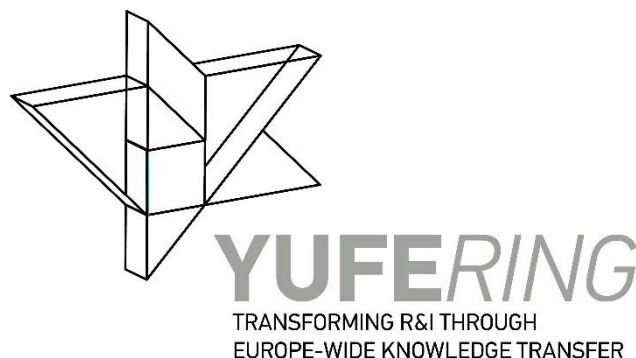


YUFERING Project

YUFE TRANSFORMING R&I THROUGH EUROPE-WIDE KNOWLEDGE TRANSFER



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Author(s):	Martin Unfried (UM)
Contributor(s):	N/A
Reviewer(s)	Maria Koraki (UCY)



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List of Abbreviations and Definitions

CCD	Code of Conduct of the Central Authority for Scientific Procedures on Animals
COD	Code of Transparency in Animal Testing
DPA	Data Processing Agreement
ERA	European Research Area
EU	European Union
FTE	Full Time Equivalent
GDPR	General Data Protection Regulation
MSCA	Marie Skłodowska-Curie Actions
NCU	Nicolaus Copernicus University
UA	University of Antwerp
UB	University of Bremen
UCY	University of Cyprus
UE	University of Essex
UEF	University of Eastern Finland
UM	University of Maastricht
UNIRI	University of Rijeka
PI	Principal Investigator
YUFE	Young Universities for the Future of Europe

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Report on legal, regulatory and financial barriers and recommendations

Summary

Most of the partner universities admit that a broader analysis of legal, regulatory barriers to research collaboration within and outside the YUFE network cannot be complete. One reason is that some of them do not have one single practice but very diverse practices in accordance with the different faculties and research groups. Hence, it was difficult to find experts within the partner universities who have an overview and the full picture of the different conditions of research collaboration and contractual instruments. This means that it is not easy to analyse a ‘common’ practice even within one university.

So far, the view on research collaboration of YUFE partners is not different from the exchange with other universities. Basic questions are whether a researcher comes from an EU or third country and what type of contract or hosting schemes is applied, not whether a researcher is employed by a YUFE partner. The findings of this study indicate that YUFE should aim at developing specific arrangements for the exchange of staff amongst YUFE partners in the field of research collaboration.

Based on the findings, recommendations are made for a “privileged framework for the exchange of staff”. That could for instance mean to develop an innovative instrument that would broaden the scope of internal vacancies to the YUFE partner university for certain research projects (beyond today's YUFE staff programme). One could define what projects fall under YUFE research collaboration with a privileged access for researchers employed by a YUFE university leading the way to internal vacancies of YUFE as a European University. A privileged framework could also include a tailor-made YUFE “secondment tool”. YUFE could agree on framework conditions for the secondment of YUFE research personnel to other YUFE universities. Such a “privileged” framework has to take into account the legal problems of YUFE partners due to restrictive national legislation.

The question of special arrangements or a “privileged framework” is not that obvious in the case of financial and ethical aspects of research collaboration that were also part of the study. The partner universities today have a certain routine how to deal with intellectual property rights questions in transnational research projects, data protection or the assessment of ethical questions. In the case of data protection and ethical standards, it is obvious that compliance with European legislation and joint European Ethical Codes are providing a rather strong common framework where specific YUFE agreements are possible but less urgent.



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Introduction

According to Zahned¹ research collaborations can take many forms: it would range from classic partnership between researchers in the same laboratory to the partnership between researchers in the same institution, to partnership between researchers in different countries. With respect to YUFE, also the institutional relation between the universities or institutes involved can take many forms in the future: this ranges from rather ad-hoc collaboration under the umbrella of a joined project (EU funded) up to the establishment of long-term joined research network or the establishment of even common transnational institutes or facilities. Hence, the legal and organisational background determines not only the legal conditions of the exchange or detachment of personnel but also the possibilities of the compilation of data and analysis, reporting, publication and following questions on patents or copyright. It is obvious, that for the YUFE-network research collaboration is complex since researchers are employed by different universities, based in different EU Member States or in the UK. The main focus of this study is a mapping exercise of the possible legal obstacles encountered by the YUFE partner universities. As a result, recommendations are formulated with respect to future options in order to promote research collaboration.

Chapter 1 will briefly outline the wider debate on research collaboration in the European Union and the special conditions for the exchange of personnel. Chapter 2 and 3 will be dedicated to the focus of the study. What are the legal and regulatory barriers to the YUFE research collaboration? The chapters will present the diverse individual answers from YUFE partners to a specific questionnaire. These answers are based on current experiences with the application of internal, national or European rules. Per topic, conclusions will be drawn how to interpret the answers from the partners.

Chapter 2 starts with an analysis of the conditions for the exchange of personnel according to a certain legal basis of the cooperation. What are options with respect to the exchange, detachment, temporary or even long-term employment by researchers from YUFE Universities? What are consequences for employers and employees with respect to social security, taxes or pension systems according to national and EU legislation?

Chapter 3 will deal with other questions related to financial aspects of the research output, ethical rules and data protection in research collaboration. Chapter 3.1 will discuss current rules and arrangements concerning the treatment of intellectual property rights (patents and copyrights and respective remunerations) linked to joint research. How can the partners come to a fair share with respect to the research output? How can rights be transferred or shared from or between partner universities? Do YUFE partners need certain solutions that are different from the research collaboration with other partners?

¹ Zahned, Adnap: Excellence in International Cooperation, in: Becoming a World-Class University, Tayep et al. 2015, pp 145-173.



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Another aspect of transnational research collaboration is how to deal with ethical standards. This question is discussed in chapter 3.2. What type of internal rules do the YUFE partner universities apply and what is the role of national rules? Ethical standards are for instance developed concerning animal testing, patient's rights but also concerning the relation between university researchers and commercial sponsors.

In chapter 4, the results will be discussed and their consequences for research collaboration today. For the future, different options will be presented. What type of "privileged framework" could support research collaboration in the future beyond a practice that is not different from the collaboration with other universities or other institutions? The question is what type of specific YUFE instruments in the field of the exchange of personnel could be established that go beyond today's routines in research collaboration in transnational projects.

1. Background: YUFE research collaboration in an EU context

*"YUFE's mission is to shape the future of European higher education by establishing a European University open to all. Already during the first part of the pilot phase, our partner organisations started moving beyond a project-based collaboration towards true integration and institutional change. We seek to continue progressing on this path moving towards systemic, structural and sustainable cooperation and towards becoming a European University."*²

According to YUFE's mission, it is obvious that collaboration in the field of research is one very prominent element on the way to become a true European University. By building on the established cooperation between the YUFE partners, the project "YUFERING" acts as enabler for Research & Development transformation. Therefore, seven main objectives are defined³, one of which is very much related to the improvement of the general framework of research collaboration between the partner universities.

Box 1 Objectives of the YUFERING project

- To define and implement a *YUFE* community-engaged R&I agenda for an excellent and inclusive European University
- To function as a catalyst of flipped knowledge transfer and deployment in society
- To transform recognition, reward and circulation of talents and teams across Europe
- To make Open Science the "new normal" by creating a *YUFE* Open Science Strategy
- To create and enhance shared research support structures, mechanisms and infrastructures amongst *YUFERING* partners
- To achieve a broader impact on the R&I community and the society through a horizontal focus on community-engaged R&I
- To explore joint structures and to share best practices with other European Universities alliances to ensure towards system-level impact

² Young Universities for the Future of Europe (2021): The first Eighteen months, December 2019- May 2021. Retrieved in December 2023 from the Yufe homepage, https://yufe.eu/wp-content/uploads/2023/06/YUFE_18Months_V2-1.pdf.

