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EUROPEAN INNOVATION ACT
Public Consultation Questionnaire

Fields marked with * are mandatory.

Introduction

This public consultation forms an integral part of the preparation of the European Innovation Act.
The overall objective of the European Innovation Act is to create cross-sectoral framework conditions conducive to bringing innovative ideas to market in all sectors. Improving the commercialisation of innovation is important as the uptake and diffusion of innovative solutions in the EU Single Market is suboptimal compared to the EU's main global competitors. The European Innovation Act aims to address the key challenges faced by all innovative companies in the EU, both large ones and smaller ones, that are affected by this problem. However, it will also address specific needs of smaller companies, in particular start-ups and scale-ups, as they face additional hurdles that make it more difficult for them to access the market and grow.
The purpose of this public consultation is to collect feedback on the key challenges faced by innovative companies in the EU in the context of the preparation of the European Innovation Act. This includes six categories of challenges related to access to finance, talents, markets, infrastructures, commercialisation of publicly funded research and innovation, as well as regulatory complexity and red tape. The public consultation is divided into separate sections for these six categories, plus an additional Section 7, where you can provide us with information on other additional challenges that make it difficult for innovations to reach the market. It is not mandatory to respond to all sections of the consultation, so if you are only affected by one of the six categories of challenges and want to reply only to questions about that one field, it is possible to navigate directly to the questions for that specific section. It is only mandatory to complete the information in the "About you" section.
The results of this public consultation will be summarised in a factual report, which will be published on the Have Your Say website within eight weeks of the deadline for the consultation. The results will also be analysed together with other data collected through targeted stakeholder consultations and the impact assessment. At the end of the survey, you can upload a file with a more detailed contribution and find our contact details if you wish to submit additional confidential information that you wish to share only with the European Commission.
A separate public consultation is also being launched simultaneously on the 28th Regime, with focus on EU corporate legal framework, which also looks at the challenges faced by companies in other areas including access to finance, tax and labour law, as well as insolvency.

About you

* Language of my contribution

- ( ) Bulgarian
- ( ) Croatian
- ( ) Czech
- ( ) Danish
- ( ) Dutch
- (•) English
- ( ) Estonian
- ( ) Finnish
- ( ) French
- ( ) German
- ( ) Greek
- ( ) Hungarian
- ( ) Irish
- ( ) Italian
- ( ) Latvian
- ( ) Lithuanian
- ( ) Maltese
- ( ) Polish
- ( ) Portuguese
- ( ) Romanian
- ( ) Slovak
- ( ) Slovenian
- ( ) Spanish
- ( ) Swedish

* I am giving my contribution as

- (•) Academic/research institution
- ( ) Business association
- ( ) Company/business
- ( ) Consumer organisation

- ○ EU citizen
- ○ Environmental organisation
- ○ Non-EU citizen
- ○ Non-governmental organisation (NGO)
- ○ Public authority
- ○ Trade union
- ○ Other

* First name

Olga

* Surname

Wessels

* Email (this won't be published)

o.e.wessels@utwente.nl

* Organisation name

255 character(s) maximum

European Consortium of Innovative Universities

* Organisation size

- ○ Micro (1 to 9 employees)
- ◉ Small (10 to 49 employees)
- ○ Medium (50 to 249 employees)
- ○ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

526221434040-38

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka

- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu

- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

- **Anonymous**

  Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

- **Public**

  Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☑ I agree with the personal data protection provisions

Your experience with topics in this consultation

Do you / your organisation have experience with designing or implementing innovation policies or programmes?

- Yes
- No
- Don't know

Do you / your organisation have experience with providing access to finance or assisting companies in accessing finance?

- Yes
- No
- Don't know

Do you / your organisation have experience with public procurement or private procurement?

	Yes	No
I / my organisation has experience as a supplier of innovative solutions with applying for private and/or public procurement.	◉	○
I / my organisation has experience as a buyer with organising private and/or public procurement.	◉	○
I / my organisation has other type(s) of experience with private and/or public procurement (e.g. I have helped suppliers or buyers to engage in such procurement).	◉	○

Do you / your organisation have experience with managing or using research infrastructures or technology infrastructures?

- ◉ Yes
- ○ No
- ○ Don't know

Do you / your organisation have experience with commercialisation of publicly funded research and innovation?

- ◉ Yes
- ○ No
- ○ Don't know

Do you own any of the following IPR rights: Patent, Copyright, Trade Secret, Designs, Trademarks, Geographical Indications?

- ◉ Yes
- ○ No
- ○ Don't know

If you own patents, under which IPC classification are they registered:

- ☑ Human necessities
- ☑ Performing operations; transporting
- ☑ Chemistry; metallurgy
- ☑ Textiles; paper
- ☑ Fixed constructions
- ☑

Mechanical engineering; lighting; heating; weapons; blasting

- [x] Physics
- [x] Electricity
- [ ] Don’t know

If you represent a company, please give an estimate of your company’s total (auditing) value comparing the ratio of ‘tangible vs intangible (IPR, reputation, etc)’.

