

EUROPEAN INNOVATION ACT

Public Consultation Questionnaire

Fields marked with * are mandatory.

Introduction

This public consultation forms an integral part of the preparation of the European Innovation Act. The overall objective of the European Innovation Act is to create cross-sectoral framework conditions conducive to bringing innovative ideas to market in all sectors. Improving the commercialisation of innovation is important as the uptake and diffusion of innovative solutions in the EU Single Market is suboptimal compared to the EU's main global competitors. The European Innovation Act aims to address the key challenges faced by all innovative companies in the EU, both large ones and smaller ones, that are affected by this problem. However, it will also address specific needs of smaller companies, in particular start-ups and scale-ups, as they face additional hurdles that make it more difficult for them to access the market and grow. The purpose of this public consultation is to collect feedback on the key challenges faced by innovative companies in the EU in the context of the preparation of the European Innovation Act. This includes six categories of challenges related to access to finance, talents, markets, infrastructures, commercialisation of publicly funded research and innovation, as well as regulatory complexity and red tape. The public consultation is divided into separate sections for these six categories, plus an additional Section 7, where you can provide us with information on other additional challenges that make it difficult for innovations to reach the market. It is not mandatory to respond to all sections of the consultation, so if you are only affected by one of the six categories of challenges and want to reply only to questions about that one field, it is possible to navigate directly to the questions for that specific section. It is only mandatory to complete the information in the "About you" section.

The results of this public consultation will be summarised in a factual report, which will be published on the Have Your Say website within eight weeks of the deadline for the consultation. The results will also be analysed together with other data collected through targeted stakeholder consultations and the impact assessment. At the end of the survey, you can upload a file with a more detailed contribution and find our contact details if you wish to submit additional confidential information that you wish to share only with the European Commission.

A separate public consultation is also being launched simultaneously on the 28th Regime, with focus on EU corporate legal framework, which also looks at the challenges faced by companies in other areas including access to finance, tax and labour law, as well as insolvency.

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation

- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☒ Public authority
- ☐ Trade union
- ☐ Other

* First name

Evelin

* Surname

TONISSON

* Email (this won't be published)

evelin.tonisson@mkm.ee

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
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| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
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<input type="radio"/> Antarctica	<input checked="" type="radio"/> Estonia	<input type="radio"/> Maldives	<input type="radio"/> Serbia
<input type="radio"/> Antigua and Barbuda	<input type="radio"/> Eswatini	<input type="radio"/> Mali	<input type="radio"/> Seychelles
<input type="radio"/> Argentina	<input type="radio"/> Ethiopia	<input type="radio"/> Malta	<input type="radio"/> Sierra Leone
<input type="radio"/> Armenia	<input type="radio"/> Falkland Islands	<input type="radio"/> Marshall Islands	<input type="radio"/> Singapore
<input type="radio"/> Aruba	<input type="radio"/> Faroe Islands	<input type="radio"/> Martinique	<input type="radio"/> Sint Maarten
<input type="radio"/> Australia	<input type="radio"/> Fiji	<input type="radio"/> Mauritania	<input type="radio"/> Slovakia
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<input type="radio"/> Azerbaijan	<input type="radio"/> France	<input type="radio"/> Mayotte	<input type="radio"/> Solomon Islands
<input type="radio"/> Bahamas	<input type="radio"/> French Guiana	<input type="radio"/> Mexico	<input type="radio"/> Somalia
<input type="radio"/> Bahrain	<input type="radio"/> French Polynesia	<input type="radio"/> Micronesia	<input type="radio"/> South Africa
<input type="radio"/> Bangladesh	<input type="radio"/> French Southern and Antarctic Lands	<input type="radio"/> Moldova	<input type="radio"/> South Georgia and the South Sandwich Islands
<input type="radio"/> Barbados	<input type="radio"/> Gabon	<input type="radio"/> Monaco	<input type="radio"/> South Korea
<input type="radio"/> Belarus	<input type="radio"/> Georgia	<input type="radio"/> Mongolia	<input type="radio"/> South Sudan
<input type="radio"/> Belgium	<input type="radio"/> Germany	<input type="radio"/> Montenegro	<input type="radio"/> Spain
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<input type="radio"/> Benin	<input type="radio"/> Gibraltar	<input type="radio"/> Morocco	<input type="radio"/> Sudan
<input type="radio"/> Bermuda	<input type="radio"/> Greece	<input type="radio"/> Mozambique	<input type="radio"/> Suriname
<input type="radio"/> Bhutan	<input type="radio"/> Greenland	<input type="radio"/> Myanmar/Burma	<input type="radio"/> Svalbard and Jan Mayen
<input type="radio"/> Bolivia	<input type="radio"/> Grenada	<input type="radio"/> Namibia	<input type="radio"/> Sweden
<input type="radio"/> Bonaire Saint Eustatius and Saba	<input type="radio"/> Guadeloupe	<input type="radio"/> Nauru	<input type="radio"/> Switzerland
<input type="radio"/> Bosnia and Herzegovina	<input type="radio"/> Guam	<input type="radio"/> Nepal	<input type="radio"/> Syria
<input type="radio"/> Botswana	<input type="radio"/> Guatemala	<input type="radio"/> Netherlands	<input type="radio"/> Taiwan
<input type="radio"/> Bouvet Island	<input type="radio"/> Guernsey	<input type="radio"/> New Caledonia	<input type="radio"/> Tajikistan

● Brazil

● Guinea

● New Zealand

● Tanzania

- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay

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| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
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| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic
Republic of the
Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and
Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

☐ I agree with the [personal data protection provisions](#)

Your experience with topics in this consultation

Do you / your organisation have experience with designing or implementing innovation policies or programmes?

- ☒ Yes
- ☐ No
- ☐ Don't know

Do you / your organisation have experience with providing access to finance or assisting companies in accessing finance?

☒ Yes

- ☐ No
- ☐ Don't know

Do you / your organisation have experience with public procurement or private procurement?

	Yes	No
I / my organisation has experience as a supplier of innovative solutions with applying for private and/or public procurement.	<input type="radio"/>	<input checked="" type="radio"/>
I / my organisation has experience as a buyer with organising private and/or public procurement.	<input checked="" type="radio"/>	<input type="radio"/>
I / my organisation has other type(s) of experience with private and/or public procurement (e.g. I have helped suppliers or buyers to engage in such procurement).	<input checked="" type="radio"/>	<input type="radio"/>

Do you / your organisation have experience with managing or using research infrastructures or technology infrastructures?