³ See the chapter Main objectives, <https://yufe.eu/yufering/>, retrieved on 14 December 2024.



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- In *YUFERING*, the *YUFE Alliance* not only contributes to the necessary transformation required at many levels to build the R&I dimension of European Universities, but also creates – with all relevant stakeholders – a blueprint for the ERA of the future.

This study is investigating the opportunities with respect to the creation and enhancement of shared research support structures, mechanisms, and infrastructures amongst YUFERING partners. It is also evident, that by discussing joint YUFE support structures, another aspect is relevant. This is the exploration of joint structures and sharing own best practices with other European Universities alliances. This means that innovative instruments and good practice on how to support the internal YUFE research collaboration could be very important for other alliances. According to the official description of Yufering, the partners share the vision of a European Research Area with free circulation of researchers, scientific knowledge, and technology.

One of the challenges of YUFE research collaboration⁴, the ten academic YUFE partners have ten different national research systems featuring different national regulations towards research careers, mobility, selection procedures for entry and advanced positions, and assessment criteria. To make the YUFE career paths connectable also when it comes to research collaboration, a better understanding of national and local research recruitment and on the conditions of exchanging research personnel is needed. In this respect, Yufering is dealing with an understanding of obstacles for research collaboration that is widely shared. According to a recent briefing document of the European Universities Association⁵, transnational research cooperation follows a different logic than cooperation in the education field. The analysis mentions for instance rather prominent problems as differences in academic career assessment and in the status of researchers and their types of contracts. Hence, experiences and good practice in the field of cooperation in the field of education does not necessarily mean that potential problems in the field of research are already detected in detail. This study aims at contributing to the improvement of this specific knowledge.

2. Legal, regulatory and financial barriers to the YUFE research collaboration

2.1 What is collaboration?

In this study, if the term research collaboration is used it means collaboration in a broader sense. Since the 'boundaries' of collaboration can vary across institutions, fields, sectors and countries as well as over time⁶), several criteria could be given for

⁴ See the chapter "Impact" on YUFERING's homepage, <https://yufe.eu/yufering/>. Retrieved on 14 December 2023.

⁵ Anna-Lena Claeys-Kulik et al, (2023): The European Universities Initiative and system level reforms. Current challenges and considerations for the future.

⁶ Fraunhofer ISI, Idea Consult, SPRU (2009): The Impact of Collaboration on Europe's Scientific and Technological Performance. Final Report. https://ec.europa.eu/invest-in-research/pdf/download_en/final_report_spa2.pdf.



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distinguishing collaborators from other researchers. Collaboration in this understanding is more than cooperation. Meaning that collaborators:

“work together on the research project throughout its duration or for a large part of it, make frequent or substantial contribution, their names or posts appear in the original research proposal and they are responsible for one or more of the main elements of the research (e.g. the experimental design, construction of research equipment, execution of the experiment, analysis and interpretation of the data, etc.)” Fraunhofer Isi, 2009

In addition to these characteristics of collaboration, we are in particular looking for another YUFE-specific criterion for collaboration, namely the institutional exchange of researchers under the framework of YUFE cooperation. Meaning that the employment of researchers from a partner university related to a certain project could be an essential element that goes beyond “conventional” collaboration by universities in the field of research. The questions related to collaboration are in this sense not pure financial (joint financing of projects) or with respect to copyright aspects, publications, ethical questions, etc... They are also always linked to the questions of projects where researchers will be employed in a short or longer term setting by a host university. How do YUFE partners operate today when they employ or sent out researchers? In this respect, the different practices and experiences from the partner universities are essential to assess possible options for the future. The results of this study are build on qualitative data, meaning answers to various aspects of institutional collaboration coming from the partner universities. Therefore, an online questionnaire was send to the partners and they got the possibility to fill in an off-line form giving more room for flexible answers. In addition, discussions were held during several Yufering work package meetings. The author was also involved in YUFE's working group debates during recent years on the question of an appropriate legal status for YUFE. This experience also forms part of some of the assessments. The underlying assumption is that the decision on a specific legal entity for YUFE will also have an influence on the legal, regulatory and financial barriers to research collaboration.

2.2 Legal, regulatory and financial barriers with respect to the exchange of YUFE staff in research projects

One important lesson from this research was that for the partner universities it is not easy to assess the situation with respect to the present exchange of personnel in the field of research projects. Therefore, the condition for the diverse collaboration within and outside the YUFE network cannot be complete. One reason for that is that some of universities cannot define one single practice but diverse practices of different faculties and research groups. Hence, it is even internally difficult to analyze a ‘common’ practice. Another reason in particular with respect to YUFE partners is that only a few have already experiences with the specific exchange or the employment of personnel of other YUFE universities partners. One important initial conclusion is that the view on research collaboration of YUFE partners is not so different from the exchange with other universities. This has in the first place to do, as already mentioned, with a lack of specific exchange or employment of staff from partners. The



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following questions were the first part of the questionnaire sent to the partners on the specific topic of exchange of personnel.

Table 1 Questions related to the exchange of personnel

Aspect	Question
Exchange of personnel in the framework of joint research projects	What are legal and/or financial obstacles with respect to the exchange, detachment, temporary or even long-term employment of researchers from YUFE Universities?
	<p>Do you already employ researchers from other YUFE Partners in the framework of joint research projects or the YUFE Postdoc Scheme?</p> <ul style="list-style-type: none"> ○ Yes ○ No – there is so far no exchange of personnel in joined research projects
	<p>If you employ (in a broad sense)⁷ or have previously employed researchers from other universities (not only YUFE partners) in the framework of joined research projects:</p> <p>What is your preferred instrument:</p> <ul style="list-style-type: none"> - secondment (researcher is still employed by his/her university) - short term contract from the host university for the period of the joint research project - employment by two universities (each with a part of the Full Time Equivalent (FTE)) - other forms of hosting for a short time - other: <p>According to your experience: What are specific national or internal rules if you employ researchers from other universities (EU/non-EU) that create obstacles?</p> <ul style="list-style-type: none"> - Tax related questions - Social security contributions - Other insurance related matters - Access to IT infrastructure from abroad - Questions related to telework from abroad - Questions related to remuneration (salary scale, allowances, etc.) - Others?
	What type of recruitment procedures do you use when exchanging personnel in the framework of joint research projects via secondments - if you are the employer/sending institution?

⁷ “Employment” in a broad sense: regular employment, short-term hosting, receiving in the form of a secondment, etc.



