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**Opportunities for bilateral cooperation
in culture, education and research:
Cornerstones in Spanish-British
relations after Brexit**

Allan F. Tatham

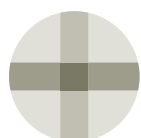


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Opportunities for bilateral cooperation in Culture, Education and Research: Cornerstones in Spanish-British Relations after Brexit

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CEU Ediciones

Julián Romea 18, 28003 Madrid

Teléfono: 91 514 05 73, fax: 91 514 04 30

Correo electrónico: ceuediciones@ceu.es

www.ceuediciones.es

Real Instituto Universitario de Estudios Europeos

Avda. del Valle 21, 28003 Madrid

www.ideo.ceu.es

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Abbreviations

“A” level	General Certificate of Education – Advanced Level
CEFR	Common European Framework of Reference for Languages
CERN	European Organization for Nuclear Research
CFR	Charter of Fundamental Rights of the European Union
CRUE	Conferencia de Rectores de Universidades Españolas
ECML	European Centre for Modern Languages
EEA	European Economic Area
EFTA	European Free Trade Association
EHEA	European Higher Education Area
ELEUK	Association for the Teaching of Spanish in Higher Education in the United Kingdom
ENIC	European Network of National Information Centres
ERA	European Research Area
EU	European Union
EUA	European Universities Association
EUNIC	European Union National Institutes for Culture
FP	Framework Programme for Research
GCSE	General Certificate of Secondary Education
HN	Higher National Level
HNC	Higher National Certificate
HND	Higher National Diploma
ICI-ECP	Industrialised Countries Instrument – Education Cooperation Programme
IHE	International higher education
ILEP	International Learning Exchange Programme for Wales
ITER	International Experimental Reactor
L2	Second language
LHC	Large Hadron Collider
LSP	Languages for specific purposes
MFL	Modern foreign languages
MoFA	Ministry of Foreign Affairs, European Union and Cooperation
MSCA	Marie Skłodowska-Curie Actions
NARIC	National Academic Recognition Information Centres
R&I	Research and innovation
RTD	Research and technological development
SEEO-WP	Spanish Embassy Education Office-Welsh Programme
SEPIE	Servicio Español para la Internacionalización de la Educación

SERI	State Secretariat for Education, Research and Innovation (Switzerland)
TCA	Trade and Cooperation Agreement 2020
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UCAS	Universities and Colleges Admissions System
UK	United Kingdom
UKRI	UK Research and Innovation
UNESCO	UN Educational, Scientific and Cultural Organization
UUK	UK Universities

Part I: Introduction

1.1. The nature of the present project and proposals

The entry into force of the 2020 Trade and Cooperation Agreement (hereinafter “TCA”)¹ marked the end of another stage in the continuing evolution of relations between the European Union (hereinafter “EU”) and the United Kingdom (hereinafter “UK”) that had initially commenced with the vote in favour of British withdrawal from the Union in June 2016.

The Brexit phenomenon carries with it not only ideological and political baggage but also social and economic costs, inherent in a process that has sought to reverse the deepening integration into EU structures and networks that had been the hallmark of the UK’s membership of more than 45 years. Within the context of this present study on culture, education and research, in 2017, Simon Marginson, Professor of Higher Education at the University of Oxford, had drawn attention to the effects of UK withdrawal:²

In the Brexit vote outcome, higher education and research have become collateral damage of the larger issues contained in national identity and Brexit. No-one really targeted higher education or wanted it to be damaged, aside from the second-order hostility towards academic experts as part of the established elite. For most people voting in the referendum, they simply were not thinking about the effects on higher education and research. But damage will occur, nonetheless.

This is a common theme among the clear majority of academics who see, at first hand, the negative impact of Brexit on the higher education sector. Hunter and de Wit thus reflect on the international effects of the decision to leave in a 2016 article:³

There is a clear message in Brexit that no matter how international or European universities seek or claim to be, they operate in a national context that will define and, at times, constrain their mission, scope, and activities. This political outcome has the potential to impact negatively on internationalization for the universities, but, at the same time, it raises awareness of the importance in going beyond the rhetoric and purposefully reconnecting internationalization to academic values.

With that separation now definitively achieved but not universally accepted in the UK⁴, the minds of many in the EU and the UK are now turning to reflect on possible ways in which to lay sustainable foundations on which to base their future relations and to limit that damage to which Marginson, Hunter and de Wit have already referred.

In the present climate, characterised by the undoubted continuing volatility in relations between the two parties in such matters as the need for checks on goods “exported” across the Irish Sea from Great Britain to Northern Ireland, the licensing of French fishermen, as well as growing problems with the import from and export to the Union of goods, it does not, at first sight, appear to give much cause for hope in developing resilience and stability in their interactions in the short term. Nevertheless, opportunities do exist for particular Spanish initiatives and diplomacy aimed at “building bridges” with the post-Brexit UK, either as part of an underpinning of good bilateral relations⁵ or as an essential component part of a broader EU engagement. These potential fields of cooperation are ones where trade is not the focus but rather where EU

1 Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (provisional version, OJ L 444, 31.12.2020, p. 14; definitive version, OJ L 149, 30.4.2021, p. 10) (hereinafter “TCA”).

2 Simon Marginson, “Higher education and research are the ‘collateral damage’ of Brexit,” *Times Higher Education blog*, 13 September 2017, available at <https://www.timeshighereducation.com/blog/higher-education-and-research-are-collateral-damage-brexit> (accessed 8 February 2022).

3 Fiona Hunter & Hans de Wit, “Brexit and the European Shape of Things to Come” (2016) 87 *International Higher Education* 2-3, p.3.

4 YouGov/The Times, *Survey: Voting Intention Results, 1-2 February 2022*, 7 February 2022, p. 3, available at https://docs.cdn.yougov.com/f6n8120lrt/TheTimes_VI_No10Parties_220202_W.pdf (accessed 8 February 2022).

5 Foreign, Commonwealth and Development Office, “Foreign Secretary boosts ties with Spain”, *Press Release*, 15 December 2021, available at <https://www.gov.uk/government/news/foreign-secretary-boosts-ties-with-spain> (accessed 8 February 2022).

Member States still retain their powers to operate in policy areas with which they either share competence with the EU or the Union itself acts merely in support of its Member States' actions. Moreover, in choosing areas that are notably less contentious as the focus for further bilateral relations, tangible progress is likely to be achieved more quickly, thereby allowing for the cementing of the foundations of those "bridges".

The three fields of the present study – culture, education and research – fall into this category. By pursuing projects in these fields, Spain is allowed by EU rules to maintain a great degree of room for manoeuvre in its approach to deal with the problems as well as the opportunities thrown up by Brexit. The focus of this work then is to examine how Spain may be able to make use of this manoeuvrability in order to ensure that pre-existing relationships with the UK in the three fields – whether bilateral or under the EU umbrella – may be preserved and enhanced while, at the same time, new possibilities may be explored and considered.

1.2. How to manage fording the river in the current political climate

The challenges in building these bridges between Spain and the UK lies in part with the current ideological direction of the British Government, focused as it is on its "Global Britain" strategy, orienting the UK towards other continents and economies rather than those in the EU, a matter dealt with in more detail below in subsection 3.1.1. Interactions in the fields concerned are further complicated by their governance structures and Spain will need to remain alert to these issues, considering that culture, education and research fall within the competences devolved to the four nations of the UK.

Taking these matters into account, the approach assumed in the present study is accordingly one formed with a foreign relations (diplomatic) perspective in mind while also remaining aware of the political and legal limitations in the fields considered.

In this respect, Spain will need to continue to work sensitively within the present limitations and, at the same time, lay the foundations for a continuing and resilient relationship with the UK through official and semi-official channels, involving a range of stakeholders in the public and private sector, at national, regional and local levels, without necessarily depending on support (whether moral, political or financial) from Whitehall. This will also call on the expertise of the Spanish Ministry of Foreign Affairs, European Union and Cooperation (hereinafter "MoFA") in evolving a nuanced approach through its public diplomacy and using its already established know-how in the cultural, knowledge and science diplomacy sub-categories.

It is therefore necessary to look at the suggested options as a forming an integral part of a strategic policy of soft power diplomacy⁶, focusing on supporting or supplementing actions – whether bilateral or multilateral – that already exist between various stakeholders, evolving or extending them where necessary, and adding innovations in order to make full use of the opportunities presented.

6 Joseph Nye, "Soft Power and Higher Education", *Forum Futures 2005*, Forum for the Future of Higher Education, MIT, Cambridge, Mass. (2005), available at <http://forum.mit.edu/articles/soft-power-and-higher-education/> (accessed 13 February 2022).

Part II: Legal Framework for Culture, Research and Education (In the Union and Between the EU and the UK)

2.1. Current European Legal Framework

2.1.1. Competences in the EU

It is worth first drawing attention to the fact that all three fields of the present study are included in competences the exercise of which remain divided between the EU and its Member States. On the one hand, according to Article 6 of the Treaty on the Functioning of the European Union (hereinafter “TFEU”), culture and education (together with vocational training) are areas in which the Union has a “supporting competence” to carry out actions to support, coordinate or supplement the actions of its Member States. On the other hand, according to Article 4(3) TFEU, the Union shares its competence with the Member States in the field of research. More precisely, the EU has competence to carry out activities, in particular to define and implement programmes, but the exercise of such competence does not prevent Member States from exercising theirs.

From this perspective, while the EU may assist the Member States in the realisation of certain programmes and their objectives, implementation of those programmes still resides mainly with the Member States themselves. This also means that the Council of Europe – to which all EU Member States as well as the UK belong - may now be called upon to play an increasingly important role in providing a multilateral umbrella under which cooperation in the fields of culture, education and research may continue to flourish in a post-Brexit scenario. However, the financial constraints on the organisation are likely to militate strongly against the Council of Europe replacing the EU in its role as the main regional donor, supporting projects designed to maintain strong and resilient links in these fields between the UK and Spain.

Turning now to the three fields under consideration in this study, the legal basis for each one will be considered in turn and will concentrate on those matters that will be discussed in further detail in Part Three.

2.1.2. Culture

Greater emphasis was put on culture with the coming into force of the Treaty of Lisbon in 2009. In the Preamble to the Treaty on European Union (hereinafter “TEU”),⁷ express mention is made to the way in which the EU draws inspiration “from the cultural, religious and humanist inheritance of Europe”. In addition, in Article 3 TEU, one of the key aims of the Union is for it to “respect its rich cultural and linguistic diversity, and ... ensure that Europe’s cultural heritage is safeguarded and enhanced”.

Moreover, Article 167(1) TFEU, provides further requirements on EU action within the field of culture. Interestingly the EU is, according to that provision, under a duty “to contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and bringing the common cultural heritage to the fore”. The EU’s actions, according to Article 167(2) TFEU are to be aimed at encouraging cooperation between the Member States and, where considered necessary, supporting and supplementing their action, e.g., in improving the knowledge and dissemination of the culture and history of European peoples; as well as fostering non-commercial cultural exchanges and artistic and literary creation. Of importance for the present study, Article 167(3) TFEU provides for the possibility of the EU and its Member States to foster cooperation with non-EU countries and international organisations. In fact, in Article 167(4), when the EU takes action under other TFEU provisions, it must take into account respect for and the promotion of the diversity of European cultures.

7 Recital 2, Preamble, TEU.

This approach is echoed in Article 22 of the Charter of Fundamental Rights of the European Union (hereinafter “CFR”) that lays down the requirement that “the EU shall respect cultural, religious and linguistic diversity” while Article 21 CFR prohibits discrimination on grounds of language.⁸

Linguistic diversity in the EU is thus a reality, as noted above in Article 3 TEU, observance of which is a fundamental Union value. After all, it is well recognised that language is the most direct expression of culture. Article 165(2) TFEU underlines the fact that EU action aims at developing the European dimension of education, “particularly through the teaching and dissemination of the languages of the Member States”, while fully respecting their cultural and linguistic diversity.⁹ The EU accordingly promotes the teaching and learning of foreign languages and regards foreign language competence as one of the basic skills that all EU citizens need to acquire in order to improve their educational and employment opportunities. Further evidence of its support for the promotion of a multilingual Europe can be seen from the Commission’s contribution to the 2017 Gothenburg Social Summit in which it set out the idea of a “European Education Area” where by 2025, “in addition to one’s mother tongue, speaking two other languages has become the norm”.¹⁰

The EU’s work in the field of language diversity is complemented by that of the Council of Europe’s longstanding commitment to language usage and training. Its success in this field may be exemplified through the introduction and continent-wide success of its Common European Framework of Reference for Languages (hereinafter “CEFR”) that was designed to provide a transparent, coherent and comprehensive basis for the elaboration of language syllabuses and curriculum guidelines, the design of teaching and learning materials, and the assessment of foreign language proficiency. In addition, the Council of Europe in 1992 adopted its Charter for Regional or Minority Languages¹¹ that forms an integral part of the minority rights conditionality for accession to the EU.¹² Coherence in this field of Council of Europe is focused through the European Centre for Modern Languages (hereinafter “ECML”), based in Graz (Austria), whose mission – according to its website – is “to encourage excellence and innovation in language teaching and to help Europeans learn languages more efficiently”.¹³ However, although neither Spain¹⁴ nor the UK are members of the ECML, they do (to varying degrees) maintain ad hoc links to the Centre through their own home-based experts and, through them, organise activities related to ECML projects. Considering its multilateral network and funded projects, it might be opportune for both Spain and the UK to reconsider their full official participation in the ECML as an additional complement to their bilateral contacts.

2.1.3. Education

The field of education within the EU also covers the areas of vocational training and higher education. Article 9 TFEU states: “In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of ... a high level of education [and] training ...”. And, according to Article 14 CFR: “Everyone has the right to education and to have access to continuing and vocational training”.

8 The CJEU has acknowledged, though, that Member States can may impose language proficiency requirements – in view of a clear policy of national law to maintain and promote the use of the language as a means of expressing national identity and culture – provided that they are not disproportionate to their objectives: Case 379/87 *Groener v. Minister for Education*, ECLI:EU:C:1989:599; and Case C-281/98 *Angonese v. Cassa di Risparmio di Bolzano SpA*, ECLI:EU:C:2000:296.

9 Article 165(1) TFEU.

10 European Commission, Communication on “Strengthening European Identity through Education and Culture”, COM(2017) 673 final.

11 European Charter for Regional or Minority Languages (ETS No. 148), 25 June 1992, entered into force on 1 March 1998. This is especially important for languages such as Scots Gaelic, Welsh, Catalan, Galician and Basque.

12 Allan F. Tatham, *Enlargement of the European Union*, Kluwer Law International, Alphen aan den Rijn (2009), p. 216.

13 ECML, “A Centre to Promote Quality Language Education in Europe”, ECML website, available at <https://www.ecml.at/Aboutus/AboutUs-Overview/tabid/172/language/en-GB/Default.aspx> (accessed 8 February 2022). See also David Newby, Frank Heyworth and Marisa Cavalli (eds.), *Changing contexts, evolving competences: 25 years of inspiring innovation in language education*, available at https://www.ecml.at/Portals/1/documents/ECML-resources/ECML-changing-contexts-evolving-competences-EN_03082020_081830.pdf?ver=2020-08-03-081830-400 (accessed 8 February 2022).