- ☐ Yes
- ☒ No
- ☐ Don't know

Do you / your organisation have experience with commercialisation of publicly funded research and innovation?

- ☐ Yes
- ☒ No
- ☐ Don't know

Do you own any of the following IPR rights: Patent, Copyright, Trade Secret, Designs, Trademarks, Geographical Indications?

- ☐ Yes
- ☒ No
- ☐ Don't know

If you own patents, under which IPC classification are they registered:

- ☐ Human necessities
- ☐ Performing operations; transporting

- ☐ Chemistry; metallurgy
- ☐ Textiles; paper
- ☐ Fixed constructions
- ☐ Mechanical engineering; lighting; heating; weapons; blasting
- ☐ Physics
- ☐ Electricity
- ☐ Don't know

If you represent a company, please give an estimate of your company's total (auditing) value comparing the ratio of 'tangible vs intangible (IPR, reputation, etc)'.

- ☐ Predominantly intangible value
- ☐ Predominantly tangible value
- ☐ No intangible value
- ☐ No tangible value
- ☐ Approximately equal intangible and tangible values
- ☐ Don't know

1. Access to an easier, more coordinated framework

1.1. EU definition for innovative companies, startups & scaleups

There are currently no EU level definitions for 'innovative company', 'start-up' and 'scale-up' that apply across EU legislation. (There are definitions of start-ups and scale-ups in the EU General Block Exemption Regulation but those are tailored solely for the purpose of State Aid control.) This makes it difficult for both large and small companies like start-ups and scale-ups that want to innovate in the EU to obtain equal recognition of their status and to make full use of the associated rights and benefits. This also makes it difficult for the European Union to propose tailored policies in support of these types of companies and to evaluate the impact that such policies have achieved once they are in place.

Establishing such definitions in EU law could benefit these companies in their journey across the innovation landscape in the EU, by, for instance, improving legal certainty on their status under EU law and on the related rights and obligations. Having these definitions could also make it possible to bring about targeted simplifications of the EU regulatory requirements for these companies (for other company types, such as SMEs, certain simplifications already exist). This could, for example, result in (i) a lower administrative and regulatory burden (for example, by creating exemptions from regulatory obligations for these types of companies), (ii) an easier framework for doing business across the EU, (iii) easier access to finance and to research and technology infrastructures, (iv) easier access to information about relevant support opportunities or (v) a richer innovation through better collaboration synergies between such companies across the EU.

Current situation

Different EU Member States use different definitions of 'start-up', 'scale-up' or 'innovative company'. The difference between these definitions typically lies in the elements that they use to construct the definition (e.g. company age, company turnover, company expenditure on research and development, etc.). Has your company / organisation experienced concrete benefits or problems associated with the way in which such definitions are used in the country(ies) in which you operate?

	Yes	No	Not applicable
I find the way in which my country applies such definitions beneficial	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
I find the way in which my country applies such definitions problematic	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
I have experienced problems because different countries in which my organisation operates are using different definitions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>































Please share your views on what we could learn from the **benefits or problems** that you have experienced when creating EU-wide definitions for what is a 'start-up', a 'scale-up' and an 'innovative company'. Please also share the lessons you have learned about **what elements 'should' or 'should not' be used to create EU-wide definitions**. (200 words maximum)

One of the greatest advantages of having a unified definition is the ability to conduct analyses and comparisons between countries on equal terms. In addition, having similar definitions makes it much easier to assess companies' eligibility for support measures or exemptions under state aid rules. The main challenge lies in the fact that it is not possible to summarize the definition of a startup, scale-up, or innovative company in a single sentence. Rather, it is a description of various aspects/conditions that a company must partially or fully meet in order to fall under the definition.

Possible way forward

To what extent do you agree that the establishment of EU-level definitions for 'innovative company', 'start-up' and 'scale-up' could bring the following benefits:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Easier to operate my business in more than one country in the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simpler, clearer and better targeted national and EU support mechanisms for the community of innovative companies, start-ups and scale-ups	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Improved legal certainty on the status of the company across the EU and its associated rights and obligations						
Enhanced collaborations leading to a richer innovation-driven ecosystem						
Easier access to research and technology infrastructures						
Easier access to finance						
Better options for lowering the administrative and regulatory burden on start-ups, scale-ups and innovative companies						

Once EU definitions of start-ups, scale-ups and innovative companies are created, **which existing requirements under EU law should be simplified** for these categories of companies? (400 words maximum)

The main objective should be to amend regulations related to state aid and other mechanisms that affect how these companies gain access to capital. In addition, it may be worth considering a review of regulations related to hiring and employee mobility (including rules that would encourage the inflow of talent).

1.2. Innovation stress test

Current situation

Well-designed regulatory frameworks can serve as catalysts for innovation. However, the role of regulation in fostering innovation is often insufficiently considered during the legislative processes, resulting in unintended barriers to technological advancement and economic growth. Responses received by the European Commission in the public consultation on the EU Start-up Scale-up Strategy and studies on the link between legislation and emerging technologies indicate that there is both EU and national legislation that makes it difficult for companies to bring their innovative solutions to the market. Assessing the potential impact of upcoming legislation on innovation when it is being drawn up could help ensure that new rules do not place disproportionate restrictions on innovation and that, where possible, they make optimal use of available mechanisms to actively stimulate innovation. An

innovation stress test could provide a checklist of questions to help legislators assess impact of this kind in a structured way. An innovation stress test could thus help make legislation more innovation-friendly in line with public interests.

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
There is currently legislation in place in the EU that hinders my organisation in developing and testing innovative solutions and/or easily placing them on the market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Legislators need to more carefully assess the potential impact that legislation can have on innovation , both when they prepare new legislation and when they revise existing legislation.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Possible way forward

To what extent do you agree that, when assessing the potential impact of legislation on innovation...

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
legislators should consider if it makes sense to introduce a regulatory ladder that increases regulatory requirements in line with the increasing size of companies and their impact on the market, to check if the regulatory burden can be relieved on innovative start-ups.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
legislators should consider if it makes sense to introduce a fast-track procedure for companies to obtain regulatory advice .	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

legislators should consider if it makes sense to make provision for regulatory sandboxes in their legislation.						
legislators should consider if it makes sense to introduce a fast-track procedure for obtaining permits for innovative technologies that are strategic for safeguarding EU economic security.						

