

Comments and suggestions to the draft of the Communication from the Commission – Framework for State aid for research and development and innovation

Masaryk University (MU), Brno, Czech Republic, would like to present the following comments and suggestions to the draft of the R&D Framework.

MU welcomes the aspect of stability concerning the fact that the new Framework does not propose major changes to the system.

MU would like to draw the Commission's attention to the following matters:

1. Open access

MU suggests adding a new footnote No. 35 behind the phrase in the article 22 "(...)provided that the economic use remains purely ancillary, that is to say corresponds to an activity which is directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use³⁵, and which is limited in scope(...)" that would further clarify open access and use of research infrastructure for non-economic activities issue. MU suggests the following wording of the new footnote No. 35: "³⁵ All activities defined in the article 21, including facilitating access for third parties to a research organisation and/or research infrastructure under an open-access scheme for the performance of their non-economic activities, shall be considered as non-economic activity."

2. Article 74, last sentence: "Member States should demonstrate that the State aid for the assessed project or activity would create synergies with any funding or co-financing from Union programmes."

It is not clear how such "a demonstration" should look like. It is understood from article 74 that for projects or activities that received State aid and are financed by the European Union, the appropriateness of the aid measure is "automatically" fulfilled. But if it is not the case (i.e. the projects or activities are not financed by the Union, directly or indirectly), then "synergies with any funding or co-financing from Union programmes" should be demonstrated. Does it mean that state aid provider should describe that these projects are synergic with other projects or activities that are financed (in fact or potentially) by the Union? At which phase and in what form should it be demonstrated?