

Permanent EHEA Secretariat

Concept note and options for the Tbilisi Board & the Madrid BFUG (15 09 23)

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1. Background and Rationale

So far, the country hosting the next Ministerial Conference has provided the BFUG Secretariat (or Bologna Secretariat, both terms have been used interchangeably in the past; referred to as Secretariat throughout this document), for a term of 2-4 years, with staff either seconded from ministry, other organisations, or newly recruited.

Since the run-up to the 2010 Ministerial Conference, marking the launch of the EHEA and the transition from a “process” to an “area”, the idea of a more permanent arrangement for the Secretariat emerged. It means that the task of running the Secretariat would be separated from holding the Ministerial conference, which would stay on a rotating basis. Discussions on the modalities have been held from time to time (see Bergan and Geanta 2020), with different options explored, but this never resulted in a concrete and specific proposal for an alternative.

A permanent Secretariat may benefit all countries of the Bologna Process by ensuring better and more continuous technical support, and by providing a stable contact point for stakeholders.

When the BFUG set up the Task Force on updating the Rules of Procedures of the BFUG at the Brno BFUG meeting, it was also tasked to reconsider organisational structures of the Bologna Process and to develop a proposal with one or more options on how a permanent Secretariat could be implemented.

On balance, the Task Force concluded that a more permanent arrangement would be useful to better support the governing structures of the Bologna Process and thus lead to a more efficient functioning of the EHEA. During the initial discussion at the May 2023 BFUG meeting (Stockholm), the majority of the delegations supported the proposal to further explore the possibility to setting up a permanent Secretariat.

The Task Force was requested to prepare a revised concept note exploring its advantages, disadvantages and implications. Several delegations shared the wish to see more clearly the budgetary implications of a potential change.

To this end , the present document has been prepared. While it has not yet explored questions concerning the different possible models and their functioning into all detail, it should bring some more clarity on the principle feasibility of a permanent secretariat, also in the view of the associated costs.

2. Tasks and Responsibilities

The EHEA Secretariat has a **mainly administrative, technical support function**. The **strategic and political guidance** is with the **BFUG**. The Terms of Reference of the Secretariat¹ outlines, among others, the following main tasks:

Management of the EHEA work plan

supporting the BFUG Co-chairs drafting the work plan,
supporting its implementation throughout the period, in coordination with the

Administrative and operational support for the BFUG, its Board and all BFUG sub-structures

assisting in planning the meetings,
drafting background documents and reports,
drafting minutes,

Consistent communication within and outside EHEA structures

managing and keeping updating the EHEA website at all times,
sharing information with members and stakeholders,
serving as contact point for outside parties interested in the Bologna Process and the EHEA,
representation of EHEA at external events/meetings within the mandate agreed by the BFUG co-chairs,

Support the organisation of the EHEA Ministerial Conferences and Policy Forums

ensuring coordination with the BFUG in close collaboration with the host country

Management of the EHEA finances

preparing an annual budget,
manage accounting,

¹ See <https://eha.info/page-bfug-secretariat>

3. Advantages and disadvantages of the current arrangement and a permanent structure

Providing the Secretariat of the country holding the Ministerial conference has certain advantages, while also posing significant challenges:



Advantages of the rotating secretariat

emphasises the fact that the Bologna Process is based on the proactive engagement of its members, even beyond holding the rotating Ministerial conferences;

contributes to a sense of broad shared ownership and responsibility;

helps to ensure that the hosting country is responsibly involved for the entire period, and

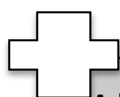
Challenges of the rotating secretariat

hosting countries have different understanding of and approaches to the Secretariat;

usually entirely new Secretariat team, sometimes with little prior experience in the Bologna Process, needs time to take over from the previous host country and to fully take up its tasks, leading to a period of large and recurrent instability during each handover period;

lack of continuity leads to frequent technical issues, especially in relation to the transfer and further development of the website, the establishment and maintenance of an archive etc.