What potential impact on innovation do you think should be considered in an innovation stress test?

Note: Legislators could assess different types of potential impact on different steps and different stakeholders involved in innovation., e.g. impact that the legislation could have on hampering or stimulating the development, testing, deployment and daily use of innovation, impact on innovators, financial investors in and potential customers of the innovation, etc.

(200 words maximum)

As part of the innovation stress test, at least the following aspects should be assessed:

- **Is the proposed legislation technology-neutral?**
- **Has a long-term perspective been considered, including potential technological developments?**
- **Could the legislation have a clearly negative impact on a specific sector?**
- **What are the costs associated with the regulation for companies, and are these proportional to the potential benefits?**
- **Does the proposed legislation allow for exceptions to support the development, testing, and deployment of new technologies?**

1.3. Regulatory sandboxes

Regulatory sandboxes provide opportunities to enable companies to test innovative solutions (including innovative ideas, processes, products, business models and services) in a safe and controlled real-life environment under the supervision of competent regulatory authorities. They also stimulate regulatory authorities' policy learning (e.g. potential impact of innovative solutions on legislation), which can help them design and/or adjust regulations that support the smoother market introduction of innovative solutions.

EU Member States use different definitions of what is a regulatory sandbox, what it can support and how different companies and regulators can benefit from it. This can create a complex landscape for companies to navigate. This may also make it more difficult for regulatory authorities from different countries to join forces

and implement cross-border regulatory sandboxes together. Establishing an EU-wide legal definition of regulatory sandboxes could help achieve a more commonly shared understanding of them and foster their wider implementation across the EU.

Current situation

	Yes	No	Don't know
Do you / your organisation have experience with participating in or setting up a regulatory sandbox in the EU?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
If you answered 'Yes' to the first question, did you / your organisation experience any problems when involved in regulatory sandboxes in the EU?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
If you answered 'Yes' to the first question, did you / your organisation experience concrete benefits from being involved in regulatory sandboxes in the EU?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

If your reply to any of the last two questions was 'Yes':

Please let us know what **specific problems or benefits** you experienced from your participation in regulatory sandboxes in the EU.

Note: Examples of benefits that you experienced could be: reduced regulatory barriers/burden and/or shorter time to market for your innovation, enhanced collaboration with competent authorities that regulate market access requirements for your innovation, etc.

Examples of problems that you experienced could be: with respect to sandboxes in different EU countries, the competent authorities in different EU countries gave you different replies regarding the regulations applicable to the same solution, you received slow or unclear feedback on regulations, not all companies involved were given equal access to the regulatory sandbox, there were insufficient safeguards in place for experimentation (e.g. regarding safety / consumer protection), etc.
(200 words maximum)

Possible way forward

In your opinion, how important is it to address the following aspects to facilitate the wider implementation of regulatory sandboxes?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion

There should be regulatory sandboxes for newly emerging technologies .						
There should be regulatory sandboxes for existing technologies that are evolving .						
There should be more possibilities for regulatory sandboxes at national level .						
There should be more possibilities for cross-border EU-level sandboxes .						
There is a need for a better common understanding across Europe on regulatory sandbox implementation to foster their wider implementation.						
An EU-level definition of 'regulatory sandbox' would help to achieve a better common understanding across Europe.						
Regulatory sandboxes should enable all types of companies from across Europe to test their innovations efficiently.						
There is a need for tailored initiatives to facilitate the participation of SMEs, start-ups or scale-ups in regulatory sandboxes (e.g. awareness campaigns, guidance).						

1.4. Coordination of innovation policies and programmes

Efforts to improve the performance and impact of innovation policies are largely uncoordinated across the EU. A [European Parliamentary Research Service \(EPRS\) study](#) has found that a coordinated approach at EU level could boost gross domestic product (GDP) by 0.9% by 2035, while a more ambitious integrated approach could increase GDP by 2.6% by 2035.

The EU has an informal European Innovation Council Forum (EIC Forum), which brings together representatives of Member States' and Associated Countries' public authorities and bodies in charge of innovation policy and programmes. Its main role is to promote collaboration and dialogue on the development

of the EU's innovation ecosystem. However, the EU lacks a formal platform for coordinating innovation policies, programmes and investments between the EU and national authorities, and among the different countries themselves.

Current situation

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The insufficient coordination of innovation policies* between the EU and the national authorities as well as among the different countries themselves makes investments in innovation less effective.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is a need for better alignment of innovation programmes and investments between the EU national authorities as well as among the different countries themselves.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*innovation policies, in this context, means policies for non-R&D innovation

Are there any **other key challenges** regarding the coordination of innovation policies, programmes and investments that you would like to highlight? Has your organisation experienced specific problems because of the current situation of largely uncoordinated innovation policies across the EU that should be addressed in the future? (200 words maximum)

Two major practical problems can be identified.

First, even when the European Union has established programs or initiatives to enhance cooperation between Member States and improve coordination of innovation policy (such as the European Innovation Ecosystems and its sub-initiative Regional Innovation Valleys), co-financing such projects often proves problematic. In smaller countries, regions essentially represent the entire country, while in larger countries, the ability of regions to fund and shape innovation policy depends heavily on the internal governance structure of the respective state.

The second issue is that national innovation policies tend to focus on domestic objectives. Due to limited resources, countries rarely initiate joint programs with others on their own initiative.

Possible way forward

To what extent do you agree that the following approach is well-suited to improving coordination between innovation policies and programmes?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
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Turning the existing European Innovation Council Forum into an official innovation forum at EU level – which would be composed of national high-level representatives responsible for innovation policy and programmes and the Commission – with a mandate to coordinate innovation policies, programmes and investments between the EU and national authorities, as well as among the different countries themselves.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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2. Access to finance

2.1. Access to sufficient financing for bringing innovations to the market

Underinvestment in innovation and commercialisation is a challenge for Europe across various technology sectors, in particular also for strategic technologies. This manifests itself in difficulties to bring innovative products and services to the market. To square this circle, innovative companies need access not only to financing for R&D. They also need access to **financing for innovation activities that support the commercialisation, market uptake and diffusion of innovative solutions**. Such financing **can take various forms** (such as tax incentives, grants, loans, acquisition contracts, equity investments, guarantees and risk-sharing schemes). To reach sufficient critical mass of investments, EU and national public financing could be combined in a smarter way and act as a leverage to crowd in additional private financing.

