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## FINAL REPORT BY THE EXPERT

**Advice case title: Joint Degree : reinforced cross-border student mobility**

**Full official name of the advised entity: Eurometropolis Lille-Kortrijk-Tournai**

**Name of the expert contracted for the advice case: Prof. Dr. Michael Frey**

**Date: 30.5.2024**

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<sup>1</sup> Please quote the place and date of publication of the legal texts. For reference, see the [b-solutions: Solving Border Obstacles. A Compendium 2020-2021, p 160 – 175](#)

## **I. Executive summary**

The Eurometropolis Lille-Kortrijk-Tournai concentrates a diversity of higher education institutions: universities, training centres that offer many students training in a multitude of fields. The European Metropolis of Lille (MEL) is the 3<sup>rd</sup> university metropolis of France (after Paris and Lyon) with 125000 students.

It is in this context that the Eurometropolis Lille-Kortrijk-Tournai, EGTC composed of three regions (the European Metropolis of Lille, Wallonia Picardy and South-West West Flanders), initiated in 2013 a network of actors in higher and university education.

Any further cooperation lacks due to a not sufficiently clear and precise view of legal-administrative brakes although some are already emerging, namely:

- Differences in education systems (standards, programme structures, diplomas, etc.);
- Legal and administrative barriers (laws, regulations, standards, etc.);
- Financing;
- Recognition and equivalence of diplomas.

By this b-solutions case study the Eurometropolis aims to identify and solve the blockages relating to cross-border co- or bi-diplomation cooperation and wants to draw inspiration in the realisation of co-diplomation collaborations and related projects (the cross-border Erasmus type).

A agreement between the universities and educational institutions, in which the relevant issues are regulated, can serve as a solution to numerous partial obstacles. Such agreements already exist in various university co-operation areas.

## **II. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle**

The aim of this b-solutions project is to present the various legal and factual framework conditions that make the realisation of a barrier-free cross-border higher education area desired by the partners possible and to work out legal solutions to different obstacles:

- Differences in education systems (standards, programme structures, diplomas, etc.);
- Legal and administrative barriers (laws, regulations, standards, etc.);
- Financing;
- Recognition and equivalence of diplomas.

As legal background of the differences in the differing standards in the national higher education systems the principle of national sovereignty can be invoked: Higher Education is typically under national (France) or regional (Belgium) jurisdiction, leading despite European coordination to varying standards and accreditation processes; still each country establishes its own criteria for curriculum development, quality assurance, and institutional evaluation. Even under the so-called Bologna process, aiming to standardize higher education to introduce a three-cycle system (Bachelors, Masters, and Doctoral degrees) to harmonize degree structures across Europe, member states still interpret and implement these standards differently, resulting in inconsistencies and variations in the length and content of programs persist.

Also, in the European Credit Transfer and Accumulation System (ECTS), which was established to facilitate student mobility and credit recognition, differences in the application of ECTS credits can still cause discrepancies.

Differences in the level descriptors and learning outcomes within the application of the European Qualifications Framework (EQF) can hinder the mutual recognition of diplomas.

The national sovereignty is also the legal background for the different systems of administrative questions such as semester periods and university funding (regional competence and high autonomy in Belgium; centralized and state-controlled system in France), but also the legal status of students and university staff members.

These differences are reflecting the different national and university traditions.

For example, there is no legal basis for the participation of students from other universities in individual courses or modules below the Erasmus+ threshold. Whether students can take part in the courses is therefore solely up to the respective lecturers; it is not clear to the students in advance whether and, if so, how their achievements can be recognised at their home university.

Similarly, there is no financial support for the necessary individual student mobility in this case.

Different and uncoordinated lecture periods in the respective semesters also lead to practical difficulties when attending courses across borders.

Differences in public service law make it more difficult to exchange staff across borders, particularly because the freedom of movement for workers may not be applicable here due to the exception in Art. 45 para. 4 TFEU. The scope of application of the Lawrie-Blum decision in this area is unclear.