In order to overcome some of these challenges, the Task Force explored opportunities of a more permanent arrangement:



Advantages of the permanent Secretariat

ensure business continuity for all EHEA countries and provide a more continuous, stable and reliable support structure for the EHEA, not relying on countries volunteering;

be staffed by an international team of professionals, with a potential for long-term contracts allowing a rolling staff turn-over instead of changing the entire team at once;

enable sustainable staff development and building of capacity, so that the Secretariat can maintain a solid knowledge base and provide expertise at the service of the EHEA and its bodies;

provide a stable contact point for stakeholders from within and outside the EHEA;

ensure co-ownership of the Secretariat by all EHEA countries;

reduce the - financial and logistical - burden on the host country of the Ministerial Conference, and allow to focus on content-related issues, thus making hosting more attractive.

Challenges of the permanent Secretariat

necessity to ensure the neutrality of the Secretariat, acting under the authority of the BFUG and in line with the guidance documents adopted by the Ministerial conference and the BFUG;

making the staff positions sufficiently attractive to get a suitably qualified international team, and making the team, as much as possible, geographically representative of the EHEA;

financial contributions might be needed from all EHEA countries, thus also including those that would otherwise never host a Ministerial Conference.

Considering these challenges, in order to maximise the advantages of a permanent structure, the TF invites the BFUG to consider the requirements and options set out below.

4. Principles of a Permanent Secretariat

The Task Force suggests a number of general requirements that should be met by any possible arrangement and further suggests that the BFUG uses these requirements to assess the different concrete options for legal forms and structures set out below.

4.1 Independence and Accountability

The Secretariat should be independent of the country or organisation within which it is located. It should operate under the authority of the BFUG and be fully accountable to the BFUG.

The BFUG (or a group appointed by the BFUG) should approve the appointment of the Head of the Secretariat, and the Head of Secretariat should report to the BFUG.

If the Secretariat is provided by or hosted within an organisation or country that participates in the BFUG, specific provisions need to be in place to prevent conflicts of interest between the Secretariat function and the organisation's/country's role in the BFUG; what exact provisions are necessary will have to be decided in the concrete case.

4.2 Sustainability

The chosen arrangements, especially the funding model, must be sustainable and there needs to be a clear perspective on how they can function for a long term, even if there may be no formal guarantees for certain funding sources to be available beyond a certain time.

Ideally, the arrangement should be permanent in the sense that it would continue to function, unless the EHEA bodies decide to discontinue it. At the very least, the chosen model should be secured for two full periods of the EHEA work program; that is, if the Secretariat is established in 2024, it must therefore function at least until the 2030 ministerial conference.

4.3 Staff requirements

International recruitment

The model and arrangement for the Secretariat must make it possible to recruit, contract and dismiss international staff with the right profile.

The regulations of the organisation which provides the Secretariat and the employment rules of the country where it is based should allow the employment of staff on open-ended contracts, at a minimum, for a fixed-term contract spanning at least two work periods.

The Secretariat staff should be international, including nationals of different EHEA countries and aiming for geographic balance. In principle, it must be possible to hire staff from at least any EHEA country, notwithstanding the fact that specific visa/work permit requirements can differ depending on country of origin.

Profile and competences

The Secretariat staff must have sufficient capacity, in numbers as well as in profile.

The chosen model must make it possible for the Secretariat to freely stipulate its required staff profiles and its own competence requirements (e.g. knowledge and understanding of European higher education policy, management and administrative competence, a high level of English, etc.); this must not be prevented by obligatory or standard post descriptions or competence requirements of the hosting organisation/country.

Secondment and relation to the country hosting the Ministerial conference

In addition to its own staff, the Secretariat should be able to accept a limited number of secondments from EHEA countries or consultative members. Secondments should follow a set of clear rules approved by the BFUG, ensuring a reasonable geographic balance as well as securing the independence of the Secretariat from seconding organisations.

In particular, it would be expected that the host country of the following ministerial conference seconds a liaison officer for the full duration of the work program that will end with the ministerial conference, but will work under the authority of the Head of the Secretariat. The Secretariat will need to cooperate closely with the authorities of the host countries for the organisation of the ministerial conferences.

4.4 Location

The Secretariat has to be in a location that allows for the various requirements to be fulfilled. In particular, rule of law must be ensured so that the Secretariat can operate without influence of the authorities of the country in which it is located.

As the Secretariat is likely to receive funding from different other EHEA countries, the country of location should not have regulations in place that would prevent that.

