ДИСКУСИОННИ ВЪПРОСИ

BREXIT AND ACADEMIA

prof. Josep María De Dios Marcer*

It is a very well-known fact that European Union is facing various challenges. Brexit is one of them, and it presumably is among the most serious ones. Brexit has been, is and will be for some months, or perhaps years, one of the weak points of the European Union.

A wealth of research and information has been published so far in support of the perspectives of both the UK and the EU on this issue. There are documents showing the high price of Brexit for the UK, as well as the political and the trust-related costs for the EU.

Brexit will have effects in many aspects of the economy, society, and different human and legal relations in the UK and within the EU. A large number of relations will be affected by Brexit, and these affects will be felt among academic and research circles as well.

In the context of the relationship between Brexit and Academia, there are at least two areas that should be paid attention to, in which, in my opinion, Brexit will have a negative effect for all parties involved, the EU and the UK alike. Both parties will experience negative effects, considering that UK's withdrawal may turn out to be the wrong decision with a view to the country's continued development, the EU will never be the same, while the remaining parties, Bulgaria among other countries, will need time for readaptation.

EU will have to readapt at a very sensitive moment in time, as there are many significant internal problems the union has to tackle simultaneously: refugees, radicalisms, or anti-European sentiments are among the burning issues, to mention just a few. It goes without

^{*} Professor Josep Maria De Dios Marcer gives lectures of Private International Law and EU Law in undergraduate and graduate level, as well as Ph.D. courses, at the following Universities: Autónoma de Barcelona, Girona, Carlos III of Madrid, Pontificia de Comillas, Ramón Llull and Rovira i Virgili, among others. He is President of the European Law Faculties Association (ELFA)

say-ing that they should be resolved in a dynamically changing world, where the international balances are also in a flux. In this context, Brexit is an important challenge for the UK, the EU, and especially for all of the agents involved in Brexit (in fact all the EU citizens and so-cial, cultural, economic and non-economic agents). Universities and academic and research establishments are among the institutions likely to be affected.

The aforementioned university areas which would bear the negative effects of Brexit have been identified and can be grouped under two major headings: academic aspects and research aspects.

I. Academic aspects

There are many papers and documents analysing the effects of Brexit on the domains of Academia and research. In general, all researchers and analysts are unanimous that Brexit will have a negative impact on the mobility of students, professors, and researchers, coming from the EU countries and headed to the UK academic establishments and research institu-tions.

Mobility could be one of the most evident negative effects. More than 100,000 EU students are at present attending courses in the UK universities. For these courses these stu-dents are faced with either of two options:

They are not bound to pay fees if there attend these courses within the framework of the Erasmus Program

Or they pay exactly the same fees as British or Scottish students, due to the EU princi-ple of non-discrimination on grounds of nationality.

In general, this question raises concerns in the universities in the UK, not only because of the potential loss of students (and fees), but also because these universities could possibly lose the chance to attract and to select talent from abroad. Many of EU university students have decided to study in the UK universities because of their prestige, and for financial con-siderations - their fees are exactly the same as the UK students. If they were to pay higher fees, such as those payable by students from non-EU countries, it is questionable whether these students should decide to study in the UK universities, or in other non-EU universities. According to some analysts, it is possible that many EU students decide to study in other EU universities (so, not in UK institutions), or they decide to move to non-EU universities, in the United States or China, for instance.

In this context, the UK universities have decided to offer EU students the same conditions for the next academic year 2017-2018, even if the UK Government decides to notify the European Council of its decision to withdraw from EU within this period.

Yet this situation concerns the mobility of students, and the same problem arises with the exchange among faculty staff. Nowadays more than 40,000 EU researchers and faculty members are doing research and teaching in UK universities and research institutions. This has been made possible because of the EU principle of free movement of persons. What will happen with these professionals? Will they remain in the UK, or will they decide to return to their country of origin (or to other EU institutions)? According some studies, there have been some EU university members that have decided to turn down an offered position at UK universities because of Brexit, while others are (strongly) considering the option to leave for the UK. The latest "agreements" between UK and EU do not offer any clear and final solution in this respect.

In general, all the studies are focused on the consequences of Brexit for the UK, but I think we also have to examine the possible drawbacks for the European university system. Will the UK university students move to the EU universities? What will happen with the UK faculty members working in EU universities and research institutions? According to some studies, UK students have an interest to study in EU universities because they want to obtain an EU diploma. This diploma allows them to work in all the EU countries, and its recognition is not required. Yet the problem will be that UK citizens will not be EU citizens, and they will have the diploma, but they will not enjoy the right of free movement, (as well as the lower university fees European citizens have).

Hence some UK universities are considering the possibility to open EU branches, or to have specific agreements with EU universities in order to offer double diplomas (degree diplomas or master diplomas).

II. Research aspects

The second aspect of Brexit consequences in the university framework concerns research. And in this area there are three important points affected: funding, researchers and publishers.

In the funding context, UK is the second EU country receiving EU research founds. More than a billion of euros went from the EU to the UK research institutions last year. What will happen in the future? The problem is that the incomes of the UK research institutions will decrease. Yet there is a more serious problem. If these institutions have not enough money, will they retain their researchers? What will happen with their research? Are the other EU institutions, or other foreign institutions, likely to preserve their interest to work with the UK research institutions, or they will prefer to move on to other EU institutions? There are some Australian universities, for example, that have declared their ambition to turn part of their research to some EU institutions.

The second case in point is the researchers. Like in the case of faculty members, many EU researchers are working in UK institutions taking advantage of the movement of people. They are EU citizens and they enjoy the right to freely move for one country to another. What is the future of this people? And, if the institutions have less funds, will the institutions, or even researchers themselves keep their interest to remain in this UK institutions? Or else, will UK researchers working on EU institutions stay in such research hubs, or they will come back to the UK? The EU system has guaranteed until now a strong collaboration between research-ers from different countries. Some 70% of UK publications are made jointly with non-UK researchers. What will happen with this joint research? Furthermore, the bigger issue at stake is whether Brexit will not have a stronger impact on research itself rather than on the researchers.

And the third point in this research field: publications. Publishers are also concerned for Brexit. Considering the possibility to decrease incomings for research, considering also the possibility to lose researchers, and considering too the possibility of a decrease in the joint research, publishers are worried for the research quality. In this domain Brexit could have two consequences: publications could be not so excellent (less money, less researchers, so less excellence); and UK publications could be more expensive for the EU countries, as they will be non-EU goods.