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	<ul style="list-style-type: none"> - Open vacancy at the University that is seconding personnel - Internal vacancy at the University that is seconding personnel - Any other (please explain) <p>What type of procedure do you use at the hosting University when receiving seconded researchers?</p>
	<p>According to your experiences, what problems do you face or expect when exchanging researchers in the framework of joint research projects with universities across the border? (please indicate different experiences with EU/European Economic Area and third countries)</p> <ul style="list-style-type: none"> - Problems with respect to national rules on the recognition of qualifications? - Problems related to major differences in wage classification? - Problems with respect to the situation of researchers with respect to their <ul style="list-style-type: none"> o taxes o social security situation o pension contributions o health insurance - Problems with respect to your national rules on equal treatment and non-discrimination? - Problems related to collective labour agreements (with trade unions)?
	<p>Do you have experiences with sending personnel to a legal entity other than the Universities (association, foundations, etc.)?</p> <p>Do you receive personnel that is employed by a legal entity other than your University in the framework of a joined research project?</p> <p>Do you think it makes a difference to second personnel not directly to another university but to a shared legal entity (like a future YUFE entity with an international character, etc.)?</p>

Own compilation⁸

A general observation was that the partner universities struggle to answer some of the questions in detail. There are questions were only a few partner universities gave an answer. This has to do with the fact that there is so far little experience with the exchange of staff between YUFE universities in research collaboration. In addition, universities are very often rather decentralized meaning that experiences and the

⁸ Two of the YUFE partners filled in the form in a word document, six used the online qualtrics format. So far, only the view of Université Sorbonne Nouvelle (France) and Universidad Carlos III De Madrid, Spain could not be covered by this assessment.



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practice is different depending on a certain faculty or department. In the following, it will be summarized or quoted what partner universities answered to the questions. Meaning, their own view on internal rules, national and EU legislation will be documented. The following abbreviations will indicate the origin of a certain answer. The following partner universities participated in the survey.

- [Maastricht University](#), the Netherlands, UM
- [Nicolaus Copernicus University](#), Poland, NCU
- [University of Antwerp](#), Belgium, UA
- [University of Bremen](#), Germany, UB
- [University of Cyprus](#), Cyprus, UCY
- [University of Eastern Finland](#), Finland, UEF
- [University of Essex](#), the United Kingdom, UE
- [University of Rijeka](#), Croatia, UNIRI

Question: Do you already employ researchers from other YUFE Partners in the framework of joint research projects or the YUFE Postdoc Scheme?

The term “employment” was described in the questionnaire in a broad sense: regular employment, short-term hosting, receiving in the form of a secondment, etc. With respect to the exchange of researchers, it was often mentioned that researchers would come as part of an exchange but being employed by their home university. A visiting researcher status could be given to enable use of infrastructure and IT (e.g. UEF, Finland). One could describe such a visiting scheme as the ‘lightest’ instrument for exchange of staff. The idea of exchanging staff with respect to real “collaboration” goes far beyond current visiting constructions.

One interesting conclusion from the answers was that obstacles for more ambitious exchange were not always linked to national legislation. For instance, the main obstacle at UM related to employment of researchers from YUFE partners would be related to the internal organization and culture. The fact that every principal investigator (PI) is financially independent to make decisions regarding employment of their researchers makes it difficult to steer any employment programme centrally at UM.

In addition, other universities report that this is very dependent on the particular research group. The standard UK research funding model is that there will be a Principal Investor and Co-Investigator(s) all employed at their own respective institutions (UE). Moreover, in the case of Essex for instance, it was stated that it is up to the question whether the employed staff are named researcher or not. There are also questions related to the prior residence. If under an employment contract with Essex, researchers would need to be within the UK prior to their first day (with implications on taxes etc.)

Other universities stated that the main instrument of academic exchange should not involve a change of employer or the conclusion of a second employment contract. A type of “internship for the purposes of a research project” would be an acceptable form (NCU, Poland).



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UNIRI (Croatia) emphasized in its answer that employment, temporary or long-term, was specifically regulated by Croatian national legislation and the public calls were mandatory for employment within the public bodies such as public universities and research organizations. It was stated by UNIRI that there are no specific financial obstacles in the exchange, detachment, temporary or long-term employment of the researchers from YUFE Universities. However, in the case of funding from different sources co-financing rules had to be respected with a detailed cash flow plan.

Conclusion:

YUFE partners have no particular experience with the exchange of personnel in joined YUFE research projects. Some only mentioned experiences with the first round of the YUFE Postdoc scheme. In general, it was stated that the employment of staff from other YUFE universities would be merely those related to mobility with other universities in the EU.⁹ So far, YUFE has not developed YUFE specific arrangements. It is evident that national legal provisions have to be respected and can lead to more complexity. On the other hand, some universities have difficulties to define a YUFE strategy for the exchange of researchers and implement it, since decisions are taken independently at the level of faculties or research groups.

References to experiences with the YUFE Postdoc Scheme

The idea of the Postdoc scheme is that Postdocs will carry out their projects anchored in a YUFE host university of their choice. They will define and develop their projects within YUFE focus areas: Sustainability; Digital Society, Citizens' Wellbeing; and European Identity. Selected YUFE postdocs can conduct a research training project in a broad range of disciplines. The target audience of both calls are promising researchers that have obtained their PhD a maximum of 6 years before the call deadline.¹⁰

Partner University have taken part in the YUFE Postdoc scheme. Some referred to the fact that it was not really a pure YUFE scheme, because also researchers from non-YUFE universities were free to apply for a postdoc position. Therefore, the scheme was strictly speaking no 'internal' YUFE exchange programme. Some universities referred to the practicalities of the scheme. In the case of UB for instance, postdocs would get a regular employment contract. In the case of non-EU citizens there was a combination of employment contract and hosting agreement between the university and the researcher (UB). From the perspective of UB, there is still the need to define

⁹ This means that partners have to be aware of the fact the exchange of staff with Essex University (outside EU) has to be more carefully assessed.

¹⁰ See the full description of the programme at <https://www.yufe4postdocs.eu/>. The second call was open until 20th December 2023, addressing candidates in all disciplines that frame their research project in an urban context in the focus domains of 'Citizens' wellbeing' or 'European Identity'. Selected postdocs for call 2 will be appointed in September 2024. The appointments are with a 36 months perspective. On the information leaflet, it says that the scheme offers a competitive remuneration including a mobility allowance for private mobility-related costs, an intra-YUFE mobility allowance, a travel allowance and a research bench fee.



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what kind of agreement the university has with a YUFE Postdoc who is employed by another university and in a co-host arrangement.

It was also mentioned that the contribution of a visiting fellow fee could be an obstacle, since in a certain faculty it was difficult to cover the fee (reported by UM). In another statement from the perspective of a Postdoc it was mentioned that the remuneration was not enough to cover the cost of living. In addition, some bureaucratic problems with the reimbursement of health costs was mentioned (both answers from UM).

Conclusion:

As the most practical example of exchange of researchers, the YUFE Postdoc scheme was mentioned by various universities. It is one of the first common instruments and offers an important learning potential with respect to different forms of hosting and co-hosting. The partners implement the scheme in accordance with their own internal rules. The experiences are very beneficial for the ex-ante assessment of future exchange schemes that are focused on intra YUFE research collaboration.

Question on different contractual arrangements

In the questionnaire, it was asked whether there was a preferred instrument for the exchange of researchers. The following options were given: secondment (researcher is still employed by the home university), short term contract from the host university for the period of the joint research project, employment by two universities (each with a part of the FTE) or other forms of hosting for a short time. The question shows that it is difficult to talk about a certain preferred instrument of YUFE universities. The individual practice with respect to contractual arrangement is too diverse. In the following, relevant quotes show this particular diversity.

For instance, UNIRI gave a broader answer to questions related to contractual arrangements:

“There are multiple forms of researchers' engagement, not all of which on the basis of employment, for example exchange of researchers through interinstitutional cooperation and mobility. Employment, on the other hand, temporary or long-term, is specifically regulated by Croatian national legislation and the public calls are mandatory for employment within the public bodies such as public universities and research organizations. ...”

A number of universities referred to the instrument “secondment” in the case of the exchange of researchers. In the questionnaire, secondment was described in a broader sense meaning that the researcher is still employed by the home university, but working at the host university involved in a specific project beyond a pure guest status. UB explicitly discussed the meaning of secondment in relation to their own national legislation.

