

**BRIEFING**

# Universities after Brexit:

## An update on EU-UK relations

July 2021

Six months have passed since the European Union and the United Kingdom concluded a Trade and Cooperation Agreement, which sets out the framework for cooperation as the United Kingdom has left the Union.

During this time, the picture of how universities in the EU and the UK can cooperate has become much clearer. This briefing aims to give an overview of the new relationship and how universities in the European Union and the United Kingdom can continue to work together.

The EU-UK relationship is governed by two agreements:

The [Withdrawal Agreement](#) defines how to manage the separation. It entered into force on 1 February 2020 at the beginning of the transition period. For universities, the most relevant parts concern the rights of EU citizens who lived in the UK and UK citizens who were in the EU before Brexit, and the participation of the UK in projects funded by EU programmes running from 2014-2020, like Horizon 2020 and Erasmus+, as activities from the last calls continue after Brexit.

Citizens and their families are guaranteed the same rights they had before the UK left the European Union: UK citizens who already lived in the EU and EU citizens who already lived in the UK before Brexit retain their right to live and work, and their social rights remain unchanged.

The Withdrawal Agreement also guarantees that the UK can continue to participate in projects under Horizon 2020 and Erasmus+ (2014-2020) as the UK agreed to pay its contribution until the end of the current programme generation. This means that ongoing projects with UK participation can be implemented as planned until their end.

The [Trade and Cooperation Agreement](#) (TCA) sets the framework for continued cooperation. The TCA mainly addresses the trade of goods, which is less relevant for universities. However, it also covers areas that affect universities directly, such as UK participation in the new generation of EU programmes (2021-2027).

## **EU PROGRAMMES**

The TCA includes the general principles for UK participation in EU programmes, such as the broad terms for the UK's financial contribution, provisions on audits and controls and termination of participation. The UK has the option to associate to EU programmes if the respective programme regulation allows for it. This is the case for the programmes that universities will use the most: Horizon Europe and Erasmus+. Association is not possible, for example, for structural funds and the European Defence Fund.

The programmes under the EU's current Multiannual Financial Framework (2021-2027) that the UK has chosen for association are listed in a separate protocol. They are Horizon Europe, Copernicus, EURATOM and ITER.

While the general framework in the TCA allows for association to Erasmus+, the UK has chosen not to associate to the new Erasmus+ Programme. This means that UK participation in the Erasmus+ Programme will be very limited from 2021 onwards. For the Erasmus+ part of the European Universities Initiative, for instance, this means that UK partners will not count towards the eligibility criteria in terms of number of partners, nor receive funding from the programme. Existing alliances are free to continue their collaboration with UK partners based on their own funding.

The UK government has launched the [Turing Scheme](#) to support outgoing mobility from the UK to the whole world. While this does not replace the Erasmus+ Programme, as it does not fund exchanges, it does present an opportunity for student mobility from the UK.

The TCA defines how the UK will contribute financially to programmes generally. By and large, the UK makes a contribution according to a formula based on the relative size of the UK GDP to that of the EU. This guarantees a stable and predictable contribution to the programmes. If the UK systematically benefits more from a programme than it contributes, it pays accordingly through a higher contribution.

Persons who cross the border between the EU to the UK as part of activities connected to an EU project in a UK-associated programme have easy access to enter and reside in either the EU or the UK. The UK must also treat all EU citizens equally in this regard.

The UK can participate in the governance structures related to the programmes that it is associated to. It has observer status with no voting rights in the formal bodies and it can participate in various *ad-hoc* expert groups.

EU participants in projects under UK-associated programmes who are required to pay fees to UK institutions must pay the same amount as UK citizens.

In practice, this means that cooperation on research projects under the Horizon Europe Programme can continue as it did under Horizon 2020. The only major difference is that the UK is excluded from the part of the European Innovation Council through which the EU buys equity in companies (the European Innovation Council Fund). In exceptional cases, UK applicants can be excluded *a priori* from calls that are deemed central to the EU's strategic autonomy. However, this will be a very small fraction of Horizon calls. The European Commission has published [a document with questions and answers](#) regarding the details of UK participation in Horizon Europe.

### **TRADE IN SERVICES**

The TCA includes private education as a tradeable service. However, individual countries have made exceptions for the operation of private education providers. This means that UK providers need permits to operate in these countries and in some cases they must be under the national quality assurance systems.

The Agreement does not set out a structure for the recognition of [professional qualifications](#). It includes “non-binding and non-exhaustive” guidelines for professional bodies and authorities that want to proceed with the recognition of professional qualifications in the future. However, the Withdrawal Agreement guarantees that citizens who were in the UK and in the EU before the separation will still have their professional qualifications recognised.

The recognition of academic qualifications is not an EU competence and will continue as before.

## DATA

The European Commission has [determined that the protection of personal data in the UK is comparable to the protection in the EU under the General Data Protection Regulation \(GDPR\)](#). This means that data can be shared between the EU and the UK as it was before Brexit.

However, there is an exception for personal data transferred for the purpose of UK immigration. It is yet to be seen what this exception means in practice, for example for data transferred to the UK in relation to longer stays of students and researchers. One question in this regard may be whether UK institutions will have to set up additional ways of safeguarding the privacy of EU citizens.

## TRAVEL AND RESIDENCE

As part of the TCA, legal residents in the EU can enter the UK without a visa for short stays and vice versa.

For longer stays, EU citizens need to obtain a UK visa using the UK point-based immigration system, which has several options depending on whether the applicant is a student, graduate or researcher. More information can be found through [Universities UK](#).

UK students or researchers entering the EU are covered by an [EU Directive](#) that facilitates access of researchers and students, among others, from third countries and sets common rules across the EU (with the exception of Denmark, which is not covered by the Directive).

Persons who want to study in the UK without participating in a project funded by an EU programme in which the UK is associated will pay international fees. These are considerably higher than those previously paid by EU citizens. Citizens who were residing in the UK before 31 December 2020, and their children, are still eligible for UK home fees.

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 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.