14 The only other EU Member States which are not also members of ECML are Italy and Portugal.

Moreover, Article 165(1) TFEU provides: “The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity”. In this respect, according to Article 165(2) TFEU, EU action is to be aimed at “developing the European dimension in education”. The Union therefore seeks to encourage mobility of students and teachers, by encouraging, *inter alia*, the academic recognition of diplomas and periods of study; to promote cooperation between educational establishments; to develop exchanges of information and experience on issues common to the education systems of the Member States; and to encourage the development of distance education.

In the area of vocational training, under Article 166(1) TFEU, the EU likewise supports and supplements the actions of its Member States. Further, according to Article 166(2) TFEU, it aims, among other things, to facilitate access to vocational training and encourage mobility of instructors and trainees, and particularly young people; to stimulate cooperation on training between educational or training establishments and firms; and to develop exchanges of information and experience on issues common to the training systems of the Member States.

Of relevance to the present study, the Union and its Member States (under Articles 165(3) and 166(3) TFEU) are to foster cooperation with third countries and the competent international organisations in the fields of education and vocational training, in particular – where relevant – the Council of Europe. The EU and Council of Europe already work extensively together in the area of higher education. For example, the EU and its Member States as well as the UK are all signatories to the Bologna Process that, since its inception in 1999, has worked towards more comparable, compatible and coherent systems of higher education in Europe. This culminated in the creation of the European Higher Education Area (hereinafter “EHEA”) in 2010¹⁵ under the 1997 Lisbon Convention on the Recognition of Higher Education Qualifications.¹⁶ Moreover, this overarching framework of cooperation between the two organisations has already led to the setting up of joint initiatives¹⁷ between the European Network of National Information Centres (hereinafter “ENIC”) of the Council of Europe and UNESCO, established in 1994, and the network of National Academic Recognition Information Centres (hereinafter “NARIC”) of the EU that was established in 1984.

Turning back the focus to the EU, as noted in section 2.1.2., the European Commission published a Communication in 2020¹⁸ on the European Education Area and that is aimed at, *inter alia*, improving the level of education and training of European citizens.¹⁹ As regards higher education, the main aims of this new Area are: (a) to increase the rate of 30 to 34-year-olds with tertiary education to 50% by 2030²⁰; (b) to establish networks of European universities with legal status and awarding European degrees; (c) to reinforce the Erasmus+ programme to make it more inclusive; (c) to introduce a European Student Card initiative to facilitate student mobility; and (d) to establish automatic mutual recognition of degrees and learning periods across EU Member States.

15 Ministerial Conference of the Bologna Process, Budapest-Vienna Declaration on the European Higher Education Area, 12 March 2010, available at http://eha.info/Upload/document/ministerial_declarations/Budapest_Vienna_Declaration_598640.pdf (accessed 8 February 2022).

16 Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165), 11 April 1997, entered into force 1 February 1999. Both Spain and the UK have ratified this Convention.

17 For further information, see ENIC-NARIC portal, available at <https://www.enic-naric.net/> (accessed 8 February 2022).

18 European Commission, Communication on “achieving the European Education Area by 2025”: COM(2020) 625 final.

19 The Commission outlined its proposals on the European Education Area, based on six dimensions: quality of education and training, inclusion, green and digital transitions, teachers and trainers, higher education and the geopolitical dimension. Following the 2020 Communication, in February 2021, the Council adopted a Resolution setting out a list of objectives to be achieved in the coming years: Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030): OJ C 66, 26.2.2021, p. 1. These include: (a) the share of early leavers from education and training should be less than 9% by 2030 (2020 rate: 10.2%); (b) the rate of 25 to 34-year-olds with tertiary educational attainment should be at least 45% (2020 rate: 40.3%); (c) the proportion of recent graduates from vocational education and training benefiting from exposure to work-based learning during their studies should be at least 60% by 2025; and (d) at least 47% of adults aged 25-64 should have participated in learning during the last 12 months by 2025.

20 In 2020, this figure was 40.3%.

By far the most tangible example of EU success in the field of education is the Erasmus+ programme²¹ that brings together a number of previously separate sectoral and horizontal policies.²² Through this single funding programme, Erasmus+ aims to invest in education, training, youth and sport in Europe and is structured around three key actions across the targeted sectors: (a) learning mobility of individuals; (b) cooperation between institutions and exchange of good practices; and (c) support for policy reform.

Within the overarching architecture of Erasmus+, higher education assumes a central role. In the funding period 2021-2027, a minimum of 34.6% of the total budget of over €28 billion is reserved for higher education.²³ Erasmus+ not only supports the mobility of students and staff in higher education but also funds e.g., Erasmus Mundus Joint Master's Degrees and the "European Universities" initiative, launched in 2018. Under this initiative, the EU promotes the creation of networks of higher education institutions in different Member States with the aim of developing common strategies, thereby enabling students to study in several EU countries and allowing them to be awarded European degrees. Participation in Erasmus+ is not limited to EU Member States²⁴ but is open to: (a) members of the European Free Trade Association ("EFTA") which are members of the European Economic Area ("EEA"), i.e., Norway, Iceland, Liechtenstein; and (b) acceding countries, candidate countries and potential candidates, e.g., North Macedonia, Turkey and Serbia.

2.1.4. Research

The EU's policy on research and technological development (hereinafter "RTD") has played an important role since the 1950s and was further increased in the early 1980s with the establishment of a European framework programme for research (hereinafter "FP"). While the main Treaty provisions are set out in Articles 179-190 TFEU, Article 13 CFR provides that "the arts and scientific research shall be free of constraint" thus guaranteeing the freedom of research and the Union, over the last 20 years, has promoted its actions in this field within the broader compass of the European Research Area (hereinafter "ERA"). This concept, first enunciated in a Commission Communication of 2000,²⁵ aims to create a single, borderless market for research, innovation and technology across the EU as set out in Article 179 TFEU, in which the EU supports "the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely" as well as "encouraging it to become more competitive, including in its industry, while promoting all the research activities deemed necessary" by virtue of other relevant provisions of the TFEU.

The provisions of Article 180 TFEU are also relevant for the present study and lay down that, in pursuing the Article 179 TFEU objectives, the EU is to perform the listed activities that are to complement those of the Member States:

- implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities;
- promotion of cooperation in the field of Union research, technological development and demonstration with third countries and international organisations;

21 Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013: OJ L 189, 28.05.2021, p. 1.

22 These cover projects in the areas of higher education (Erasmus, Erasmus Mundus, Tempus, Jean Monnet); school education (Comenius); vocational education and training (Leonardo da Vinci); adult learning (Grundtvig); and youth (Youth in Action). Sport was included for the first time in 2014.

23 The Erasmus+ programme has a budget of €26.2 billion (compared to €14.7 billion for 2014-2020), complemented with about €2.2 billion from EU's external instruments. See European Commission, "Erasmus+: over €28 billion to support mobility and learning for all, across the European Union and beyond", *Press Release*, 25 March 2021, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1326 (accessed 8 February 2022).

24 Regulation 2021/817, note 21 above, Article 16. Third countries not associated with Erasmus+ may still participate in some actions within the programme. See European Commission, "Erasmus+. EU programme for education, training, youth and sport: Eligible countries", available at <https://erasmus-plus.ec.europa.eu/programme-guide/part-a/eligible-countries> (accessed 8 February 2022).

25 European Commission, Communication "Towards a European research area": COM(2000) 6 final. It is currently undergoing a process of revision and updating, European Commission, Communication "A new ERA for Research and Innovation": COM(2020) 628 final.

- dissemination and optimisation of the results of activities in Union research, technological development and demonstration;
- stimulation of the training and mobility of researchers in the Union.

The EU set up the first multiannual FP in 1983 and, during the following decades, successive FPs (based on Articles 182-186 TFEU) have provided financial support for the implementation of EU research and innovation (hereinafter “R&I”) policies. Their objective has evolved from supporting cross-border collaboration in RTD to encouraging a proper European coordination of activities and policies. Since 2014, most EU research funding has been grouped under Horizon 2020, the 8th FP for R&I covering the 2014-2020 period, with a budget of nearly €80 billion. Its successor, “Horizon Europe”, the next EU R&I programme, launched in 2021 for the period 2021-2027.

The Horizon Europe programme²⁶ aims to strengthen the EU’s scientific and technological bases in order, *inter alia*, to help tackle the major global challenges and boost the Union’s competitiveness, including that of its industries. The programme seeks to deliver on the EU’s strategic priorities and support the development and implementation of its policies. With an eye on experiences during the last few years, the proposal noted:²⁷ “In a swiftly changing world, Europe’s success increasingly depends on its ability to transform excellent scientific results into innovation that have a real beneficial impact on our economy and quality of life, and create new markets with more skilled jobs”.

In order to prosecute those aims, this new programme maintains the three-pillar structure of its predecessor, Horizon 2020: (i) Open Science that represents the continuation of the Horizon 2020 excellent science pillar with a budget of €22 billion; (ii) Global Challenges and Industrial Competitiveness that addresses European industrial competitiveness and implements EU-wide research-driven missions to tackle specific societal challenges. It has a budget of €47.6 billion; and (iii) Open Innovation that aims at making Europe a frontrunner in market-creating innovations, developing an innovation ecosystem and strengthening the European Institute of Innovation and Technology to foster the integration of business, research, higher education and entrepreneurship with a budget of €12 billion.

As with Horizon 2020, Marie Skłodowska-Curie Actions (hereinafter “MSCA”) also form part of the new Horizon Europe programme, with a budget of some €6.6 billion. MSCA support the mobility and training of researchers and have become the main EU programme for doctoral training. They are structured around the five sub-actions: (i) “Doctoral Networks” that fund joint doctoral training; (ii) “Postdoctoral Fellowships” that promote transnational, intersectoral and interdisciplinary; (iii) “Cofund” that provides co-funding with other regional, national and international programmes; (iv) “Staff Exchanges” that facilitate the secondment abroad of researchers and of administrative and technical staff involved in research and innovation; and (v) “MSCA and Citizens”, supporting the European Researchers’ Night series of public events that takes place across Europe in September every year, in order to promote the work of researchers. Overall, Horizon Europe seeks to remove real and perceived barriers between academia and other sectors, in particular businesses.

2.2. Current EU-UK Legal Framework: The 2020 Trade and Cooperation Agreement and Beyond

In comparison to the extensive provisions in the TEU, TFEU and CFR and related instruments – evolved over decades within the EU context – the present rules in the TCA on culture, research and education are rather sparse. While the TCA contains provisions of a general nature touching on the three fields, much more detailed ones are laid down concerning on the UK’s participation in EU programmes.

26 Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013: OJ L 170, 12.5.2021, p. 1.

27 Regulation of the European Parliament and of the Council establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, *Explanatory Memorandum*, p. 1: COM(2018) 435 final.

Within the Preamble,²⁸ the parties recognise their respective autonomy and rights to regulate within their territories in order to achieve legitimate public policy objectives, the protection and promotion of, *inter alia*, public education as well as cultural diversity, while striving to improve their respective high levels of protection.²⁹

In addition, the EU and the UK consider³⁰ that their cooperation in areas of shared interest will be to their mutual benefit. The areas include science, research³¹ and innovation, nuclear research and space and such cooperation is envisaged as UK participation in the pertinent EU programmes “under fair and appropriate conditions”.

Participation in EU programmes is dealt with quite extensively under Articles 708-733 TCA, draft Protocol I (“Joint Declaration”) and Annex 47 TCA which latter sets out the implementation of the financial conditions for each EU programme, activity, or part of them, in which the UK participates.

This Protocol specifies the Programmes in which the UK will participate and the scope of its participation, as well as some rules specific to each programme, including Horizon Europe. This protocol is still in draft form and will be finalised and adopted by the joint EU-UK Specialised Committee on Participation in Union Programmes. When the Protocol enters into force, the UK will be formally associated to programmes such as Horizon Europe as provided for under Article 16 of that Programme’s Regulation.³²

The main aim of these TCA and related provisions was to allow the UK the option of staying in the Erasmus+ and Horizon Europe programmes as well as Euratom R&T (2021-2025)³³ and Copernicus³⁴ on the payment of the participation fees, thereby minimising the effect of Brexit on UK universities and their partners in the EU as well as on ensuring the continued financing of mobility of UK and EU university students and vocational trainees to each other’s jurisdiction.

Nevertheless, much remains outside the TCA in the three fields under consideration in this study. This means that UK nationals coming to the EU to study, train or research are subject the relevant EU rules on third country nationals contained in a variety of legal instruments governing entry and residence. The same is applicable to those travelling in the opposite direction, according to which EU citizens (unless previously able to claim rights under the Withdrawal Agreement) are now treated like any other third country nationals wishing to enter and reside in the UK. In this way, citizens of both parties no longer enjoy the longstanding advantages of free movement in the European (Higher) Education Space.

Moreover, in many instances, where the TCA is silent and the EU and the UK have not concluded a supplementing agreement to the TCA in the relevant matter, then recourse will need to be had to other international legal instruments. These will include conventions and recommendations from the Council of Europe (as previously noted); the provisions of the relevant agreements from the World Trade Organization,

28 Recital 7, Preamble, TCA. This matter is repeated within the context of services and investment (Article 123 TCA) as well as digital trade (Article 198 TCA).

29 The Annexes to the TCA contain country list exceptions to the provision of education services in the EU Member States and the UK, principally though not exclusively aimed at private higher education entities established or funded by entities in the other party.

30 Recital 22, Preamble, TCA.

31 Research cooperation is specifically envisaged as being promoted within the context of animal welfare (Article 84(4) TCA), antimicrobial resistance (Article 85(5)(d)), energy efficiency (Article 324 TCA), environment (Article 400(5) and (6)), air traffic management (Article 436(4)), cyber security (Article 706(1)(e)), as well as motor vehicles and equipment (Annex 11 TCA, Article 8(2)(b)).

32 Regulation 2021/817, note 21 above.

33 Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-2025 complementing Horizon Europe – the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563: OJ L 167I, 12.5.2021, p. 81.

34 The rules on the Copernicus Programme may be found in Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No. 912/2010, (EU) No. 1285/2013 and (EU) No. 377/2014 and Decision No. 541/2014/EU: OJ L 170, 12.5.2021, p. 69.

e.g., on the provision of educational services³⁵ (beyond the restrictions or limitations decided by the EU Member States and the UK in the TCA) or on intellectual property rights in scientific research³⁶; or the provisions of a specific bilateral treaty or memorandum of understanding governing the relevant field between Spain and the UK, e.g., teacher exchange programmes.

35 Case C-66/18 *Commission v. Hungary* (“*Lex CEU*”), ECLI:EU:C:2020:792. See, e.g., Andres Delgado Casteleiro & Cristina Contartese, “Educational services, common commercial policy and breach of WTO provisions: the CJEU’s perspective in the Central European University Case (Case C-66/18)”, *Revista General de Derecho Europeo*, núm. 54, mayo 2021 (RI \$423635).

36 See contributions to Carlos M. Correa (ed.), *Research Handbook on the Protection of Intellectual Property under WTO Rules*, Edward Elgar, Cheltenham (2010).

