



Council of the
European Union

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RECH 78
COMPET 137
MI 174
POLGEN 23

NOTE

From: Presidency
To: Delegations

No. prev. doc.: 7094/16 RECH 73 COMPET 124 MI 154 POLGEN 19

Subject: Draft Council conclusions on "Innovation and Research Friendly
Regulation"
- Presidency text

Delegations will find in annex a Presidency text on Draft Council conclusions on "Innovation and Research Friendly Regulation" with a view to the Research Working Party meeting on 18 April 2016.

Explanation:

~~Strikeout~~ = deletion in relation to doc. 7094/16

Bold underlined = new text

DRAFT COUNCIL CONCLUSIONS

~~‘INNOVATION-RESEARCH~~ AND ~~RESEARCH~~INNOVATION FRIENDLY REGULATION

The Council of the European Union,

Creation of a research and innovation-friendly environment

1. REITERATES the importance of attracting investments and creating maximum impact on jobs, and growth **and addressing societal challenges**; ACKNOWLEDGES that Europe's ability to attract and mobilise private investments requires a **sound** regulatory framework conducive to research and innovation.
2. ACKNOWLEDGES the findings of the Commission Staff Working Document “Better regulations for innovation-driven investment at EU level” and AGREES that unnecessary legal barriers, non-supportive, unclear or unpredictable regulatory frameworks, shortcomings in implementation ~~problems~~ and regulatory gaps are *inter alia* the bottlenecks hampering research and innovation within the EU.
3. STRESSES the need for effective research and innovation policies, better regulation and regulatory frameworks, including an effective intellectual property rights regime, which are future-proof, more goal-oriented, foster research and innovation and avoid imposing unnecessary burdens on innovative businesses, **including** SMEs, and other research and innovation actors.
4. STRESSES that, when considering, developing or updating EU policy or regulatory measures, the 'Innovation Principle' should be applied in a complementary manner to the precautionary principle; the ‘Innovation Principle’ entails taking into account the impact on research and innovation; and CALLS upon the Commission, together with Member States, to further determine its scope **use and to evaluate its impact**.

5. ~~{CALLS on the Commission, **in cooperation with** and Member States, **in the context of the ‘Better Regulation Agenda’ and the use the REFIT platform** (i) to take a forward-looking regulatory approach on a case-by-case basis, starting **on a case-by-case basis** from sectorial business opportunities to ensure EU and national regulatory frameworks that are more conducive to research and innovation, (ii) to use all possibilities under the existing legislation to facilitate investments in research and innovation, and (iii) to make an inventory **and to publish a list** of regulations that cause bottlenecks, **every two years**, also in view of the implementation of EU law by relevant public authorities and to identify concrete measures as a follow-up, and to publish a list of regulations, considered every two years; and include all these actions mentioned above as part of ‘the Better Regulation Agenda’ and the REFIT platform.}~~
6. INVITES the Commission to explore options for alignment **and greater coherence** and synergies of the rules of Horizon 2020 and of the European Structural Investment Funds for investments in research and innovation within their respective roles, and, where possible, with the state aid rules for research, development and innovation.
7. ~~{INVITES the Commission and Member States, in view of rapid technological change **developments**, increasing digital possibilities and new business models, to provide **explore** experimental opportunities **room for experimentation** under existing legislation—amongst others, pilot lines and demonstrators—for **in order to speed up** scaling-up innovative solutions, **such as pilot lines and demonstrators**.}~~

8. CALLS on the Commission, in cooperation with Member States, to develop and implement new non-legislative tools at EU level; to **further develop and** implement a pilot for the envisaged tool of 'Innovation Deals'¹, **and to** assess **and evaluate** the results of that pilot **before mid 2018** ~~and further develop and implement this tool~~; to be a pro-active partner together with stakeholders and national/regional authorities, in addressing existing regulatory bottlenecks at EU level that hamper research and innovation, in order to provide legal clarity, enable investments in research and innovation and facilitate the development and deployment of innovative solutions.
9. CONSIDERS that a European startup visa scheme could boost Europe's economies **and foster research and innovation**, increase Europe's attractiveness for startup founders and cut the red tape for scaling up within Europe. ~~CALLS on~~ **INVITES** the Commission, in cooperation with ~~the~~ **interested** Member States, **to explore whether a European startup visa scheme, would be of added value at EU level, could boost cross-border expansion of startups and EU's attractiveness for innovators, and** ~~while~~ respecting ~~their~~ national competences and national policies **including the necessary safeguards**, ~~to explore the possibilities for a European startup visa scheme, which include the proper conditions to accomplish the economic goal of the instrument.~~

¹ Described in the Commission Staff Working Document 'Better Regulation for Innovation driven Investments at EU level'.