



EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

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**2011/0384(COD)**

13.7.2012

## **OPINION**

of the Committee on Legal Affairs

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council  
amending Regulation (EC) No 294/2008 establishing the European Institute of  
Innovation and Technology  
(COM(2011)0817 – C7-0467/2011 – 2011/0384(COD))

Rapporteur: Alajos Mészáros

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## SHORT JUSTIFICATION

The European Institute of Technology and Innovation (EIT) has been set up by Regulation (EC) 294/2008 with the aim of reinforcing Europe's innovation capacity. It represents the first EU attempt to integrate higher education, research and innovation, into the so called "knowledge triangle". This integration takes place primarily via the Knowledge and Innovation Communities (KICs), which bring together organisations on a long-term basis around societal challenges. The EIT became operational in 2010 and its seat is in Budapest.

The Commission presents now amendments to the regulation establishing EIT. The proposed changes are based on lessons learnt during the initial period, the recommendations of the external evaluation reports, as well as the results of broad consultations with EIT stakeholders. This amending Regulation is also closely linked to the the proposal for the EIT Strategic Innovation Agenda, which builds on the proposal of the EIT Governing Board.

Your rapporteur focuses in his opinion mainly on the following aspects:

### **Improving the governance structures of EIT and the dialogue with the EU institutions**

The experience shows that the composition of the EIT bodies should be simplified. In particular, tasks of the Governing Board and the Director should be further clarified. The Governing Board and the Director must always act in the interests of the EIT in an independent and impartial way. Your rapporteur also stresses the importance of adequately involving the EU institutions when the EIT Work Programmes are established.

### **Widening of participation across all Member States and fostering synergies of EIT structures for the benefit of, in particular, SMEs**

Principles of openness, transparency and balance of interests need to be at the core of the governance principles and the widening participation to new entrants across the whole EU bringing new ideas and in particular increasing participation of small and medium-sized enterprises (SMEs) should therefore be part of the KICs strategy for growth. Even though not all markets have the same structure, it is important to provide for SMEs the opportunity to fully participate in all the Knowledge and Innovation Communities (KICs). Public companies and local authorities, as well as non-profit organisations, should be also involved in the KICs, as appropriate.

### **Management of Intellectual Property Rights**

Your rapporteur is of the view that the rules concerning the management of intellectual property rights must ensure the right balance between the right holders and the users. The rules should provide guidance and models promoting knowledge transfer and dissemination, both within the context of the KICs and more widely across the EU.

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 4

*Text proposed by the Commission*

The rules concerning the management of intellectual property rights are defined in the Rules for Participation.

*Amendment*

The rules concerning the management of intellectual property rights ***and dissemination of results*** are defined in the Rules for Participation ***and must ensure the right balance between the right holders and the users. The European Commission, in consultation with the EIT, should provide guidance on innovative intellectual property rights models promoting knowledge transfer and dissemination, both within the context of the KICs and more widely across the EU.***

### Amendment 2

#### Proposal for a regulation

##### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***The EIT should engage closely with small and medium-sized enterprises (SMEs) to ensure their active participation in the activities of the KICs. Public companies and local authorities, as well as non-profit organisations, should be also involved in the KICs, as appropriate.***

### Amendment 3

#### Proposal for a regulation

##### Recital 7

*Text proposed by the Commission*

(7) The scope of the EIT contribution to the Knowledge and Innovation Communities (hereinafter referred to as KICs) should be defined and the origins of KICs' financial resources clarified.

*Amendment*

(7) The scope of the EIT contribution to the Knowledge and Innovation Communities (hereinafter referred to as KICs) should be defined and the origins of KICs' financial resources clarified. ***In particular, EU funding should be considered as leverage to encourage KICs to pursue other sources of private or public funding, and a review of the use of EU funding as leverage should be considered in future by EU institutions.***

**Amendment 4**

**Proposal for a regulation  
Recital 8**

*Text proposed by the Commission*

(8) The composition of the EIT bodies should be simplified. The functioning of the EIT Governing Board should be streamlined and the respective roles and tasks of the Governing Board and the Director should be further clarified.