Part III: New Opportunities and Challenges for Spanish Public Diplomacy in Building Bridges with the UK in the Fields of Culture, Education and Research

3.1. Introduction

Having briefly examined the current legal framework that exists, post-Brexit, between the EU and the UK in the fields of culture, education and research, the intention of this part of the study is to set out what is currently happening “down on the ground”. It sets out the present situation and proposes how the UK and Spain, either bilaterally or multilaterally (through the EU or the Council of Europe), might be able to “build bridges” to strengthen not only their inter-state cooperation in particular but also how that type of cooperation might be able to feed back into maintaining or creating links in the EU in general. Thus, it aims to look at the extent to which Spanish public diplomacy could enhance both national priorities in these three fields with the UK as well as the interests of the Union in attempting to rebuild confidence and collaboration with public and private bodies in the UK.

Perhaps one of the advantages that Spain has already exploited diplomatically throughout many decades is its actual expertise in dealing with the kaleidoscope of local, regional and national authorities, public entities, academic societies and research groups that comprise the UK educational scene. Beyond the well-established relations in both countries between the *Instituto Cervantes* and the British Council, Spanish expertise in this scene is owed, in large part, to its foresight many years ago in committing to a properly-funded and well-managed Education Office (the *Consejería de Educación*) of the Spanish Ministry of Education and Vocational Training that forms part of the Embassy of Spain in the UK.³⁷ Operating from its central offices and resource centre in London as well as with its advisors in Edinburgh and Manchester, it works closely with the *Instituto Cervantes* in the UK (London, Leeds and Manchester) as well as with the British Council. Among the various elements of its remit, the *Consejería* promotes and strengthens existing relationships between the Spanish and British education communities; gathers information about UK and devolved nations’ educational policies; and organises teacher-training activities.³⁸

Of further prominence within the universities sector is the ongoing collaboration between the *Conferencia de Rectores de Universidades Españolas* (hereinafter “CRUE” or “*CRUE Universidades Españolas*”)³⁹ and UK Universities (hereinafter “UUK”), the sister organisation covering representation of the entire British higher education sector.⁴⁰ In common with other key stakeholders from across the EU and UK higher education and research sectors, both CRUE and UUK were signatories of an official statement of 2020 in which these institutions had reaffirmed their commitment to continue working together and had called on their respective governments to make this a priority at the time when discussions about the future EU-UK relationship had commenced.⁴¹

Beyond these broad multilateral initiatives, the two organisations maintain strong bilateral links. Both CRUE and UUK have been especially mindful of the impact of Brexit on their institutions and students, as noted by

37 The Education Office also covers Ireland and has an office in Dublin.

38 See website of the *Consejería de Educación en el Reino Unido e Irlanda*, available at <https://www.educacionyfp.gob.es/reinounido/portada.html> (accessed 8 February 2022).

39 See website of CRUE, available at <https://www.crue.org/> (accessed 8 February 2022).

40 See website of UUK, available at <https://www.universitiesuk.ac.uk/> (accessed 8 February 2022).

41 UUK, “EU and UK research and higher education organisations plan a strong future relationship post Brexit”, *UUKi News website*, 10 February 2020, updated 20 August 2021, available at <https://www.universitiesuk.ac.uk/universities-uk-international/events-and-news/uuki-news/eu-and-uk-research-and-higher-education> (accessed 8 February 2022).

their 2018 Joint Statement,⁴² and have held discussions on this throughout the TCA negotiations and beyond withdrawal, e.g., the May 2021 online conference⁴³ that discussed the implications for Spanish universities of new UK student mobility programme known as the Turing scheme (see below at section 3.3.2.).

Two other bodies should also be briefly mentioned as important actors forming part of this complex institutional network.

First, on the Spanish side, is the independent organ, the Service Organization for the Internationalization of Education (*Servicio Español para la Internacionalización de la Educación*, hereinafter “SEPIE”)⁴⁴ under the umbrella of the Ministry of Universities, is the Spanish national agency charged, *inter alia*, with the development and management of Erasmus+. Because of its remit, it also maintains active involvement in maintaining and developing relations with the higher education sectors abroad.

Secondly, on the UK side, is the Russell Group,⁴⁵ a self-selected association founded in 1994 that represents 24 of the leading British universities and which together account for more than 75% of the university research grant and contract income in the country.⁴⁶ While the elite status of its membership is contested, even by professors at member universities,⁴⁷ it has nevertheless solidified its position in the higher education sector in the UK, articulating and defending its own perceived interests in a more cohesive manner than perhaps the broader-based UUK.

Lastly, other academic networks linked to Spain, its language and culture should also be mentioned as stakeholders in the building of bridges with the UK. In addition to the general umbrella organisation of the *Asociación Europea de Profesores de Español*⁴⁸, founded in 1969, other UK-specific groups include the Association for the Teaching of Spanish in Higher Education in the United Kingdom (hereinafter “ELEUK”)⁴⁹ and the Association of Hispanists of Great Britain & Ireland.⁵⁰

Through these institutions and networks active in the UK, Spain is able to mobilise a broad spectrum of stakeholders to consolidate and develop bilateral relations in culture, education and research in the coming future, assets that other EU Member States do not necessarily possess.

42 CRUE and UUK, “Joint statement from Crue Universidades Españolas and Universities UK on continued academic collaboration”, 30 November 2018, available at https://www.crue.org/Boletin_SG/2018/boletin%20196/2018.11.30%20Joint%20statement%20Crue%20UUK%20VD.pdf (accessed 8 February 2022).

43 CRUE, “Crue aborda con Educación del Reino Unido el problema de las movilidades tras el Brexit”, 12 May 2021, available at <https://www.crue.org/2021/05/crue-aborda-con-educacion-del-reino-unido-el-problema-de-las-movilidades-tras-el-brexif/> (accessed 8 February 2022).

44 See the SEPIE website, available at <http://www.erasmusplus.gob.es/sepieintro.html> (accessed 8 February 2022).

45 See the Russell Group’s website, available at <https://www.russellgroup.ac.uk/> (accessed 8 February 2022).

46 Russell Group, *Profile*, June 2017, available at https://russellgroup.ac.uk/media/5524/rg_text_june2017_updated.pdf (accessed 8 February 2022).

47 John Morgan, “Sir David Watson: Russell Group is not all it’s cracked up to be. Senior scholar decries ‘divisive’ mission groups and government’s market focus”, *Times Higher Education website*, 3 April 2014, available at <https://www.timeshighereducation.com/news/sir-david-watson-russell-group-is-not-all-its-cracked-up-to-be/2012364.article> (accessed 8 February 2022); and Chris Havergal, “Most Russell Group universities ‘little different to other pre-92s’. Study argues that, while Oxford and Cambridge stand apart, rest of mission group does not live up to ‘elite’ tag”, *Times Higher Education website*, 18 November 2015, available at <https://www.timeshighereducation.com/news/most-russell-group-universities-little-better-than-other-pre-92s> (accessed 8 February 2022).

48 See the AEPE website, available at <https://aepe.eu/> (accessed 8 February 2022).

49 See the ELEUK website, available at <https://www.eleuk.org/> (accessed 8 February 2022).

50 See the website of the Association of Hispanists of Great Britain & Ireland, available at <https://www.hispanists.org.uk/es> (accessed 8 February 2022).

3.2. Culture and language

3.2.1. Background

Cultural diplomacy is an essential tool of any state's public diplomacy strategy in the early part of the 21st century.⁵¹ It consists of the dissemination of ideas, values, traditions, beliefs and other cultural aspects of a state or entity (like the EU) in order to foster understanding and develop relationships with other nations.⁵² Although covering such matters as the export of music and cinema, tourism, cultural activities such as exhibitions or festivals and exchanges of students, teachers or professionals (which latter topic will be dealt with in section 3.3.1. below), the teaching and learning of languages are particularly relevant for this section of the present study.

As regards the cultural impact of Spain and the Spanish language⁵³ in the UK, the figures “speak for themselves”. In respect of visitors, in 2019, the year before the Covid-19 pandemic gripped the world, Spain was the most popular destination for people from the UK, with more than 18 million visitors.⁵⁴ France came second, with just under 10.5 million and Italy was third with just over 5 million UK visitors.⁵⁵ Tourists from Spain to the UK represent the third largest non-English speaking group after visitors from France and Germany, with 2.5 million Spaniards visiting in 2018⁵⁶ and 2.3 million in 2019.⁵⁷

In other respects, perhaps the most evident form of expression of Spain and Spanish culture with which people in the UK have contact – apart that is from holidays and long-weekend breaks – is through the medium of Spanish-language classes at school and college. While Spanish has been taught for many decades in the four nations' educational systems throughout the UK, its rise in popularity in recent years has been quite dramatic as will be presently outlined.⁵⁸ Yet, despite this increase in popularity, still only 4% of the UK's adult population report that they speak Spanish well enough to hold a conversation⁵⁹ although it remains the most popular language for adult learning whether as evening or in online classes.⁶⁰ The British Council⁶¹ confirmed this approach of the general public by asking them in a 2017 survey as to what language they

51 Patricia M. Goff, “Cultural Diplomacy”, in A. F. Cooper, J. Heine & R. Thakur (eds.), *The Oxford Handbook of Modern Diplomacy*, OUP, Oxford (2013), chap. 23, 419-435.

52 See, e.g., Frank Ninkovitch, *The Diplomacy of Ideas: U.S. Foreign Policy and Cultural Relations, 1938-1950*, Cambridge University Press, Cambridge (1981); and Caterina Carta & Richard Higgott (eds.), *Cultural Diplomacy in Europe: Between the Domestic and the International*, Palgrave Macmillan (Springer Nature), Cham (2020).

53 Also known as “Castilian” under the Spanish Constitution: Constitution of the Kingdom of Spain 1978, Article 3(1). Due to the usages and practices in the UK, the present author will refer to the language as Spanish throughout this study. No political position is intended by this usage.

54 Instituto Nacional de Estadística, *Movimientos Turísticos en Fronteras (Resultados nacionales): Número de turistas según país de residencia (Unidades: Personas), Tabla*, available at <https://www.ine.es/jaxiT3/Datos.htm?t=10822> (accessed 9 February 2022). Even for the years 2020 and 2021, UK tourists have remained in the top three nationalities visiting Spain.

55 Georgia-Rose Johnson & Sam Smith, *Outbound tourism statistics, Finder.com website*, updated 14 January 2022, available at <https://www.finder.com/uk/outbound-tourism-statistics#:~:text=Spain%20tops%20the%20list%2C%20with%2018.13%20million%20visitors,visited%20overall%2C%20with%204.8%20million%20Brits%20travelling%20there> (accessed 9 February 2022).

56 Niamh Foley & Chris Rhodes, “Tourism: statistics and policy”, *House of Commons Library Briefing Paper*, No. 6022, 24 September 2019, pp. 8-10, available at <https://researchbriefings.files.parliament.uk/documents/SN06022/SN06022.pdf> (accessed 10 February 2022).

57 Visit Britain, Spain (Markets & Segments), *Visit Britain website*, 2022, available at <https://www.visitbritain.org/markets/spain> (accessed 9 February 2022).

58 This is reflected across the UK's four nations as well as Ireland: Darren Churchward, *Recent trends in modern foreign language exam entries in anglophone countries*, Ofqual, Coventry (2019), available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844128/Recent_trends_in_modern_foreign_language_exam_entries_in_anglophone_countries_-_FINAL65573.pdf (accessed 11 February 2022).

59 Mark Moulding, “Report shows deficit in the languages the UK needs most”, *British Council website*, 20 November 2013, available at <https://www.britishcouncil.org/contact/press/report-shows-deficit-languages-uk-needs-most> (accessed 10 February 2022).

60 “Online Spanish courses and language training”, *Findcourses website*, February 2022, available at <https://www.findcourses.co.uk/search/spanish-language-training-courses> (accessed 9 February 2022).

61 Teresa Tinsley & Kathryn Board, *Languages for the Future: The foreign languages the United Kingdom needs to become a truly global nation*, British Council, London (2017), available at https://www.britishcouncil.org/sites/default/files/languages_for_the_future_2017.pdf (accessed 10 February 2022).

would consider most important for their future in the context of Brexit. Compared to the 2013 findings, results showed that while French and German had slipped down in the rankings and other global languages like Mandarin Chinese had risen some places, Spanish had retained its top position.

Nevertheless, such popularity must also be seen against the background of a decidedly negative general trend in those studying modern foreign languages (hereinafter “MFL”). MFL examinations are considered as being “much harder” to gain a high grade in than other courses in the arts and humanities or even in the STEM subjects.⁶² In this respect, the other two “popular” MFL taught at UK schools – French and German – have experienced a noticeable hit to numbers of pupils sitting the exams at 16 and 18 years old.⁶³ Between 2003 and 2018, there was a clear drop in MFL entries from schools and colleges for the English General Certificate of Secondary Education (hereinafter “GCSE”) that pupils take at 16, before going on to study for their two-year General Certificate of Education – Advanced Level (hereinafter “A’ levels”), that they sit at 18 in order to enter university.⁶⁴ In those 15 years, German and French GCSE entries declined by more than 60% while Spanish entries rose by 55%.⁶⁵

This decline in pre-university MFL learning, together with the changes to the funding of university courses and the need to justify their economic worth for society at large and thus their “value for money”, have combined to provide a “perfect storm” for modern languages departments. The result has been the closure of a number of these departments in various universities⁶⁶ – although it is of interest to note that the impact of such closures is not uniform across all languages and, relatively, has been felt less on those departments teaching Spanish as part of their course offerings.⁶⁷ While the UK Government has recently proposed an easing of the GCSE exam requirements for MFL students in England⁶⁸, teachers and university lecturers fear this “dumbing down” will then have “knock-on effects”, with a resultant impact on the standard of entrants for MFL “A” levels and thus ultimately lead to a forced reduction in course offers for entry to MFL degrees at universities.⁶⁹

Against this challenging background whose roots lie in trends dating back to the pre-Brexit period, the discussion in this section will centre mostly on the teaching of Spanish at school, college and university levels although mention will also incidentally be had to other sectors and degrees.

62 Anna Bawden, “Modern language teaching ‘under threat from tough exams’”, *The Guardian website*, 11 May 2019, available at <https://www.theguardian.com/education/2019/may/11/modern-language-teaching-under-threat-from-tough-exams> (accessed 9 February 2022).

63 Ian Collen, *Language Trends 2021: Language teaching in primary and secondary schools in England, Survey Report*, British Council, London (2022), pp. 16-21, available at https://www.britishcouncil.org/sites/default/files/language_trends_2021_report.pdf (accessed 11 February 2022).

64 Robert Long, Shadi Danechi & Philip Loft, “Language teaching in schools (England)”, *House of Commons Library Briefing Paper*, No. 7388, 17 January 2020, pp. 29-32, available at <https://researchbriefings.files.parliament.uk/documents/CBP-7388/CBP-7388.pdf> (accessed 12 February 2022).

65 Bawden, note 62 above.

66 Anna Bawden, “European language degree courses abandoned by many UK universities”, *The Guardian website*, 7 October 2013, available at <https://www.theguardian.com/education/2013/oct/07/european-language-degree-courses-abandoned-universities> (accessed 11 February 2022).

67 Simon Baker, “Overall languages decline masking slight growth in some areas”, *The Times Higher Education website*, 5 July 2021, available at <https://www.timeshighereducation.com/news/overall-languages-decline-masking-slight-growth-some-areas> (accessed 11 February 2022).

68 Department for Education, “Reforms to encourage more students to take up language GCSEs”, *Press Release*, 14 January 2022, available at <https://www.gov.uk/government/news/reforms-to-encourage-more-students-to-take-up-language-gcse> (accessed 9 February 2022).

