House of Lords EU Services Committee
Inquiry into UK-EU Trade and Cooperation Agreement,
Future UK-EU Relations: Trade in Services
4 February 2021
Organisation: Jisc
Name of respondent: Jo Robotham

Jisc is the UK’s digital lifelong learning and research body, its vision is for the UK to be the most digitally advanced education and research nation in the world. Jisc operates, protects and develops the Janet network – the ultra-fast UK National Research and Education Network (NREN), enabling access to the digital infrastructure that UK education and research relies on, with built-in cyber security protection. Jisc connects all UK Universities, research institutions, national scale research instruments as well as other facilities of global significance such as the Large Hadron Collider at CERN with global partners. Jisc provide technology solutions for colleges, universities, and research institutions as well as public sector bodies, helping save time and money by negotiating sector-wide deals and providing advice and practical assistance on digital technology. Jisc is funded by the UK higher and further education and research funding bodies and member institutions.

Jisc is currently a member of various European Commission e-infrastructure organisations including GÉANT – the pan-European research network that connects all Jisc members to the rest of the world. This enables Jisc to ensure interoperability between networks and its UK university and research members, at an international level. Now that the UK has left the EU, Jisc expects to retain membership of GEANT providing UK universities and research institutions with secure, world-class onward global connectivity, in conjunction with the Janet Network. Jisc are committed to supporting, by whatever means appropriate, continued access by the UK’s research and education base to the benefits of European and global collaboration. In addition, Jisc would also expect the ability to transfer data through cloud services from the UK into EU organisations to be covered by contracts, including the EU-approved Standard Contractual Clauses (SCCs). To this end, Jisc continues to foster partnerships with national research and education network (NREN) partners around the world.

Research and education:

11. **Under the future relationship agreement, the UK will become an associate member of Horizon Europe but will not associate with the Erasmus+ programme. What impact will this have on the UK’s research and education sector and students in the UK and EU?**

The Research Infrastructures work programme

The UK-EU Trade and Co-operation Agreement includes the welcome provision for the UK to Associate to the Horizon Europe programme, however, it does not appear to consider the critical need for engagement with the Digital Europe programme. Horizon Europe’s ‘Research Infrastructures work programme’ has significant overlap and dependencies with the Digital Europe programme (a few key examples of which are detailed below) to the extent that Jisc believes these programmes need to be regarded as an integrated whole.
Participation in Horizon Europe is predicated on developments in the Digital Europe programme, and it is therefore important that an instrument is negotiated to allow UK appropriate access to the relevant aspects of the Digital Europe programme, if the UK research and innovation sector is to avoid being at a significant disadvantage in its engagement with Horizon Europe.

As such, Jisc believe the ability to effectively and fully engage within the Horizon Europe Research Infrastructures programme, particularly in order to develop and support research infrastructures and tools, would be severely hampered without engaging with the equivalent activities of the Digital Europe programme.

Key areas of overlap and interdependency include:

1. Cybersecurity forms an important component for research infrastructures, and again, the Digital Europe Cybersecurity work programme will be important for infrastructure falling under Horizon Europe.

2. EuroHPC, funded under Digital Europe, will provide a significant computational foundation for Horizon Europe in the form of HPC and Quantum Computing infrastructure, and the assumption is that participants in Horizon Europe will be able to access EuroHPC facilities for data and compute intensive research. The UK has participated in and benefited from PRACE, with the expectation of continued engagement, and the future of PRACE is heavily intertwined with EuroHPC. Moreover, as exascale computing it likely to be regarded as strategically important, the UK should avoid being outside out of the major exascale supply chain groups.

3. The Connecting Europe Facility, a secure quantum communication infrastructure (EuroQCI), and support for new communication technologies such as 5G, funded under Digital Europe, will have significant impact on Horizon Europe Infrastructures destination 5 (network connectivity for research and education), and GÉANT and the National Research and Education Networks (such as Janet) would need to work closely with and be part of these activities.