*Amendment*

(8) The composition of the EIT bodies should be simplified. The functioning of the EIT Governing Board should be streamlined and the respective roles and tasks of the Governing Board and the Director should be further clarified. ***The Governing Board and the Director must act in the interests of the EIT in an independent, impartial and transparent way.***

**Amendment 5**

**Proposal for a regulation  
Recital 15**

*Text proposed by the Commission*

The EIT Triennial Work Programme should take into account the Commission's

*Amendment*

The EIT Triennial Work Programme should take into account the ***opinions of***

*opinion* concerning the EIT's specific objectives, as defined in Horizon 2020, and its complementarities with European Union policies and instruments.

*the Commission, the European Parliament and the Council* concerning the EIT's specific objectives, as defined in Horizon 2020, and its complementarities with European Union policies and instruments. *These EU institutions should be adequately involved when this programme is established.*

## **Amendment 6**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point c**

Regulation (EC) No 294/2008

Article 2 – paragraph 10

#### *Text proposed by the Commission*

10. Stakeholder Forum means a meeting open to representatives of national and regional authorities, organized interests and individual entities from business, higher education, and research, cluster organisations, as well as other interested parties from across the knowledge triangle.

#### *Amendment*

10. Stakeholder Forum means a meeting open to representatives of national and regional authorities, organized interests and individual entities from business, higher education, and research, cluster organisations, as well as other interested parties from *civil society and from* across the knowledge triangle.

#### *Justification*

*Following paragraph 10 as added by the Commission proposal 2011/0384(COD).*

## **Amendment 7**

### **Proposal for a regulation**

#### **Article 1 – paragraph 2**

Regulation (EC) No 294/2008

Article 3 – subparagraph 1

#### *Text proposed by the Commission*

The EIT's mission is to contribute to sustainable European economic growth and competitiveness by reinforcing the innovation capacity of the Member States

#### *Amendment*

The EIT's mission is to contribute to sustainable European economic growth and competitiveness by reinforcing the innovation capacity of the Member States

and the Union. It shall do this by promoting and integrating higher education, research **and** innovation of the highest standards.

and the Union. It shall do this by promoting and integrating higher education, research, innovation **and entrepreneurial activities** of the highest standards.

## Amendment 8

### Proposal for a regulation

#### Article 1 – point 4 – point b

Regulation (EC) No 294/2008

Article 5 – paragraph 1 – point j

#### *Text proposed by the Commission*

(j) convene, at least once a year, the Stakeholders Forum to inform about the activities of the EIT, its experiences, good practices and contribution to Union innovation, research and education policies and objectives. **Stakeholders** shall be invited to express their views.

#### *Amendment*

(j) convene, at least once a year, the Stakeholders Forum to inform about the activities of the EIT, its experiences, good practices and contribution to Union innovation, research and education policies and objectives. **All stakeholders** shall be invited to express their views.

#### *Justification*

*Following paragraph 10 as added by the Commission proposal 2011/0384(COD).*

## Amendment 9

### Proposal for a regulation

#### Article 1 – point 6 – point d

Regulation (EC) No 294/2008

Article 7 – paragraph 4

#### *Text proposed by the Commission*

4. The majority of the partner organisations forming a KIC shall be established in the Member States. **At** least one higher education institution and one private **company shall be part of each KIC.**

#### *Amendment*

4. The majority of the partner organisations forming a KIC shall be established in the Member States. **Each KIC shall be constituted by at** least one higher education institution and one private **entity.**

*Justification* Following paragraph 10 as added by the Commission proposal 2011/0384(COD).