69 This was already noted in 2013. See Anna Codrea-Rado, “University language department closures: 10 things you need to know”, *The Guardian website*, 9 October 2013, available at <https://www.theguardian.com/education/2013/oct/09/university-language-departments-10-things-to-know> (accessed 11 February 2013).

3.2.2. Importance of Spanish in the post-Brexit UK educational system

3.2.2.1. Schools and colleges

Within this sub-section, attention will focus on the teaching of Spanish from the youngest pupils at primary or preparatory schools until the pre-university level at secondary or independent schools or at colleges of further education. Given the strategic importance of Spanish language learning at all levels in the UK, the *Consejería de Educación* in London already commissioned a systematic study on the matter in 2018.⁷⁰ Given the continued relevance of this study coupled with the ever-increasing trajectory of students across the UK studying Spanish, some of its conclusions will be useful in determining what further opportunities exist for Spain in the coming years (see section 3.2.4. below).

According to 2011 figures from the UK Department for Education,⁷¹ there were more than 13,000 speakers of Spanish in English schools,⁷² making Spanish at that time the 14th most commonly spoken language by schoolchildren (so-called “heritage language learners/speakers”⁷³) with English as an additional language.⁷⁴ In the same year in Scotland, Spanish ranked as tenth in importance⁷⁵ although this has now slipped to twelfth.⁷⁶ Even then, however, there were indications that these numbers were growing. According to research published in 2010 regarding London,⁷⁷ the number of Spanish-speaking schoolchildren in that city grew by 57% in the period 1998-2008⁷⁸ although this is probably more of a reflection in an increase of migrants arriving from across Latin America rather than just from Spain or the USA.⁷⁹

In a report published in 2021 by the British Council⁸⁰, Spanish is rapidly consolidating its dominant position in the MFL sector across the UK although French currently remains the most popular language studied at primary, Key Stage 3⁸¹ and GCSE. According to the report, at Key Stage 3, French is taught by 91% of state schools that responded to the British Council survey and 92% of responding independent schools. This figure was followed by Spanish in 74% and 89% of state and independent schools respectively. In Scotland, the number of entries for Spanish in all school level examinations has also been maintained or continued to grow

70 More detailed analysis is provided in Teresa Tinsley & Gonzalo Capellán de Miguel (eds.), *La enseñanza del español en el Reino Unido: Una tendencia al alza*, Secretaría General Técnica, Centro de Publicaciones, Ministerio de Educación y Formación Profesional, Madrid (2018) available at <https://sede.educacion.gob.es/publiventa/la-ensenanza-del-espanol-en-el-reino-unido-una-tendencia-al-alza/ensenanza-espana-reino-unido/22567> (accessed 13 February 2022).

71 Tinsley & Board, *op. cit.*, note 61 above, p. 39.

72 Feyisa Demie, “The Achievement of Spanish Speaking Students in Secondary Schools in England” (2021) 20 *Journal of Latinos and Education*, DOI: 10.1080/15348431.2021.1899925.

73 Adriana Raquel Díaz & Laura Callahan, “Intercultural communicative competence and Spanish heritage language speakers: an overview from the U.S., Australia and Europe” (2020) 7/2 *Journal of Spanish Language Teaching* 150-162.

74 NALDIC, *School Census January 2011 Language Data. Number of Compulsory School Age Pupils in Primary, Secondary and Special Schools by Declared First Language*, National Association for Language Development in the Curriculum, Edinburgh (2011), available at www.naldic.org.uk/research-and-information/eal-statistics/lang (accessed 12 February 2022).

75 Scottish Government, “Main Home Languages”, *Pupil census 2011 supplementary statistics*, National Statistics, Edinburgh (2011), available at <https://www.gov.scot/publications/pupil-census-supplementary-statistics/> (accessed 12 February 2022).

76 Scottish Government, “Main Home Languages”, *Pupil census 2020 supplementary statistics*, National Statistics, Edinburgh (2020), available at <https://www.gov.scot/publications/pupil-census-supplementary-statistics/> (accessed 12 February 2022).

77 On the general experience of Spanish language learners in the UK capital, Darren Paffey, “Global Spanish(es) in a global city: linguistic diversity among learners of Spanish in London” (2019) 6/2 *Journal of Spanish Language Teaching* 131-149.

78 John Eversley, Dina Mehmedbegovic, Antony Sanderson, Teresa Tinsley, Michelle von Ahn & Richard D Wiggins, *Language Capital – Mapping the Languages of London’s Schoolchildren*, Centre for Information on Language Teaching and Research/Institute of Education, University of London, London (2010).

79 Cathy McIlwaine, Juan Camilo Cock & Brian Linneker, *No Longer Invisible: the Latin American community in London*, Queen Mary, University of London (QMUL)/Latin American Women’s Rights Service (LAWRS)/Trust for London, London (2011), available at <https://www.qmul.ac.uk/geog/media/geography/docs/research/latinamerican/No-Longer-Invisible-report.pdf> (accessed 12 February 2022).

80 Collen, *op. cit.*, note 63 above, pp. 17-21.

81 This covers pupils of ages 11-14 according to the English, Welsh and Northern Irish education systems. In Scotland, the approximate equivalent would be the Third Level phase of education, generally for pupils aged 11-15, in their first three years of secondary school.

despite the pandemic.⁸² However, the situation of German is much more precarious: the offer of instruction in schools across England was particularly patchy with 70% of independent schools but merely 36% of state schools offering the language. This represents a serious decline since 2018 and will have impacts on the way in which the UK can conduct business with and in the largest economy on the continent.

The British Council report also noted that the 2020 summer exams were cancelled because of Covid-19. As a result, pupils were awarded grades based on their centre (school or college) assessment grade or a calculated grade, whichever were higher. For the first time, Spanish attracted over 100,000 GCSE entries – almost double that of the figure for 2005 – and it was the most popular A-level language for the second year in a row.⁸³ Having already overtaken German in entries for both GCSE and “A” levels in 2005, if the current trend were to continue, the report predicts⁸⁴ that Spanish is likely to overtake French as the most popular GCSE language by 2026. As a result, in little more than four years, Spanish is likely to be the pre-eminent MFL at school and college in the UK.

Nevertheless, language learning on its own is not sufficient to secure and maintain such pre-eminence in the medium to long term. As a necessary concomitant is the need for active international engagement on the part of UK schools. International experiences give pupils a “real life” opportunity to use the languages⁸⁵ they are learning that can help with motivation by introducing them to a different culture and that can have a sustained positive impact on their lives, whether professional or personal. In 2014, research found that some 62% of MFL students at university had been inspired to study a language degree because of an international school exchange trip.⁸⁶

Types of international engagement include not only trips abroad but activities such as partnering with a school abroad, involvement in international projects or hosting a language assistant. While previous Language Trends reports from the British Council have found that international engagement opportunities for pupils and teachers have been decreasing since 2018, the Covid-19 pandemic has severely curtailed activities further.⁸⁷ Nevertheless, in a more positive note, successful applications for funding from the new Turing scheme indicate that Spain is the preferred country of destination for international engagement activities for primary and secondary schools in England.⁸⁸

3.2.2.2. Spanish and Spanish law degrees at UK universities

The numbers of pupils studying in UK schools and colleges clearly has an impact on the continued viability of Spanish language and Spanish law degrees taught at universities there.⁸⁹ Recent figures⁹⁰ show that nearly 700 Spanish language degrees at undergraduate level – either as single or as part of joint honours degrees (e.g., with business studies, media studies, Spanish law, etc.) – are offered at over 50 British universities out

82 See, e.g., comparisons between 2020 and 2021 - in Scottish Qualifications Authority, “Tables: SCQF Levels 2-7”, *Attainment Statistics (December) 2021*, available at <https://www.sqa.org.uk/sqa/64717.html> (accessed 12 February 2022).

83 Collen, *op. cit.*, note 63 above, p. 18.

84 *Ibid.*

85 See the research in Rachel L. Shively, “Development of assessments in L2 Spanish during study abroad” (2016) 3/2 *Journal of Spanish Language Teaching* 157-170. “L2” means a second language.

86 British Council, “British Council report reveals impact of Covid-19 on language learning at schools in England”, British Council website, 8 July 2021, available at <https://www.britishcouncil.org/about/press/british-council-report-reveals-impact-covid-19-language-learning-schools-england> (accessed 12 February 2022).

87 Collen, *op. cit.*, note 63 above, p. 21.

88 See section 3.3.2. below.

89 On the MFL sector in university education, see Elena Polisca, Vicky Wright, Inma Álvarez & Carlos Montoro, *Language Provision in UK Modern Foreign Languages Departments 2019 Survey*, Report No. 2, December 2019, University Council of Modern Languages (UCML), available at <https://university-council-modern-languages.org/wp-content/uploads/2019/12/LanguageProvisionMFLsSurvey2019.pdf> (accessed 11 February 2022).

90 The figures for undergraduate and postgraduate courses in French, German and Spanish throughout section 3.2.2.2. are taken from *The Complete University Guide website*, available at <https://www.thecompleteuniversityguide.co.uk/courses> (accessed 12 February 2022).

of a total of over 140.⁹¹ However, this still represents a fall⁹² since 2013 when Spanish was offered at degree level by more than 70 universities across the whole of the UK although Spanish has seen fewer departmental closures than other languages. For postgraduate degrees, the figure is much smaller with 27 UK universities offering just 61 courses at that level.

This may be compared to French and German. First, for French, 51 UK universities provide 767 courses on it at undergraduate level while, at postgraduate level, the figure is of 33 universities with 95 courses. Secondly, for German, the figures are closer to Spanish: 39 British universities offer the subject at undergraduate level across 600 courses. This then drops to 30 universities providing 77 courses at postgraduate level. With the trajectory of Spanish-language learning at schools and colleges set to continue to rise in the short to medium term, this will then have a further effect on French and German language departments across the UK with fewer pupils taking the last two language at GCSE and “A” levels.

While the figure for UK higher education institutions providing courses on Spanish represents about a third of universities, the figure hides another matter of concern that also impinges on French and German. Research seems to support the notion that the Russell Group of research-focused universities are increasingly the ones still offering Spanish.⁹³ The fear voiced in some circles is that teaching and research on the Spanish language and its literature will increasingly become to be seen as an elite subject and so deter students from certain backgrounds from studying the subject. This in turn would have an impact on those having to choose a language at GCSE and “A” level, with the possibility that some schools would be forced to drop its teaching entirely.

Overall, taking into account single and joint honours degrees, as well as additional or optional language courses offered as components of other degrees, Spanish remains with French the most popular choice for students.⁹⁴ Of further interest is the distinct category of teaching languages for specific purposes (hereinafter “LSP”), which category covers courses offered for the use of relevant language in a particular context, e.g., medicine, law, engineering, science, business, etc. In this category, Spanish (13 LSP courses) is currently just ranked below French and German with 15 and 14 LSP courses respectively.⁹⁵

3.2.3. Spanish engagement with the UK educational system

The *Consejería de Educación* in London and regional centres has already been pro-actively engaged over many years in establishing a well-functioning network, involving universities, schools and colleges throughout the UK, and so enhancing its strong reputation in collaborative projects. This office represents an invaluable asset in the projection of Spanish cultural diplomacy through language teaching into the very heart of the educational systems of the four nations.

Moreover, there appears to be a strong correlation between the active engagement of the *Consejería de Educación* and the *Instituto Cervantes* and the maintenance and increase in Spanish language learning and engagement across the UK educational systems. And this has occurred in the face of a deterioration in MFL learning in schools and colleges and its resultant impact on university courses as well as the changes in

91 This figure does include all the higher education institutions that can award degrees that are not called university which total some 180 places: Study in UK, “List of universities in the United Kingdom”, *Studying in UK website*, available at <https://www.studying-in-uk.org/list-of-universities-in-the-united-kingdom/> (accessed 12 February 2022).

92 Teresa Tinsley, *The State of the Nation. Demand and Supply of Language Skills in the UK*, British Academy, London (2013), pp. 32-33, available at www.britac.ac.uk/policy/State_of_the_Nation_2013.cfm (accessed 12 February 2022).

93 Simon Baker, “Languages decline sees numbers drop to zero at UK universities”, *The Times Higher Education website*, 24 February 2021, available at <https://www.timeshighereducation.com/news/languages-decline-sees-numbers-drop-zero-ukuniversities> (accessed 11 February 2022).

94 Association of University Language Communities in the UK & University Council for Modern Languages, *AULC-UCML survey of Institution-Wide Language Provision in universities in the UK, 2019-2020, December 2020*, July 2021, available at <https://aulc.org/wp-content/uploads/2021/07/AULC-UCML-survey-of-Institution-Wide-Language-Provision-in-universities-in-the-UK-2019-2020.pdf> (accessed 10 February 2022).

95 *Ibid.*, pp. 8-9.

funding in higher education and the allocation of priorities and resources, e.g., away from the humanities towards STEM.

For example⁹⁶, Spain identified the principal demand within the British educational system that has allowed for the growth of Spanish teaching, viz., the need to take on qualified teachers. In order to address this demand, the Spanish Ministry of Education and Vocational Training and the UK Department for Education (the equivalent British ministry) set up a joint programme for visiting teachers in British schools (see section 2.2. above). In addition, the *Consejería* has organised a series of professional training events for teachers of Spanish already working in British schools, in collaboration with a range of universities across the UK, e.g., Glasgow, Edinburgh, Durham, Warwick, Exeter, Belfast, Swansea and Cardiff. Lastly, teacher-training workshops for primary and secondary school teachers of Spanish are run annually in London, Manchester and Liverpool.

As regards the devolved governments, the *Consejería* works closely with, e.g., the Welsh Government through the Spanish Embassy Education Office-Welsh Programme (hereinafter “SEEO-WP”).⁹⁷ Such programme offers a comprehensive package of collaboration including: the delivery of workshops on the Spanish language and culture to primary and secondary schools, including workshops on GCSE and “A” level, in collaboration with the *Instituto Cervantes*; the promotion of campaigns on the Spanish language and culture (e.g., language fairs, workshops, conferences, talks for students and teachers) in collaboration with the regional education consortia and with Welsh universities; and support measures to motivate learners to study languages at GCSE and beyond.

3.2.4. Potential opportunities for Spain

The undoubted success so far of Spanish linguistic and cultural engagement mediated by the Spanish Ministry and the *Consejería* together with the *Instituto Cervantes* is impressive. It forms a firm foundation on which to build further bridges between Spain, and ultimately the EU, with the UK in the new era of relations.

The editors to the *Consejería’s* 2018 commissioned study on Spanish in the British education systems noted a number of weaknesses and potential threats⁹⁸. These included the fact that Spanish language teaching is not fully established at a primary school level in any of the four nations of the UK and that there remain disparities between schools across those nations in the provision of Spanish. This can result in an uneven transition for pupils between primary and secondary schools, even where Spanish is taught at both levels. Among the threats detailed were the continuing narrative of decline in language learning in schools that may start to affect, though slightly, Spanish. With Brexit, there are clear risks involved: (1) in the supply of teachers from Spain; (2) isolationism coupled with a lack of investment for languages in education, if language learning is not part of the political agenda; and (3) the reduction in opportunities for schools to collaborate internationally.