- (•) Predominantly intangible value
- ( ) Predominantly tangible value
- ( ) No intangible value
- ( ) No tangible value
- ( ) Approximately equal intangible and tangible values
- ( ) Don't know

1. Access to an easier, more coordinated framework

1.1. EU definition for innovative companies, startups & scaleups

There are currently no EU level definitions for ‘innovative company’, ‘start-up’ and ‘scale-up’ that apply across EU legislation. (There are definitions of start-ups and scale-ups in the EU General Block Exemption Regulation but those are tailored solely for the purpose of State Aid control.) This makes it difficult for both large and small companies like start-ups and scale-ups that want to innovate in the EU to obtain equal recognition of their status and to make full use of the associated rights and benefits. This also makes it difficult for the European Union to propose tailored policies in support of these types of companies and to evaluate the impact that such policies have achieved once they are in place.
Establishing such definitions in EU law could benefit these companies in their journey across the innovation landscape in the EU, by, for instance, improving legal certainty on their status under EU law and on the related rights and obligations. Having these definitions could also make it possible to bring about targeted simplifications of the EU regulatory requirements for these companies (for other company types, such as SMEs, certain simplifications already exist). This could, for example, result in (i) a lower administrative and regulatory burden (for example, by creating exemptions from regulatory obligations for these types of companies), (ii) an easier framework for doing business across the EU, (iii) easier access to finance and to research and technology infrastructures, (iv) easier access to information about relevant support opportunities or (v) a richer innovation through better collaboration synergies between such companies across the EU.

Current situation

Different EU Member States use different definitions of ‘start-up', ‘scale-up’ or

‘innovative company’. The difference between these definitions typically lies in the elements that they use to construct the definition (e.g. company age, company turnover, company expenditure on research and development, etc.). Has your company / organisation experienced concrete benefits or problems associated with the way in which such definitions are used in the country(ies) in which you operate?

	Yes	No	Not applicable
I find the way in which my country applies such definitions beneficial	◉	○	○
I find the way in which my country applies such definitions problematic	◉	○	○
I have experienced problems because different countries in which my organisation operates are using different definitions	◉	○	○

Please share your views on what we could learn from the **benefits or problems** that you have experienced when creating EU-wide definitions for what is a ‘start-up’, a ‘scale-up’ and an ‘innovative company’. Please also share the lessons you have learned about **what elements ‘should’ or ‘should not’ be used to create EU-wide definitions**. *(200 words maximum)*

Unclear definitions of innovation-related entities create major challenges for universities and their partners. They hinder cross-border comparisons, limit peer learning, and risk complicating evaluation frameworks by requiring too many indicators to measure the right things. A unified framework allows innovation to be guided not only by compliance but also by creativity and problem-solving, making experimentation systematic rather than accidental. To be useful, definitions must be simple, clear, and grounded in the practical realities of innovation ecosystems, especially within universities, where such entities often emerge and evolve. In the ECIU network, for example, partners compared research expenditure and the number of spin-outs per year, focusing on those actively supported through innovation services and involving transferred IP or technology.

Possible way forward

To what extent do you agree that the establishment of EU-level definitions for 'innovative company', 'start-up' and 'scale-up' could bring the following benefits:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Easier **to operate my business in more than one country** in the EU	○	◉	○	○	○	○
Simpler, clearer and better targeted national and EU support mechanisms for the community of	◉	○	○	○	○	○

innovative companies, start-ups and scale-ups						
Improved legal certainty on the status of the company across the EU and its associated rights and obligations	○	◉	○	○	○	○
Enhanced collaborations leading to a richer innovation-driven ecosystem	○	◉	○	○	○	○
Easier access to **research and technology infrastructures**	○	◉	○	○	○	○
Easier access to **finance**	○	◉	○	○	○	○
Better options for **lowering the administrative and regulatory burden** on start-ups, scale-ups and innovative companies	○	◉	○	○	○	○

Once EU definitions of start-ups, scale-ups and innovative companies are created, **which existing requirements under EU law should be simplified** for these categories of companies? *(400 words maximum)*

To unlock the full potential of university-driven innovation ecosystems, EU-wide definitions for start-ups, scale-ups, and innovative companies must be accompanied by simplified legal frameworks. - State Aid rules need clarification, especially regarding market pricing and IP valuation, to facilitate knowledge and technology transfer without triggering violations. - A harmonised EU framework should enable dual appointments, allowing researchers to contribute to start-ups and scale-ups while retaining academic roles. - IP transfer across borders must be streamlined through standardised contracts and simplified registration procedures. - Despite the Unitary Patent, costs and delays in protecting inventions remain high; further simplification is needed, especially for SMEs and university spinouts. - Public procurement rules should evolve to prioritise innovation, sustainability, and long-term value, allowing public institutions to act as early adopters. - EU start-ups face a €125 billion annual venture capital gap compared to global peers. Expanding blended finance instruments and public-private tech funds will be critical to support scale-ups emerging from university ecosystems. To build a critical mass of entrepreneurs, investors, and customers, cross-border collaboration must be strengthened through initiatives like Regional Innovation Valleys and Horizon Europe's EIE programme. These reforms will reduce administrative burdens and empower universities to become engines of innovation and growth.

1.2. Innovation stress test

Current situation

Well-designed regulatory frameworks can serve as catalysts for innovation. However, the role of regulation in fostering innovation is often insufficiently considered during the legislative processes, resulting in unintended barriers to technological

advancement and economic growth. Responses received by the European Commission in the public consultation on the EU Start-up Scale-up Strategy and studies on the link between legislation and emerging technologies indicate that there is both EU and national legislation that makes it difficult for companies to bring their innovative solutions to the market. Assessing the potential impact of upcoming legislation on innovation when it is being drawn up could help ensure that new rules do not place disproportionate restrictions on innovation and that, where possible, they make optimal use of available mechanisms to actively stimulate innovation. An innovation stress test could provide a checklist of questions to help legislators assess impact of this kind in a structured way. An innovation stress test could thus help make legislation more innovation-friendly in line with public interests.

