

Reply to the public consultation on the targeted GBER revision

AENEAS, INSIDE and EPoSS are the three private members of the ECSEL Joint Undertaking and the Key Digital Technologies Joint Undertaking (KDT JU) that will succeed ECSEL by the end of this year. The overarching objective of this new European Partnership under Horizon Europe is to support the digital transformation of all economic and societal sectors, make the transformation work for Europe, support the European Green Deal, strengthen industrial strongholds, establish technological sovereignty and boost competitiveness. In view of this objective of the KDT JU we very much welcome that according to the press release, the aim of the proposed revision of the GBER is to promote public funding that contributes to the achievement of current EU priorities, notably the the Green Deal and the European Industrial and Digital Strategies.

As our constituencies are active in the digital domain, we also support the proposal to amend the definitions of industrial research and experimental development activities to clarify that R&D activities on digital technologies/solutions are included. Furthermore, we appreciate the introduction of a new definition and compatibility criteria enabling support for “testing and experimentation infrastructures”, sometimes also known as “technology infrastructures”, because these are quite relevant for many of our members, either as users or as suppliers, service providers, investors, operators or owners.

Nevertheless, we have three comments on definitions and classifications:

1. The [Regulation](#) of the new Digital Europe programme and its main [Work Programme](#) for 2021-2022 make numerous mentions of “testing and experimentation facilities” (“TEFs”), for example in the context of Artificial Intelligence. However, it is not entirely clear whether these “testing and experimentation facilities” should be classified as “testing and experimentation infrastructures”, as their very similar naming and description in the proposed new point (98a) of article 2 seems to suggest. It would be helpful to make this link explicit, either in the revised GBER, or in future main Work Programmes of Digital Europe, or in both. Ideally, in future main Work Programmes of Digital Europe, concrete guidance should be provided on the State aid aspects of TEFs, such as the innovation advisory and support services they may provide and the operating aid and the investment aid they may receive. A good example is Annex 2 of the [Digital Europe Work Programme 2021-2023 for European Digital Innovation Hubs](#).
2. The definition of “testing and experimentation infrastructures”, sometimes also known as “technology infrastructures”, in the proposed new point (98a) of article 2 is not consistent with the definition of “technology infrastructures” in footnote 21 of the [Council conclusions](#) of December 1, 2020 on the New European Research Area. For example, whereas according to the former definition, users are “mainly industrial players, including SMEs”, according to the latter definition, users are “public research laboratories or industry”. To avoid misunderstandings, these inconsistencies should be resolved.

3. According to its [Communication “A competition policy fit for new challenges”](#) of November 18, 2021, the Commission may envisage approving public support to fill possible funding gaps in the semiconductor ecosystem for the establishment in particular of European “first-of-a-kind facilities” in the Union, based on Article 107(3) TFEU. It should be clarified whether such “first-of-a-kind facilities” would classify as “testing and experimentation infrastructures” falling under the revised GBER.

AENEAS is an Association, established in 2006, providing unparalleled networking opportunities, policy influence & supported access to funding to all types of R&D&I participants in the field of micro and nanoelectronics enabled components and systems. See <https://aeneas-office.org>

INSIDE is the Industry Association that serves as a European Technology Platform on R&D&I on Intelligent Digital Systems and its design tools, with a special interest in software intensive embedded systems. See <https://www.inside-association.eu/>

EPoSS, the European Technology Platform on Smart Systems Integration, is an industry-driven policy initiative, defining R&D and innovation needs as well as policy requirements related to Smart Systems Integration and integrated Micro- and Nanosystems. See www.smart-systems-integration.org

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