Furthermore, the location should be reasonably accessible from across the EHEA.

4.5 Non-profit Principle

If the Secretariat is provided by or hosted within an existing organisation, this organisation must not gain a profit or surplus out of the Secretariat's operation. Any surpluses remaining from the income allocated to the Secretariat exceeding the costs of it must remain reserved for the Secretariat and cannot be allocated to other functions/parts of the organisation.

5. Possible Legal Forms and Structures

Based on the above requirements, the TF considered several models for legal forms and structures how a permanent Secretariat could be set up. Several potential scenarios for an independent international Secretariat were previously explored in more detail by Bergan & Geanta (2020) and have been explored further and discussed by the TF.

5.1 Overview of scenarios

A) Private-law legal entity (e.g. non-profit association or foundation)

This could be realised in various ways in different jurisdictions and different legal forms. Based on the good experience made with the setup of EQAR, the TF explored the possibilities of establishing a new private-law legal entity in a similar way (option I below) or of enhancing the scope of EQAR as the EHEA's only existing institutional structure (option III).

B) Existing European organisation to assume the role of the EHEA Secretariat

This requires careful consideration as to which organisations would be suitable. As the existing organisation would need to be familiar with/related to the higher education policy area, one obvious option is to consider organisations already involved in the EHEA as members, consultative members, non-voting members or partners.

Given the independence requirement (see 4.1), the TF only considered such organisations as suitable that represent or are governed by a large number of countries or stakeholders jointly; individual countries as well as consultative members or partners representing a specific stakeholder group were ruled out.

This would leave the Council of Europe (CoE), UNESCO (both consultative members), the European Commission (full member) and EQAR (non-voting member) as possible options. Considering the geographic remit, the European Commission (covering only 27 of the EHEA countries) and UNESCO (worldwide coverage) would be ruled out. The remaining two options, a Secretariat linked to the Council of Europe (option II) or EQAR (option III), are explored below.

C) Secretariat provided as a contracted service

Another alternative would be to entrust the setup and operation of the Secretariat to an organisation or company that has no formal relationship with the EHEA, e.g. a consultancy firm or another organisation. Contracting the Secretariat as a commercial service provided by a company or organisation, however, seems incompatible with the non-profit principle (see 4.6 above). The TF therefore did not pursue this direction further.

D) Secretariat established by a treaty as a new intergovernmental organisation

This would be cumbersome and take significantly longer time to set up. Moreover, it might be seen as changing the character of the Bologna Process entirely, from a “soft law” framework of agreed policies and monitoring towards a formally binding treaty. This direction was therefore not explored further.

5.2 Staff needs

Based on the experiences of the previous Secretariats, the estimated staffing needs are the following:

- **Head of Secretariat** – team leader and overall coordinator, support BFUG and additional key WGs, accountable to the BFUG for the Secretariat’s operation. It is an administrative, management role rather than a political one;
- **Policy Officers** – assigned to support BFUG/WGs both in terms of policy and logistics. In most cases, one officer supports two/three working structures, therefore 4 or 5 officers are usually required;
- **Communication Officer** – responsible for overseeing both internal and external communication;
- **Administrative Officer** - managing administrative tasks in the country hosting the Secretariat;
- Staff dedicated to supporting the organisation of the Ministerial Conferences.

This leads to **approximately 8 FTE** staff needed for a Secretariat, including a staff member seconded from the following Ministerial Conference host country.

5.3 Budget

Based on previous experiences, the total cost of running the Secretariat varied greatly depending on the country, especially due to different levels of staffing and local salaries. Moreover, there has been no explicit reporting of the actual costs covered by host countries, e.g. in-kind contributions such as office space or staff covered by national budgets.

The following is an estimate of the annual costs based on different past examples and the staff needs described above. As described, costs might vary, possibly up to +/-20%, thus the below calculation should be seen as a rough estimate.