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
There is currently legislation in place in the EU that **hinders my organisation** in developing and testing innovative solutions and/or easily placing them on the market.	◉	○	○	○	○	○
Legislators need to more carefully **assess the potential impact that legislation can have on innovation**, both when they prepare new legislation and when they revise existing legislation.	◉	○	○	○	○	○

Possible way forward

To what extent do you agree that, when assessing the potential impact of legislation on innovation...

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
legislators should consider if it makes sense to introduce **a regulatory ladder** that increases regulatory requirements in line with						

the increasing size of companies and their impact on the market, to check if the regulatory burden can be relieved on innovative start-ups.	○	◉	○	○	○	○
legislators should consider if it makes sense to introduce **a fast-track procedure for companies to obtain regulatory advice**.	○	◉	○	○	○	○
legislators should consider if makes sense to make **provision for regulatory sandboxes** in their legislation.	○	◉	○	○	○	○
legislators should consider if it makes sense to introduce **a fast-track procedure for obtaining permits** for innovative technologies that are strategic for safeguarding EU economic security.	◉	○	○	○	○	○

What potential impact on innovation do you think should be considered in an innovation stress test?

Note: Legislators could assess different types of potential impact on different steps and different stakeholders involved in innovation., e.g. impact that the legislation could have on hampering or stimulating the development, testing, deployment and daily use of innovation, impact on innovators, financial investors in and potential customers of the innovation, etc.
(200 words maximum)

An innovation stress test should assess how legislation affects the full innovation lifecycle - from development to deployment - and its impact on researchers, entrepreneurs, investors, and users. It should examine whether laws support early adoption of emerging technologies, streamline IP processes, and reduce costs and delays in protecting inventions, especially for start-ups and university spinouts. It must ensure clear and legally secure pathways for transferring university R&D to society and incentivize real-world application of research. The test should also evaluate whether legislation fosters an entrepreneurial culture, enabling dual appointments and mobility between academia and industry. Finally, it should check for effective university-business collaboration mechanisms, such as joint ventures and shared infrastructure. By identifying hidden barriers and opportunities for simplification, the stress test helps ensure legislation actively enables innovation rather than unintentionally blocking it.

1.3. Regulatory sandboxes

Regulatory sandboxes provide opportunities to enable companies to test innovative solutions (including innovative ideas, processes, products, business models and services) in a safe and controlled real-life environment under the supervision of competent regulatory authorities. They also stimulate regulatory authorities' policy learning (e.g. potential impact of innovative solutions on legislation), which can help them design and/or adjust regulations that support the smoother market introduction of innovative solutions.

EU Member States use different definitions of what is a regulatory sandbox, what it can support and how different companies and regulators can benefit from it. This can create a complex landscape for companies to navigate. This may also make it more difficult for regulatory authorities from different countries to join forces and implement cross-border regulatory sandboxes together. Establishing an EU-wide legal definition of regulatory sandboxes could help achieve a more commonly shared understanding of them and foster their wider implementation across the EU.

Current situation

	Yes	No	Don't know
Do you / your organisation have **experience** with participating in or setting up a regulatory sandbox in the EU?	○	◉	○
If you answered 'Yes' to the first question, did you / your organisation experience any **problems** when involved in regulatory sandboxes in the EU?	○	○	○
If you answered 'Yes' to the first question, did you / your organisation experience concrete **benefits** from being involved in regulatory sandboxes in the EU?	○	○	○

If your reply to any of the last two questions was 'Yes':
Please let us know what **specific problems or benefits** you experienced from your participation in regulatory sandboxes in the EU.

Note: Examples of benefits that you experienced could be: reduced regulatory barriers/burden and/or shorter time to market for your innovation, enhanced collaboration with competent authorities that regulate market access requirements for your innovation, etc.

Examples of problems that you experienced could be: with respect to sandboxes in different EU countries, the competent authorities in different EU countries gave you different replies regarding the regulations applicable to the same solution, you

received slow or unclear feedback on regulations, not all companies involved were given equal access to the regulatory sandbox, there were insufficient safeguards in place for experimentation (e.g. regarding safety / consumer protection), etc. (200 words maximum)

Participation in regulatory sandboxes offers universities a unique opportunity to accelerate innovation and bridge the gap between research and market. By testing emerging technologies in controlled environments, universities can validate academic research in real-world settings, promote early adoption, and streamline the transfer of knowledge and intellectual property. Sandboxes also foster collaboration between academia, industry, and regulators, reinforcing an entrepreneurial culture and enabling spin-offs to navigate complex regulatory landscapes more efficiently. However, several challenges must be addressed. Legal uncertainty around IP ownership, liability, and data protection can complicate university involvement, especially in cross-border contexts. Fragmented sandbox frameworks across Member States may hinder scalability and collaboration. Additionally, universities often lack the administrative and legal capacity to engage fully in sandbox activities. Ensuring GDPR compliance during experimentation is another critical concern. To maximise impact, universities need clearer guidelines, harmonised rules, and dedicated support mechanisms. When well-designed, regulatory sandboxes can become powerful tools for translating academic excellence into societal innovation.