The focus is on solving measures to increase individual student mobility (*mobilité étudiante individuelle*), i.e. the mobility of individual students between the participating universities (1.), but legal aspects of the development of joint courses and study programmes from Bachelor to doctorate as an element of collective student mobility (2.) and the development of a staff mobility concept (3.) on the way to creating a cross-border virtual university campus (4.) will also be considered.

On this basis, the measures envisaged by the partners can be categorised in detail as follows:

### **1. Individual student mobility**

- a) Transparency of study programmes (make course offerings visible to students from other institutions; mark suitable courses separately).

The starting point for all measures to increase student mobility is to increase the transparency of study programmes for students from other universities.

The key measure could be a joint or at least shared database of existing courses open to students from other universities.

The relevant level here would not be the macro level of available degree programmes, but the micro level of individual courses. This would therefore require either a common or at least a shared database of all courses, which students could use to register for courses if necessary.

b) Simple and generous mutual recognition of academic achievements

The recognition of academic achievements at other universities should be simple and comparatively generous. This would require a recognition clause for equivalent academic achievements and a procedure for this.

A public recognition database could lead to corresponding transparency and predictability from a student perspective.

c) Non-discriminatory access for students from other universities to the central services of their own university, such as the library, canteen, etc.

A further building block for increasing student mobility should be the creation of equal access to central university services for students from other universities. This applies in particular to access to facilities such as libraries or cafeterias.

d) Cross-border mobility guide for students

A guide or online tutorials for students could make it easier for students to use mobility programmes. The EUCOR student mobility guide could serve as an example of this.

(<https://www.eucor-uni.org/de/ueber-uns/dokumente-publikationen-videos?file=files/assets/ueber-uns/dokumente-publikationen-videos/broschueren/eucor-studierendenmobilitaet.pdf&cid=1996>; in french: <https://www.eucor-uni.org/files/assets/ueber-uns/dokumente-publikationen-videos/broschueren/eucor-la-mobilite-etudiante.pdf>).

In particular, this guide should describe the requirements and procedures for attending courses at other universities and the recognition of academic achievements in general.

## **2. Development of joint degree programmes**

In addition to the existing study programmes, additional joint study programmes could be developed on any scale, from the creation of joint seminars and summer schools to integrated study programmes or joint doctoral procedures.

## **3. Development of a staff mobility concept**

The student-centred offers described above could be supplemented by accompanying measures to increase staff mobility.

The legal aspects of staff mobility measures are defined mainly by the legal status of the staff members at their different higher education institutions.

An agreement between the organisations or a provision in such an agreement could help here, in which the various measures conceivable from the partners' point of view are presented. In principle, short-term mobility measures such as one-week work

shadowing placements through to longer-term secondments would be conceivable, as would task-related job exchange programmes.

The problems with such measures are likely to be the insufficient ability of the organisations to compensate for such employee exchange measures in terms of personnel.

#### **4. Creation of a cross-border virtual university campus**

A virtual cross-border campus also appears possible in its basic features on the basis of a cross-border agreement between the cooperating institutions.

#### **5. In particular: Legal issues of co-diplomation**

In the development of cross-border joint degree programs, various types of cooperation can be described from a legal perspective in addition to the completely joint development of degree programs: The franchising of universities' own study programs at other institutions, the validation of curricula from other institutions at one's own university or the systematic recognition of qualifications acquired outside one's own universities or a type of external examination.

Eurometropolis cites the example of Pau-Saragossa as an example of the completely joint development of degree courses. The basis for this cooperation is a comprehensive cooperation agreement.

With regard to the formal legal issues of co-diplomation, reference can also be made to the b-solutions case "French-German Joint Degree".

### **III. Description of possible solutions**

In general, the higher education landscape - also in this cross-border higher education region - is characterised by a great deal of disciplinary heterogeneity, but also a great deal of legal heterogeneity in the respective legal framework of the educational institutions of the enseignement supérieur and the lack of a fundamental cross-border agreement between the higher education institutions.

