

1. attention to the proposed amendment to art. 2 points 85) and 86) i.e.

(85) "industrial research" means the planned research or critical investigation aimed at the acquisition of new knowledge and skills for developing new products, processes or services or for bringing about a significant improvement in existing products, processes or services. It comprises the creation of components parts of complex systems, and may include the construction of prototypes in a laboratory environment or in an environment with simulated interfaces to existing systems as well as of pilot lines, when necessary for the industrial research and for generic technology validation (corresponding to Technology Readiness Levels 2, 3 and 4);

(86) "experimental development" means acquiring, combining, shaping and using existing scientific, technological, business and other relevant knowledge and skills with the aim of developing new or improved products, processes or services. This may also include, for example, activities aiming at the conceptual definition, planning and documentation of new products, processes or services (corresponding to Technology Readiness Levels 5 to 8);

Remark:

The proposal to clarify the definition of industrial research and experimental development by reference to the TRL methodology (Technology Readiness Levels) is a valuable solution and can contribute to increasing transparency in the assessment system, avoiding interpretative doubts on the part of applicants and assessors, as well as harmonizing the approach between various supporting instruments research and development projects. Nevertheless, the proposed method of assigning individual technological readiness levels to the category of industrial research and development works raises doubts. In currently implemented support instruments (both regional operational programs and the national operational program - Intelligent Development in the field of R&D projects implemented by the National Center for Research and Development), they are based on the division according to which industrial research covers TRL levels from 2 to 6 inclusive, while experimental development works covers TRL levels from 7 to 9 inclusive (where level 9 means in particular that checking the technology in real conditions has achieved

the intended effect, which indicates that the demonstrated technology is already in its final form and can be implemented in the target system).

The assignment of levels 5 and 6 to industrial research used so far results from the still research nature of the works carried out at these TRL levels, which are still characterized by research uncertainty and conducting research work in laboratory conditions.

Therefore, please consider the following possibilities:

(a) reformulation of the proposed change in such a way that industrial research would cover activities corresponding to TRL 2-6 inclusive, while experimental development would include activities corresponding to TRL 7-9 (i.e. to the stage of preparation for implementation, but excluding mass production) or alternatively

(b) introducing transitional provisions ensuring that managing authorities of operational programs may decide to exclude the application of the amendment to competitions launched in the 2014-20 financial perspective or introducing a block exemption from applying this change to competitions under the 2014-20 perspective

2. remark to the proposed amendment to art. 2 points 175) and 176) i.e.

(175) "grey areas" means areas where only one broadband infrastructure of the same category (in other words, basic broadband or NGA/NGN) is present or planned on commercial terms within three years according to appropriate mapping or the results of a public consultation;

(176) "grey areas" means areas where at least two broadband infrastructures of the same category (in other words, basic broadband or NGA/NGN) are present or planned on commercial terms within three years according to appropriate mapping or the results of a public consultation;

Polish version GBER contains in point 175 and 176 for the definition of gray areas, while point 176 in the English version contains the definition of black areas.