Possible way forward

In your opinion, how important is it to address the following aspects to facilitate the wider implementation of regulatory sandboxes?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
There should be regulatory sandboxes for **newly emerging technologies**.	◉	○	○	○	○	○
There should be regulatory sandboxes for **existing technologies that are evolving**.	◉	○	○	○	○	○
There should be more possibilities for regulatory sandboxes at **national level**.	◉	○	○	○	○	○
There should be more possibilities for **cross-border EU-level sandboxes**.	◉	○	○	○	○	○
There is a need for a **better common understanding across**	◉	○	○	○	○	○

Europe on regulatory sandbox implementation to foster their wider implementation.						
An **EU-level definition** of 'regulatory sandbox' would help to achieve a better common understanding across Europe.	◉	○	○	○	○	○
Regulatory sandboxes should enable **all types of companies from across Europe** to test their innovations efficiently.	◉	○	○	○	○	○
There is a need for tailored initiatives to **facilitate the participation of SMEs, start-ups or scale-ups** in regulatory sandboxes (e.g. awareness campaigns, guidance).	◉	○	○	○	○	○

1.4. Coordination of innovation policies and programmes

Efforts to improve the performance and impact of innovation policies are largely uncoordinated across the EU. A European Parliamentary Research Service (EPRS) study has found that a coordinated approach at EU level could boost gross domestic product (GDP) by 0.9% by 2035, while a more ambitious integrated approach could increase GDP by 2.6% by 2035.
The EU has an informal European Innovation Council Forum (EIC Forum), which brings together representatives of Member States' and Associated Countries' public authorities and bodies in charge of innovation policy and programmes. Its main role is to promote collaboration and dialogue on the development of the EU's innovation ecosystem. However, the EU lacks a formal platform for coordinating innovation policies, programmes and investments between the EU and national authorities, and among the different countries themselves.

Current situation

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The insufficient **coordination of innovation policies*** between the EU and the national authorities as well as among the different countries themselves makes investments in innovation less effective.	◉	○	○	○	○	○

There is a need for better alignment of **innovation programmes and investments** between the EU national authorities as well as among the different countries themselves.	◉	○	○	○	○	○

*innovation policies, in this context, means policies for non-R&D innovation

Are there any **other key challenges** regarding the coordination of innovation policies, programmes and investments that you would like to highlight? Has your organisation experienced specific problems because of the current situation of largely uncoordinated innovation policies across the EU that should be addressed in the future? *(200 words maximum)*

To strengthen innovation ecosystems, several systemic issues must be addressed. State Aid rules need clearer application, especially for university R&D outputs, as inconsistent interpretations - such as views on IP transfer- can hinder commercialisation. Building a critical mass of interconnected entrepreneurs, investors, and businesses is essential to scale innovation; cross-border portfolios of start-ups can attract more venture capital and improve market access. IP transfer pathways remain fragmented across Member States, creating legal and administrative hurdles for universities and innovators. A streamlined, EU-wide framework would enable faster and fairer commercialisation. Additionally, data and funding silos between EU and national programmes limit the ability to track impact, share best practices, and align priorities. A more integrated approach to innovation governance, with shared metrics and coordinated funding instruments, would unlock greater value from innovation investments.

Possible way forward

To what extent do you agree that the following approach is well-suited to improving coordination between innovation policies and programmes?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Turning the existing European Innovation Council Forum into an **official innovation forum at EU level** – which would be composed of national high-level representatives responsible for innovation policy and programmes and the Commission – with a mandate to coordinate innovation policies, programmes and	○	◉	○	○	○	○

investments between the EU and national authorities, as well as among the different counties themselves.						

2. Access to finance

2.1. Access to sufficient financing for bringing innovations to the market

Underinvestment in innovation and commercialisation is a challenge for Europe across various technology sectors, in particular also for strategic technologies. This manifests itself in difficulties to bring innovative products and services to the market. To square this circle, innovative companies need access not only to financing for R&D. They also need access to **financing for innovation activities that support the commercialisation, market uptake and diffusion of innovative solutions**. Such financing **can take various forms** (such as tax incentives, grants, loans, acquisition contracts, equity investments, guarantees and risk-sharing schemes). To reach sufficient critical mass of investments, EU and national public financing could be combined in a smarter way and act as a leverage to crowd in additional private financing.

Current situation

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
To bring R&D successfully to the market, it is important to increase not only **public investment in R&D** but also simultaneously **public investments in innovation**.	○	◉	○	○	○	○
Raising investments in strategic technologies is particularly needed, due to their economic importance and high up-front costs and risks	○	○	○	○	◉	○
Public investment in innovation needs to be strengthened in order to close the innovation gap with other parts of the world.	○	◉	○	○	○	○

Raising public investment in innovation would have a **positive effect on raising private investment** in innovation.	○	○	○	◉	○	○

What are the **most important barriers** that you are facing to raise sufficient public and private investment to bring innovative solutions to the market? *(400 words maximum)*

Financing innovation requires more than simply pouring capital into new ventures. What truly matters is diversifying the tools available so that innovators have the resources they need at different stages. Europe's innovation potential is constrained by several systemic barriers. There is a high demand for non-dilutive capital to support early-stage, high-risk, high-reward technologies. Programmes such as the EIC Pathfinder provide valuable support, but they must be scaled up and made more accessible to empower smaller partnerships and visionary ideas. Commercialisation requires a critical mass of interconnected entrepreneurs, investors and businesses. Building joint portfolios of start-ups across borders improves access to markets and attracts venture capital. However, inconsistent interpretations of State Aid rules around IP transfer from university R&D discourage investment and slow down commercialisation. A harmonised EU framework for IP management is urgently needed. Risk aversion in public procurement and investment frameworks limits the uptake of emerging technologies, as public institutions often favour proven solutions. Finally, limited access to long-term patient capital, coupled with a lack of incentives for private investors to engage in deep tech and university-based innovation, further constrains growth. Addressing these barriers requires a more integrated and forward-looking EU investment strategy. Mechanisms should be designed to encourage the creation of options, reduce risk, and reward sustained problem-solving rather than short-term gains. In this way, funding becomes a driver of resilience and continuity.