Item	Estimated cost (EUR)
<i>Staff salaries (ca. 8 FTE)</i>	675 000
<i>Travel/meeting costs (BFUG and EHEA structures, occasional external representation)</i>	65 000
<i>Office space</i>	75 000

<i>Other administrative costs</i>	50 000
Total	865 000

Source	Estimated contribution (EUR)
<i>Erasmus+ EHEA Secretariat grant</i>	200 - 300 000
<i>Bologna Member Countries</i>	565 - 665 000
Total	865 000

The calculation of annual contributions by countries could follow different systems (e.g. equal contributions, based on GDP, based on student numbers etc.) and should be agreed by the BFUG. As an example, indicative annual contributions adding up to the estimated required contribution as above are presented based on the system currently used by EQAR.

Indicative annual contributions per country (EUR)			
Example based on the current EQAR fee system: countries are assigned to one of four brackets based on an index calculated from their GDP (absolute) and GDP per capita. See https://www.eqar.eu/assets/uploads/2022/04/GA_06_1_Membership_Fees_v1_0.pdf for details and for the allocation of countries to the four brackets.			
Lowest bracket			Highest bracket
5 300	10 600	15 900	21 200

5.4 Three concrete options for further exploration

Based on these considerations, the TF explored Scenario A and also Scenario B, providing in total three concrete options that would fulfil the requirements established above.

Option I: a private-law legal entity - as a non-profit association (Scenario A)

The Secretariat could be hosted under a dedicated legal entity created for that purpose. This would ensure that the Secretariat is fully accountable to the BFUG itself, both formally and politically.

Such a legal entity would need to be established in one of the EHEA member countries², most likely - although not necessarily - the same country where the Secretariat will physically be based. Most EHEA jurisdictions offer the possibility to set up non-profit associations or foundations. Even though the details

² The EU legal forms, such as European Economic Interest Grouping (EEIG) or *Societas Europaea* (SE), were not found suitable when EQAR was established.

and regulatory framework differ slightly between jurisdictions, a non-profit association is likely to be the most suitable legal form regardless of location.

An association is normally easy to establish, and is conceptually based on members (= EHEA members and consultative members) that associate around a common cause or activity (= supporting the EHEA, through a permanent Secretariat), which is not of a commercial nature (self-evident).

The membership and governing structure of the association should be based on and linked to the existing EHEA concepts and bodies to the greatest possible extent:

- The **EHEA members** would be members of the association, forming its general assembly (GA) with voting rights. Consultative members of the BFUG would also be consultative members of the association and be invited to participate in the GA, without voting rights. Hence, formal sessions can be held as part of or back-to-back with a BFUG meeting.
- The **BFUG Board** or a new, dedicated **Secretariat Governing Board** would serve as the association's board of directors.
- The **Head of the Secretariat** should serve as managing director.

The detailed governing structure should be defined based on a chosen host country, closely coordinated with the drafting of the future EHEA Statutes. If this option is chosen to set up the permanent Secretariat, the respective legal framework for such non-profit associations in the different EHEA countries need to be compared, as one of the selection criteria.

Staff status

In this option, the newly created association would be the employer of all staff, and the Secretariat staff would naturally be the only staff on the association's payroll. Given that the association would be created from scratch, exclusively to provide the Secretariat, all HR-related policies and structures can be designed according to the BFUG's needs, while observing the legal requirements of the country in which the Secretariat is located.

Location

A new association should be set up in an EHEA country. There are two ways in which a location could be chosen:

1. The BFUG could make a decision on a desired location without specific involvement of the country in question. This would underline the Secretariat's complete independence of the location country and exclude any interference in its operations.
2. The BFUG could issue a "call for hosts" for countries to express interest in having the Secretariat located in their territory. While this raises potential questions about the host country's influence on the Secretariat's operation, this could have economic as well as symbolic benefits.

In either case, the location would have to fulfil the requirements set out under 4.5 above. The following criteria could be used to rank possible locations or host country offers, respectively:

- suitability and flexibility of the country's legal framework for non-profit associations,
- openness and flexibility of employment regulations in terms of hiring nationals from other EHEA countries,
- accessibility of the proposed location from across the EHEA,
- cost (budget required for usual salaries, premises, other costs and taxes).

Option II: Council of Europe external office (Scenario B)

As indicated under Scenario B above, a Secretariat linked to the Council of Europe (CoE) could be envisaged.