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 1 – paragraph 12**

Regulation (EC) No 294/2008

Article 15 – subparagraph a

#### *Text proposed by the Commission*

(a) a rolling triennial work programme, based on the SIA, once it is adopted, containing a statement of the major priorities and planned initiatives of the EIT and the KICs, including an estimate of financing needs and sources. It shall also contain appropriate indicators for monitoring the KICs and EIT activities. The preliminary rolling triennial work programme shall be submitted by the EIT to the Commission by 31 December each N-2. The Commission shall deliver an opinion within three months with regard to EIT specific objectives as defined in Horizon 2020 and its complementarities with Union policies and instruments. The EIT shall take a due account of *the Commission opinion*, and in case of disagreement justify its position. The final work programme shall be transmitted by the EIT to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions for information;

#### *Amendment*

(a) a rolling triennial work programme, based on the SIA, once it is adopted, containing a statement of the major priorities and planned initiatives of the EIT and the KICs, including an estimate of financing needs and sources *taking into account the financial viability of each KIC*. It shall also contain appropriate indicators for monitoring the KICs and EIT activities. The preliminary rolling triennial work programme shall be submitted by the EIT to the *European Parliament, the Council and the Commission* by 31 December each N-2. The *European Parliament, the Council and the Commission* shall deliver an opinion within three months with regard to EIT specific objectives as defined in Horizon 2020 and its complementarities with Union policies and instruments. The EIT shall take a due account of *these opinions*, and in case of disagreement justify its position. The final work programme shall be transmitted by the EIT to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Committee of the Regions for information;



## Amendment 11

### Proposal for a regulation

#### Annex – section 1 – point 2 – subparagraph 3

##### *Text proposed by the Commission*

The Commission shall have regard to the balance between higher education, research, innovation and business experience as well as to gender balance and ***an appreciation*** of the higher education, research and innovation environments across the Union.

##### *Amendment*

The Commission shall have regard to the balance between higher education, research, innovation and business experience as well as to gender balance and ***the widening participation*** of the higher education, research and innovation environments across the Union.

## Amendment 12

### Proposal for a regulation

#### Annex – section 1 – point 4

##### *Text proposed by the Commission*

The Governing Board members shall act in the interests of the EIT, safeguarding its goals and mission, identity and coherence, in an independent way.

##### *Amendment*

The Governing Board members shall act in the interests of the EIT, safeguarding its goals and mission, identity, ***autonomy*** and coherence, in an independent, ***transparent and impartial*** way.

## Amendment 13

### Proposal for a regulation

#### Annex – section 2 – point 1 – subparagraph g

##### *Text proposed by the Commission*

(g) define, with the Commission's agreement, appropriate honoraria for members of the Governing Board and of the Executive Committee; ***these honoraria shall be benchmarked against similar provision in the Member States;***

##### *Amendment*

(g) define, with the Commission's agreement, appropriate honoraria for members of the Governing Board and of the Executive Committee;

## Amendment 14

### Proposal for a regulation

#### Annex – section 2 – point 1 – subparagraph p

*Text proposed by the Commission*

(p) promote the EIT globally, so as to raise its attractiveness and make it a world-class body for excellence in higher education, research and innovation.

*Amendment*

(p) promote the EIT globally, so as to raise its ***scientific, academic and in particular business*** attractiveness and make it a world-class body for excellence in higher education, research and innovation.

## Amendment 15

### Proposal for a regulation

#### Annex – section 4 – point 3 – subparagraph m (new)

*Text proposed by the Commission*

*Amendment*

***(m) ensure a sound communication with the EU institutions;***

## Amendment 16

### Proposal for a regulation

#### Annex – section 4 – point 3 – subparagraph n (new)

*Text proposed by the Commission*

*Amendment*

***(n) act in the interests of the EIT, safeguarding its goals and mission, identity, autonomy and coherence, in an independent, transparent and impartial way.***

## PROCEDURE

<b>Title</b>	Amendment of Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology
<b>References</b>	COM(2011)0817 – C7-0467/2011 – 2011/0384(COD)
<b>Committee responsible</b> Date announced in plenary	ITRE 13.12.2011
<b>Opinion by</b> Date announced in plenary	JURI 13.12.2011
<b>Rapporteur</b> Date appointed	Alajos Mészáros 19.12.2011
<b>Discussed in committee</b>	30.5.2012                      19.6.2012
<b>Date adopted</b>	10.7.2012
<b>Result of final vote</b>	+:                      23 -:                      0 0:                      0
<b>Members present for the final vote</b>	Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka
<b>Substitute(s) present for the final vote</b>	Piotr Borys, Luis de Grandes Pascual, Eva Lichtenberger, Dagmar Roth-Behrendt, József Szájer, Axel Voss