“When we translate the word “secondment” as “Abordnung”, the term “Abordnung” has specific implications in the German law. The formal hurdles are, that “Abordnung” is standardised in both collective bargaining law and civil service law. The application of the corresponding norms can only be considered



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for persons who are covered by the scope of the respective law. For persons outside the German legal system, there is most likely no case of application here at present.” UB

This shows that the German “Abordnung” is a rather strict concept related to a national definition. In this sense, other forms of sending or receiving personnel in another context does not qualify. Meaning that one has to be cautious to use a term that has already a legal meaning. There are certainly transnational exchanges where researchers are sent by another university or sent out but this is not related to a formal German “Abordnung”, but another form of secondment.

The answers also showed that the final conditions of a secondment would be always up to the special terms of employment with respect to a certain project and the general framework of national legislation. For instance, the answer from NCU emphasises the particular conditions of their national Polish legislation:

“In Polish law there are no legal solutions in this regard, secondment is not recognised as a form of employment. ...it would be possible to employ a scientist under a contract for specific work, but this is a less favourable form due to the lack of social and health insurance protection in the case of foreigners.” NCU

Very similar to the Polish case, there is legislation in Belgium with the intention to prevent universities from using the instrument “secondment”. UA reported:

“In Belgium, there is a ban on the secondment of employees because it can result in an employee not receiving the wages to which he would normally have been entitled if he had been permanently employed by the user.

In exceptional cases and under strict conditions, the secondment of Belgian workers is possible. This is considered case by case, and depending on various indicators (home country, period, percentage of posting, bilateral treaties, etc.), posting may or may not be possible.” UA

It is obvious that the definition of an exceptional case is certainly an extra administrative burden and can also mean uncertainty about whether an exceptional case is accepted. A broader understanding of secondment is also given by the University of Essex:

“‘Secondments’ and ‘short term contracts’ might encompass ‘visiting fellowship’ type arrangements but these would need to be funded separately as they would be additional to the established staff numbers within an academic department.” UE

In this practical way, also NCU practices the exchange of researchers by

“...inviting the scientist as a guest and covering his travel, accommodation and expenses on the spot. This is a short-term solution and we rarely use it.”

Also a quote from UEF leads to a broader understanding of seconding personnel:



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“In joint research programmes the researcher going on exchange are often those performing specific tasks in the projects and therefore they will be sent to the host university.”

Conclusion:

Most of the partner universities have a certain routine in “seconding” researchers to other universities. This instrument often allows partners in research collaboration to go beyond the pure guest status of a researcher. It could play a major role in the exchange of YUFE researcher in the course of a joint YUFE research project. It would be worth discussing the shape of a future “YUFE secondment” scheme that could offer a special arrangement for YUFE universities. However, some open questions have to be solved: a specific YUFE secondment scheme has to take into account that in some partner countries, there is legislation of a specific form of ‘secondment’ that could create problems (PL, BE, DE). A YUFE secondment should be formulated in a way that it could be also an option despite restrictive national legislation by finding ways to make use of national exemptions to general rules. This could for instance mean that the term secondment is avoided and the rules and conditions are also deviating from conventional forms that are used today.

Question: Visiting guest arrangements

All universities have certain schemes and rules to host guest researchers. Some also refer to mobility promoted by Erasmus+ Teaching Staff Mobility for guest lectureship where experiences were made. Next to that are individual rules for visiting Professorships or researchers.

One interesting example was presented by UB. UB has certain rules for Visiting Professors. For instance, only if the duration of the Visiting Professorship is over one year, there has to be an open call. Exemptions are possible if it was about a third party funded project in which a specific person is sponsored. In the states of the partner universities, very often new legislation is under way. Again the example of UB: there is a new law at the Länder level (by Bremen as a federal state) with a new paragraph on visiting scientists. On the suggestion of the department or faculty, the head of the university may assign suitable persons in a public-law employment relationship as visiting scientist for a limited period of time. The UB is currently, in the process of establishing the corresponding statute for the concrete structure (terms, remuneration, rights/obligations of the visiting scientists). Such a scheme could be certainly interesting for receiving researchers from YUFE partners.

Conclusion:

The example from UB shows that YUFE universities should always also have YUFE research collaboration in mind when establishing statutes or internal rules corresponding to new or amended legislation. It also supports the idea that the partner universities must have a certain individual YUFE strategy for the contractual conditions of YUFE research collaboration. Since this is very much up to the national framework, this means a tailor-made approach per partner. It is also evident, that YUFE could develop in accordance to a YUFE specific ‘secondment’ scheme, a special YUFE



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framework on visiting/guest scientists. It would be in the spirit of YUFE's general objectives that secondments and visiting schemes amongst YUFE partners were easier to arrange and had a different quality compared to arrangements with other universities or institutions.

Question: What type of recruitment procedures do you use when exchanging personnel in the framework of joint research projects via secondments - if you are the employer/sending or receiving?

A group of Universities stated that they follow the procedure where the sending university is organising a vacancy process with respect to the secondment. UEF for instance reported that this would be done via open vacancies at the University that is seconding personnel (UEF). Seconded researchers would be usually hosted by research groups and supported by international HR services. In specific joint research projects, agreements are made that some researcher would perform a certain task they will then do this as guests under the specific project. (UEF)

UNIRI reported that academic university vacancies, both full-time and part-time were advertised in public and open to foreign nationals including YUFE staff. This would also refer to the vacancies of project-funded research. If a project specifies a secondment rather than employment this would get a specific follow-up. In this respect, no distinction was currently made between researchers from YUFE universities and other universities.

UE answered that if they were applying to a scheme that requires inward recruitment to Essex, in particular of researchers from overseas, this might include a requirement to create a new permanent position for the successful candidate, which was a strategic question so a decision would have to be made at senior level about that prior to submitting the application.

NCU referred to their principles of "Open Transparent and Merit-based Recruitment" policy, which they adopted as part of our Human Resources Strategy for researchers. As already stated, there was no legal solution for "secondments". However, a contract for specific work would not require open recruitment and could be based on existing arrangements between universities. That would mean in the case of the employment of a scientist for a specific project: if the scientist was listed as a contractor in the project application, the Polish act exempts NCU from the obligation for conducting an official recruitment process. This was an exceptional situation in Polish law.

UA referred to a case by case assessment, how researchers from abroad can be employed for a joint research project. In this case their international staff office looks at the possibilities, case by case. This could include, whether the case would qualify as an exception under the legislation that prohibits secondments.

Conclusion:

Today, no distinction can be made between the recruitment of researchers from YUFE partner universities compared to researchers from other parties. In general, the sending university is organising a vacancy process with respect to the secondment.