Current situation

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
To bring R&D successfully to the market, it is important to increase not only public investment in R&D but also simultaneously public investments in innovation .	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Raising investments in strategic technologies is particularly needed, due to their economic importance and high up-front costs and risks	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public investment in innovation needs to be strengthened in order to close the innovation gap with other parts of the world.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Raising public investment in innovation would have a positive effect on raising private investment in innovation.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What are the **most important barriers** that you are facing to raise sufficient public and private investment to bring innovative solutions to the market? (400 words maximum)

The main challenges in Estonia are:

- Innovation policy has so far focused on grant-type support or venture capital. Loan and guarantee instruments are underutilized, and there are no tax incentives.
- Public sector investments in private sector R&D and innovation are low compared to other EU countries (although they are increasing).
- The private sector's capacity to invest in R&D and innovation is limited. Companies are mostly micro and small enterprises, and many large companies tend to invest in production and exports rather than innovation.
- Attracting additional private capital (e.g. commercial bank loans) is expensive and complicated. Often, unsuitable conditions are imposed, making companies either ineligible for financing or, for example, after receiving venture capital investment, less attractive for subsequent investors.

Possible way forward

To what extent do you agree with the following statements? Good steps forward are:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Develop an EU action plan or roadmap to raise the level of innovation investment across the EU.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Develop national action plans or roadmaps , in conjunction with the EU, for raising innovation investment in Member States.						
Monitor the level of innovation investment in the EU , and benchmark this against investments in other parts of the world.						
Ensure that there is an appropriate balance between supply- and demand-driven innovation , in public innovation investment.						
Cooperate/align with the private sector to raise the level of public and private innovation investment in the EU.						
Develop specific innovation investment pathways to accelerate time it takes for strategic technologies to reach the market .						
Move to more agile governance structures to combine national, EU and private financing for opening these innovation investment pathways.						

Are there any **other concrete actions that could be taken** to raise public or private investment in innovation across the EU? Please share any good practices or lessons learned from inside or outside the EU. *(200 words maximum)*

Continue with various EU-level loan instruments (such as those offered by the EIB), while ensuring that all EU companies have access to them.
Expand EU-level venture capital funds capable of making investments in the range of €50–150 million. It is important that the risk appetite and patience of such funds are comparable to those of U.S. funds.
Mobilize the savings and pension funds of EU citizens, which currently often remain unused or are invested in very low-risk products—or even outside the EU altogether.

2.2. Access to IPR-backed financing

Start-ups and scale-ups that achieve not only successful protection but also successful valuation of their IPRs, are considerably more likely than others to obtain financing from investors and to successfully exit via an initial public offering or a sale to another company. However, there are various obstacles that block start-ups and scale-ups from obtaining IPR financing. Removing these obstacles at EU level could help start-ups and scale-ups across the EU to use their IPRs as a means of securing more financing from investors.

Current situation

Do you / your organisation have any experience with IPR-backed financing?

- ☐ Yes
- ☒ No
- ☐ Don't know

If so, were you able to successfully provide or receive financing?

- ☐ Yes
- ☐ No
- ☐ Don't know

If not, in your experience, what were the main obstacles to successfully completing IPR-backed financing? (200 words maximum)

This concept is relatively new and is currently not used in Estonia, making it difficult to assess what the potential obstacles might be.

The most challenging aspect is likely related to IPR (intellectual property rights), as it is particularly difficult to assess the value and "liquidity" of intellectual property in the context of financing. Similar to R&D grant funding, this approach would require explanations from the applicant and expert evaluations.

Since any type of funding also requires clearly defined activities (and a related budget), a question may arise as to how much this approach actually differs from the current logic of grant-based funding.

It is important that if it is a matter of state aid, the corresponding state aid rules would also allow for financing (currently, e.g., Article 22 of the GBER, etc.), i.e., state aid rules should be amended if necessary.

To what extent do you agree with the following statements?

Key barriers preventing start-ups and scale-ups from obtaining IPR-backed financing in the EU are:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The prudent attitude of banks and institutional investors to engage in IPR-backed financing.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are regulatory barriers that hamper wider implementation of IPR-backed financing in the EU.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack of experience with IPR valuation among banks and/or institutional investors in the EU.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The costs of IPR valuation for start-ups and scale-ups in the EU.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of trustworthy, widely accepted standard practices for valuing IPRs.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Lack of secondary markets with sufficient critical mass and liquidity for resale of IP rights by lenders.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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If you **strongly agree or disagree** with any of the above statements, please explain your answers by, where applicable, referring to your own experience in IPR-backed financing. If you strongly agree or disagree with more than one of the above statements, please explain whether you think that any of those barriers are more or less critical than others. *(200 words maximum)*

The previous comment actually summarizes an important point. Today, financiers lack experience and expertise in assessing the value of IP, and IP is not a liquid asset.

If you think that there are **other barriers, in particular specific regulatory barriers**, please explain why they constitute a barrier and how critical they are to obtaining IPR-backed financing. *(200 words maximum)*

Nothing to add.

Possible way forward

To what extent do you agree with the following statements?

The following measures are important for the wider implementation of IPR-backed financing in the EU:

	Strongly agree	Agree	Neutral	Strongly disagree	Disagree	No opinion
Introduce clearer rules for banks and institutional investors in the area of IPR-backed financing.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establish or appoint an institution or facility to take on part of the risk in individual IPR-financing instruments e.g. by providing public financial guarantees for individual loans.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create EU guidance and training for banks/institutional investors on how to implement start-up/scale-up-friendly IPR valuation in line with the principles of sound financial management.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foster the creation of a pool of qualified professionals , e.g. by establishing certification criteria and training programs for IPR-valuation professionals, building an expert network of IPR valuers, creating a centralised IPR valuation assessment centre.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create a trustworthy EU wide accepted methodology, for IPR valuation and provide templates and guidance on how to apply it.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide an IPR-valuation tool to simplify the IPR-valuation processes.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce a specific reporting category for IPR in annual accounting/financial reports across the EU and raise awareness among start-ups/scale-ups of how important this is in terms of attracting financing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Provide more guidance and training for start-ups on IPR valuation and on reporting on IPRs in annual accounts.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide financial support, at reduced rates , to start-ups/scale-ups for IPR valuation.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establish a maximum price for IPR valuation in the EU for start-ups/scale-ups (depending on the type of IPR).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create an IPR marketplace with sufficient critical mass and liquidity (EU wide, and possibly connected to others around the world).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>If you agree with the previous statement, please also respond to this one:</i> This IPR marketplace should be established by private actors (e.g. IPR auctioneers) with the support of public institutions.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you **strongly agree or disagree** with any of the above statements, please explain your answers by, where applicable, referring to your own experience in the area of IPR-backed financing. (200 words maximum)