CoE has expressed its openness to consider this option. Based on information provided by the CoE, the TF considered the option to establish a Secretariat team in one of the CoE's external offices, which are located outside of its Strasbourg headquarters. CoE has external offices, such as field offices, programme offices and offices of Partial Agreements, in different European countries for the implementation of its various activities, including projects funded or co-funded by external sources.

In order to ensure neutrality and maintain the international character, the Council of Europe proposes to establish an EU/CoE joint programme in one of the existing external offices, co-financed by the EU and the Council of Europe.

Apart from the neutrality of the Secretariat, the advantage is that all offices are established in agreement with national authorities. All of them have Memoranda of Understanding guaranteeing their permanent functioning and international privileges. The EHEA Secretariat could be integrated into one of these existing offices, and use the infrastructure (premises, networks, ...).

Staff status

The staff of the Secretariat would be recruited in accordance with the Council of Europe's staff rules and regulations, and at the salary scales approved by the Committee of Ministers of the Council of Europe. Staff would benefit from the COE social and medical insurance schemes as well.

The job descriptions of the staff members can be developed according to the needs of the Bologna Process and jointly agreed upon by the European Commission and the Council of Europe. As for the staff management, the Secretariat staff will be reporting (from an administrative point of view) to the Head of the Council of Europe external office in a given country.

Location of existing external offices

The Council of Europe has an office in Venice (Italy) that implements multilateral projects, offices of Partial Agreements in Graz³ (Austria) and Lisbon⁴ (Portugal), the European Youth Centre in Budapest (Hungary), as well as cooperation offices in Ankara, Baku, Belgrade, Chisinau, Kyiv, Pristina, Sarajevo, Tirana, Tbilisi and Yerevan, which implement bilateral projects in the country where they are located.

CoE proposed to establish the Secretariat in either Lisbon, Tirana or Venice. The CoE offices in Lisbon and Venice already implement multilateral projects and their MoUs with the national authorities include the necessary provisions; the CoE cooperation offices in other countries implement bilateral projects. Therefore, if one of these offices is selected for the Secretariat, the MoU with the CoE would presumably need to be amended, which would require the agreement of the national authorities.

Option III: integrating EQAR and Secretariat as one legal entity

The other Scenario B option would be a Secretariat established under EQAR - which also be seen as a variation of Option I (Scenario A): to enhance the scope of the only existing institutional structure of the EHEA, EQAR, so as to accommodate the Secretariat in addition to EQAR's current duties.

3 European Centre for Modern Languages

4 North South Centre

This could be done relatively fast and efficiently, as it would rely on an already existing legal structure that may need some modification, rather than the establishment of a completely new association. The legal form and organisational structure envisaged in case of Option I might resemble that of the present EQAR closely.

EQAR's current function and the Secretariat share the common mission of directly supporting and furthering the EHEA. EQAR was set up by the EHEA/Bologna Process itself and the EHEA countries thus assume a key role in governing EQAR; while EQAR contributes to the BFUG with a focus on implementing agreed policies in quality assurance, it does not represent stakeholder or country positions as the (consultative) members.

The two functions that would come under the umbrella of one single legal entity should nevertheless be adequately distinguished and separated to ensure mutual independence (see requirement 4.1 above): the Secretariat needs to be able to function under the sole authority of the BFUG and without interference from EQAR's current, quality assurance-related functions and its governance structure; likewise, the Secretariat function shall not compromise EQAR's independence or affect the way in which it performs those functions. At the same time, the financial administration (while keeping the budgets separated) and certain purely logistical/administrative functions (e.g. travel booking tools, insurances, ...) could be combined to achieve synergies and economies of scale.

To accommodate this option, the current structure of EQAR would be needed to be adapted, likely including the following:

- The membership of EQAR is voluntary and in principle open to all BFUG members and consultative members. With regard to the Secretariat, however, all EHEA members need to be involved and to contribute. For those countries not EQAR members currently, a possibility could be opened to join the structure only for matters that regard the Secretariat.
- The EQAR GA, Board and Register Committee would continue to deal with EQAR matters as currently. A new governing structure would deal with matters of the BFUG Secretariat. For the latter part, voting rights should exactly replicate those of the BFUG.

EQAR is incorporated as International Non-Profit Association (INPA) in Belgium. The regulations for an INPA's governing structure are highly flexible and these adjustments could thus easily be made to accommodate both EQAR's and the Secretariat's needs.