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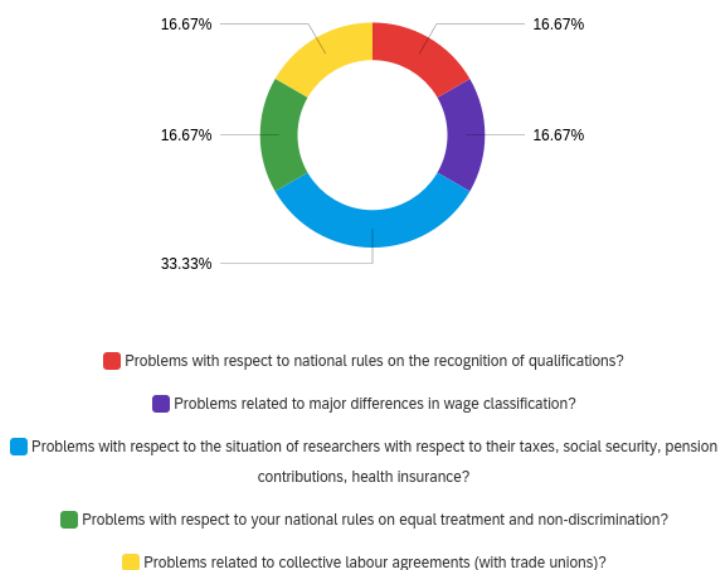
This is mainly done by open vacancies at the university that is seconding personnel. However, individual universities report that contracts for specific works do not always require open recruitments but can be based on existing arrangements between universities. This means that also in states where national legislation is an obstacle to secondments, exemptions can be found as in the case of Poland and Belgium. One interesting question for the future is, whether the YUFE partners could also together define an “internal YUFE vacancy”. This would mean an innovative instrument in between the conventional “internal vacancy” that is limited to personnel from a particular university and an open vacancy, open to everyone.

According to your experience: What are specific national or internal rules if you employ researchers from other universities (EU/non-EU) that create obstacles?

The intention of the question was to get more grip on general obstacles encountered by YUFE partners if they employ researchers from other universities. The answers show in the first place, that the perception of obstacles is very diverse.

Figure 1 Assessment of most important problems

Question: According to your experiences, what problems do you face or expect when exchanging researchers in the framework of joint research projects with universities across the border?



Source: ITEM online survey 2023

When asked about general problems related to the exchange of researchers, the partner universities that filled in the online form gave a diverse picture. Meaning that the problems concerning taxes, social security, etc. were a little bit higher ranked than other problems like recognition of qualifications, wage classification, equal treatment and non-discrimination and problems related to problems related to collective wage



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agreements. However, the picture shows that partner universities experience all different kind of problems with no clear ranking.

Question on Recognition of diplomas

In detail, UNIRI explained the legal situation for recognition in Croatia. Meaning that potential open questions can be solved at the level of the university, since *“the recognition of foreign higher education qualifications and periods of study for the purpose of continuing education (academic recognition and recognition of periods of study) is under the authority of universities and colleges.”*

Others emphasized the fact that recognition would not qualify as a problem but as a bureaucratic burden. NCU: *“We do not consider recognition to be a problem, it is a time-consuming and costly procedure.”*

Conclusion:

Since the partner universities do not report major obstacles, the recognition of diploma's cannot be regarded as a major problem for YUFE research collaboration.

Question on wage classification

Potential problems were explicitly explained by two universities. UCY mentioned that this could be a problem *“if the researcher switches from a salary of a YUFE partner in Western and Northern countries to the corresponding salary in Cyprus”*. This would be no problem if this was done by a secondment were the researcher is still employed by the sending university.

UNIRI explained that national legislation would regulate the principle of equal pay in the public sector, unless there are other stipulations for wages within the project's budget. The definition of jobs in the context of a project, including salaries and other entitlements, were part of the project classification and handled by fixed-term employment. Only if the project documentation did not specify salary conditions, national regulations would apply.

From the view of NCU their national provisions governing collective agreements do not apply to researchers employed in the framework of projects.

UB stated explicitly that scientists (who are not professors) were employed under the collective bargaining law. The law defines levels of work experience. When a new employment contract was signed, the time of experience of the scientist is calculated and the person receives the salary according to the experience level. This could be more difficult for scientist, who have worked abroad. In this case, the calculation of the work experience was more complex.

Conclusion:

The question of wage classification in future YUFE joint projects is no matter of concern if salaries are part of the project description and part of fix-term employment. It is also



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no concern if researchers are still employed by their home/sending university. Whereas the classification of researchers from a partner universities according to national experience levels, could be more cumbersome.

Question: Problems with respect to the situation of researchers related to taxes, social security, pension contributions, health insurance?

UA stated that there were mainly difficulties in social security and social security contributions.

This would depend on the status of the employee concerned. One question would arise in particular: whether employees are according to the Belgian system permanently appointed or contracted.

UEF gave a broader view on their experiences with respect to potential problems. Explaining that if the posted worker /seconded researcher was covered by another EU country's social security scheme while working in Finland, there should be no major differences between researchers from the EU, EEA or third country in terms of social security and pension contribution or health insurance. However, in case a bilateral tax treaty was applied to researcher's taxation, such a treaty may include some factors *"that are different to a citizen and non-citizen of the particular country."*

Also from the perspective of NCU there are important aspects in the field of taxes and social security. The European coordination of social security systems would allow avoiding many problems in the field of health, pension or social insurance. In the case of employment contracts, the issue of paying taxes in Poland would depend on the question whether the employee coming from abroad is a resident of the EU and whether there is a change of tax residence. If not NCU would ask the employee to provide a tax residency certificate. When employed under a contract for specific works, a researcher would not have to pay taxes in Poland, unless the employee declares otherwise.

UE emphasised that if employed directly by Essex all UK regulations would apply. There were for instance sector-wide arrangements for pension contributions which apply to Essex academic staff.

Conclusion:

Problems related to social security, taxes, health insurance or pension schemes are always an issue in cross-border and transnational employment. This is not a surprise, since these are the most complex question related to transnational or cross-border labour markets. In the field of social security, there is a common legal background for YUFE universities based on the EU coordination regulation. In this field, YUFE universities can also exchange experiences and practices in the case of an exchange of researchers. It would be possible to define certain YUFE tailor-made contractual arrangements where the question of social security could be sorted out beforehand. This is more complex with respect to taxes, since the framework for taxation is laid down in bilateral tax agreements between states. This means that it is not possible to design a sort of "YUFE standard tax situation".



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Question: Problems with respect to your national rules on equal treatment and non-discrimination

UEF responded with a brief explanation to this question and emphasized the importance in Finland. According to Finnish legislation, the employer would have to promote equality among employees and not discriminate among its employees or job applicants. Employers also would have particular obligations towards disabled persons, so that they might gain employment and perform their job duties equally with other employees.

NCU reported that they have implemented an equality policy and as the holder of the “HR Excellence in Research” logo, they were committed to complying with the principles of the European Charter for Researchers and a Code of Conduct for the Recruitment of Researchers.

Conclusion:

In general, the answers do not indicate that equal treatment qualifies as an obstacle for YUFE research collaboration.

Question: Do you have experiences with sending personnel to a legal entity other than the Universities (association, foundations, etc.)?

There were certain answers to this question. For instance, UB referred to their experiences with the Marie Skłodowska-Curie Actions individual fellowship. In this case, the academic was employed by the university during the secondment phase. In some cases, the receiving institution (e.g. a company) would conclude an agreement (e.g. non-disclosure) with the academic. The UB is also referring to a Postdoc Scheme for international Mobility Experience (funded by the German DAAD, German Exchange Service). In this case, there was a temporary employment at German universities for 18 months, of which 12 months have to be spent abroad and 6 months (re-integration phase) at a German university. The German university would employ the Postdoc during the complete funding period.

NCY reported, they send researchers to other entities in the form of secondments and continue to pay their salaries. No specific barriers would arise in this case.

NCU mentioned that they would not have experiences concerning employment contracts with other entities. It would usually be related to training activities, shadowing, and short-term research stays at other entities.

UE reported that they would apply such a secondment to co-produced research projects that would be impact focused rather than research focused, e.g. where an academic has some of their time bought out to spend time in another organisation for a fixed period. In all cases, they would remain Essex employees, so there would be no implications for e.g. salary.

Conclusion:

There are experiences from YUFE members who send researchers to entities other than universities. Meaning that it is worth investigation further the question und which



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conditions YUFE partners could post or second researcher to a third entity for a joint research project.