In this respect, Spain will need to continue to work closely with educational authorities in the devolved nations and other stakeholders in order to shore up the teaching of Spanish at primary and secondary level. For example, financial assistance from the Spanish Government to reimburse an individual’s visas and medical costs under the UK’s Temporary Work – Government Authorised Exchange visa⁹⁹ would help as would continuing support for exchange programmes between schools with Spanish and English language

96 Tinsley & Capellán de Miguel, *op. cit.*, note 70 above, pp. 61-62.

97 Welsh Government, *Global Futures: A plan to improve and promote modern foreign languages in Wales 2020 to 2022*, 24 August 2020, updated 9 February 2021, available at <https://gov.wales/global-futures-plan-improve-and-promote-modern-foreign-languages-wales-2020-2022.html> (accessed 10 February 2022).

98 Tinsley & Capellán de Miguel, *op. cit.*, note 70 above, p. 102.

99 UK Government, *Temporary Work – Government Authorised Exchange visa*, Visas and Immigration (Work in the UK), available at <https://www.gov.uk/government-authorised-exchange> (accessed 10 February 2022).

teachers. This might also involve the post-Brexit of bilateral programmes on teacher or language assistant exchanges¹⁰⁰ that still run with partner schools across various countries in Europe, North America and Asia.

3.3. Education and higher education

3.3.1. Background

The role of higher education in international relations has traditionally been seen through the lens of cultural diplomacy¹⁰¹, as alluded to in the previous section (section 3.2.), and of scientific collaboration¹⁰² that will be the focus of the next section on research (section 3.4.). The dominant modes have been, as already examined, language learning and cultural exchange, while the role of scientific research networks will be addressed later. Between these two poles of cultural and science diplomacy is the transnational mobility of students, vocational trainees and faculty members that forms the core of the present part of this study.

In fact, in the last few decades, it would be correct to observe¹⁰³ that international higher education (hereinafter “IHE”) in general has changed enormously and new dimensions have evolved. Not only students and academics move across borders but also programmes, providers, projects and policies. The landscape of IHE, with its long tradition of scholarly collaboration and academic mobility, is complemented by an array of new actors in this field. These include joint degree programmes between universities; global and bi-national universities setting up campuses across different jurisdictions; transnational mobility programmes; regional centres of excellence; international education hubs; and the worldwide circulation of higher education reform policies.

These aspects of IHE have made an enormous contribution to the building and strengthening of international relations among countries and regions through education and the generation, application and exchange of knowledge – through what might now be better termed collectively as “knowledge diplomacy”.¹⁰⁴

Under the broad umbrella of knowledge diplomacy, this section will focus on the issue of these educational and young professional exchanges while leaving discussion of the field of university research collaboration until section 3.4. below.

3.3.2. Student, trainee and academic mobility

Even before the advent of the Erasmus+ programme or its forerunners, UK students studying a MFL or who had, e.g., a foreign law component of their law degree, usually spent at least six months to one year on a bilateral exchange programme, concluded between their UK home university and their overseas host university. Precise details varied but the student was able to use their home grant to help pay for their time abroad while the terms of the bilateral programme usually exempted participants from fees at each other’s university.

Such opportunities came to be extended to potentially much larger numbers of students and academics with the UK’s participation in the Erasmus+ programme and its forerunners. Sending students and young trainees as well as lecturers to other Member States for educational and professional experience allowed beneficiaries

100 European Commission, *Spain: Bilateral agreements and worldwide cooperation*, EACEA National Policies Platform (Eurydice), 27 January 2022, available at https://eacea.ec.europa.eu/national-policies/eurydice/content/bilateral-agreements-and-worldwide-cooperation-70_en (accessed 10 February 2022).

101 See generally the contributions to Jessica C.E. Gienow-Hecht & Mark C. Donfried (eds.), *Searching for a cultural diplomacy*, Berghahn Books, New York (2010).

102 Tim Flink & Ulrich Schreiterer, “Science diplomacy at the intersection of S & T policies and foreign affairs: toward a typology of national approaches” (2010) 37(9) *Science and Public Policy* 665-677.

103 Jane Knight, “The potential of Knowledge Diplomacy: Higher Education and International Relations”, in Leasa Weimer, *A Wealth of Nations*, EAIE, Amsterdam (2015), pp 37-45.

104 Michael Ryan, *Knowledge Diplomacy: Global Competition and the Politics of Intellectual Property*, Brookings Institute Press, Washington, DC (1998); and Jane Knight, “Moving from Soft Power to Knowledge Diplomacy”, (2015) *International Higher Education*, Number 80, pp. 8-9.

under the programme an opportunity that, for many participants, might not have come their way, due to their economically and/or socially disadvantaged backgrounds.

Given its usefulness and popularity, the May Government repeatedly promised to continue with the programme after UK withdrawal.¹⁰⁵ Moreover, the European Parliament¹⁰⁶ and the EU's Chief Negotiator¹⁰⁷, Michel Barnier, had indicated Erasmus as a likely area of future UK-EU cooperation. In fact, mention of participation in EU programmes was expressly included in the Political Declaration¹⁰⁸ that accompanied the completion of negotiations for the Withdrawal Agreement. In fact, such support for continued UK participation was also officially confirmed by the Johnson Government in the first 12 months of being in power.¹⁰⁹

Despite this upswell of support of stakeholders on both sides,¹¹⁰ Prime Minister Johnson announced on 24 December 2020¹¹¹ that the Government would no longer pursue continued UK participation in the programme.¹¹² What many in the IHE sector saw as a short-sighted and penny-pinching exercise¹¹³, should, in fact, come as a no surprise in view of the present Conservative Government's ideological mindset.

This specific reorientation away from Europe in general, and the EU in particular, is apparently intentional and reflects the present UK Government's championing of a "Global Britain." The UK's International Education Strategy was updated early in 2021 in order to reflect this new orientation and now promotes opportunities¹¹⁴ with extra-European partners (India, Indonesia, Saudi Arabia, Vietnam and Nigeria are priority education markets for the UK Government) with Europe relegated to the next level down, together with Brazil, Mexico, Pakistan, China and Hong Kong. Maintaining or deepening ties with universities, colleges, etc., on the continent has been clearly relegated to a lower tier.

105 See, e.g., BBC, "Brexit: UK in Erasmus student scheme until at least 2020", *BBC News website*, 14 December 2017, available at <https://www.bbc.com/news/uk-politics-42360849> (accessed 13 February 2022).

106 See also European Parliament Resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union (2017/2593(RSP)): OJ C 298/03, 23.08.2018, p. 24.

107 European Commission, "Statement by Michel Barnier at the plenary session of the European Parliament on the Article 50 negotiations with the United Kingdom", 13 March 2018, available at [file:///C:/Users/00070313/Downloads/Statement_by_Michel_Barnier_at_the_plenary_session_of_the_European_Parliament_on_the_Article_50_negotiations_with_the_United_Kingdom%20\(1\).pdf](file:///C:/Users/00070313/Downloads/Statement_by_Michel_Barnier_at_the_plenary_session_of_the_European_Parliament_on_the_Article_50_negotiations_with_the_United_Kingdom%20(1).pdf); and European Commission, "Speech by Michel Barnier at the All-Island Civic Dialogue", 30 April 2018, available at https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_18_3624 (both accessed 10 February 2022).

108 European Council and HM Government, *Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom*: OJ C 34, 31.01.2020, p. 1, para. 11, p. 2.

109 Layla Moran, "Boris Johnson says the Erasmus scheme isn't under threat. Do you trust him?", *The Guardian website*, 16 January 2020, available at <https://www.theguardian.com/education/2020/jan/16/boris-johnson-says-the-erasmus-scheme-isnt-under-threat-do-you-trust-him> (accessed 10 February 2022).

110 See also House of Commons Education Committee, *Exiting the EU: challenges and opportunities for higher education*, Ninth Report of Session 2016-17, HC 683 25 April 2017, available at <https://publications.parliament.uk/pa/cm201617/cmselect/cmeduc/683/683.pdf> (accessed 13 February 2022). This parliamentary select committee made the following recommendation on membership of Erasmus+ (*ibid.*, para. 60, p. 23): "Continued membership of Erasmus+ would be the best outcome for the UK and the Government should consider this as a priority programme in its negotiations with the EU. If this proves impossible, it is vital that the mobility of students and staff is not impeded. The Government should guarantee it will underwrite any Erasmus+ placements potentially under threat in 2019. A replacement mobility programme will need to be drawn up at an early stage so it is ready to begin for the 2019/20 academic year. This replacement could focus on a wider net of countries around the world as long as it safeguards support for disadvantaged groups".

111 Jonathon Read, "Boris Johnson says he's launching his own Erasmus scheme", *The New European website*, 24 December 2020, available at <https://www.theneweuropean.co.uk/brexit-news-westminster-news-brexit-deal-erasmus-scheme-6870328/> (accessed 10 February 2022). Johnson is quoted as saying that leaving Erasmus had been a "tough decision" but that under the new scheme, students would "have the opportunity... not just to go to European universities, but to go to the best universities in the world".

112 James Higgins, "The Turing scheme: a licence to do things better?", *University Business website*, 20 January 2021, available at <https://universitybusiness.co.uk/international/the-turing-scheme-a-licence-to-do-things-better/> (accessed 10 February 2022).

113 In a 2021 House of Lords debate on the Turing Scheme, Lord Parkinson (speaking for the UK Government) indicated that the main reason for leaving the scheme was the future cost of participation: "We would have been paying in nearly £2 billion more than we got back, and we did not think that would represent value for money": UK Parliament, *Education: Turing Scheme*, HL Deb, 5 January 2021, *Hansard*, vol. 809, column 14, available at <https://hansard.parliament.uk/lords/2021-01-05/debates/A0174246-7089-44EE-8C5E-400C8E762D73/EducationTuringScheme> (accessed 13 February 2022).

114 Department for Education; Department for International Trade, "International Education Strategy: 2021 update. Supporting recovery, driving growth", *Policy Paper*, 6 February 2021, p. 9, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958990/International-Education-Strategy-_2021-Update.pdf (accessed 10 February 2022).

It is no coincidence either that, given avowedly the pro-EU and pro-European integration ethos of the Erasmus+ programme in bringing students from across the continent to study and train together, the current British Government was wary about allowing another generation of young people in the UK to continue to benefit from such collaboration. This especially at a time of the British Government's determination to remove the last vestiges of the EU and the benefits of membership from the public narrative of the country. Moreover, the costs argument also appears to be fallacious: it was reported in *The Guardian* newspaper that, with Erasmus students not coming to the UK, universities and the local economies dependent on them were set to lose more than £200 million annually.¹¹⁵

In response the Scottish and Welsh education ministers issued a Joint Statement¹¹⁶ officially condemning the UK Government's decision not to associate with Erasmus+ on the grounds that it would reduce opportunities for all learners and cut support for the most deprived communities: "Participating in an Erasmus+ exchange has proven to increase people's self-confidence, cultural awareness, second-language learning ability, and employability. What's more, these benefits are most pronounced for participants coming from the UK's most deprived areas, and those furthest removed from traditional education". The Joint Statement also confirmed that the Scottish and Welsh Governments would explore how both nations could continue to enjoy the benefits offered by the Erasmus+ programme.

Since education is a devolved power in the UK, this section will look at the ways each constituent nation has responded to the end of British participation in Erasmus+. It will also later identify ways in which Spain might be in a position to help build bridges with willing stakeholders (universities, colleges, multinational companies, etc.) in order to keep IHE possibilities open, initially for those from Spain and the UK. This will be important, at least in the short to medium term, since there is growing support within the Labour Party for a return to Erasmus+ should it come to power.¹¹⁷ Such a position has already been taken by the only nation where the Labour Party is in government, viz., Wales.

3.3.3. England

The UK Government's replacement £100 million scheme for Erasmus+, named after the British scientist Alan Turing,¹¹⁸ covers applications from across the UK. Although this level of funding was initially guaranteed for only one year, the British Government has since announced the funding will be maintained for at least for a further three years, after academic year 2021/22. The Turing scheme funding compares well with that of the Swiss-European Mobility Programme¹¹⁹ that the Swiss Government set up in order to replace the loss of Erasmus+ membership. That programme spent around €23 million to fund 6,000 outward placements and close to 5,000 inward placements. A basic analysis is that as the UK higher education mobility is around four times larger than the Swiss, so a UK equivalent might reasonably cost around €100 million a year (although this figure would be higher if it were to target countries further afield).¹²⁰

115 Richard Adams, "UK students lose Erasmus membership in Brexit deal", *The Guardian website*, 24 December 2020, available at <https://www.theguardian.com/education/2020/dec/24/uk-students-lose-erasmus-membership-in-brexit-deal> (accessed 10 February 2022).

116 Richard Lochhead and Kirsty Williams, *Joint statement between Scottish and Welsh Governments on Erasmus+*, 26 January 2021, available at <https://www.gov.scot/news/erasmus-exchange-programme/> (accessed 10 February 2022).

117 Andrew Kersley, "Gordon Brown joins metro mayors in call to keep UK in Erasmus exchange scheme", *Labour List website*, 7 September 2020, available at <https://labourlist.org/2020/09/gordon-brown-joins-metro-mayors-in-call-to-keep-uk-in-erasmus-exchange-scheme/>; and "Labour should Rejoin the EU's Erasmus student exchange programme", Open letter to Keir Starmer Labour Leader, *Labour Movement for Europe website*, available at https://www.labourmovementforeurope.uk/labour_should_rejoin_the_eu_s_erasmus_student_exchange_programme (both accessed 10 February 2022).

118 Ben Horton & Max Fras, "Turing Scheme: Erasmus Holds Lessons for Global Britain", *Chatham House Expert Comment*, 13 January 2021, available at <https://www.chathamhouse.org/2021/01/turing-scheme-erasmus-holds-lessons-global-britain> (accessed 10 February 2022).

119 Movetia, "European Mobility for Higher Education: Swiss-European Mobility Programme (SEMP)/ERASMUS", available at <https://www.movetia.ch/en/programmes/europe/swiss-programme-for-erasmus/higher-education/mobility> (accessed 13 February 2022).

120 Education Committee, *Exiting the EU, loc. cit.*, note 110 above, para. 57, p. 22.

Although Turing scheme¹²¹ funding is available to support project proposals from across the UK, for ease of convenience it will be dealt with under this subsection covering England, partly because the UK Education Minister is responsible only for educational matters in that nation. In addition, in view of the fact that one school in England has received more funding from the Turing scheme than all the projects submitted from Scotland and Wales combined,¹²² the overwhelming majority of the funding is currently disbursed for projects in England.

3.3.3.1. Turing Scheme

While the Turing scheme does not directly replace the Erasmus+ Programme, as it does not fund exchanges and only UK-based universities and schools, etc., can apply, it does present some form of opportunity for student mobility from the UK and its organisation and mode of disbursement owes much to Erasmus+. This should come as no surprise since, in its first year, continuity and the necessary expertise was maintained between the two programmes since the administration was carried out by a partnership between the British Council and Ecorys, who were previously the UK Agency for Erasmus+.