This finding also provides a conceivable solution: such an agreement between the participating universities and other relevant stakeholders (2.) could be used to agree the objectives and basis of the cooperation. In the medium term, the establishment of an original EGTC between the universities and the relevant stakeholders (3.) could also help to stabilise the cooperation. Project-related funding could be utilised along the way and for the implementation of specific innovative measures. For example, a corresponding INTERREG project could be used for start-up funding, among other things to establish the necessary organisational framework.

The relevant legal framework for implementing these steps is therefore outlined below:

#### **1. Legal framework of the higher education institutions**

#### a) International public law

The Lisbon Convention of the Council of Europe<sup>2</sup>, ratified by both Belgium and France, could provide the framework for this. According to Section V of the Convention, academic achievements obtained in one contracting state should be recognised in all contracting states. In this context, academic achievement refers to an assessed part of a programme of study that involves a significant acquisition of skills and knowledge and for which a certificate has been issued. This formulation also includes partial achievements that do not constitute a separate study programme. (Section V of the Convention).

However, the Convention is only directly binding for the signatory states themselves. However, the universities and higher education institutions (enseignement supérieur) are largely responsible for recognising academic achievements (outside the so-called regulated professions, Art. II.1 para. 1) - in each case on the basis of the respective national legal systems. In this case, the signatory states are obliged under Art. II.1 para. 2, the signatory states are obliged to take all possible steps to ensure that the provisions are favourably examined and applied.

In terms of content, the Convention contains, in particular, basic framework provisions such as the principle of anti-discrimination (Art. III.1) or a reversal of the burden of proof (Art. III.3 para. 5), as well as obligations to provide information and counselling (Art. IX.2)

The provisions of the Lisbon Convention could therefore form the substantive backbone of a cross-border agreement that aims to increase student mobility and thus simultaneously serve to implement the Convention.

#### b) EU-law

Under EU law, the European Union has special competences under Articles 165 and 166 TFEU. However, these standards are merely a supporting competence, which the EU exercises through numerous mobility funding programmes such as Erasmus+.

If they are also economically active, students fall under the scope of protection of the fundamental freedoms, in particular the freedom of movement for workers under Art. 45 TFEU or, in the case of self-employment, Art. 49 TFEU.

With regard to social and tax benefits for students, for example in the area of training and study grants, students from other Member States (as well as EEA and Swiss nationals) can in this case invoke the provisions of Art. 7 para. 2 of Regulation 492/2011/EU, from which a fundamental right to equal treatment with nationals of the country of residence arises.

However, these regulations do not, of themselves, cover students who are not economically active, for example through the idea that studying should enable them to take up a subsequent economic activity. (In this respect, the material scope of

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<sup>2</sup> <https://rm.coe.int/168007f2de> (25.03.2024).

protection of the free movement of labour falls short of that of the German Art. 12 para. 1 GG).

Subsidiarily, a corresponding right of residence and participation can arise from citizenship of the Union Art. 21 TFEU, albeit subject to the reservation of social security pursuant to Art. 7 para. 1 c Directive 2004/38/EC. In this context, students from third countries may be able to invoke corresponding provisions in the numerous EU association agreements.

Furthermore, a claim to equal treatment may also be derived from Art. 18 TFEU in these cases. This also applies (in contrast to Art. 7 para. 2 of Regulation 492/2011/EU) to onerous measures such as tuition fees or other administrative contributions.

Professors, researchers and administrative staff are generally covered by the scope of protection of the fundamental freedoms and are therefore entitled to freedom of movement.

#### c) National law

The national legal frameworks are initially derived from the constitutional level. Among other things, fundamental rights and the allocation of legislative powers for higher education are of importance here.

In the French constitution, fundamental rights are derived from the Declaration of the Rights of Man and of the Citizen from 1789, which is incorporated into the constitution via Art. 1, as well as the rights from the preamble to the constitution from 1946 and the principle of equality contained directly in Art. 1. In the Belgian Constitution, the framework is defined by Art. 24 of the Belgian Constitution, which also contains a principle of equal treatment of all students in para. 4.

The higher education legal framework in France and Belgium is structurally different, also as a consequence of the divergent state organisation.