Possible way forward

To what extent do you agree with the following statements? Good steps forward are:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Develop an **EU action plan or roadmap** to raise the level of innovation investment across the EU.	○	◉	○	○	○	○
Develop **national action plans or roadmaps**, in conjunction with the EU, for raising innovation investment in Member States.	○	◉	○	○	○	○
Monitor the level of innovation investment in the EU, and	○	◉	○	○	○	○

benchmark this against investments in other parts of the world.						
Ensure that there is an appropriate balance between **supply- and demand-driven innovation**, in public innovation investment.	○	◉	○	○	○	○
Cooperate/align with the private sector to raise the level of public and private innovation investment in the EU.	◉	○	○	○	○	○
Develop specific **innovation investment pathways** to accelerate time it takes for **strategic technologies to reach the market**.	○	○	◉	○	○	○
Move to **more agile governance structures** to combine national, EU and private financing for opening these innovation investment pathways.	○	◉	○	○	○	○

Are there any **other concrete actions that could be taken** to raise public or private investment in innovation across the EU? Please share any good practices or lessons learned from inside or outside the EU. *(200 words maximum)*

To raise innovation investment, the EU must take bold, coordinated action. Building a critical mass of entrepreneurs, investors, and businesses is essential. Connecting ecosystems and developing joint portfolios of start-ups will improve market access and attract venture capital through scale and visibility. Expanding non-dilutive funding for high-risk, high-gain innovations is crucial. Programmes like EIC Pathfinder should be scaled, and ARPA-style models adopted to support disruptive technologies through agile, challenge-driven approaches. Concepts like DRAPE (Distributed Research and Innovation Projects) show how decentralised, cross-sector collaboration can mobilise public and private funding, enabling flexible partnerships aligned with EU missions. To unlock these opportunities, the EU should adopt agile governance structures that combine national, EU, and private financing. It should also incentivise public procurement of innovation, allowing public institutions to act as early adopters. Finally, fostering university-business collaboration and streamlining IP transfer will accelerate commercialisation and maximise return on investment.

2.2. Access to IPR-backed financing

Start-ups and scale-ups that achieve not only successful protection but also successful valuation of their IPRs, are considerably more likely than others to obtain financing from investors and to successfully exit via an initial public offering or a sale to another company. However, there are various obstacles that block start-ups and

scale-ups from obtaining IPR financing. Removing these obstacles at EU level could help start-ups and scale-ups across the EU to use their IPRs as a means of securing more financing from investors.

Current situation

Do you / your organisation have any experience with IPR-backed financing?

- (●) Yes
- ( ) No
- ( ) Don't know

If so, were you able to successfully provide or receive financing?

- (●) Yes
- ( ) No
- ( ) Don't know

If not, in your experience, what were the main obstacles to successfully completing IPR-backed financing? *(200 words maximum)*

Start-ups and scale-ups emerging from universities often struggle to leverage intellectual property rights (IPRs) for financing due to several systemic barriers. - Valuation of IPRs is complex and inconsistent across the EU. Investors require clear, credible valuation models, but universities often lack the expertise or resources to assess the commercial potential of early-stage IP. - Fragmented IP frameworks across Member States create legal uncertainty. Differing rules on ownership, licensing, and State Aid, particularly around IP transfer from publicly funded research, can deter investors and complicate financing deals. - Limited access to specialised financial intermediaries who understand deep-tech and university-originated IP makes it harder to structure IPR-backed financing. Traditional investors may view academic IP as too risky or too early-stage. - High costs and long timelines for IP protection, especially patents, can delay commercialisation and reduce investor confidence. - Lack of integrated support structures linking universities, investors, and legal experts means that promising innovations often fail to reach the maturity needed for financing.

To what extent do you agree with the following statements?

Key barriers preventing start-ups and scale-ups from obtaining IPR-backed financing in the EU are:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The **prudent attitude** of banks and institutional investors to engage in IPR-backed financing.	(●)	( )	( )	( )	( )	( )

There are **regulatory barriers** that hamper wider implementation of IPR-backed financing in the EU.	○	◉	○	○	○	○
Lack of experience with IPR valuation among banks and/or institutional investors in the EU.	◉	○	○	○	○	○
The costs of IPR valuation for start-ups and scale-ups in the EU.	◉	○	○	○	○	○
Lack of **trustworthy, widely accepted standard practices** for valuing IPRs.	○	○	◉	○	○	○
Lack of experience with IPR valuation **among start-ups/scale-ups** in the EU.	○	◉	○	○	○	○
It is not common practice among start-ups/scale-ups in the EU **to make IPRs visible in their annual accounts/financial reports**.	○	○	◉	○	○	○
Lack of secondary markets with sufficient critical mass and liquidity for resale of IP rights by lenders.	○	◉	○	○	○	○

If you **strongly agree or disagree** with any of the above statements, please explain your answers by, where applicable, referring to your own experience in IPR-backed financing. If you strongly agree or disagree with more than one of the above statements, please explain whether you think that any of those barriers are more or less critical than others. *(200 words maximum)*

The Universities of ECIU strongly agree that the barriers listed significantly hinder start-ups and scale-ups from securing IPR-backed financing. Among these, the lack of experience and standardised practices for IPR valuation stands out as particularly critical. Without trusted valuation models, both investors and innovators struggle to assess the financial worth of IP, making it difficult to use as collateral or attract investment. Equally important is the absence of secondary markets for IP rights. Without liquidity or resale options, lenders perceive IPR-backed financing as high-risk, further discouraging engagement. The cost of valuation is another major obstacle, especially for early-stage ventures with limited resources. ECIU also observe that IPRs are rarely reflected in financial statements, which reduces visibility and credibility in investor discussions. This cultural and procedural gap must be addressed through training and accounting reforms.

