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From:	General Secretariat of the Council
To:	Research Working Party
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Institute of Innovation and Technology (recast) Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe - Member States views on the Commission Impact Assessments (IA)

Delegations will find attached the Member States views on the Commission Impact Assessments (IA) on the above-mentioned proposals.

ANNEX

Introduction

On 12 July 2019, the European Commission presented the above proposals, including their impact assessments[1]. A corrigendum to the impact assessments was issued by the Commission on 1 August 2019[2].

On 15 July 2019, the Research Working Party listened to a general Commission presentation of the IA[3]. During the meetings on 15 and 18 July 2019, the members of the Research Working Party were given the opportunity to ask questions, exchange views and provide their initial reactions to the IA. On 18 July 2019, delegations were invited to provide written comments by applying the indicative checklist[4] no later than 23 August 2019. On 16 September 2019, the Presidency gave an oral summary of the written comments received. Delegations were given the opportunity to intervene.

In its impact assessments, the Commission clarifies that while the Horizon Europe proposal proposes the EIT budget for 2021-2027, its scope, added-value and main areas of activity, this proposal itself does not provide the legal basis for continuing EIT operations beyond 2020, which will therefore continue to be laid down in the proposed EIT Regulation. The impact assessments accompanying the above EIT proposals do not cover the decisions already taken concerning the EIT in the Horizon Europe proposal, since these were assessed as part of the Horizon Europe impact assessment. Instead, these impact assessments focus on key problems and issues that have been identified as hampering the effectiveness of the EIT based on lessons learned from the EIT interim evaluation and other key sources of evidence.

The analysis given below is based on delegations' written comments and their interventions during the above mentioned Research Working Party meetings.

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1 11227/19 + ADD 1-2, 11228/19 + ADD1-2
2 11227/19 ADD 2 REV 1 and 11228/19 ADD 2 REV 1
3 WK 8544/2019 INIT
4 6270/18 EXT 1

Policy context, problem identification and policy objective

Delegations considered that the policy context was clearly explained, however one delegation was of the view that the political context could have been better developed. A majority of delegations considered that the IA demonstrated a potential gap, which required a cross-border policy response (the existence, scale and consequences of a problem). One delegation felt that increased attention should have been drawn to the continuing disparity between the EU's member States and their research and innovation capacity. This delegation also remarked that further assessments should have taken place at Member State level to get an understanding on the impact of the EIT on the ground.

Delegations acknowledged the application of an appropriate analysis methodology, even though one delegation noted that the methodology didn't address the EIT's outcomes and its positioning in the overall European innovation landscape. One delegation questioned the rationale behind the choice of the possible first future KIC on "Security and Resilience" and felt that the key aspects utilised to analyse the suitability of the future priority areas weren't accurately and fairly reflected in the attributions.

Legal basis, subsidiarity/proportionality, policy options and impacts

All delegations accepted the proposed legal basis, i.e. Article 173(3). Delegations recognised that the competence of the EU was established, that the proposed action is consistent with the principles of subsidiarity and proportionality and that added value of EU action is clearly demonstrated. One delegation considered that the impact assessment does not sufficiently take into account actions at Member State level.

Concerning policy options, delegations recognised that different options, including their costs, economic impact and implication on competitiveness, had been examined and that reasons had been provided for discarding alternatives during the public and stakeholder consultation. One delegation considered that insufficient attention had been given to address the acute concentration of EIT funding in a small number of Member States. Some delegations felt that the argumentation for the topic selected for the possible second future KIC was weak and favoring one option; one delegation criticised the fact that this topic was not favored by the majority in the public consultation.

As regards the analysis of impacts, one delegation considered that further information should have been given as to why Option 3 was not selected and why it was decided that Option 2 was the preferred option. Another delegation was of the view that the impacts on competitiveness could have been better analysed. One delegation felt that the analysis of the impacts on the SMEs and on individual Member States, regional or local authorities could have been improved.

Overall assessment and conclusion

The analysis of delegations' remarks indicates that the Commission has identified a potential gap, which requires a cross-border policy response. Delegations acknowledge that the EIT delivers on the EU's strategic policy priorities in the area of innovation by integrating the knowledge triangle of higher education, research and innovation, reinforcing the Union's innovation capacity, and addressing societal challenges. According to a majority of delegations, the impact of the proposed EIT actions is sufficiently analysed.

In conclusion, delegations recognise that the Commission's impact assessment has no major omissions or factual mistakes. Accordingly, the Research Working Party intends to proceed with the examination of the proposal.