While in France the framework is centrally determined by the Code de l'éducation, in federalist Belgium the organisation of universities is the responsibility of the communities (Art. 24 para. 5 of the Belgian Constitution), in this case Wallonia and the Flemish Community.

Nevertheless, colleges and universities in both states have autonomy in principle (Art. L 711-1 Code de l'éducation). This also includes the establishment of joint study programmes as well as the authority to conclude cross-border cooperation agreements with other universities or higher education institutions.

#### d) Interim conclusion

Despite the different state structures, cross-border cooperation between universities, higher education institutions and educational institutions of the enseignements supérieur on a contractual basis in the Eurometropolis area appears to be legally permissible in principle.

It should be noted that the substantive elements of the cooperation must also remain within the conditions set by the legal framework and may need to be examined in more detail there.

## **2. Elements of an agreement between the universities and other relevant stakeholders as a basis for action**

Based on the given legal framework conditions, a contractual basis for cross-border co-operation in the higher education sector in the Eurometropolis area can be considered.

In particular, the obstacles mentioned by the partners, such as the different semester times or the different framework conditions for staff, can be coordinated, if not harmonized, by using regulations borrowed from European law.

In the following, individual elements of such a contractual basis will be presented.

### a) Contracting parties: no structural, geographical or content-related limitations

In accordance with the different framework conditions under higher education law, it could make sense to include other stakeholders in the contractual structure in addition to the participating universities and educational institutions.

Initially, the universities and educational institutions are mandatory contracting parties.

In view of the heterogeneity of national educational landscapes, it is advisable not to limit the agreement to certain types of higher education institutions, e.g. universities, in terms of content, geography or structure, but to open it up to all other stakeholders in higher education in order to enable truly borderless student mobility, but also, in a second step, comprehensive cooperation in areas such as research and transfer, as well as staff mobility.

Geographically, it seems sensible to open up the agreement to institutions outside the cooperation area in order to enable successful cooperation in terms of content.

The content of the cooperation should not be restricted either.

Furthermore, it may make sense to include state bodies and cross-border institutions as contracting parties, possibly with specific roles and tasks, in consideration of university autonomy.

Accordingly, the potential contracting parties should be determined by analysing cross-border topics and actors.

The following actors are likely to be relevant in principle:

#### France:

- High Schools and potential Universities

as well as

- Ministry of National Education, Higher Education and Research
- Ministry of Labour, Employment, Vocational Training and Social Dialogue
- Hauts-de-France region



### Belgium:

- High Schools and Potential Universities
- Higher education of the arts

as well as

- Walloon region
- Flemish region
- Wallonia-Brussels Federation (Compulsory Education Service of the General Administration of Education and Scientific Research)
- Ares (Academy of Higher Education Research)

b) Key contractual contents and their form

In terms of content, the agreement should address the following aspects in particular:

#### Part 1: Objectives/General part

- Objectives and purpose of the agreement, possibly in the preamble  
Possible objectives to be addressed here are
  - Increasing mobility between the universities
  - Creation of a cross-border university region or a virtual campus
  - Joint utilisation of funding such as INTERREG or alternatives
- General principle of equal treatment  
Students, lecturers, researchers and administrative staff from the partner institutions are treated equally by the partners within the scope of this agreement as students from their own institutions.  
In particular, they enjoy the same rights and benefits and may use the university facilities under the same conditions.
- Favourable equivalence assessment of services and events  
Commitment to the generous exercise of existing discretionary powers in favour of students
- Fee exemption for short-term study visits to partner institutions  
Students from partner institutions enjoy fee exemption at the host institution for short-term study visits. In this case, they remain enrolled at their sending institution.  
(Cf. Art. 8 para. 1 EUCOR Founding Agreement)
- Recognition of reversal of burden of proof where applicable

#### Part 2: Measures:

- Creation of a common course database accessible to all students, from which the courses that are open to students from other institutions are derived.
- Introduction of a joint (digital?) student ID card whose holder enjoys the same rights and benefits (local transport tickets, etc.) at other universities as their own students enrolled there (Art. 8 Para. 2 EUCOR Founding Agreement)
- Extension of the insurance cover and other benefits applicable to own students to students of other universities (Art. 8 Para. 3 Eucor Founding Agreement)
- Promotion of mutual recognition of academic achievements, creation of a public recognition database.