Turing thus aims at providing only UK pupils, students and apprentices (representing some 35,000-40,000 annually compared with 100,000 on Erasmus+) with the opportunities of studying or training abroad. The funding is open to projects throughout the world and so has no particular European focus. There have been criticisms already raised about the scheme.¹²³

In the first funding exercise, and similar to Erasmus+, UK institutions were asked to bid to join the Turing scheme in early 2021. Successful institutional applicants were to receive funding for administering the scheme, with students receiving grants to help cover the costs of studying abroad.¹²⁴

While schools and universities have been awarded noticeable financial support for placements in countries outside Europe, nevertheless Spain has maintained a strong position for receiving those incoming students from the UK under Turing. In respect of primary and secondary schools¹²⁵, it remained the second most popular destination for all overseas trips (France was first) and ranked first for further education (16-18 year-olds) and vocational education and training participants.¹²⁶ Moreover, it was placed in sixth place overall for international destinations for British university students mobility and second in Europe, just behind France, and well ahead of Germany, Italy and the Netherlands.¹²⁷

121 UK Government, *The Turing Scheme: Programme Guide*, Version 2.3, British Council/Ecorys UK, 18 November 2021, available at <https://www.turing-scheme.org.uk/wp-content/uploads/Turing-Scheme-Programme-Guide.pdf> (accessed 10 February 2022).

122 Impington Village and International College in Cambridgeshire alone received nearly £1 million under the Turing Scheme in order to fund trips to Botswana, Japan, France, Ethiopia, Iceland and Peru: "School Trips: Turing party", *Private Eye*, No. 1561, 26 November – 9 December 2021, p. 40.

123 Paul James Cardwell & Max Fris, "The Turing Scheme: does it pass the test?", *Commentary, UK in a Changing Europe website*, 12 March 2021, available at <https://ukandeu.ac.uk/the-turing-scheme-does-it-pass-the-test/> (accessed 10 February 2022).

124 Department for Education, "New Turing scheme to support thousands of students to study and work abroad", *Press release*, 26 December 2020, available at <https://www.gov.uk/government/news/new-turing-scheme-to-support-thousands-of-students-to-study-and-work-abroad> (accessed 13 February 2022).

125 UK Government, *Proposed Destinations of Funded Turing Scheme Participants in 2021: Schools Participants*, British Council/Ecorys UK, 4 August 2021, available at <https://www.turing-scheme.org.uk/wp-content/uploads/Proposed-Destinations-of-Funded-Turing-Scheme-Schools-Participants-in-2021.pdf> (accessed 10 February 2022).

126 UK Government, *Proposed Destinations of Funded Turing Scheme Participants in 2021: Further Education and Vocational Education and Training Participants*, British Council/Ecorys UK, 4 August 2021, available at <https://www.turing-scheme.org.uk/wp-content/uploads/Proposed-Destinations-of-Funded-Further-Education-and-Vocational-Education-and-Training-Turing-Scheme-Participants-in-2021.pdf> (accessed 9 February 2022).

127 UK Government, *Proposed Destinations of Funded Turing Scheme Participants in 2021: Higher Education Participants*, British Council/Ecorys UK, 4 August 2021, available at <https://www.turing-scheme.org.uk/wp-content/uploads/Proposed-Destinations-of-Funded-Higher-Education-Turing-Scheme-Participants-in-2021.pdf> (accessed 9 February 2022).

3.3.4. Scotland

As part of its already existing Saltire Scholarships programme of scholarships offered by the Scottish Government in collaboration with Scottish universities, the Scottish Minister of Education and Universities launched in autumn 2021¹²⁸ a special funding scheme, extending the programme to provide support for part of the tuition fees for EU and EEA students at Scottish universities and colleges of higher education.¹²⁹

The scheme has been designed to help ease the negative impact of Brexit on student numbers. The latest data from the British body, the Universities and Colleges Admissions System (hereinafter “UCAS”) shows a 41% decrease in the number of EU students applying to study at Scottish universities the academic year 2020/21.¹³⁰ As the Minister, Jamie Hepburn, stated in an interview:¹³¹

EU students make an absolutely vital contribution to our economy, educational environment and society as a whole.... Our new scholarship programme will help strengthen and repair our links with the EU and sends a clear message that Scotland is open for business to European students.... In the last year we have sadly seen a dramatic reduction in applications from EU students looking to study here, we are determined to do all we can to reverse the damage caused by Brexit and promote Scotland’s education offer globally.

The Scottish Government has already allocated the funding to institutions through the Scottish Funding Council and students starting their studies in autumn 2021 or in January 2022 have been able to apply for support. This new £2.25 million scholarship programme is focused on Master’s level courses (although undergraduate programmes may be considered) and aims to fund some 290 scholarships are made available, amounting to £8000 at universities and £4000 at colleges of higher education.¹³²

3.3.5. Wales

As a direct result of the UK Government’s decision to withdraw from the Erasmus+ programme, the Welsh Government announced¹³³ in March 2021 its launching of an International Learning Exchange Programme for Wales (hereinafter “ILEP”). ILEP has been designed to allow students, vocational trainees and academic staff – from wherever they come – who are enrolled at an organisation in Wales, to continue to benefit from reciprocal international exchanges in a similar way to Erasmus+, not just in Europe but also further afield. Mobility activities will begin at the start of the academic year 2022-23 and run until 2025-26,¹³⁴ supported by an investment of £65 million. During this time, it is hoped some 15,000 participants from Wales will go on overseas mobility exchanges, with 10,000 participants coming to study or work in Wales.

The main aims of ILEP include, *inter alia*: (a) enabling reciprocal exchanges (whether based on physical mobility or co-operation remotely) between educational and training institutions as well as youth work settings in Wales and internationally; (b) supporting, as far as possible, the entire range of activities which have been available to learners in Wales under the EU’s Erasmus+ programme 2014-2020; (c) supporting an ambitious range of scholarships to attract the best and brightest students from across the world to study

128 Scottish Government, “Supporting EU students: Scholarship programme to repair links with Europe,” *Scottish Government News website*, available at <https://www.gov.scot/news/supporting-eu-students/> (accessed 9 February 2022).

129 Scottish Funding Council, *Funding for Saltire Scholarships 2021-2022, SFC Announcement*, 30 September 2021, available at file:///C:/Users/00070313/Downloads/Funding_for_Saltire_Scholarships_2021-22.pdf (accessed 9 February 2022).

130 Lynne Currie, “Further and Higher Education in Scotland: Subject Profile”, *SPICe Briefing*, Scottish Parliament Information Centre, July 2021, p. 15, available at <https://sp-bpr-en-prod-cdnep.azureedge.net/published/2021/7/27/748aa666-cc88-4f53-8b0c-36b6dfbc54e0/SB%2021-42.pdf> (accessed 13 February 2022).

131 Richard Mason, “Scotland creates £2.25m scholarship for EU students to ‘repair’ links with Europe”, *The National website*, 30 September 2021, available at <https://www.thenational.scot/news/19615706.saltire-scholarships-support-eu-students-looking-study-scotland/> (accessed 13 February 2022).

132 Colleges are also to consider applications for Higher National (HN) level, Higher National Certificate (HNC) or Higher National Diploma (HND).

133 Mark Drakeford & Kirsty Williams, “Written Statement: An International Learning Exchange Programme for Wales”, *Cabinet Statement, Welsh Government website*, available at <https://gov.wales/written-statement-international-learning-exchange-programme-wales> (accessed 9 February 2022).

134 Funding for an additional year will be provided for ongoing projects, final reporting, and project closure.

in Wales; and (d) including additional flexibilities, notably allowing for shorter exchanges involving higher education, and potentially supporting exploratory exchanges to broker international research partnerships.

The detailed work to design and deliver the ILEP is currently being undertaken by the host organisation, Cardiff University, and is due to report in spring 2022.¹³⁵ Cardiff University's role is to serve as the Programme Executive to ensure ILEP delivers across the entire education sector and it is working in partnership with an Advisory Board involving all relevant stakeholders that includes representatives of: The Welsh Government; Universities Wales; *Colegau Cymru*; The Council for Wales of Voluntary Youth Services; National Training Federation Wales; Welsh Local Government Association; NUS Wales; the Welsh Youth Parliament; the Higher Education Funding Council Wales and its successor. Moreover, these stakeholders will also be called upon, once ILEP is up and running, to take an active role in ensuring applications across all sectors are encouraged and supported and that opportunities are promoted all over Wales.

3.3.6. Northern Ireland

Lastly, at the other end of the spectrum to England, is the situation in Northern Ireland. Due to the unique position of that nation post Brexit and in the spirit of the 1998 Good Friday Peace Agreement, the Irish Government (in the south of the island) agreed in autumn 2020 to support Northern Irish students' continued participation in Erasmus+.¹³⁶ This reaffirmed a commitment made by the Irish Government in April 2019 when, in anticipation of a possible no-deal Brexit outcome, it stated that arrangements ought to be made to enable students of relevant institutions in Northern Ireland to have continued access to Erasmus+.

In an interview, Minister for Further and Higher Education, Simon Harris, indicated the reasons for the Irish executive's continued financial support for Northern Irish participation:

The Government of Ireland made a very solemn commitment to Northern Ireland that, even after Brexit, we would make sure that there were still ways for us to cooperate and collaborate in relation to higher education.... I've sought and secured Government approval now to extend the benefits of Erasmus+ to students in Northern Ireland even after Brexit. I think it's a very practical example of us wanting to continue to collaborate with Northern Ireland post-Brexit.

Almost every day I talk about the importance of collaborating on a north-south basis and the importance of working together with the higher education institutions in the North.... I think it would have been a real missed opportunity if Brexit had happened and we didn't have this ability to collaborate across the European Union, it's really important that students in Northern Ireland can continue to access Erasmus+.

Funding is available to all full-time students attending tertiary level institutions (the two universities as well as colleges of higher education) and will not be limited to those with an Irish passport, so that British passport holders will also qualify.

Students from Northern Ireland need temporarily to register with Irish higher education institutions to take part in the scheme. At a cost of €2 million a year, based on the current numbers of students in Northern Ireland that access Erasmus, the Irish Government has made a permanent commitment, provided that Northern Irish students wish to benefit from Erasmus+. It views the cost as relatively low – in 2019, 649 students and staff from Northern Ireland had taken part in the scheme – and as an investment in securing relationships between institutions north and south and in the next generation of young people of the island.

3.3.7. Potential opportunities for Spain

The Spanish State Secretary for Education and Vocational Training has already set out before the relevant parliamentary committee of the *Cortes Generales* his assessment of the issues that Spain and the EU will need

135 Cardiff University Media Centre, "International Learning Exchange Programme (ILEP)", *Media statement*, 4 April 2021, available at <https://www.cardiff.ac.uk/media/media-statements/international-learning-exchange-programme-ilep-04.05.2021> (accessed 9 February 2022).

136 Vincent Kearney, "Govt to fund Erasmus+ scheme for Northern Ireland students", *RTE News website*, updated 26 December 2020, available at <https://www.rte.ie/news/ireland/2020/1226/1186524-erasmus-northern-ireland/> (accessed 9 February 2022).

to address in this field in the coming years.¹³⁷ He emphasised the point that, as already alluded to throughout the present study, even with the conclusion of the TCA, there were only some references in it that indirectly affected the educational field, whose practical application would have to be negotiated by other Ministries or by the European Commission. This was the case of the right to movement of students; residence, work and study permits; as well as social security benefits¹³⁸ and health care.

There were still many problems to solve, and for this reason he informed the committee that the possibility of concluding a bilateral treaty between Spain and the UK was being considered.

He ended his intervention with a particular reference to the problem of the movement of students and the exit of the UK from the Erasmus+ programme, despite its original intention. He made reference to the Turing Scheme as being unilateral in nature, with a more limited scope and without providing for reciprocity in the payment of university fees or in the conditions for obtaining visas for students from the EU¹³⁹. The objective was therefore to find ways to guarantee this reciprocity at European or bilateral levels.

With the State Secretary having already identified the gaps and with no apparent enthusiasm for the EU on developing post-Brexit relations in the education field – due to the British decision to leave Erasmus+ and the doubts surrounding its participation in multiannual research programmes (see section 3.4. below), it would appear that the best way forward for now will be bilateral negotiations, leading to a memorandum of understanding between the Governments or even a broader bilateral treaty dealing with the issues – that the State Secretary had already raised – on a reciprocal basis.

In taking the lead on this, the Spanish Government and its private sector stakeholders would be making excellent use of Spain's soft power through employing its knowledge diplomacy in the education field. It would feed back into continuing and strengthening the popularity of learning Spanish in the UK and underline Spain's commitment to the European destiny of Britain's young people.

3.4. Research

3.4.1. Background

In this last section, the potential for promoting Spanish diplomacy will be examined within the overall context of maintaining UK participation in the multilateral research programmes of the Union. Studies on science diplomacy highlight its benefits for the participating countries and their research communities¹⁴⁰ and emphasise its nature as a diplomacy of influence, part of the understanding of soft power projection originally noted by Nye.¹⁴¹

Thus, one aspect of science diplomacy (of which research is an essential component) is the coordination¹⁴² of “the advancement of scientific cooperation and exchanges throughout the use of diplomacy to foster resource internationalization, network development, and infrastructure building”. In this respect, all the states participating in such projects need to benefit and to improve their scientific research in order to facilitate progress in such fields as, e.g., information technology or medicine. International science cooperation and

137 Alejandro Tiana Ferrer, Secretario de Estado de Educación, Sesión 27 abril 2021, *Boletín Oficial de las Cortes Generales (Sección Cortes Generales)*, Serie A, núm. 189, 25 de noviembre de 2021, p. 46.

138 Although, it must be remembered, that the TCA does contain some provisions on social security: Articles 488-491 TCA and the TCA Protocol on Social Security Coordination.

139 UK Government, *Student visa*, Study in the UK on a Student visa (Student visa – Contents), available at <https://www.gov.uk/student-visa> (accessed 13 February 2022).

140 Mauro Galluccio, *Science and Diplomacy: Negotiating Essential Alliances*, Springer Nature, Cham (2021), p. 26; and Pierre-Bruno Ruffini, *Science and Diplomacy. A New Dimension of International Relations*, Springer, Cham (2017), p. 11-17.

141 Joseph S. Nye, *Soft Power: The means to success in world politics*, Public Affairs, New York (2005).

142 The Royal Society, *New Frontiers in Science Diplomacy. Navigating the Changing Balance of Power*, The Royal Society, London (2010), p. 9.

research is facilitated by states' diplomatic and consular networks that bring together different states around the goals of a specific project¹⁴³, thereby promoting the national scientific community on the global stage.¹⁴⁴

Another aspect of science diplomacy is the use of cooperation agreements that aim to benefit a state.¹⁴⁵ Such agreements are agreed and signed by governments and institutions and can facilitate joint ventures. Also included under this aspect are the signing of multilateral scientific cooperation agreements, the creation of new bilateral or multilateral institutions for research,¹⁴⁶ and the involvement of public and private stakeholders through the setting up of schemes to support, *inter alia*, research scholarships and fellowships. This rise of networks in research represents a “fundamental shift ... in the geography of science” as scientific and academic networks around the world become increasingly regionalised.¹⁴⁷

Although these academic networks (centred on the mutual exchange of learning and research) predate the EU by a considerable time¹⁴⁸, nevertheless they represent arguably the most significant aspect of the EU's involvement in higher education in the continent. The Union's determination is to nurture excellence across all sectors, investing considerable resources and energy in the process, in order to create resilience in networks that can compete with the best research coming from the USA, Japan and, more recently, China.