Question: Do you receive personnel that is employed by a legal entity other than your University in the framework of a joint research project?

UM reacted to this question with a statement on the benefit of a legal entity under a different law than the Dutch. That would facilitate the hiring of postdocs on a temporary base. As this was today under strict Dutch regulations at UM, temporary employment of researchers was very much restricted.

UE referred to their answer above, that joint research projects will usually have Principal Investigators (PIs) and Co-investigators (Co-Is), who remain employed by their respective institutions.

Do you think it makes a difference to second personnel not directly to another university but to a shared legal entity (like a future YUFE entity with an international character, etc.)?

The European Commission stated in its European strategy for universities¹¹ that a legal statute for alliances of higher education institutions – for European Universities and other types of alliances - would allow them to mutualise their strengths together, make common strategic decisions, act together with a legal personality, and facilitate pooling together resources, activities and data. In addition, the Commission has high hopes that such statute would facilitate deeper, long-term and flexible transnational cooperation. A legal statute for alliances of higher education institutions for European Universities and other types of alliances is describes as one of four flagships of the strategy. In particular, the sharing of capacities and the exchange of staff is mentioned as an added value. In this sense, this question of the YUFE questionnaire related to an important aspect of the future shape of YUFE research collaboration. Namely, whether the network will in the future also form a certain legal entity with a legal personality beyond the pure network character. The answer today is rather abstract, so it was no surprise that only three partners tried to formulate an answer.

UCY was of the opinion that it does, because they could have the benefits of both organisations through an agreement in the case of the exchange of personnel. UCY mentioned recent positive experiences with Centres of Excellence that UCY had created in collaboration with other entities. This type of cooperation would work quite smoothly.

UEF raised the question whether in the future personnel will be still hosted by partner universities or by the YUFE legal entity. Indeed, only in the second scenario potential advantages could be realised by an extra YUFE legal entity.

UNIRI assessed the potential advantages in an ambiguous way. YUFE as a (future) legal entity would enable simpler interfaces between partner universities, e.g. instead

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social committee and the Committee of the Regions on a European strategy for universities COM(2022) 16 final.



of setting up 9 different bilateral cooperation/exchange schemes, all partner universities would set up such structures only towards the legal entity. On the other hand, according to UNIRI, the legal status of the legal entity might present a barrier – since this entity will not be a university (nor any type of research institution). Employing researchers by this entity or seconding a researcher to this entity might result in challenges both for the institution and for the researcher.

UA expressed their view that if this was possible and consistent with all the legislation in force in all the YUFE partner countries, it could be a benefit.

Conclusion:

Some universities mentioned positive experiences with respect to the collaboration with partners were they formed a joint entity, as in the case of Centres of Excellence reported by UCY. YUFE Partners expressed their hope that a common legal entity could enable simpler interfaces between partner universities, meaning that instead of setting up different bilateral cooperation or exchange schemes, all partner universities would set up such structures only towards the legal entity. On the other hand, some are concerned that this could also present a barrier – since this entity will not be a university (nor any type of research institution). Indeed, one of the crucial questions would again depending on the national and internal rules vis-a-vis such an entity. Employing researchers by this entity or seconding a researcher to this entity in case of research collaboration might result in challenges. Whether a future legal entity would mean a big step towards a more exclusive system of YUFE secondments has to be analysed in a future research.

3. Questions related to financial aspects of the research output, ethical rules and data protection in research collaboration

The following questions were included in the second part of the questionnaire.

Table 2 Questions related to research output, ethical rules and data protection

The treatment of patents and copyrights and Respective remunerations	<p>There has already been a questionnaire on Intellectual Property Rights in the framework of Inno4YUFE. Please, check internally whether you can just copy parts of the previous answers.</p> <ul style="list-style-type: none"> - How do your University and your international partners come to a fair share with respect to the research output of a joined research project? On what basis are agreements formulated? <ul style="list-style-type: none"> o internal Rules o national rules o international standards - How can certain rights (copyright, patents, royalty share, etc.) be transferred or shared from or between partner universities? <ul style="list-style-type: none"> o Up to bilateral flexible agreements
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	<ul style="list-style-type: none"> ○ Restricted by national rules ○ Restricted by internal rules - Cases? Did you experience national legal requirements that were an obstacle to join transnational research projects with respect to patents and copyrights?
The treatment of ethical questions related to transnational research projects	<ul style="list-style-type: none"> - How do you cope with your national or internal ethical rules (i.e. animal welfare questions, rights of research participants, scientific integrity rules) if you participate in joint research projects with other universities? <ul style="list-style-type: none"> ○ Application of which rules (national, internal)? ○ Experiences with obstacles related to transnational projects? - What rules do you apply with respect to the relation between the university and commercial sponsors/partners/funders? <ul style="list-style-type: none"> ○ Which Rules? National/internal? ○ Experiences with obstacles related to transnational projects? - Do you have special national or internal rules regarding the application of data protection measures (beyond EU legislation on data protection)? <ul style="list-style-type: none"> ○ Which rules? National or internal? ○ Experiences with obstacles related to transnational projects?

Own compilation

3.1 Financial aspects of the output of joint research projects

All universities have established a sort of routine on questions related to intellectual property rights in transnational projects. Also here, the experiences are not specific to YUFE collaboration but with respect to transnational projects as such. Questions related to intellectual property rights were already discussed under the project Inno4YUFE. In this respect, the universities partly made use of answers given in another context.

Question: How does your University and your international partners come to a fair share with respect to the research output of a joined research project? On what basis are agreements formulated?

The partner universities indicate that in general either internal rules or international rules would be the framework for the agreement on a fair share of the research output. This refers to copyrights, patents or royalties related to certain joined research projects. NCU for instance stated that when dividing intellectual property rights, they would use agreements according to international standards. In addition, they refer to their own intellectual property policy for the execution of orders for external entities. In this case, they do not see obstacles to research collaboration that are linked to national legal requirements on intellectual property rights.



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UA experienced that also EU state aid rules and competition law would come into play.

A subsequent question was how certain rights could be transferred or shared from or between partner universities. All universities emphasize the instrument bilateral flexible agreements between partner universities or other parties. All the universities stated that they have no negative experiences with national legislation that would complicate or hinder these agreements.

One example on how internal rules influence the shape of these agreements was given by UM.

UM and the Maastricht UMC+ (University Hospital) had a joint Knowledge Rights Regulation. This regulation would set out, for both employees and employer, exactly what their rights and duties are with respect to knowledge and research results. UM would follow general rules on collaborative IP agreements: IP generated by a party would belong to that party. IP generated by more than one Party would be jointly owned, whether or not with the possibility for a party to obtain an (non) exclusive option with regard to the IP. Arrangements regarding the exploitation of jointly owned shall be laid down in a joint ownership agreement, taken into account the rules and regulations of the respective subsidy provider.

The example of UM shows that bilateral agreements between YUFE partners are mainly based on these internal rules that are on the other hand based on national and international standards. In this respect, YUFE partner universities will formulate bilateral or multilateral agreements that are not different from agreements with other partners.

There are perhaps options to formulate certain general templates for YUFE research collaboration that could be used in a standard way in the future. However a case by case analysis seems to be necessary since the conditions depend very much on the sector.

Conclusion:

All universities emphasize the instrument bilateral flexible agreements between partner universities or other parties. They stated that they have no negative experiences with national legislation that would complicate or hinder these agreements. In the first place, these agreements are based on internal rules formulated at the level of universities.