4. Whilst the data space for research falls under Horizon Europe as Research Infrastructure Destination 2 (Enabling an operational, open and FAIR EOSC ecosystem), the other data spaces fall under Digital Europe. EOSC will need to interoperate with these other data spaces, and all of the data spaces under Digital Europe will be of relevant to researcher, not least of all spaces for health and genomics, and cultural heritage. Moreover, the health and green deal data spaces would be essential resources for Research Infrastructure Destination 3 (Research Infrastructure services to support health research, accelerate the green and digital transformation, and advance frontier knowledge)

5. There are a number of technologies supported under Digital Europe such as AI, Blockchain, Digital Twins, etc. which would be directly relevant to Destination 4 of Horizon Europe Research infrastructures Work programme (Next generation of scientific instrumentation, tools and method)
12. What is your assessment of the Turing Scheme - the Government proposed domestic alternative to Erasmus+?

Although there is no direct impact on Jisc relating to the disassociation of the UK with the Erasmus+ programme, Jisc welcomes the Turing Scheme and the opportunity for our UK higher education members to broaden the exchange of students on a global basis, rather than being constrained to the EU. Whilst Jisc understand that further details of the scheme, including the reciprocity with other countries, remains to be outlined, the plans to encourage and support overseas students to study in the UK is in line with Jisc's global aspirations for global education and research. Without such arrangements this may reduce the attractiveness of UK Universities to overseas students and negatively impact a significant source of income for Universities.

Data and digital services:

14. The EU has granted the UK a six-month data adequacy ‘bridge’ to allow the free flow of personal data until the EU determines whether or not to grant a data adequacy decision to the UK. How would the absence of a data adequacy decision at the end of this bridging period affect trade in services?

Primarily, an adequacy decision (or lack of one) should only affect transfers of personal data from the EU to the UK, given the UK Government’s stated position on not intending to make transfers from the UK to EU harder than they currently are. Whilst it is hoped that the UK and EU will agree a longer-term adequacy agreement, the potential impacts of either no adequacy decision or an uncertain adequacy decision (i.e. One that may be challenged in court) could be felt at three levels, which Jisc have expanded upon below.

1. Individual student transfers.

Here both the student and (for programmes like exchange or ‘UK-study’ programmes) their home EU institution are likely to want more information about how their data will be protected (particularly, in the short term at least, against Government access powers) while it is being processed in the UK. Once they are satisfied, the legal framework is relatively straightforward: either the student, by applying to study here, gives consent to the transfer of their data or the institution, by accepting the student onto the programme, has entered into a contract that requires the data to be transferred.

2. Partnerships between EU and UK organisations.

This could cover everything from collaborative services such as federated access management up to research on shared personal data. With this example there could be (in some cases, significant) extra-legal burdens on the EU organisation. Thanks to the Schrems II case they not only have to treat the UK as a third country, but that treatment itself becomes more burdensome. Schrems II puts the UK on a path to where there is no longer *any* route to exporting data that can be done with standard paperwork alone: each exporting organisation could feel it needs to do an additional assessment of the risk to that specific transfer of that specific data.

3. Action by EU regulators.

Either directly against UK importing organisations (the extra-territorial powers of the GDPR allow this) or against the organisations on the EU side that are trying to export to the UK. Having left the EU, UK institutions have much less protection against the sentiment of individual national EU regulators. Those are no longer bound to act as one via the European Data Protection Board, so a dissatisfied Regulator
could (for example) insist on the UK institution appointing a local in-country representative (the threshold for this is currently unclear), or demand almost any conditions on the transfer, or require it to stop entirely.

Jisc do not expect significant change at lower levels in the network stack: entities like connectivity, incident response and eduroam are already used to working seamlessly across the (previous) EU borders, with the US, Australia, etc. The lowest point in the stack where Jisc are aware of anyone raising different concerns about transfers to, say, the US rather than Spain, is in Federated Access Management.