

## UNITA AS A MODEL FOR INSTITUTIONALIZED UNIVERSITY COOPERATION: FROM THE EUROPEAN GROUPING OF ECONOMIC INTEREST TO THE EUROPEAN GROUPING OF ACADEMIC INTEREST

### 1/ General Objectives:

- ▶ The EGAI project should enable UNITA members to analyse the functioning, test the relevance and facilitate the use of an EEIG as a legal instrument for institutionalized university cooperation.
- ▶ The aim of this project is to contribute to the strategic and legislative context of the EU. It is about building bridges for effective European cooperation in higher education, aiming at the development of a new model of European Academic Interest Grouping (EAIG).
- ▶ In fact, the EEIG will be used as a testbed for institutionalized cooperation between European universities.

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### 2/ Difficulties of the project

- ▶ The compatibility of the EEIG, which is usually commercial in nature, with strictly academic, teaching and research activities raises a large number of questions. These issues require further legal analysis.
- ▶ Firstly, it will be necessary to clearly delimit the services that the partner universities can actually entrust to the EEIG. Indeed, they are all public entities established for purposes of general interest and this can be a problem for the exercise of economic activities.
- ▶ But, at the same time, however, this EEIG is also established with the aim of developing and intensifying cooperation between the partners through the exclusive provision of auxiliary activities of an economic nature.

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### 3/ Relevance of the project

- ▶ It is therefore appropriate to carry out a study to identify and circumscribe the types of activities that can be entrusted to the EEIG, also in the light of the European Commission's definition of "joint transnational interdisciplinary educational activities" (Council Recommendation of 5 April 2022 on building bridges for effective European cooperation in higher education, 2022/C 160/01).
- ▶ Further research is needed on whether these "new activities" are conditional or not, whether they can be funded or not and whether competition law rules apply in this case.
- ▶ Finally, it will be necessary to analyse the legal instruments for sharing resources, both human and material.

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### 4/ Specific objectives of the project

- ▶ The UNITA partners identified the EEIG as an appropriate tool for long-term institutionalized cooperation.
- ▶ One of the strengths of the EEIG is the flexibility of the instrument, which allows for versatile organisational solutions. It can be easily adapted to the unique characteristics of the university community. The various components of the university (professors, administrative staff, etc.) can be transposed into ad hoc management bodies to be defined by the EEIG statutes.
- ▶ Another advantage is the simplicity of the procedure for setting up the EEIG, which requires only registration with a national authority (the Chamber of Commerce, Industry, Crafts and Agriculture of the place of its registered office under Italian rules) and no prior approval from other national authorities.

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### 4/ Specific objectives of the project

To enable systemic, structural and sustainable cooperation and to test the EEIG, it is required to :

- ▶ Analyze and define the activities that can be entrusted to the EEIG in light of the notion of "economic activity".
- ▶ In addition to that, there is a need to clarify the legal framework in which these activities can be carried out (public procurement rules and in-house providing organizations) and what are the consequences of the economic character vis-à-vis European competition rules (e.g. state aid rules).

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### 5/ Methodology

In order to analyse the activities that may be entrusted to the EEIG, it will be necessary to :

- ▶ 1/ Identify, in agreement with the UNITA alliance's governance bodies, the activities they intend to entrust to the EEIG and the activities of economic relevance they already carry out.
- ▶ 2/ In parallel, an in-depth analysis will be conducted on the notion of economic activity against the backdrop of EU case law and prevailing doctrine.
- ▶ The intersection of the outcomes of the survey under 1) with the one conducted under 2), will allow to identify the activities that can be concretely entrusted to the EEIG as well as its legal regime.

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### 6/ Sustainable and continuation

- ▶ The EGAI project aims to facilitate the concrete functioning of the UNITA EEIG.
- ▶ More precisely, by virtue of the EGAI project, the EEIG will be able to access new funding sources by participating in national, European or international competitive procedures as well as by offering its services to the market.



**Obrigado pela sua atenção**

**Grazie per l'attenzione**

**Merci de votre attention**

**Vă mulțumim pentru atenție**

**Gracias por su atención**