- Promotion of the organisation of all types of exchange between members of the teaching staff by crediting courses at other universities towards teaching commitments (Art. 7 Eucor Founding Agreement)
- Regulation on travelling expenses and accommodation costs for lecturers and administrative staff: travelling expenses are borne by the sending university, accommodation costs by the receiving university. (Art. 5 Eucor Founding Agreement)
- Promotion of joint courses, modules, summer schools
- Promotion of joint study programmes
- Agreement on the introduction of co-tutelle doctorates
- Introduction of mobility grants/bourses
- Creation of a mobility guide for students, lecturers, researchers and administrative staff
- Creation of a joint website
- Potential solution for different semester periods: Equal treatment with students of the host university: semester durations are based exclusively on the schedule of the host university

### Part 3: Administrative bodies, procedures and specific measures

- Presidium and secretariat
- Elections and votes
- Amendment of the agreement, admission of new members and cancellation/resignation (Art. 12 Eucor founding agreement)
- Establishment and training of decentralised coordinators; coordination network;
- Evaluation and further development regulations
- Financing regulations

c) Procedure up to the conclusion of the agreement

- Screening cooperation partners by analysing thematic areas and stakeholders in advance: rather too many and too broad than too few and too narrow

As part of a subject area and stakeholder analysis in advance, all mandatory stakeholders (especially those with the potential to legally or actually prevent the project) and all potentially relevant stakeholders (all stakeholders who could be interested in cooperation) should be identified.

The basic principle here is that in the preparatory stage, in case of doubt, those stakeholders should also be included who will not participate in the further course of the project, for example due to a lack of competence or interest, rather than limiting the circle too early. Here - again against the background of the heterogeneity of the cross-border higher education landscape - the analysis should not be strictly limited to the geographical area of the Eurometropolis, but should be based in particular on thematic-functional aspects (which partners could be considered as cooperation partners in terms of content?). It seems quite conceivable that cooperation partners outside the geographical area of the Eurometropolis could be identified in this way. In this way, dead ends of cooperation can be avoided (for example: an institution or faculty has a relevant orientation and would be interested in cooperating, but the potential cooperation partner happens to be outside the cooperation area; there would be a risk of losing interest in cooperation).

In this way, the Eurometropolis could also develop and emphasise its appeal in the geographical and functional environment.

- Workshops with representatives of the potentially involved partners

d) Interim conclusion

In order to initiate co-operation, a thorough analysis of the subject area and players is recommended.

On this basis, a series of workshops can then be held with the potential partner organisations to be identified with the aim of drawing up a corresponding agreement.

### **3. An EGTC as the final form of organisation**

In the medium term, it would make sense to transfer the co-operation on a contractual basis into a separate legal entity, such as an EGTC. The main advantage of the EGTC would be that it could itself be the project organiser of joint projects.

With such subsidised projects, for example on the basis of INTERREG, further measures could be carried out jointly.

### **4. Approaches and points of reference from other cooperation areas**

When structuring the partnership, it is advisable to take inspiration from other university cooperation programmes in individual elements, for example the agreement between UPPA (Université de Pau et des Pays de l'Adour) and UNIZAR (Universidad de Zaragoza) for the area of bilateral cross-border university cooperation, the EUCOR (European Confederation of Upper Rhine Universities) network for the area of a

multilateral cross-border university cooperation network and the DFH-UFA (Deutsch-französische Hochschule / Université Franco-Allemande) for the area of financial support options.

a) Cooperation UPPA - UNIZAR

There is a framework cooperation agreement between UNIZAR (ESP) and UPPA (FRA), which regulates the framework conditions for cooperation in the areas of study, doctoral programmes and research.