The vote in favour of leaving the EU thus undermined the British research sector, with its potential to slip below competitors such as Canada and Australia, even China.¹⁴⁹ It is no wonder that University of Manchester-based physicist and Nobel Laureate, Professor Andre Geim,¹⁵⁰ noted in 2017 that academic research was but one of the many “casualties” of Brexit and cited his own personal experience. In the wake of the Brexit vote, applications to join his renowned research group through the EU-sponsored MSCA scheme collapsed and he had received no applications through the scheme at all.

The future of research funding was particularly dire, whether for research-intensive universities with international reputations in the STEM subjects or for rarely funded arts and humanities research at national level: loss of funding for these latter subjects, as well as social sciences, will mean the closure of courses, programmes and, as a last resort, departments.¹⁵¹ For example, the top five UK universities received funding under the former Horizon 2020 programme, indicating the number of projects and the amount of funding¹⁵²: (1) Oxford (427 projects, over €300 million); (2) Cambridge (450, just under €300 million), (3) University College London (408, over €250 million); (4) Imperial College London (317, nearly €200 million); and (5) Edinburgh (265, over €175 million).

In view of their pre-eminence in attracting support from research programmes funded by Brussels while still in the EU, British universities have accordingly been at pains to ensure that these funding streams would not be turned off after Brexit. Collaborations with Europe were previously cemented through the EU Framework

143 Such as the International Experimental Reactor (“ITER”), available at <https://www.iter.org/>; and the Large Hadron Collider (“LHC”), available at <https://home.cern/science/accelerators/large-hadron-collider>.

144 Galluccio, *loc. cit.*, note 140 above.

145 *Ibid.*

146 For example, the European Organization for Nuclear Research (“CERN”), instituted in 1954: CERN website, available at <https://home.cern/>.

147 Jonathan Adams, “The rise of research networks” (2012) *Nature*, núm. 490, 335-336, p. 335.

148 It could be argued that these links extend back to Renaissance times and before. See Hannes Androsch, Johannes Gadner & Anton Grascopf, “Universities in the Digital Age: From the medieval *universitas* to the global *knowledge network hub*”, in Austrian Council for Research and Technology Development (ed.), *Prospects and Future Tasks of Universities*, Lit Verlag, Vienna (2017), chapter 14, pp. 191-209.

149 Mike Finn, *British Universities in the Brexit Moment: Political, Economic and Cultural Implications*, Emerald Group Publishing, Bingley (2018), chap. 3, p. 70.

150 Simon Parkin, “Brexit: Scientist behind one of the century's most important discoveries set to leave UK over EU exit”, *The Independent website*, 10 August 2017, available at <http://www.independent.co.uk/news/science/brexit-latest-scientist-andregeim-graphene-discovery-university-manchester-eu-exit-withdrawal-a7886416.html> (accessed 9 February 2022).

151 Finn, *op. cit.*, note 149 above, chap. 3, pp. 74-88.

152 Quirin Schiermeier, “UK universities go for Brexit gambit to safeguard funds” (2018) *Nature*, Vol. 562, pp. 467-468, p. 468.

Programmes¹⁵³, which began in 1984 and is now in its ninth iteration as Horizon Europe. For example, during the Seventh Framework Programme, that ran from 2007-2013, the UK participated in over 10,000 projects with over 18,000 participants. In total, the UK secured around €7 billion in funding (15% of total awarded funding) over that period. The UK had the second greatest share of participations and of EU funding, behind Germany in both cases.¹⁵⁴ This EU support represented overall some 14% of British universities' research funding.¹⁵⁵

This enthusiasm and support were replicated by the research community in the EU that underlined the fact that the absence of British universities from pan-European projects would, in their opinion, severely undermine their many deep and long-lasting partnerships that were of a high value to Europe as a whole.¹⁵⁶ EU universities thus called for a speedy association of the UK to Horizon Europe¹⁵⁷ in an open letter of November 2021.¹⁵⁸

The lynchpin in this subsection is accordingly the UK's use of the opportunities under the TCA to be able to accede rapidly to the Horizon Europe research programme as well as Euratom R&T and Copernicus.¹⁵⁹ However, British participation is being held up amid recriminations in the current negotiations on the operation of the Protocol for Ireland/Northern Ireland to the 2019 Withdrawal Agreement. Problems surrounding its implementation and enforcement have had a negative impact across a variety of matters linked to the stabilisation of EU-UK relations post Brexit. This has led to the unfortunate circumstance where, for similar reasons in the present state of their bilateral relations with the EU, both the UK and Switzerland¹⁶⁰ have not had their Horizon Europe participation confirmed by the European Commission but other third countries have, including Georgia, Moldova, Montenegro, North Macedonia, Serbia and Turkey.¹⁶¹ In this current climate, both the British and Swiss Governments are considering further options in the case that these interlinkages are not resolved in their bilateral dealings with the Union.¹⁶²

Against such an uncertain background, this subsection will look first at the situation in which the UK eventually accedes to Horizon Europe and other pertinent research projects under the terms of the TCA. In the second situation, where the UK fails to be accepted for participation in those projects, it will be necessary

153 Vincent Reillon, *EU framework programmes for research and innovation: Evolution and key data from FP1 to Horizon 2020 in view of FP9*, European Parliamentary Research Service, PE 608.697, September 2017, available at [file:///C:/Users/00070313/Downloads/QA0617022ENN.en%20\(1\).pdf](file:///C:/Users/00070313/Downloads/QA0617022ENN.en%20(1).pdf) (accessed 13 February 2022).

154 Adrian Smith & Graeme Reid, *Changes and Choices: Advice on future frameworks for international collaboration on research and innovation, commissioned by the Minister of State for Universities, Science, Research and Innovation*, Department for Business, Energy & Industrial Strategy, London, July 2019, p. 8, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844488/Changes_and_Choices.pdf (accessed 13 February 2022).

155 The Guardian: Editorial, "The Guardian view on universities: facing a double whammy", *The Guardian website*, 22 September 2016, available at <https://www.theguardian.com/commentisfree/2016/sep/22/the-guardian-view-on-universities-facing-a-double-whammy> (accessed 9 February 2022).

156 European Universities Association ("EUA"), "Europe's universities urge fast association of the UK to Horizon Europe", *EUA News website*, 7 October 2021, available at <https://eua.eu/news/750:europe%E2%80%99s-universities-urge-fast-association-of-the-uk-to-horizon-europe.html> (accessed 9 February 2022).

157 Robin Bisson, "European universities tell EU: 'UK Horizon association needed now'", *Research Professional News online*, 4 November 2021, available at <https://www.researchprofessionalnews.com/rr-news-europe-horizon-2020-2021-11-european-universities-tell-eu-uk-horizon-association-needed-now/> (accessed 9 February 2022).

158 Letter to European Commission President, Ms. Ursula von der Leyen, 4 November 2021, available at https://www.the-guild.eu/news/2021/joint_statement_for_uk_association_horizoneu_final.pdf (accessed 9 February 2022).

159 See, respectively, Regulation 2021/765, note 33 above; and Regulation 2021/696, note 34 above.

160 Clive Cookson & Andrew Jack, "Scientists campaign for UK and Switzerland to join EU programme", *The Financial Times website*, 8 February 2022, available at <https://www.ft.com/content/8a32c1a1-e8ab-492d-9d19-11c40692261a> (accessed 13 February 2022).

161 European Commission, "List of Participating Countries in Horizon Europe", *EU Grants: List of participating countries (HE): V1.5*, 1 February 2022, available at https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/list-3rd-country-participation_horizon- Euratom_en.pdf (accessed 9 February 2022).

162 UK Department for Energy, Business and Industrial Strategy & UKRI, "UK government provides financial safety net for Horizon Europe applicants", *Press release*, 29 November 2021, available at <https://www.gov.uk/government/news/uk-government-provides-financial-safety-net-for-horizon-europe-applicants>; and Swiss State Secretariat for Education, Research and Innovation ("SERI"), "Horizon Europe and Euratom", *SERI website*, available at <https://www.sbf.admin.ch/sbf/en/home/research-and-innovation/international-cooperation-r-and-i/eu-framework-programmes-for-research/horizon-europe.html/> (both accessed 13 February 2022).

to analyse the available alternatives and how the public and private sector in Spain might be able to contribute to deepening its research cooperation with the UK.

3.4.2. Eventual UK participation in EU research programmes

The best scenario post Brexit for British and EU research partners would be the participation in the three mentioned programmes, with the possibility of joining others in the future. For example, the limitations for the UK¹⁶³ as being merely an “associated country” to Horizon Europe are that UK entities¹⁶⁴ are not eligible to participate in the EIC Fund part of the EIC Accelerator. This is because the UK decided not to take part in financial instruments of the EU with the result that UK entities can apply for grants under the Accelerator but will not be eligible for loans or equity.

But, apart from those exceptions, UK entities will have the same rights as EU participants and will be eligible for funding at the same rates and under the same conditions. In addition, UK entities will be able to lead project consortia and will count towards the minimum number of countries in calls for transnational projects.

In view of the continued delay to UK association with Horizon Europe, the British Government announced in November 2021¹⁶⁵ that successful Horizon Europe applicants would receive funding from UK Research and Innovation (hereinafter “UKRI”), irrespective of the outcome of the UK’s attempts to associate itself to the EU programme. This was to apply to the first wave of calls where the delay to UK association to the programme might prevent them from signing grant agreements.

3.4.3. Lack of UK participation in EU research programmes

In view of the current political difficulties, it is necessary to address the possibility of the UK failing in its bid to associate itself with Horizon Europe and the other programmes. The absence of the UK from EU research projects effectively recreates the earlier “no-deal” scenario for the research sector in Britain where the TCA had not come into force. Ideas discussed within that context are likely to be dusted down and reconsidered as applicable in the new circumstances.

Even if the UK Government steps in and covers the research funding for the initially successful projects under the three abovementioned programmes, there is no guarantee as to its continued support in the mid to long term. This is especially so outside the core STEM focus of higher education policy promoted by successive Conservative-led governments since the 2008 financial crisis.¹⁶⁶ Thus, support for research in the arts and humanities is likely to be severely impacted, leading to more departmental closures at universities, while the social sciences will also feel the effect although probably with less dire consequences.

3.4.4. Potential opportunities for Spain

British universities, research centres and private sector companies are likely to experience great hardships with the UK’s possible non-participation in EU research programmes. In such a scenario, Spain should consider a range of possible ways to help support the continuing relationships that British entities have with research partners in this country while also striving to develop ones outside the original EU-programme framework.

163 European Commission, *Q&A on the UK’s participation in Horizon Europe*, 22 December 2021, available at https://ec.europa.eu/info/sites/default/files/research_and_innovation/strategy_on_research_and_innovation/documents/ec_rtd_uk-participation-in-horizon-europe.pdf (accessed 9 February 2022).

164 UK entities including universities, research centres, scientists, innovative businesses, industry, etc.

165 Department for Business, Energy & Industrial Strategy/UK Research and Innovation, “UK government provides financial safety net for Horizon Europe applicants”, *Press release*, 29 November 2021, available at <https://www.gov.uk/government/news/uk-government-provides-financial-safety-net-for-horizon-europe-applicants> (accessed 9 February 2022).

166 This is already having an impact on the numbers of students studying MFL. See Fiona McIntyre, “Students lose interest in modern foreign language degrees”, *Research Professional News website*, 4 February 2021, available at <https://www.researchprofessionalnews.com/rr-he-student-trends-2021-2-students-lose-interest-in-modern-foreign-language-degrees/> (accessed 11 February 2022).

3.4.4.1. UK university academic alliances in Spain

First among those ideas, and one that has already been acted upon by several British universities, is their establishment of academic alliances (e.g., research centres or hubs) in EU Member States. Some, like the University of Kent, had already set up their satellite centres in Brussels (1998)¹⁶⁷ and Paris (2009)¹⁶⁸, well before there was a whiff of Brexit. Others, like the Universities of Oxford, Warwick and Glasgow as well as Imperial College London, have since entered into various arrangements with continental universities. These arrangements should, in fact, be seen within a more globalised IHE offering that has expanded in the last two decades: e.g., a number of British universities already have campuses in the Middle East and the Far East.¹⁶⁹ So the need to expand into the EU has a double benefit not only as regards potential EU research and funding opportunities but also as regards the possibility of their students continuing some form of university exchange at these overseas campuses after Brexit, whether or not funded by the Turing scheme.

For example,¹⁷⁰ the University of Oxford established a research partnership at the end of 2017 with four institutions in Berlin that is mainly financed by the Berlin state government and private sponsors. In 2018, e.g., the alliance launched a pilot call for proposals and made €10,000-30,000 available in seed grants, with the intention of raising additional third-party funding. Any faculty members of the five institutions involved can apply. A second call was announced later in 2018 for 2019. Crucially, the partnership serves as Oxford's legal entity in Germany and provides an administrative office at the university clinic Charité in Berlin for visiting researchers. That means, at least in theory, that some Oxford-based researchers might be able to access EU funding.

A host of other similar partnerships are at various stages of development. In September 2018, Imperial College London announced an expansion of its long-standing research-and-education partnership with the Technical University of Munich in Germany. Also in 2018, the University of Warwick launched major teaching and research collaboration with its partners in Paris and Brussels, including the possibility for student exchange, fellowships for early career researchers and the establishment of double degrees.¹⁷¹ The University of Ljubljana (Slovenia) subsequently joined this alliance.¹⁷²

In view of these various alliances that are already in operation, Spain and Spanish universities might like to consider either participation in them or in founding their own, looking to their own pre-existing networks of collaboration. The Spanish Government might also wish to assist in these alliances through, e.g., a special tax regime to encourage investment in academic and research infrastructure, or through use of public funds to increase its comparatively low percentage of financial support for research and development when compared to similar countries in Europe. Such support could be partnered between the state and regional administrations in Spain, British and Spanish universities and the private sector of both countries.

167 See the website of the University of Kent – Brussels School of International Studies, available at <https://www.kent.ac.uk/brussels> (accessed 9 February 2022).

168 See the website of the University of Kent – Paris School of Arts and Culture, available at <https://www.kent.ac.uk/paris> (accessed 9 February 2022).

169 Although the success of such expansion into these areas is not guaranteed. See Ellie Bothwell, “Are branch campuses withering?”, *Times Higher Education website*, 20 June 2019, available at <https://www.timeshighereducation.com/features/are-branch-campuses-withering> (accessed 13 February 2022).

170 Schiermeier, *loc. cit.*, note 152, above, pp. 467-468.

171 University of Warwick, “University of Warwick launches major teaching and research collaboration with partners in Paris and Brussels”, *Press Release*, last revised 23 August 2018, available at https://warwick.ac.uk/newsandevents/pressreleases/university_of_warwick_launches_major_teaching_and_research_collaboration_with_partners_in_paris_and_brussels1/ (accessed 9 February 2022).

172 University of Warwick, “Paris summit to see further political and academic backing for new European university alliance”, *Press Release*, 29 October 2018, available at https://warwick.ac.uk/newsandevents/pressreleases/paris_summit_to/ (accessed 9 February 2022).

3.4.4.2. Funding of research outside the EU framework

Outside the EU framework and the possibilities of obtaining research grants from the *Real Academia*, the Royal Academy for Science, the British Academy and related UK-based bodies, it may be necessary to explore further ways in which bilateral research projects (perhaps as an adjunct or complementary to those already funded under Horizon Europe) may be supported financially.