If you have any **other solutions** that could help remove the barriers that hamper IPR-backed financing in the EU, please explain what those solutions are and why they could be effective. Feel free to provide information on **good practices or lessons learnt from unsuccessful experience** in this area. (200 words maximum)

We strongly agreed on two points, which also serve as fundamental principles. First, the public sector must intervene when risks are high—that is, it should help the private sector mitigate and share risks, which will hopefully encourage the private sector to engage more in similar activities. The second principle is that the initiative must also come from the private sector, and the secondary market should definitely be private-led. It would not be reasonable for the public sector to intervene directly in that space.

3. Access to Talent

3.1. Talent attraction and retention

Innovative companies rely on highly skilled workers to develop their innovative solutions and scaling. Employee ownership schemes, such as employee stock options, are a powerful tool that can help innovative companies attract and retain talent. However, innovative companies in the EU face hurdles when it comes to offering such schemes to their employees.

The public consultation on the 28th regime includes questions on employee stock options. However, this tool can also work for other innovative companies that do not have the 28th regime company statute but could benefit from provisions on stock options under the European Innovation Act. The Commission will therefore take into account the replies to both consultations in its future work on this topic.

Current situation

To what extent do you agree that the following challenges are preventing innovative companies in the EU from attracting and retaining talent?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The difficulties to offer globally competitive benefits and remuneration , including employee ownership schemes (such as employee stock options).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The lack of harmonised conditions for employee stock option schemes across EU Member States (for example, in terms of taxation and employee and company eligibility).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The lack of mutual recognition of employee stock option schemes across EU Member States.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are there any **other key challenges** as regards talent attraction and retention through employee stock options that you would like to highlight? (200 words maximum)

Hiring labor is fragmented across Member States, creating unequal conditions and hindering business growth. Simplifying cross-border labor hiring and registration is crucial to support the growth of startups and scale-ups – currently, startups face difficulties hiring talent from other EU Member States due to significant differences in labor laws. For example, in some EU countries, hiring requires becoming a local tax resident, which is complex and costly.

Possible ways forward

To what extent do you agree that the following solutions would be positive steps towards tackling the challenges identified?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Develop a harmonised framework with common standards on the scope of national employee stock option regimes (for example, covering taxation, employee and company eligibility, and shareholder and dividend rights).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop a safety net that protects employees in the case of unforeseen events (e.g. where the employee is made redundant because the company goes out of business, or where employees are asked to move to another EU country due to company restructuring).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Align tax regimes across the Member States as regards the point and type of taxation for employee stock options.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adopt a common EU valuation mechanism to determine the value of the employee stock option.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure the mutual recognition of employee stock option schemes between Member States.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are there any **other possible solutions** for talent attraction and retention through employee stock options that you would like to highlight? (200 words maximum)

Same as pervious comment e.g. though aligning labor and tax laws

4. Access to Markets

4.1. Accessing the private procurement market

Private buyers can be significant customers for innovative companies. A first customer reference from a well-known industry player can help to raise the profile of an innovative solution and attract other customers. However, it can be challenging for innovative companies to find private buyers for their innovative solutions in the EU. The evolving international landscape also makes it challenging for EU companies to ensure that their supply chains are resilient and to contribute to EU technological sovereignty.

Current situation

To what extent do you agree with the following statements about the private procurement market in the EU?

	Strongly agree	Agree	Neutral	Strongly disagree	Disagree	No opinion
It is difficult for innovative companies to find private buyers in the EU for their innovative solutions .	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private buyers in the EU are still too risk-averse to buy solutions from smaller innovative companies.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

There is a need to ensure a level playing field so that innovative EU suppliers can compete with non-EU suppliers on the private procurement market.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU companies are facing supply chain dependencies, including the risk of over-reliance on non-EU products , especially concerning products that rely on strategic technologies that are key to safeguarding EU resilience and EU technological sovereignty.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are legal barriers or a lack of regulatory incentives or simplifications that hold back private buyers from buying in a more innovation-friendly way and /or to increase their resilience.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please let us know if, **as a supplier, you have experienced any other barriers to bringing innovative solutions** to the private procurement market in the EU, and please provide any suggestions you may have on how to overcome such barriers. (200 words maximum)

Not a supplier

Please let us know if, **as a private buyer, you have experienced regulatory or other barriers** that deter you/your company to procure in a more innovation-friendly way and to improve the resilience of your operations/supply chains. In particular, please tell us if there are specific regulatory simplifications or legal incentives that could be introduced to make it easier for your company to procure in a more innovation-friendly/resilient way. (200 words maximum)

Not a private buyer

Possible way forward

To what extent do you agree with the following statements about the private procurement market in the EU?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Private buyers in the EU that receive public funding to procure solutions (e.g. from public R&I or deployment funding programmes), should adopt procurement practices that promote innovation and support the participation of start-ups and innovative companies.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In general , also when private buyers in the EU procure solutions without public funding , they should adopt procurement practices that promote innovation and support the participation of start-ups and innovative companies.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private buyers that own /operate critical infrastructure* should take special care to procure in a way that safeguards the resilience of their supply chains , preventing blackouts in essential services and ensuring that public security is not compromised.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Private buyers that own /operate critical infrastructures should adopt procurement practices that enable access to innovative solutions and facilitate participation by startups. These should support the development of strategic technologies** within national or European ecosystems and help reduce dependencies on external suppliers.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>













* Some **private buyers** own or operate **critical infrastructure** that offer essential services that underpin functions or economic activities that are vital to society in the EU (e.g. telecom operators, airline operators etc.)

** **Technologies that are of strategic importance to EU economic security** (such as microchips and AI). These tend to be high-tech, innovative technologies that are often building blocks or enablers for many other products/systems that are used by critical infrastructure.