On this basis, several double degree programmes have been established and several co-tutelle doctoral procedures have been carried out.

b) Eucor - The European Campus

Eucor is a trilateral network between the universities of Basel Freiburg, Haute-Alsace, Strasbourg and the KIT, which now operates on the basis of an EGTC and was founded in 1989<sup>3</sup> on the basis of a cross-border agreement.<sup>4</sup>

The aim is to create a unique study and research centre with international appeal and without borders. Cross-border cooperation and cross-border access to courses and research infrastructures at the five universities should become the norm.

In the area of student mobility, both mobility firmly integrated into degree programmes and free mobility are to be enabled and promoted. EUCOR agreement as an example of an agreement on the establishment of a cross-border university network. The core element of integrated student mobility are joint degree programmes with double or triple degrees; the core element of the promotion of free mobility is, in particular, the granting of travel allowances. The joint degree programmes are presented on a separate website.<sup>5</sup> Free mobility allows students to attend individual courses, classes or semesters at partner universities without additional fees and semester contributions; the corresponding ECTS points are credited. The steps required for this from a student perspective are explained in a guide.<sup>6</sup>

The use of EU funding, in particular the INTERREG programme, has made it possible to create cross-border structures and corresponding governance. There are now 15 joint degree programmes, two EU-funded doctoral programmes supported by Eucor.<sup>7</sup>

c) The intergovernmental agreement on the establishment of a Franco-German university ("Weimar Agreement").

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<sup>3</sup> <https://www.eucor-uni.org/de/ueber-uns/dokumente-publikationen-videos?file=files/assets/ueber-uns/dokumente-publikationen-videos/vereinbarungen/1989-eucor-gruendungsvereinbarung.pdf&cid=2021> (01.04.2024).

<sup>4</sup> <https://www.eucor-uni.org/de/> (01.04.2024).

<sup>5</sup> <https://www.eucor-uni.org/de/studieren/gemeinsame-lehrangebote> (01.04.2024).

<sup>6</sup> <https://www.eucor-uni.org/files/assets/ueber-uns/dokumente-publikationen-videos/broschueren/eucor-studierendenmobilitaet.pdf> (01.04.2024).

<sup>7</sup> <https://www.eucor-uni.org/de/studieren/studierendenmobilitaet> (01.04.2024).

The DFH was founded on the basis of an intergovernmental agreement ("Weimar Agreement") between Germany and France. The two governments agreed on the Agreement on the Privileges and Immunities of Special Organisations of 21 November 1947.<sup>8</sup>

The Franco-German University was founded under this agreement.

It promotes binational degree programmes with double degrees as well as binational doctoral training, among other things through mobility grants during the phase in the partner country.

## 5. Conclusion

This study has shown that numerous differences (standards, program structures, diplomas, etc.) make cooperation across borders difficult, particularly in the area of cooperation between institutions. Although these differences always have a legal dimension, they essentially reflect the different university cultures.

A legal solution in the form of standardisation therefore does not appear to make sense in a cross-border context. Instead, possible solutions can be found on the basis of a corresponding agreement between the institutions and with the aid of regulations from the area of international and European coordination law.

There are also several examples of this approach (action plan):

In terms of implementation there are two classical ways: top-down or bottom-up.

The top-down-approach is characterised by the creation of a coordination structure as a first step in the beginning of the process (e.g. by the creation of an INTERREG-project) and then in a second step making the structure operational by creating exchanges in the field (via a second Interreg, for example).

The bottom-up approach would start generally with the presentation of this b-solution-case study to the political level of the Eurometropolis, then maybe include the European perspective and continuing with a second application for a b-solutions case.

Both approaches could be - and that would be the recommendation - lined up. Starting bottom-up with the presentations of this b-solutions case study, concrete actions could be examined legally and on their feasibility in a second b-solutions case; in the same time the partners could work on the preparation of an INTERREG-project in the Interreg VI programme France – Wallonie – Vlaanderen, which could help to establish a cooperation convention and to implement these prior measures.