Staff status

The single legal entity would be the employer of both EQAR and Secretariat staff; the association's Statutes and further internal regulations would ensure the adequate separation of the respective units in terms of staff and their formal reporting.

Location

Despite EQAR's current location in Brussels, the Secretariat and its staff would neither have to be based in the same premises, nor even in the same country: in principle, the Secretariat could operate as a new operational unit in a different EHEA country. In the latter case the same as discussed under option I applies with regard to choosing the location.

Both options have pros and cons: having the two units in different locations would underpin the clear separation of the two functions; having both units "under one roof" would reduce administrative effort and come with more economies of scale (bigger offices cheaper per sqm, single internet connection, shared meeting rooms, insurances, etc.) compared to the estimated budget.

6. Comparative Overview

Assessment of the key strengths and challenges of the different options

Principles	I. New entity	II. CoE external office	III. Combine with EQAR
Independence and accountability	Fully independent of any other function and fully tailored to BFUG/Secretariat needs	CoE's role as a consultative BFUG member for guiding the secretariat needs to be clarified	Can be tailored to Secretariat needs; EQAR's specific status different from EHEA members/consultative members, but changes in current EQAR structure needed to ensure separation
Sustainability	Funding depends on EC grant & commitment of all EHEA countries	Funding depends on EC grant, contribution by CoE and possibly commitment from all EHEA countries	Funding depends on EC grants & commitment of all EHEA countries
Staff requirements	Open international recruitment of staff with the necessary competences - plus secondments	Staff selection is done according to the CoE staff regulation; it needs to be verified if it is possible to ensure the role of the BFUG to select the Head of Secretariat/staff	Open international recruitment of staff with the necessary competences, possibly in synergy with some existing staff - plus secondments
Location	Any EHEA country fulfilling the requirements	Lisbon, Tirana, Venice	Brussels or any EHEA country fulfilling the requirements
Non-profit principle	Non-profit association in chosen jurisdiction	International organisation	Belgian INPA
Timing	Most complex solution to set up; potential timing of the start of the new Secretariat is late 2025 , which needs bridging arrangements	Relatively fast; it could make use of established modus operandi for CoE/EC cooperation activities. Potential timing of the start is end of 2024 , no need for bridging arrangements	Relatively fast to set up, once budget adopted; potential timing of the start is end of 2024 , no need for bridging arrangements

7. Next Steps Towards Implementation

Suggested action at the Madrid BFUG

The TF recommends that the Madrid BFUG meeting discuss the pros and cons as well as possible options for a permanent Secretariat, and make the following decisions:

- I. whether to recommend, at least in principle, to the Tirana Ministerial Conference to establish a permanent Secretariat;
- II. provided I has been agreed, to agree that the establishment of the Secretariat could take place under scenarios A or B, i.e. excluding scenarios C and D;
- III. provided I & II have been agreed, provide a mandate to the TF to explore further either one, two or all three suggested options.

On that basis, the TF would be able to develop the concept further and make advance preparations for its implementation, subject to further discussion and approval at the next BFUG, and final adoption by the Tirana Ministerial Conference.

Further timeframe

In order to set up the permanent Secretariat, two alternative timeframes could be envisioned:

- Timeframe 1: to set up the Secretariat sometime in between the next two Ministerial Conferences, with a possible need to solve the bridging period by support from the next conference's hosting country or another solution based on the previous/existing capacity. This should provide sufficient time for working out the details and the proper setting up of a permanent Secretariat, including the financial arrangements that will require different approaches for EHEA members, in line with their national provisions. In case of Option I (new entity) this is the only feasible timing.
- Timeframe 2: to set up the new Secretariat right after the Tirana Ministerial, provided that the existing organisations (Options II and III) agree and possess sufficient flexibility to make some ad-hoc and interim solution possible.

Based on the conclusions of the BFUG meeting in Madrid, the Task Force would provide a detailed roadmap for implementation of the favoured option.

In case the BFUG recommends that ministers decide to establish a permanent Secretariat, the TF would also recommend that the new arrangement be evaluated after the 2030 Ministerial Conference with a view to how well it has served the EHEA.