3.2 Ethical rules

Question: How do you cope with your national or internal ethical rules (i.e. animal welfare questions, rights of research participants, scientific integrity rules) if you participate in joint research projects with other universities?

All partner universities have their internal ethical codes that correspond to national and international standards.

NCU reported that they would use international standards for all animal welfare, tissue research, and human research applications. Regardless of the question whether it was



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about national projects, own research or international projects. Their own bioethics and research ethics committees that apply international standards.

UNIRI stated that in their case both national and internal rules are applicable: the national “Higher Education and Scientific Activity Act” would provide provisions concerning ethical conduct. Internally, the UNIRI Code of Ethic would be followed and there were codes for specific professions and/or fields e.g. medicine, biotechnology, psychology, research that includes children etc.

UM referred extensively to different rules and guidelines. UM had an internal code of conduct on integrity, rules on conflict of interests, unwelcome behaviour, whistle blower, etc. In addition, there was a Code of Ethics for Social and Behavioural Sciences that sets out guidelines for ethical research in these disciplines. The regulations and guidelines for research ethics would vary between disciplines. UM complies also with the Animal Testing Act and follows the Code of Conduct of the Central Authority for Scientific Procedures on Animals (CCD), as well as the Code of Transparency in Animal Testing (COD).

UA reported that with respect to transnational collaboration every research project that needs ethical clearance has to be ‘legal in one of the member states’ of the European Union. UA applies an internal Code of conduct and ethical principles for scientific research. The most important external guidelines endorsed by the University of Antwerp are the ‘Ethical Code for Scientific Research in Belgium’ and the ALLEA ‘European Code of Conduct for Research Integrity’, as published in 2017 by the European Science Foundation and all European Academies. As an example, all possible international cooperation projects were reviewed by the Ethics Committee for Animal Testing and are only given ethical clearance in case the experiment is granted clearance. UA researchers are expected to conduct their research in accordance with the principles of scientific integrity. This would aim at reducing breaches of scientific integrity include plagiarism, fabrication and falsification of data and conflicts of interest.

UEF reported that they follow different internal and national rules. UEF would be committed to “Responsible Conduct of Research”, the Finnish guidelines issued by Finnish National Board on Research Integrity TENK. The Finnish Medical Research Act and Decree (488/1999) regulates medical research involving human beings. A review of projects is done by a Medical Research Ethics Committee of the County of North Savo. For non-medical research involving human participants, the Finnish National Board on Research Integrity TENK has issued a set of guidelines on the ethical principles to be followed. In Finland, animal testing is regulated under the Act and Decree on the Protection of Animals Used for Scientific or Educational Purposes.

UCY briefly stated that they would follow national rules, based for instance on the National Bioethics Committee standards, rules and regulations.

UE pointed out that they had a robust ethical approval processes in place which must be adhered to by all research projects regardless of who the partners are or where they are based. Processes are derived from national requirements.



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The partner universities were also asked whether they face obstacles with respect to the coordination of ethical questions in transnational research project. This was not the case.

Conclusion:

It is unlikely that a more extensive YUFE research collaboration would be hindered by uncertainties related to ethical questions. Given the fact that internal and national ethical codes do refer to European/international agreements, certain standards are certainly identical and make the coordination of ethical questions amongst YUFE universities much easier. The legal position of UA is also inspiring in the field of transnational collaboration: every research project that needs ethical clearance has to be 'legal in one of the member states' of the European Union.

Are there opportunities for YUFE specific guidelines? Probably not. There are many ethical codes and rules according to different research sectors. Therefore, it is more likely that a common document refers to a broader understanding of ethical standards rather than to detailed provisions. Given the complexity in different disciplines, the details per research topic and sector have to be discussed case by case.

Question: What rules do you apply with respect to the relation between the university and commercial sponsors/partners/funders?

According to the answers, YUFE universities do mainly apply internal and national rules when it comes to the relation between the university and commercial sponsors/partners.

NCU pointed out that their bioethics and research ethics committees base their operating principles on the highest global standards. This applies to the principles of cooperation with industry and other partners. UCY also mentioned explicitly that the rules of the sponsors would play a role, next to national and internal rules. UM pointed out that this was covered by their ethical code, the Maastricht University Research Code, which describes the rules on collaboration with third parties. UEF gave the most elaborated answer with their own definition of sponsored research. According to UEF sponsored research is research in which a party purchases research services from the university against payment. The pricing of sponsored research should be calculated on economic grounds e.g. market conditions and, as a rule, sponsored research constitutes business activity subject to value added tax (VAT). They would have an agreement template that is presented to the contracting party. The person preparing the project at the university had to fill in the related checklist for sponsored research.

UNIRI also emphasised in their case the role of national rules concerning contractual obligations such as a Civil Obligations Act, a Higher Education and Scientific Activity Act. These would be relevant in relation to internal rules such as the university's Statute in provisions concerning public financing and disposal of funds from the university's own income.

NCU was referring to experiences related to tax problems at the side of the transnational partners.



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UCY reported that some funding agencies require financial management over and above the internal and national standards, which would impose extra administrative burden.

UE referred to robust due ethical diligence processes, which would be followed where overseas institutions, companies etc. are partners. This would apply to research institutions as well as non-academic stakeholders.

UA has dedicated many ethical provisions on the question of funders. With respect to transnational partners, the UA would have an ethics committee on misuse, rights and security in place to assess possible issues and give advice. This committee previously reviewed cooperation with companies involved in questionable practices and advised staff and researchers on how to proceed and inform students and colleagues. For UA it would be of the utmost importance for the concept of academic freedom that the interests of funders and other stakeholders do not determine the design, behaviour or findings of the research. The policy of the (public or private) client can only translate into the choice of the research themes. A scientific decision could only be formulated on the basis of scientific arguments. UA also formulates firm recommendations for research projects abroad. Researchers were expected to always take into account possible political, social and cultural sensitivities, both in their research design and during its implementation. With regard to developing countries, the research activity ideally takes place in collaboration with local research groups.

Conclusion:

Also in relation to this question, universities operate on the basis of ethical codes that are inspired by national, European or international standards. The most important question in transnational projects is which ethical diligence process have to be applied. This will subsequently determine what ethical code and possible legal requirements come into play. Nevertheless, if research collaboration will be strengthened amongst YUFE partners, it would certainly be useful to formulate general guidelines with respect to commercial partners or countries where funding is seen as problematic by all parties.

3.3 Data protection

Question: Do you have special national or internal rules regarding the application of data protection measures (beyond EU legislation on data protection)?

It is evident that differences with respect to data protection could lead to difficulties in relation to joint research projects. In particular, there are sensitive questions of data storage and obligations with respect to time, institutional responsibility, personal data, location of the storage, obligations for data deletion, etc. This is already demanding in pure national research collaboration but is more complex in transnational projects.

The view of UM is that in fact European legislation, the General Data Protection Regulation (GDPR) would regulate the processing of personal data. Therefore, for instance Maastricht UMC+ (University Hospital) has to keep records of every occurrence of personal data processing in a GDPR register. To assure GDPR



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compliance of the research at Maastricht UMC+, a GDPR registration tool was designed. Researchers are asked to register their data processing activities in the online GDPR registration tool after the study is approved by the ethics committee. The processing of personal data is not allowed before the GDPR registration. Important for transnational research project, a Data Processing Agreement (DPA) with a third party has to be signed when the external partner processes personal data on behalf of the Maastricht UMC+. In this respect, also the different steps in a joint research project with other YUFE partners would be already covered by the rules and not differ from other transnational projects.

NCU reported that most of their internal data protection policies would meet or replicate EU requirements. Possible specific rules relate to electronic security measures or staff regulations.