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[https://www.dfh-ufa.org/app/uploads/2018/06/Weimarer\\_Abkommen\\_accord\\_Weimar.pdf](https://www.dfh-ufa.org/app/uploads/2018/06/Weimarer_Abkommen_accord_Weimar.pdf)  
(01.04.2024)

**IV. A full list of all legal provisions relevant to the case indicating the place and date of publication of the legal texts with the correct citation both in original language and in English**

A full list of all legal provisions relevant to the case indicating the place and date of publication of the legal texts with the correct citation both in original language and in English

Legal provision	Text in original Language	Text in English	Reference
<b>European Law</b>			
Art. 165 TFEU		<p>1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.</p> <p>The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.</p>	

		<p>2. Union action shall be aimed at:</p> <ul style="list-style-type: none"><li>- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States,</li><li>- encouraging mobility of students and teachers, by encouraging inter alia, the academic recognition of diplomas and periods of study,</li><li>- promoting cooperation between educational establishments,</li><li>- developing exchanges of information and experience on issues common to the education systems of the Member States,</li><li>- encouraging the development of youth exchanges and of exchanges of socio-educational instructors, and encouraging the</li></ul>	
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		<p>participation of young people in democratic life in Europe,</p> <ul style="list-style-type: none"> <li>- encouraging the development of distance education,</li> <li>- developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.</li> </ul> <p>3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe.</p> <p>4. In order to contribute to the achievement of the objectives referred to in this Article:</p> <ul style="list-style-type: none"> <li>- the European Parliament</li> </ul>	
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		<p>and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States, the Council, on a proposal from the Commission, shall adopt recommendations.</p>	
Art. 166 TFEU		<p>1. The Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.</p> <p>2. Union action shall aim to:</p> <ul style="list-style-type: none"> <li>- facilitate adaptation to industrial changes, in particular through vocational training and retraining,</li> </ul>	

		<ul style="list-style-type: none"><li>- improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market,</li><li>- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people,</li><li>- stimulate cooperation on training between educational or training establishments and firms,</li><li>- develop exchanges of information and experience on issues common to the training systems of the Member States.</li></ul> <p>3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training.</p> <p>4. The European Parliament and the Council, acting in accordance with the ordinary legislative</p>	
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		<p>procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States, and the Council, on a proposal from the Commission, shall adopt recommendations.</p>	
Art. 18 TFEU		<p>Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.</p> <p>The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination.</p>	
Art. 21 TFEU		<p>1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the</p>	

		<p>limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.</p> <p>2. If action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.</p> <p>3. For the same purposes as those referred to in paragraph 1 and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.</p>	
Art. 45 TFEU		1. Freedom of movement for workers shall be secured within	

		<p>the Union.</p> <p>2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.</p> <p>3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:</p> <p>(a) to accept offers of employment actually made;</p> <p>(b) to move freely within the territory of Member States for this purpose;</p> <p>(c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;</p>	
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		<p>(d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.</p> <p>4. The provisions of this Article shall not apply to employment in the public service.</p>	
Art. 49 TFEU		<p>Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.</p> <p>Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of the second paragraph of Article 54, under the</p>	

		conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of the Chapter relating to capital.	
Art. 7 (2) Reg. (EU) No. 492/2011		He shall enjoy the same social and tax advantages as national workers.	OJ L 141 27.5.2011, p. 1
<b>International Law</b>			
Lisbon Convention of the Council of Europe, ETS 165			
Art. II.1		(1) Where central authorities of a Party are competent to make decisions in recognition cases, that Party shall be immediately bound by the provisions of this Convention and shall take the necessary measures to ensure the implementation of its provisions on its territory. Where the competence to make decisions in recognition matters lies with components of the Party, the Party shall furnish one of the depositories with a brief statement of its constitutional situation or structure at the time	

		<p>of signature or when depositing its instrument of ratification, acceptance, approval or accession, or any time thereafter. In such cases, the competent authorities of the components of the Parties so designated shall take the necessary measures to ensure implementation of the provisions of this Convention on their territory.</p> <p>(2) Where the competence to make decisions in recognition matters lies with individual higher education institutions or other entities, each Party according to its constitutional situation or structure shall transmit the text of this Convention to these institutions or entities and shall take all possible steps to encourage the favourable consideration and application of its provisions.</p> <p>(3) The provisions of paragraphs 1 and 2 of this article shall apply, mutatis mutandis, to the obligations of the Parties under subsequent articles of this Convention</p>	
Art. III.1		(1) Holders of qualifications	