In this respect, Spain may wish to form a public-private partnership to promote and fund Spanish-British research cooperation. Taking the example of the lead multinational companies, with an established and important economic presence in both countries (e.g., Banco Santander, Banco Sabadell, Iberdrola, Telefónica, Iberia and British Airways through IAG Group¹⁷³, Jo Malone, Primark¹⁷⁴, etc.), it might be possible to pool resources and offer researchers and groups from both countries visiting research fellowships and fund grants for joint projects. As with similar research support, programmes would need to be named jointly after Spanish and British scientists, Nobel laureates or renowned authors from the past. Moreover, in targeting bilateral relations, the parties involved could designate particular areas in which collaboration in research, exchange of best practices, and optimal opportunities for development. Such areas could include the green economy, the digital economy, medical and pharmaceutical research, transport engineering and construction, etc.

Again, the Spanish Government might be able to help devise certain tax incentives for “seeding” under such projects and to encourage a positive climate for entrepreneurialism, perhaps directed at the younger generation of businesspeople and creators. By investing in schemes of research cooperation and entrepreneurship between Spain and the UK, it would then be possible to create jointly run hubs of innovation that would allow for the exchange of ideas and also serve as examples for other EU Member States. In learning from each other in real time, both countries and their nationals could benefit and contribute not only to changing dynamics in their economies but also assist through practice in evolving new legal and tax structures to deal with the challenges of the 21st century. This experience could feed back into the legal and financial loop in the EU thereby affording further opportunities to develop at the EU level.

3.4.4.3. Visas for researchers

In order to promote the cooperation outlined in the previous subsection (3.4.3.3.), it will be necessary to consider the possibility of providing a special regime of visas for researchers.

Although the UK has already created “global talent” visas for overseas researchers¹⁷⁵, applying for and using such visas still involves time, costs, paperwork and support from the receiving institute. Thus, while the researcher’s visa is set at £55 if they come from Spain (as with most other European countries), the visa for a partner and children is not reduced. Moreover, all need to provide £600 for health care for one year. Similar challenges exist for researchers coming to Spain from the UK for long-term visits.

As noted in section 3.3. above, before the relevant parliamentary committee in the *Cortes Generales* in spring 2021, the State Secretary for Education¹⁷⁶ proposed, in the absence of any EU initiative, that some sort of bilateral agreement in the general field of education and higher education needed to be concluded between Spain and the UK. Due to the wording of the relevant EU Directive dealing with researchers from

173 Ignacio Molina, Miguel Otero Iglesias & Federico Steinberg, “Spain and the prospect of Brexit”, *Elcano Policy Paper*, March 2018, Real Instituto Elcano, Madrid, pp. 19-20, available at <https://www.realinstitutoelcano.org/en/policy-paper/spain-and-the-prospect-of-brexit/> (accessed 9 February 2022).

174 Department for International Trade, *Guidance – Doing business in Spain: Spain trade and export guide*, updated 4 August 2015, withdrawn 31 October 2019, available at <https://www.gov.uk/government/publications/exporting-to-spain/doing-business-in-spain-spain-trade-and-export-guide> (accessed 9 February 2022).

175 UK Government, “Apply for the Global Talent visa”, Visas and immigration (Work in the UK), available at <https://www.gov.uk/global-talent> (accessed 13 February 2022).

176 Tiana Ferrer, *loc. cit.*, note 137 above.

third countries¹⁷⁷, it would be possible to create a more accommodating framework of relations in the research area and reduce the complexity and costs of the procedure for taking up short to medium term research placements in each other's country. These opportunities would necessarily be limited in scope and duration within the terms of a memorandum of understanding but would be aimed at facilitating access for researchers, particularly working on joint projects between the two countries.

177 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing: OJ L 132, 21.05.2016, p. 21. Article 4 of the 2016 Directive states: "1. This Directive shall be without prejudice to more favourable provisions of ... (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries". The second paragraph provides that the Directive is without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the third-country nationals to whom the Directive applies with respect to, *inter alia*, the duration of the authorisation to stay; teaching by researchers; economic activities by students; stay (after completion of research or studies) for the purpose of job-searching or entrepreneurship for researchers and students; and researcher's family members.

Part IV. Conclusion

This study has attempted to look for opportunities in building bridges between Spain and the UK, following Brexit, in the fields of culture, education and research. Despite the overall negative impact in these fields in the lead up to and in the aftermath of British withdrawal, the time has now come for Spain to reappraise its relationship with the UK and use a broad range of public diplomacy – cultural, knowledge, science – in order to shore up the bridges damaged by Brexit while laying the foundations for others.

As already noted throughout the study, the present climate in EU-UK relations seems to militate against any deepening of collaboration at that level and so the basic premise of this and the other studies in this project remains sound – namely, leveraging a development in bilateral Spain-UK relations in order to be able, subsequently, to revive and evolve to those between the EU and the UK.

Spain's long and profound cultural, educational and research-oriented relations with the UK put it in a key position in progressing the concept of building bridges. The immense popularity of learning Spanish in schools and colleges across the UK, the resilience of Spanish teaching in the face of cuts in education and higher education and the invaluable work in creating a durable and collaborative network through the *Consejería de Educación* in London are key parts of this unique relationship. It forms a vital component in the further construction of bilateral relations, one that is not available to many other EU Member States.

There is therefore a need on the part of Spain to embrace these opportunities while not ignoring the more challenging aspects of trying to progress further relations with the UK in the three fields under consideration in this study. Nevertheless, provided Spain organises its response in a strategic manner, ensures collaboration between the public and private sectors, and organises the necessary inter-institutional cooperation through a committee representing the different stakeholders in these fields, then it may experience a deepening of bilateral activity with the UK that will ultimately form an essential component in a warming up or rapprochement in British relations with the EU.

Even if this rapprochement takes until a change in ideology and/or attitude at the top of the present British political establishment, enough stakeholders already exist at national, regional and local levels across the UK to take relations further with Spain in terms of language learning, IHE student and academic mobility and cooperation, and the funding and development of bilateral research networks.

While making a success of this enterprise will need reconsideration of and innovation in current legal, tax and financial support structures, such renewal on the part of Spain will also have positive knock-on effects with the nature and form of its relations with other third countries as well as EU Member States. Spain is in a strong position to make a positive and proportionate contribution to the continuing of bilateral relations with the UK in culture, education and research. This study aims to support the use of Spanish diplomatic and academic prowess in building the necessary bridges with the UK in these three fields.

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Annex: Proposals for Further Consideration

Spain is in a strong position to benefit and develop relations with the UK in the fields of culture (language), education (higher education) and research. As part of its work on cultural, knowledge and science diplomacies within its more general soft power diplomacy, a deepening of bilateral activity in these fields with the UK will ultimately evolve into an essential component in a future warming up or rapprochement in British relations with the EU.

1. Spain will need to organise its response to the continuing challenges in these three fields by formulating an overall strategic plan and organisational structure to ensure collaboration between the public and private sectors, as well as relevant central and regional governance bodies.
2. In this latter respect, if it does not already exist, the necessary inter-institutional cooperation could be organised through a dedicated committee representing the different stakeholders in these fields, including members drawn from ministries, universities, multinational companies and professional associations. In order to render its work more efficient and effective, membership should not be extensive but rather comprise a more modest group of key “nodes” (linking different networks) and operate with its own small secretariat. Since the strategic plan will cover at least the medium term, collaboration between stakeholders will remain key to the construction and maintenance of this bridge between Spain and the UK. It would also be a vital part in developing the already existing network of contacts and various forms of cooperation that were established with Spain during the time of UK membership of the EU.
3. The State Secretary already mentioned in his presentation to the relevant parliamentary committee in Spring 2021 of ongoing negotiations for a bilateral, reciprocal agreement between the two countries in the field of education. Such an agreement holds out great opportunities for Spain. For example, within the possibilities permitted by EU secondary legislation, various provisions could render the process of securing visas for students, researchers and language assistants and teachers less complex or financially burdensome. Health care for these groups might also be covered.
4. The formulation and signing of a bilateral treaty in these three fields might add impetus to concluding a Union-wide agreement with the UK in this field. For example, the already functioning cooperation between EU and South Korea relations in culture¹⁷⁸, education¹⁷⁹ and research¹⁸⁰, alongside their trade agreement¹⁸¹ and within the terms of their overarching framework agreement¹⁸², may provide a model that could be developed for cooperation with the UK in these fields. In addition, it might also be possible to look at the model of the co-funded Industrialised Countries Instrument – Education Cooperation Programme (hereinafter “ICI-ECP”).¹⁸³ The general objective of the ICI-ECP has been to promote better understanding and interaction between the peoples of the EU Member States and of the relevant partner country, including a broader knowledge of their languages, cultures and institutions. It also aims to improve the quality of higher education and vocational education and training in the EU and in the partner country. Through the ICI-ECP, it has been possible to assist in developing joint degrees,

178 Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part: OJ L 127, 14.5.2011, p. 1418.

179 Joint Declaration of the European Union and the Republic of Korea on Higher Education and Training, Brussels, 11 November 2013, available at https://eeas.europa.eu/sites/default/files/eu-rok_joint_declaration_on_education_and_training.pdf (accessed 15 February 2022).

180 Agreement on the Scientific and Technological Cooperation between the European Community and the Government of the Republic of Korea: OJ L 106, 24.4.2007, p. 44.

181 Free trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part: OJ L 127, 14.5.2011, p. 6.

182 Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part: OJ L 20, 23.1.2013, p. 2.

183 For example, ICI Education Cooperation Programme – Cooperation in higher education and training between the European Union and Australia, Japan, New Zealand and the Republic of Korea (Call for Proposals – DG EAC/14/08): OJ C 86, 5.4.2008, p. 34.

partnerships and mobility programmes that have enhanced academic exchanges and prepared students for the increasingly globalised and competitive labour market.

5. Whatever is finally achieved with respect to negotiations on a bilateral treaty, Spain will need to maintain its flexible approach to cooperation in the three fields. This approach has worked in its favour over many years, as it successfully navigated different national education and higher education systems, the furtherance of Spanish-language studies throughout all levels of education, and the need to lobby for the evolution of post-Brexit relations. In this work, the *Consejería de Educación* in the UK remains a key actor, with a proven record of consistent work in the area of soft diplomacy. Through its assiduous work, it has contributed to the development of Spanish as the most popular foreign language taught and examined in the UK. It would therefore be advisable to build on that legacy and further extend it, both temporally and geographically.
6. In fact, in view of the continuing challenges that language studies generally face at primary, secondary and tertiary levels throughout the UK, it may be that there is a need to consider a more robust presence in the four nations through extending the current network. This could lead to the establishment of satellite offices of the *Consejería de Educación* in Belfast and Cardiff, and/or the setting up of an *Instituto Cervantes* or *centros asociados/acreditados* or *aulas Cervantes* in those cities as well as in Edinburgh, naturally depending on demand and financial resources. This could impact better on the teaching of Spanish at all educational levels in the three smaller devolved nations, making it viewed less of an elitist subject while emphasising more sensitivity to local demands, as already exemplified by much the work of the *Consejería de Educación*.
7. Clearly, it would not serve Spanish interests, especially financial ones, if the *Instituto Cervantes* or *centros asociados/acreditados* or *aulas Cervantes* were to be regarded as being substitutes for or replacements of university departments in modern languages under threat of closure (or that have already closed). Nevertheless, they may act to build bridges with the British higher education sector as a means of making such departments more resilient in the face of changing priorities in language teaching across the board in the UK.
8. Moreover, a joint European approach might initially emerge from the three most extensively taught modern languages in the UK, and so act as a point of collaboration together with the *Institutes Françaises* and the *Goethe-Instituts*. Other EU cultural institutes could be subsequently added to this strategy.¹⁸⁴
9. With the withdrawal from Erasmus+, students in Great Britain (those in Northern Ireland are to continue to be paid for by the Irish Government) have had to rely on the Turing Scheme to continue to finance periods abroad. However, this financing is not reciprocal and so Spanish youth, wishing to study in the UK or complete vocational training there, would need to receive funding to pursue their intentions. Due to its prior experiences, Spain would need to carry out an assessment with relevant British and Spanish stakeholders in the education sectors in order to see what gaps exist, how Spain could help and how funding (whether or not in partnership with the *comunidades autónomas* and private enterprise) could assist. It would need to see how its intervention would provide a value-added dimension to such support, the extent of financial contributions, and the way such investment could bring returns for Spain in the medium to long term. As with research (see below point 10), funding could target particular areas like studies in STEM, the digital economy or the green economy as well as supporting a year abroad for language students (perhaps combined with paid teaching experience).
10. The threat not to continue with the UK's participation in Horizon Europe remains very real and Spain needs to plan now how to deal with this situation, either bilaterally or in discussion with other EU Member States. Although it would not be in a position alone to invest in research at the same levels under the programme, nevertheless Spain might be able (through linkages to its business and its own research

184 See the network of European Union National Institutes for Culture ("EUNIC"), available at <https://www.eunicglobal.eu/> (accessed 14 February 2022). EUNIC approved a new membership policy in 2021 by which it officially include Associate Members at the global level. This change allowed the British Council to remain in EUNIC.

and development sectors) to address partially the potential shortfall in funding, by providing focused support to complement that of the UK Government. This focus could be on broader areas (e.g., digital and green economies) or in more specific fields (e.g., nanotechnology or energy), where sustained and well-financed cooperation would benefit researchers from both countries.

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Resumen: El estudio pretende mostrar cómo la cooperación hispano-británica puede continuar y desarrollarse en la era post-Brexit en los campos de la cultura, la educación y la investigación. Se centra en estos tres campos en vista del hecho de que los Estados miembros conservan una flexibilidad mucho mayor para actuar en ellos, ya que la Unión Europea comparte o mantiene solo una competencia de apoyo con las normas y políticas nacionales. Ofrecen así a España diversas oportunidades para utilizar su diplomacia blanda en el mantenimiento de los amplios contactos ya realizados o la construcción de otros nuevos en la era post-Brexit. Al analizar, en particular, el aprendizaje de idiomas en el Reino Unido, la cooperación en educación superior y la profundización de la investigación científica entre ambos países, el estudio muestra que España mantiene una posición sólida en la búsqueda de un mayor desarrollo de las relaciones en estos tres campos.

Abstract: The study aims to show how Spanish-British cooperation may continue and develop in the post-Brexit era in the fields of culture, education and research. It focuses on these three fields in view of the fact that Member States retain a much greater flexibility to act in them since the European Union either shares or keeps only a supporting competence with national rules and policies. They thus offer Spain various opportunities to use its soft diplomacy in maintaining the extensive contacts already made or the building of new ones in the post-Brexit era. By looking, in particular, at language learning in the United Kingdom, cooperation in higher education and deepening scientific research between both countries, the study shows that Spain retains a strong position in seeking further to develop relations in these three fields.

Palabras clave: Diplomacia blanda, Brexit, cultura, educación, investigación.

Keywords: Soft diplomacy, Brexit, culture, education, research.



Real Instituto Universitario de Estudios Europeos
Universidad CEU San Pablo
Avda. del Valle 21, 28003 Madrid
Teléfono: 91 514 04 22 | Fax: 91 514 04 28
idee@ceu.es, www.ideo.ceu.es

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