UCY also confirmed that their national and internal rules were fully aligned with the EU GDPR legislation. UEF stated as well that they would follow their national legislation and EU legislation. In the case of data protection, national legislation follows EU legislation. This could explain why only one university reported problems related to transnational projects and data protection. UNIRI mentioned issues with respect to data exchange between different transnational data controllers and processors. This certainly refers to the responsibility of national stakeholders.

UA's Ethical code also refers to data protection. For research activities in which human participants are involved (through active participation, observation and/or the use of their personal data), the main position of the University of Antwerp was that permission from all parties involved and/or their representatives had to be obtained in writing (either electronically or on paper). If researchers would deviate from this standard (in exceptional cases), they had to do so in accordance with the basic principles of the ethical code, in accordance with the General Data Protection Regulation and the national legislation in this area on privacy and information security. Compliance would be linked to the formal ethical review procedure by the Ethics Committee for the Social Sciences and Humanities. The aim is to store or destroy all sensitive information and/or personal data of participants during and after the research in the correct, safe manner, in accordance with the legal obligations and guidelines from research funders.

Conclusion:

In fact, the backbone of data protection rules is in all EU Member States the EU GDPR. Therefore, despite the differences in internal and national legislation, compliance with GDPR rules should be for YUFE cooperation a common minimum standard. Extra provisions laid down in internal ethical codes are up to an agreement of partner universities. This could mean that in the framework of the collaboration of YUFE partners only with the British UE more attention should be drawn to the compatibility of data protection legislation. The UE confirmed that the UK has stringent data protection regulations that must be adhered to regardless of where partners are based or what their own regulations might be. The UK as of 1 January 2024 becomes an associated country to Horizon Europe, including the Marie Skłodowska-Curie Actions



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(MSCA).¹² This certainly means that also the question of how to handle data protection in joint research projects will be on the agenda in the near future.

Experiences with obstacles related to data protection in transnational projects

UA was one of the few YUFE partner with experiences of obstacles to research collaboration connected to data protection. This was for instance access to data related to human samples and bio banking, as this would often require a lot of legal paperwork, approvals, access to servers and the involvement of research hospitals or bio banking organizations.

UNIRI reported on issues with data exchange between different transnational data controllers and processors. NCU explicitly stated that by applying international data protection standards, they would not encounter significant obstacles in international projects.

Conclusion:

Data protection as such is harmonized by EU legislation in the YUFE context. It creates more a bureaucratic burden than a real obstacle for research collaboration.

3.4 Is there a need for a joint YUFE approach on intellectual property rights, ethical questions or data protection?

Part 2 of the questionnaire dealt with the question on how to come to a fair share of partners in joint research projects if a projects leads to revenues. As learned from the partner universities, they have developed a routine for transnational projects where these questions are agreed after a case by case assessment linked to the nature of the project. The same is true for ethical questions. It is not likely that projects with a pure YUFE university collaboration could avoid the process where the partners conduct a full-fledged ethical assessment in accordance to a certain procedure of the lead university. As seen above, this seems today no major problem in transnational cooperation, especially since the internal ethical codes are much in line with national and European/International standards. The most comprehensive legal harmonization can be found in the field of data protection, where all internal and national rules have to meet the standards of the General Data Protection Regulation. As already mentioned, this is more a bureaucratic burden than an obstacle to research collaboration. Nevertheless, there are ethical question where the YUFE partner universities could certainly formulate common guidelines or a common understanding. This would refer to more general political questions related to partnership with external funding partners. Sensitive questions could be discussed concerning the position of universities concerning funds from certain branches (i.e. as fossil fuel industry) or certain countries (i.e. with authoritarian governments). In this case, EU or national legislation do not always harmonize the approach, neither are political questions solved by following the tick-box of a specific ethical code. Joint deliberations on

¹² See for instance press release on the official site of the European Commission on the programme of 5 Dec 2023: "United Kingdom joins Horizon Europe and the Marie Skłodowska-Curie Actions", <https://marie-sklodowska-curie-actions.ec.europa.eu/>.



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broader ethical questions and common statements could also demonstrate that YUFE is more than a network. This could in the first place strengthen the idea that YUFE is operating on a common ethical principle with respect to the bigger political questions of our times.

4. Conclusions and recommendations: instruments supporting a privileged framework for YUFE research collaboration

This study has been investigating the opportunities with respect to the creation and enhancement of shared research support structures, mechanisms and infrastructures amongst YUFE partner universities. Currently, the experiences from the partners show, that there are no exclusive “YUFE” experience with respect to research collaboration. If it comes to the question of exchanging personnel or employing personnel in joint research projects, there are experiences with transnational projects but not with exclusive research projects of YUFE universities. Some of the universities mentioned experiences with the first round of the YUFE Postdoc scheme; however, this was not limited to YUFE researchers and the experiences are still very limited. In general, it was stated that the employment of staff from other YUFE universities in the case of research collaboration would be merely those related to mobility with other universities in the EU. So far, YUFE (beyond today's YUFE staff programme) has not developed “YUFE specific arrangements” for the exchange of personnel in the case of big research projects.

- The findings of this study indicate that YUFE should aim at developing specific arrangements. In the first place, research collaboration with YUFE partners should have a different character than with other universities or other institutions. In this respect, the participation in a “YUFE research consortium” should have advantages vis-à-vis other consortia. These advantages are today not clear. It remains to be seen whether the idea of a European University will also lead to specific legal instruments that would strengthen the legal standing of today's networks by the application of a specific legal entity. However, this refers to a mid-length perspective.
- Therefore, the aspect of “privileged YUFE arrangements” should be discussed already today. “Privileged arrangements” could also mean multilateral agreements under the conditions of today's network in order to make YUFE collaboration less cumbersome, less bureaucratic and more attractive in comparison to the collaboration with other partners.
- The findings have shown that the YUFE partner universities find their way with respect to the exchange of personnel today. However, a privileged framework would help to strengthen collaboration. Privileged instruments could for instance mean: to develop an innovative instrument that would broaden the scope of internal vacancies to the YUFE partner university. Meaning, that one



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could define what type of project fall under YUFE research collaboration with a privileged access for researchers employed by a YUFE university.

- Partner universities do prefer “visiting” schemes as a sort of short term and ‘light’ way of secondment. It would be an option to extend the YUFE staff programme and develop more instruments for visiting positions that are linked to research collaboration. However, they cannot fulfil the needs of bigger joint research projects with a stable and longer exchange of researchers.
- A privileged framework could also include a tailor-made YUFE “secondment tool”. YUFE could agree on a framework condition for the secondment of YUFE research personnel to another YUFE university that goes beyond the practice with other universities. Most of the partners can bring in their experiences with respect to secondments in transnational projects. However, this could only work for all partners, if such a framework was also serving the needs of universities with difficult national legislation in the field of secondments. This means that specific YUFE secondments have to qualify as exemptions under national legislation that restricts their use. This would be for instance the case with respect to Polish and Belgian national legislation where the instrument “secondment” is difficult to implement. If it would be possible to reach an agreement on a privileged “secondment” instrument, joining a YUFE research collaboration project would have advantages compared to consortia with other partners.

The question of special arrangements or a “privileged framework” is not that obvious in the case of financial and ethical aspects of research collaboration that were also part of the study. The partner universities today have a certain routine how to deal with intellectual property rights questions in transnational research projects, data protection or the assessment of ethical questions. In the case of data protection and ethical standards, it is obvious that compliance with European legislation and joint European Ethical Codes are providing a rather strong common framework. Specific YUFE agreements are certainly possible but less urgent.



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