Private buyers need to be able to incorporate innovations that they buy from other smaller innovative companies in the solutions that they will sell to private or public customers. However, private buyers may experience difficulties in doing this, when there are conflicts between the IPR policy of their customers and the IPR policy governing their supply chain (e.g. when customers require the private buyer to transfer IPR or require broad, exclusive licenses). As a result, fewer suppliers may be willing to deliver innovations to a private buyer.

Private buyers often also need to be able to cooperate with universities and/or their spinoffs or to use their IPR when working for private or public customers. However, private buyers may experience difficulties in doing this when there are conflicts between the IPR policy of their customers conflicts and that of the university (e.g. when the university requires full IPR ownership or exclusive licensing rights that are in conflict with IPR rights/licenses required by the customers of the private buyer). As a result, private buyers may not be able to cooperate with universities or their spinoffs to deliver innovations to their customers.

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Private buyers in the EU face challenges in commercializing innovations from their supply chain due to misalignments between the intellectual property rights (IPR) policies of their suppliers and those of their customers						
Private buyers in the EU are hampered in commercialising innovations from universities due to conflicts between the IPR policies of universities and that the IPR policies of their customers.						

4.2. Accessing the public procurement market

Public procurement has great potential to drive the development and deployment of innovative solutions from the demand side. However, [EU benchmarking of national innovation procurement investments](#) shows that while healthy economies around the world invest at least 20% of public procurement in innovation procurement, in the EU this figure is much lower - a little over 10%.

Current situation

A [group of experts appointed by the EC](#) analysed legislative barriers in Europe that prevent innovative companies from accessing public procurement and from growing their businesses across the EU market. Such barriers may appear in public procurement processes that fall under the EU public procurement directives, and those outside them.

























Possible way forward






















The upcoming revision of the EU public procurement directives will seek ways of making the public procurements that fall under those directives more innovation-friendly. Accordingly, this public consultation does not focus on those type of procurements.





However, 70% of public procurement, including often R&D services procurements and other types of procurements of innovative solutions, are implemented outside of those directives. In this context, the EU European Innovation Act may provide a fast-track procedure for public procurement of R&D services falling outside the public procurement directives, including pre-commercial procurement as a leverage to increase total investment in public innovation procurement. Such procurement of R&D services may procure only R&D activities, or a combination of R&D activities and first innovative solutions resulting from R&D.

To what extent do you agree with the following expert recommendations for addressing the barriers faced by innovative companies in such public procurement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Public buyers should carry out open market consultations						

before public procurements that buy R&D and/or innovative solutions, so that buyers are well informed about the most recent developments and innovations when drafting tender specifications.						
Suppliers sometimes miss important business opportunities because announcements for upcoming open market consultations and the resulting public procurement for R&D and/or innovative solutions are not always transparently publicised. Public buyers should therefore make it easier for suppliers to become aware of such business opportunities .						
In order to ensure that IPR conditions used in public procurement that buy R&D and/or innovative solutions do not deter suppliers from protecting and commercialising their innovations, public buyers should buy only those IPR rights that they really need . <i>(studies show that usage rights and some licensing rights tend to be sufficient, and that full transfer of IPR ownership to the buyer is only needed in limited situations).</i>						
To ensure that public buyers give suppliers sufficient room to offer innovative solutions , such public procurements that buy R&D and/or innovation solutions should make wider use of functional or performance-based specifications . <i>Such specifications do not prescribe the solution to be delivered but, rather, the problem to be solved, and leave it to</i>						

suppliers to propose the best solution to meet the required functionalities or performance levels.						
In public procurements for buying R&D and/or innovative solutions , contracts should be awarded based not only on lowest price, but also on other criteria.						
For this type of procurements, it would be helpful to create a set of EU innovation procurement criteria that provide legal certainty on how public buyers can take into account factors other than price, such as i) the quality of different types of innovative solution and of various strategic technologies that the solutions may rely on, ii) the EU added value, iii) innovation impact and iv) the total cost of ownership of an innovative solution.						
The EU should provide legal clarity on how value engineering can be used in such public procurements that buy R&D and/or innovative solutions. <i>This would enable public buyers i) to accept proposals from their suppliers to incorporate new technological improvements that become available only during contract implementation (e.g. to improve quality/performance at the same cost or lower cost) and ii) to provide contractors financial incentives for engaging in such an approach.</i>						
Payment methods used in public procurements that buy R&D and/or innovative solutions should be made more suitable for start-ups and scale-ups: e.g. by increasing the use of pre-financing						

<p>payments and accelerated payments to start-ups and scale-ups (e.g. within 15 days)</p>						
<p>A template subcontracting agreement should be created that protects the rights of subcontractors in public procurements that buy R&D and/or innovative solutions (such as the right to proper payment, respect of their IPR and the rights that financial investors may have in such innovative companies) in order to help such companies avoid financial difficulties.</p>						
<p>Unjust disqualification of bidders in procurements for R&D and/or innovative solutions should be prevented.</p> <p><i>This could be facilitated e.g. by clearly defining when financial requirements are disproportionate, by ensuring that bidders can prove their financial capacity by means other than just turnover (e.g. backing from financial investors / banks), and by discouraging disqualification of bidders based solely on lack of performance history or purely on administrative omissions that could be rectified.</i></p>						
<p>To make it easier for new players to enter the market, public buyers should have a simpler way to implement multiple sourcing in procurements for R&D and/or innovative solutions.</p>						
<p>Legal hurdles that make it difficult for public buyers from different EU countries to procure R&D and/or innovative solutions collaboratively should be removed so that such procurements can create sufficient</p>						

critical mass of demand that enables innovative companies to grow across the EU.						
Clear legal provisions should be provided for how public buyers can reinforce EU technological sovereignty in procurements that buy R&D and/or innovative solutions.						
Public buyers that own/operate critical infrastructure* should take special care to procure in a more innovation-friendly way. <i>Why? Firstly, the procurement of R&D and/or innovative solutions can help upgrade their critical infrastructure with cutting edge solutions that are essential for them to deliver high quality, safe and robust essential services to society, and, secondly, it can help them to diversify their supply chains with innovative companies and prevent over-reliance on non-EU suppliers that could have a detrimental effect on the security of supply of strategic technologies.</i>						
Public buyers that own/operate critical infrastructure* should award public contracts for R&D and /or innovative solutions that rely on strategic technologies not only based on the lowest price, but also on other criteria.						