If you think that there are **other barriers, in particular specific regulatory barriers** , please explain why they constitute a barrier and how critical they are to obtaining IPR-backed financing. *(200 words maximum*)

A key regulatory barrier is the inconsistent interpretation of State Aid rules across Member States, particularly regarding IP transfer from publicly funded research. This creates uncertainty and deters private investment. Another is the lack of harmonised legal frameworks for IP-backed lending and securitisation. Addressing these issues is essential to unlock the full financing potential of university-originated innovation.

Possible way forward

To what extent do you agree with the following statements?

The following measures are important for the wider implementation of IPR-backed financing in the EU:

	Strongly agree	Agree	Neutral	Strongly disagree	Disagree	No opinion
Introduce **clearer rules** for banks and institutional investors in the area of IPR-backed financing.	○	◉	○	○	○	○
Establish or appoint an institution or facility to take on part of the risk in individual IPR-financing instruments e.g. by providing **public financial guarantees** for individual loans.	○	○	○	○	◉	○
Create **EU guidance and training for banks/institutional investors** on how to implement start-up/scale-up-friendly IPR valuation in line with the principles of sound financial management.	○	◉	○	○	○	○
Foster the creation of a **pool of qualified professionals**, e.g. by establishing certification criteria and training programs for IPR-valuation professionals, building an expert network of IPR valuators, creating a centralised IPR valuation assessment centre.	○	◉	○	○	○	○
Create a trustworthy **EU wide accepted** methodology, for **IPR valuation** and provide templates and guidance on how to apply it.	○	◉	○	○	○	○
Provide an **IPR-valuation tool** to simplify the IPR-valuation processes.	◉	○	○	○	○	○
Introduce a **specific reporting category for IPR** in annual accounting/financial reports across the EU and raise awareness among start-ups/scale-ups of how important this is in terms of attracting financing.	○	○	○	○	◉	○

Provide **more guidance and training for start-ups** on IPR valuation and on reporting on IPRs in annual accounts.	◉	○	○	○	○	○
Provide **financial support, at reduced rates,** to start-ups/scale-ups for IPR valuation.	◉	○	○	○	○	○
Establish a **maximum price for IPR valuation** in the EU for start-ups/scale-ups (depending on the type of IPR).	○	◉	○	○	○	○
Create an IPR marketplace with sufficient critical mass and liquidity (EU wide, and possibly connected to others around the world).	○	○	○	○	◉	○
If you agree with the previous statement, please also respond to this one: This IPR marketplace should be established **by private actors** (e.g. IPR auctioneers) with the support of public institutions.	○	○	○	○	◉	○

If you **strongly agree or disagree** with any of the above statements, please explain your answers by, where applicable, referring to your own experience in the area of IPR-backed financing. *(200 words maximum)*

Universities within ECIU strongly agree with the need for clearer rules for banks and institutional investors in the area of IPR-backed financing. In our experience, the lack of regulatory clarity and financial literacy around IPRs discourages engagement from traditional financiers. We also support the creation of EU-wide valuation methodologies and tools, which would help standardise practices and reduce costs for start-ups and scale-ups. We disagree with the idea of establishing a centralised IPR valuation centre or certification system at this stage. While professionalisation is important, overly rigid structures may stifle flexibility and innovation. Instead, we favour practical guidance and training, both for investors and innovators, to build capacity organically. We also see value in financial support for IPR valuation, especially for early-stage ventures, and in setting maximum pricing thresholds to ensure affordability. However, we disagree with introducing a mandatory reporting category for IPRs in financial statements, as this may impose burdens without guaranteeing investor interest. Finally, while the idea of an EU-wide IPR marketplace is ambitious, we believe it is premature without first addressing valuation, liquidity, and legal harmonisation. These foundational steps are more critical to unlocking IPR-backed financing across the EU.

If you have any **other solutions** that could help remove the barriers that hamper IPR-backed financing in the EU, please explain what those solutions are and why they could be effective. Feel free to provide information on **good practices or lessons learnt from unsuccessful experience** in this area. *(200 words maximum)*

3. Access to Talent

3.1. Talent attraction and retention

Innovative companies rely on highly skilled workers to develop their innovative solutions and scaling. Employee ownership schemes, such as employee stock options, are a powerful tool that can help innovative companies attract and retain talent. However, innovative companies in the EU face hurdles when it comes to offering such schemes to their employees.

The public consultation on the 28th regime includes questions on employee stock options. However, this tool can also work for other innovative companies that do not have the 28th regime company statute but could benefit from provisions on stock options under the European Innovation Act. The Commission will therefore take into account the replies to both consultations in its future work on this topic**.**

Current situation

To what extent do you agree that the following challenges are preventing innovative companies in the EU from attracting and retaining talent?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
The difficulties to offer **globally competitive benefits and remuneration**, including employee ownership schemes (such as employee stock options).	○	○	○	○	○	◉
The **lack of harmonised conditions** for **employee stock option schemes** across EU Member States (for example, in terms of taxation and employee and company eligibility).	○	○	○	○	○	◉
The lack of **mutual recognition** of **employee stock option schemes** across EU Member States.	○	○	○	○	○	◉

Are there any **other key challenges** as regards talent attraction and retention through employee stock options that you would like to highlight? *(200 words maximum)*