		<p>issued in one of the Parties shall have adequate access, upon request to the appropriate body, to an assessment of these qualifications.</p> <p>(2) No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political or other opinion, national, ethnic or social origin, association with a national minority, property, birth or other status, or on the grounds of any other circumstance not related to the merits of the qualification for which recognition is sought. In order to assure this right, each Party undertakes to make appropriate arrangements for the assessment of an application for recognition of qualifications solely on the basis of the knowledge and skills achieved.</p>	
Art. III.5		<p>Decisions on recognition shall be made within a reasonable time limit specified beforehand by the competent recognition authority and calculated from the time all necessary information in</p>	

		<p>the case has been provided. If recognition is withheld, the reasons for the refusal to grant recognition shall be stated, and information shall be given concerning possible measures the applicant may take in order to obtain recognition at a later stage. If recognition is withheld, or if no decision is taken, the applicant shall be able to make an appeal within a reasonable time limit.</p>	
Art. IX.2		<p>(1) Acknowledging the need for relevant, accurate and up-to-date information, each Party shall establish or maintain a national information centre and shall notify one of the depositories of its establishment, or of any changes affecting it.</p> <p>(2) In each Party, the national information centre shall:</p> <ul style="list-style-type: none"> <li>a) facilitate access to authoritative and accurate information on the higher education system and qualifications of the country in which it is located;</li> <li>b) facilitate access to information on the higher education systems</li> </ul>	

		<p>and qualifications of the other Parties;</p> <p>c) give advice or information on recognition matters and assessment of qualifications, in accordance with national laws and regulations.</p> <p>(3) Every national information centre shall have at its disposal the necessary means to enable it to fulfil its functions.</p>	
<p>Accord entre le Gouvernement de la République française et le Gouvernement de la République fédérale d'Allemagne relatif à la création de l'Université franco-allemande</p>			
<p>Accord entre le Gouvernement de la République française et le Gouvernement de la République fédérale d'Allemagne relatif à la création de l'Université franco-allemande</p>		<p>Agreement between the Government of the French Republic and the Government of the Federal Republic of Germany on the creation of the Franco-German University</p>	<p><a href="https://www.dfh-ufa.org/app/uploads/2018/06/Weimarer_Abkommen_accord_Weimar.pdf">https://www.dfh-ufa.org/app/uploads/2018/06/Weimarer_Abkommen_accord_Weimar.pdf</a></p>
<p><b>Belgian Law</b></p>			
<p>Art. 24 § 4 de la Constitution belge</p>	<p>Tous les élèves ou étudiants, parents, membres du personnel et établissements d'enseignement sont égaux devant la loi ou le décret.</p>	<p>All pupils or students, parents, staff and educational establishments are equal before the law or the decree.</p>	<p><a href="https://www.senate.be/doc/const_fr.html#t1">https://www.senate.be/doc/const_fr.html#t1</a></p>

<b>French Law</b>			
Art. 1 de la Constitution française du 4 octobre 1958	La France est une République indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion.	France is an indivisible, secular, democratic and social Republic. It ensures the equality of all citizens before the law, regardless of origin, race or religion.	<a href="https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000019240997">https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000019240997</a>
<b>University cooperation treaties</b>			
EUCOR-Gründungsvereinbarung	N/A	Eucor foundation agreement	<a href="https://www.eucor-uni.org/de/ueber-uns/dokumente-publikationen-videos?file=files/assets/ueber-uns/dokumente-publikationen-videos/vereinbarungen/1989-eucor-gruendungsvereinbarung.pdf&amp;cid=2021">https://www.eucor-uni.org/de/ueber-uns/dokumente-publikationen-videos?file=files/assets/ueber-uns/dokumente-publikationen-videos/vereinbarungen/1989-eucor-gruendungsvereinbarung.pdf&amp;cid=2021</a>

**V. Other relevant aspects to this case if relevant**

None.

**VI. References and Appendix/Appendices if any**