* Some **public buyers** own or operate **critical infrastructure** that offer essential services that underpin functions or economic activities that are vital to society in the EU (e.g. government data networks, energy and water utilities)

Please let us know if, **as public buyer or as supplier of R&D services and/or innovative solutions, you have experienced other barriers** in the EU, and we would ask you to provide any suggestions you may have as to how to overcome such barriers. (200 words maximum)

Nothing to add

Are there any **other aspects not mentioned above** that should be looked at for the procurements that could be covered by European Innovation Act, that you think need clarification? (200 words maximum)

As regards the question of whether public procurement for R&D and innovative solutions should be based not only on the lowest price but also on other criteria. In general, open public procurement where the price component is very important is excluded from State aid (see point 96 of the Commission's State aid notice). It is therefore advisable to clarify whether such a solution (where other criteria are important in addition to price) may constitute State aid.













4.3. Stimulating innovation procurement through R&I policies

R&I policies in Europe are gradually shifting towards supporting demand-driven R&I, rather than focusing solely on the supply side. [EU benchmarking](#) shows that so far 22 EU Member States have recognised that fostering innovation procurement is a strategic priority in their national R&I policies. However, innovative companies are still struggling to bring their innovative solutions to the public and private procurement market. The [Draghi report](#) and [EU expert reports](#) highlighted that there is still a lack of EU and national action plans for innovation procurement and that innovation procurement is still insufficiently rooted in R&I policies to help companies bring their innovative solutions to the procurement market and to support and encourage buyers to buy in a more innovation-friendly way. Therefore, as highlighted in the [May 2024 EU Council conclusions on knowledge valorisation](#), there is a need to better anchor support for innovation procurement in research and innovation policies across Europe.

To what extent do you agree with the following expert recommendations for improving strategic **planning and anchoring of innovation procurement in research and innovation policies?**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Innovation procurement should be better anchored into R&I policies. <i>This could include encouraging innovation procurement through R&I policies for specific sectors and strategic technologies, and</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>R&I policies and programmes should provide better support and incentives for innovation procurement.</p> <p><i>For example, i) financial support for lighthouse innovation procurement projects, including for strategic technologies to enable public and private buyers to use publicly funded research and technology infrastructure for testing high-tech innovations for their procurements, ii) training and support for SMEs in applying for innovation procurement, and iii) training and support for R&I /technical staff of public and private buyers in emerging innovative technologies and in drafting technical and IPR requirements in tender specifications in an innovation-friendly way.</i></p>						
<p>In the context of increasing overall public and private R&I investment in the EU: An EU roadmap or action plan should be created to reinforce public and private innovation procurement investment across the EU with a view to making Europe competitive with other major economies in this field.</p>						
<p>In tandem with national roadmaps and action plans for increasing overall public and private R&I investments: National roadmaps or action plans for innovation procurement should be drawn up , with clear goals, a timeline and monitoring of progress.</p>						
<p>It would be useful to create a clear EU definition for innovation procurement in line with definitions already used in R&I</p>						

policies, in order to facilitate i) the anchoring of innovation procurement in R&I policies, ii) the creation of innovation procurement action plans or roadmaps, iii) the monitoring of progress and iv) the creation of innovation procurement incentives for public and private buyers.						
The EU should make procurement of EU institutions and EU agencies more innovation-friendly , so as to enable the monitoring of innovation procurement investment of EU institutions and EU agencies, thus enabling this aspect to be reflected in total EU-wide R&I investment.						

Above is mentioned the possibility that R&D and innovation policies and programmes should better support and stimulate innovation procurement, including, for example, providing financial support for targeted innovation procurement projects, etc. Again, it would be necessary to clarify under which state aid rules this can be done.

5. Access to infrastructures

5.1. Access to research and technology infrastructures

























Research Infrastructures and technology infrastructures* can provide resources (such as advanced equipment, infrastructure and data collection) and services (such as R&D and testing services, consulting on experimental design and business-acceleration services). This can prove helpful for both companies and end-users in terms of i) conducting R&D, including testing of innovative solutions, and ii) fostering innovation. However, small innovative companies and potential buyers of innovative solutions may find it difficult to find and access suitable research and technology infrastructure to support their innovation, technology development and testing.

*Examples of research infrastructure include high-performance computing centres, biobanks, and climate and air-quality databases. Examples of technology infrastructure include biogas plants, clean-room facilities for chip production and test areas for road traffic safety solutions.

Current situation

To what extent do you agree with the following statements about the relevance of access to research and technology infrastructure for your organisation.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Accessing a research or technology infrastructure is an important part of the R&D operations of my organisation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
I do not usually have sufficient financial resources in my organisation to access the necessary research and technology infrastructure.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
I do not have sufficient expertise and experience in my organisation to collaborate effectively with research and technology infrastructure.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
I am not sufficiently aware of the services of research and technology infrastructure that could help me scale-up my innovations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The conditions for accessing research and technology infrastructure are often complex and unclear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The models for working with research and technology infrastructure are not suited to the needs of my organisation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The services and facilities of the research or technology infrastructures that I know match my expectations compared to how they promote themselves.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Infrastructure staff are generally aware of the needs of companies such as mine and sufficiently tailor their standard experimental services to the specific needs of industrial users.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

The research and technology infrastructures that I am familiar with are NOT sufficiently open to small innovative companies or prepared to work with them.						
Research and technology infrastructures that I am familiar with are NOT sufficiently open to public sector organisations (e.g. to public buyers that want to test solutions) or prepared to work with them.						
Legal, cultural or language barriers deter me from using research and technology infrastructure available in another EU country.						
Research and technology infrastructures offer sufficient non-technological services other than experimentation (such as consultation on experimental design and business-acceleration services).						

What are the **most significant challenges** your organisation has faced when accessing research and technology infrastructure in the EU?

- ☐ Limited availability of facilities,
- ☐ High access costs,
- ☐ Complex administrative procedures,
- ☐ Lack of information regarding available infrastructure and the services offered,
- ☐ Fragmented IPR management frameworks and confidentiality concerns,
- ☐ Legal barriers in terms of access to research and technology infrastructure in other EU countries.

No need for accessing research and technology infrastructure.

The issue of granting preferential access to innovative companies. If such opportunities are foreseen in the future innovation regulation, it would also be necessary to clarify what kind of state aid can be provided for this.