Possible ways forward

To what extent do you agree that the following solutions would be positive steps towards tackling the challenges identified?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Develop a **harmonised framework with common standards on the scope of national employee stock option regimes** (for example, covering taxation, employee and company eligibility, and shareholder and dividend rights).	○	○	○	○	○	◉

Develop a **safety net** that protects employees in the case of unforeseen events (e.g. where the employee is made redundant because the company goes out of business, or where employees are asked to move to another EU country due to company restructuring).	○	○	○	○	○	◉
Align tax regimes across the Member States as regards the point and type of taxation for employee stock options.	○	○	○	○	○	◉
Adopt a **common EU valuation mechanism** to determine the value of the employee stock option.	○	○	○	○	○	◉
Ensure the **mutual recognition of employee stock option schemes** between Member States.	○	○	○	○	○	◉

Are there any **other possible solutions** for talent attraction and retention through employee stock options that you would like to highlight? *(200 words maximum)*

Although universities are not directly involved in employee stock option schemes, they can support talent attraction and retention through other means. One approach is to recognise academic merit for entrepreneurship by rewarding researchers who contribute to spin-offs, patents or industry collaboration within the framework of their academic careers. This encourages entrepreneurial engagement and strengthens the innovation pipeline. Dual appointments are another effective tool. By enabling researchers to hold part-time roles in start-ups or scale-ups while retaining their academic positions, talent mobility is promoted, knowledge transfer is accelerated, and ecosystem growth is supported. It also gives start-ups access to expertise without the need for full-time hires. Attracting and retaining talent is not only about offering competitive salaries or international opportunities; it is about creating environments where people can grow. Universities can support retention further by offering innovation fellowships, mentoring schemes and access to shared infrastructure such as laboratories and incubators. A strong innovation system is one where talent feels challenged, supported, and inspired to stay. These non-financial incentives, combined with flexible career pathways, complement stock option schemes and help to create a more dynamic innovation environment.

4. Access to Markets

4.1. Accessing the private procurement market

Private buyers can be significant customers for innovative companies. A first customer reference from a well-known industry player can help to raise the profile of an innovative solution and attract other customers. However, it can be challenging for innovative companies to find private buyers for their innovative solutions in

the EU. The evolving international landscape also makes it challenging for EU companies to ensure that their supply chains are resilient and to contribute to EU technological sovereignty.

Current situation

To what extent do you agree with the following statements about the private procurement market in the EU?

	Strongly agree	Agree	Neutral	Strongly disagree	Disagree	No opinion
It is difficult for innovative companies to find private buyers in the EU for their **innovative solutions**.	◉	○	○	○	○	○
Private buyers in the EU are still too risk-averse to buy solutions from smaller innovative companies.	◉	○	○	○	○	○
There is a need to **ensure a level playing field so that innovative EU suppliers** can compete with non-EU suppliers on the private procurement market.	◉	○	○	○	○	○
EU companies are facing **supply chain dependencies, including the risk of over-reliance on non-EU products**, especially concerning products that rely on strategic technologies that are key to safeguarding EU resilience and EU technological sovereignty.	◉	○	○	○	○	○
There are **legal barriers** or a **lack of regulatory incentives or simplifications** that hold back private buyers from buying in a more innovation-friendly way and /or to increase their resilience.	◉	○	○	○	○	○

Please let us know if, **as a supplier, you have experienced any other barriers to bringing innovative solutions** to the private procurement market in the EU, and please provide any suggestions you may have on how to overcome such barriers. *(200 words maximum)*

Universities often supply innovative solutions through spin-offs and collaborative R&D, but face barriers in accessing the private procurement market. Risk aversion among private buyers, especially toward early-stage innovations, limits opportunities for university-originated technologies to gain traction. Lack of incentives and regulatory complexity further discourage innovation-friendly procurement, with no harmonised EU approach to reduce perceived risks or transaction costs. Fragmented supply chains and reliance on non-EU technologies also pose strategic challenges, particularly in sectors like semiconductors, AI, and biotech. To address these issues, the EU should promote incentives for private buyers, such as tax benefits or co-financing schemes, and support matchmaking platforms that connect university spin-offs with industry. Encouraging dual appointments and joint ventures can build trust and reduce risk. These measures, alongside flexible IPR arrangements and support for dual-use solutions, will help innovative university-based technologies reach the market and strengthen EU technological sovereignty.

Please let us know if, **as a private buyer, you have experienced regulatory or other barriers** that deter you/your company to procure in a more innovation-friendly way and to improve the resilience of your operations/supply chains. In particular, please tell us if there are specific regulatory simplifications or legal incentives that could be introduced to make it easier for your company to procure in a more innovation-friendly/resilient way. *(200 words maximum)*

Universities face several regulatory and procedural barriers that limit their ability to engage in innovation-friendly procurement. Current frameworks are often rigid, prioritising lowest-cost bids over innovative or high-impact solutions. This inflexibility discourages the early adoption of emerging technologies and slows the integration of cutting-edge research into operational environments. Additional barriers include legal uncertainty around IPR ownership, limited flexibility in defining functional specifications, and lengthy procurement timelines. Universities also often lack the capacity and expertise to navigate complex rules, particularly when working with SMEs or start-ups. To overcome these challenges, we recommend: - Evolving procurement rules to prioritise innovation and allow organisations to act as early adopters. - Introducing value-for-money criteria with reduced emphasis on price alone. - Enabling simplified joint procurement across Member States to scale demand. - Providing clear legal provisions for innovation-friendly procurement, including IPR and confidentiality. - Facilitating preliminary market consultations to align procurement with innovation potential. - Offering accelerated payment regimes and reduced red tape for SMEs and start-ups.

