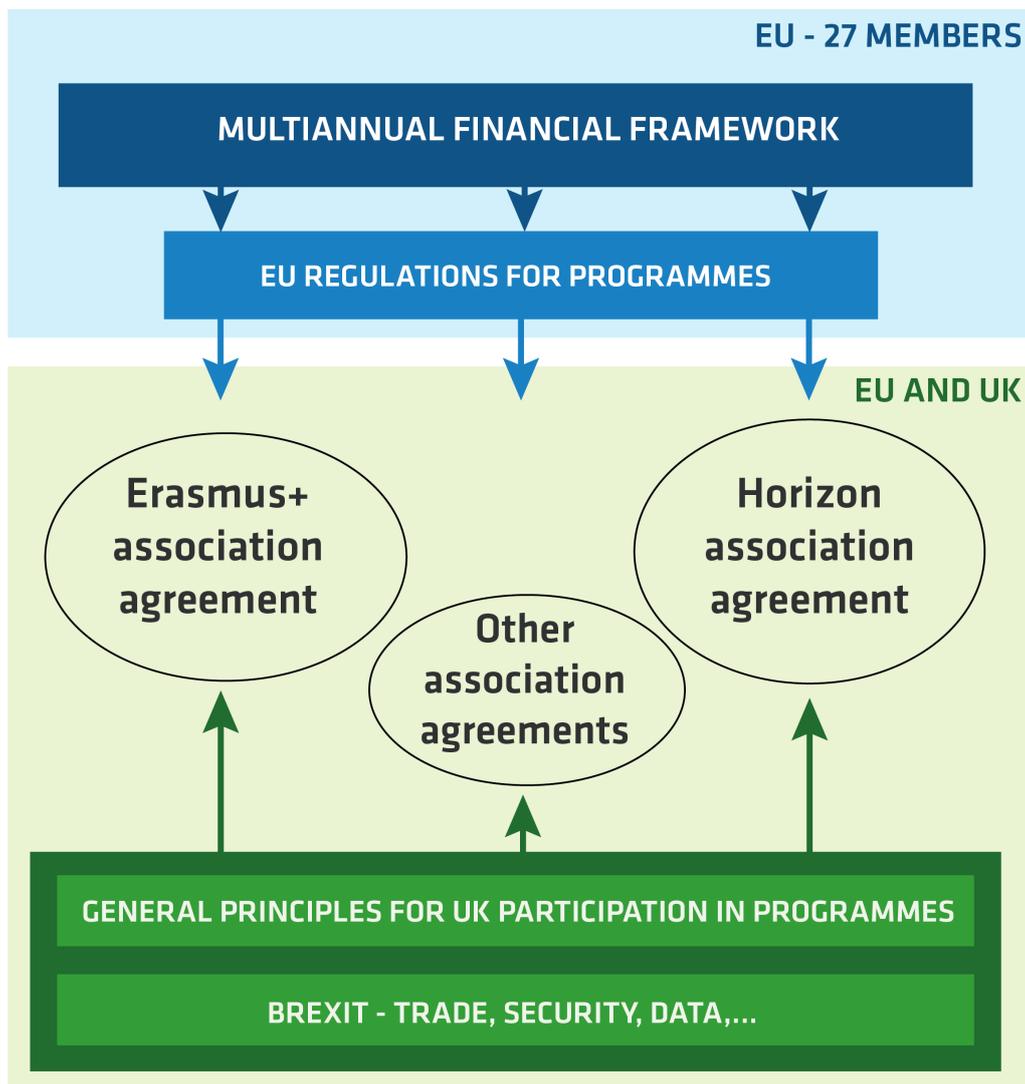
The UK and the EU will begin to negotiate the overall principles for association to EU programmes after 31 January 2020. The Political Declaration is very general when referring to the content of the agreement:

“[General principles] should include a fair and appropriate financial contribution, provisions allowing for sound financial management by both Parties, fair treatment of participants, and management and consultation appropriate to the nature of the cooperation between the Parties.”

It is difficult to see whether any of these elements will be a source of difficulty and whether the negotiations about the general agreement will be long or short. It is worth mentioning that these negotiations are separated from other issues such as the trade agreement, but there will be a grey zone where there would need to be some sort of alignment, for instance for mobility of researchers (but not to overall freedom of movement).

On the basis of these principles, the UK can make association agreements to individual EU programmes as a third country, as is the explicit ambition to associate to Horizon Europe and the Erasmus Programme, but other programmes like Creative Europe or Digital Europe would also be possible. The present proposal for association is very flexible, so the UK could associate to the whole or to parts of the programme, depending on what the UK and what the EU see as appropriate. [EUA has argued that given the importance of the links in research and education, the aim should be full association.](#) However, it is too early to speculate whether everything will be ready for the beginning of new programmes in 2021, or if there will be a gap in UK participation in the current (2014-2020) and future programmes (2021-2027).

However, the UK can only finalise its association to the programmes once the programmes have been defined by the EU. The programmes are linked to the EU's seven-year budget cycle (the Multiannual Financial Framework, MFF): each new budget cycle, the regulations for the programmes change and need to be approved by the European Parliament and the member states in the Council. For these regulations to be finalised, there needs to be an agreement on how to spend the money under the MFF. At the time of writing (January 2020), the MFF negotiations have proven to be very difficult and there is no compromise in sight. This could make the already tight timeline even more pressed, in the worst case leading to a gap in UK participation between the current programmes and the next ones.



If there is a gap, the UK will still be able to associate, but there might be (in the worst case) calls in the two programmes where UK partners would have to take part with their own funds, or there might be EU legislation that allows the UK to bridge the period between the beginning of 2021 and the finalisation of the association agreement, or the UK government would unilaterally fund UK participation for a short period.

Association to Horizon Europe and Erasmus will pave the way for continuing the close cooperation between universities in the EU and in the UK. However, there will be other issues that will likely impact universities directly or indirectly, depending on the other parts of the Brexit negotiations, particularly the prospects of a trade deal not being reached before 2021. These include, for example, data sharing or buying goods or services, as outlined in the [EUA-Universities UK Brexit publication](#) from 2019. [However, for 2020 none of this will change.](#)

SUMMARY

2020 will be a year of complex and interconnected negotiations and legislation processes that will shape the relation between the EU and the UK for the years to come. In the grand scheme of things, research and education are relatively simple areas as both parties agree on the end goal of keeping a very close relation through UK association to EU programmes. However, the way to get there is made complicated by a very short timeframe, which runs parallel to other highly complex and related policy processes within the EU such as the MFF negotiations.

It is important to note that the Withdrawal Agreement, the Political Declaration and the transition period all mean that cooperation can continue as normal after 31 January and hopefully with few changes after 2021. The way may be winding, but the direction is right.

The European University Association (EUA) is the representative organisation of universities and national rectors' conferences in 48 European countries. EUA plays a crucial role in the Bologna Process and in influencing EU policies on higher education, research and innovation. Thanks to its interaction with a range of other European and international organisations, EUA ensures that the voice of European universities is heard wherever decisions are being taken that will impact their activities.

The Association provides a unique expertise in higher education and research as well as a forum for exchange of ideas and good practice among universities. The results of EUA's work are made available to members and stakeholders through conferences, seminars, websites and publications.