Feel free to provide more information on any **difficulties, in particular legal barriers**, that you have experienced in accessing research and technology infrastructure in the European Union, how critical they were and how to overcome them. (200 words maximum)

No need for accessing research and technology infrastructure

Possible way forward

To what extent do you agree with the following statements about the possible way forward?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Public financing for research and technology infrastructure should be subject to their openness to users across the EU .	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The EU should have in place dedicated access schemes for start-ups and scale-ups for using research and technology infrastructure.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Innovative companies should be given discounted access to research and technology	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The EU should have in place dedicated schemes for public buyers to access research and technology infrastructures, in order to test solutions in the context of innovation procurement.						
Access schemes should include both technological and non-technological services .						
Industry access to research and technology infrastructures should be simplified , for example by proposing an EU blueprint for collaboration agreements with these infrastructures that clarifies specific contractual provisions such as IPR management and liability.						
The EU should aim for greater alignment of conditions governing access to research and technology infrastructure across Europe.						

6. Encouraging commercialisation of publicly funded research and innovation

In Europe, only a third of the inventions patented by universities and research technology organisations (RTOs) are commercialised. SMEs and large companies are equally active as commercialisation partners. There is thus still significant untapped potential to commercialise the knowledge / IPR that is created in publicly funded research and innovation. This requires to foster the commercialisation of academic research results and to enable better collaboration between industry, academia and the public sector.

IPR policies in universities and RTOs are not always designed to incentivise academic researchers to become entrepreneurs themselves, or to transfer or license academic IPR efficiently to other companies on the market. Collaboration between industry, academia and public organisations can also be hampered when there are conflicts between the IPR policies of these different stakeholders. Standardisation, certification and permits are often a key requirement for placing a product on the market. However, academic researchers and small innovative companies such as university spinoffs and start-ups face difficulties with these processes due to their limited resources and pressure to start selling their products as early as possible.

Current situation

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
IPR policies in European universities and RTOs are not sufficiently geared to fostering the commercialisation of academic research results.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standardisation policies in European universities and RTOs are not sufficiently developed to fostering the commercialisation of academic research results.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are still barriers to research and innovation collaboration between industry, academia and public sector organisations.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6.1 Commercialisation of academic research results













Possible way forward

To what extent do you agree with the following statement about improving **the framework conditions for commercialisation of academic research results?**







	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Member States should adopt, if not yet in place, strategies promoting commercialisation of publicly funded research results generated in universities and RTOs , including intellectual asset management, spin-off creation, and go-to-market strategies.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you agree with the following statements about overcoming **IPR-related barriers** that hamper the commercialisation of academic research results?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
European universities and RTOs should have an IPR policy in place that clearly outlines how they handle not only the protection, but also licensing and transfer of intellectual assets .	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
For all their publicly financed research, European universities and RTOs should pursue adequate protection and commercialisation of academic research results. To this end, every university/RTO should have their own transfer office or set up joint transfer offices between networks of universities / RTOs.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incentives and reward mechanisms , both financial and non-financial, should be put in place to motivate researchers and universities/RTOs to pursue robust IPR protection and to enable them to benefit from successful commercialisation of academic IPRs.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
IPR transfer and licensing processes should mitigate liquidity issues for start-ups /spinoffs , while allowing universities and researchers to benefit from the economic success of the commercialisation of academic research results. Templates should be made available for organising the IPR transfer/licensing process based on e.g. virtual shares or licensing conditions that draw liquidity out of the company only when it starts making profits from successfully	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

selling the solution to customers on the market or when co-investors [e. g. Venture Capitalists] exit.						
Capacity building (which includes technology scouting, identifying and assessing the appropriate technology transfer routes, IPR valuation, venture building, teaming up with investors and/or industry partners etc.) for staff in universities and RTOs should be strengthened to ensure that their technology transfer offices operate at high quality standards and facilitate the cross-border exploitation of knowledge.						
A Europe-wide platform should be available to researchers and universities and RTOs where they can list their IPR assets. This would make it easier for them to contact companies interested in exploiting their IPRs and for investors to assess, value and invest in innovative projects.						

To what extent do you agree with the following statements about overcoming barriers relating to **standardisation and certification and obtaining permits for innovative solutions** that hamper the commercialisation of academic research results?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
European universities and RTOs should adopt a standardisation policy , closely linked to their research and innovation and IPR policies, that clearly outlines how they will pursue standardisation and certification to foster market uptake of their innovations.						
European universities and RTOs should pursue adequate						

standardisation and certification activities in cooperation with their transfer offices. This involves identifying standardisation and certification objectives from the early research stages and pursuing them throughout the research and innovation cycle.						
Training, advisory and support services should be put in place to help researchers understand how standardisation and certification works and to support them in taking part in standardisation and certification processes.						
Incentives should be provided to encourage researchers to carry out standardisation and certification activities (e.g. stronger career recognition and potential secondments of academic researchers to spinoffs/start-ups for standardisation and product certification activities).						
Processes for standardisation, certification and permitting of strategic technologies should be shortened (fast-track procedure).						
It should become the norm in the EU that start-ups and scale-ups pay reduced prices for certification and permitting processes.						

6.2 Facilitating collaboration between industry, academia and the public sector

Current situation

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion

Collaboration between industry, academia, other public sector organisations and buyers can be difficult when they work under incompatible IPR policies (e.g. if there is a conflict between a university's IPR licensing requirements for a spinoff conflict and the IPR requirements of IPR-backed financiers or those of public buyers, then the spinoff may have difficulty obtaining financing or taking part in public procurements).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Possible way forward

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
To get innovations out of the lab into the market, IPR policies should be better aligned across different forms of public financing for research and innovation , so that innovators are not blocked from commercialising their IPR when using different types of public R&I financing, either in sequence or in combination.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Feel free to provide information on any **difficulties you have experienced** in the commercial exploitation of publicly funded research and innovation, and please provide any suggestions you may have on how to overcome those difficulties. (200 words maximum)

Submitting additional files

Thank you for your contribution. Please feel free to provide **further comments** or to attach a file. You may use this opportunity to provide us with further comments on specific questions raised by this consultation or any information on **other innovation barriers** that you think the European Innovation Act should address. You may also upload a paper summarising your view on the European Innovation Act or a **background document with evidence** that may help provide further grounds for EU action (e.g. evidence of specific innovation barriers that you have experienced or of different types of positive impacts that could be achieved by removing certain barriers). (500 words maximum)

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