Possible way forward

To what extent do you agree with the following statements about the private procurement market in the EU?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Private buyers in the EU that **receive public funding to procure solutions** (e.g. from public R&I or deployment funding programmes), should adopt	◉	○	○	○	○	○

procurement practices that promote innovation and support the participation of start-ups and innovative companies.						
In general, also when private buyers in the EU procure solutions **without public funding**, they should adopt procurement practices that promote innovation and support the participation of start-ups and innovative companies.	○	◉	○	○	○	○
Private buyers that own /operate critical infrastructure* should take special care to procure in a way that **safeguards the resilience of their supply chains** , preventing blackouts in essential services and ensuring that public security is not compromised.	○	◉	○	○	○	○
Private buyers that own /operate critical infrastructures should adopt procurement practices that **enable access to innovative solutions** and facilitate participation by startups. These should support the development of **strategic technologies**** within national or European ecosystems and help reduce dependencies on external suppliers.	◉	○	○	○	○	○

* Some **private buyers** own or operate **critical infrastructure** that offer essential services that underpin functions or economic activities that are vital to society in the EU (e.g. telecom operators, airline operators etc.)

** **Technologies that are of strategic importance to EU economic security** (such as microchips and AI). These tend to be high-tech, innovative technologies that are often building blocks or enablers for many other products/systems that are used by critical infrastructure.

Private buyers need to be able to incorporate innovations that they buy from other smaller innovative companies in the solutions that they will sell to private or public customers. However, private buyers may experience difficulties in doing this, when there are conflicts between the IPR policy of their customers and the IPR policy

governing their supply chain (e.g. when customers require the private buyer to transfer IPR or require broad, exclusive licenses). As a result, fewer suppliers may be willing to deliver innovations to a private buyer.

Private buyers often also need to be able to cooperate with universities and/or their spinoffs or to use their IPR when working for private or public customers. However, private buyers may experience difficulties in doing this when there are conflicts between the IPR policy of their customers conflicts and that of the university (e.g. when the university requires full IPR ownership or exclusive licensing rights that are in conflict with IPR rights/licenses required by the customers of the private buyer). As a result, private buyers may not be able to cooperate with universities or their spinoffs to deliver innovations to their customers.

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Private buyers in the EU face challenges in commercializing innovations from their supply chain due to misalignments between the intellectual property rights (IPR) policies of their **suppliers** and those of their customers	○	◉	○	○	○	○
Private buyers in the EU are hampered in commercialising innovations from universities due to conflicts between the IPR policies of **universities** and that the IPR policies of their customers.	○	◉	○	○	○	○

4.2. Accessing the public procurement market

Public procurement has great potential to drive the development and deployment of innovative solutions from the demand side. However, EU benchmarking of national innovation procurement investments shows that while healthy economies around the world invest at least 20% of public procurement in innovation procurement, in the EU this figure is much lower - a little over 10%.

Current situation

A group of experts appointed by the EC analysed legislative barriers in Europe that prevent innovative companies from accessing public procurement and from growing their businesses across the EU market. Such barriers may appear in public procurement processes that fall under the EU public procurement directives, and those outside them.

Possible way forward

The upcoming revision of the EU public procurement directives will seek ways of making the public procurements that fall under those directives more innovation-friendly. Accordingly, this public consultation does not focus on those type of procurements.

However, 70% of public procurement, including often R&D services procurements and other types of procurements of innovative solutions, are implemented outside of those directives. In this context, the EU European Innovation Act may provide a fast-track procedure for public procurement of R&D services falling outside the public procurement directives, including pre-commercial procurement as a leverage to increase total investment in public innovation procurement. Such procurement of R&D services may procure only R&D activities, or a combination of R&D activities and first innovative solutions resulting from R&D.

To what extent do you agree with the following expert recommendations for addressing the barriers faced by innovative companies in such public procurement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Public buyers should carry out **open market consultations** before public procurements that buy R&D and/or innovative solutions, so that buyers are well informed about the most recent developments and innovations when drafting tender specifications.	○	◉	○	○	○	○
Suppliers sometimes miss important business opportunities because announcements for upcoming open market						

consultations and the resulting public procurement for R&D and/or innovative solutions are not always transparently publicised. Public buyers should therefore **make it easier for suppliers to become aware of such business opportunities**.	○	○	○	○	○	◉
In order to ensure that IPR conditions used in public procurement that buy R&D and/or innovative solutions do not deter suppliers from protecting and commercialising their innovations, public buyers should **buy only those IPR rights that they really need**. (*studies show that usage rights and some licensing rights tend to be sufficient, and that full transfer of IPR ownership to the buyer is only needed in limited situations*).	○	○	○	○	○	◉
To ensure that public buyers give suppliers **sufficient room to offer innovative solutions**, such public procurements that buy R&D and/or innovation solutions should make **wider use of functional or performance-based specifications**. *Such specifications do not prescribe the solution to be delivered but, rather, the problem to be solved, and leave it to suppliers to propose the best solution to meet the required functionalities or performance levels.*	◉	○	○	○	○	○
In public procurements for **buying R&D and/or innovative solutions** , contracts should be awarded **based not only on lowest price, but also on other criteria.**	◉	○	○	○	○	○

For this type of procurements, it would be helpful to create a set of **EU innovation procurement criteria** that provide legal certainty on how public buyers can take into account factors other than price, such as i) the quality of different types of innovative solution and of various strategic technologies that the solutions may rely on, ii) the EU added value, iii) innovation impact and iv) the total cost of ownership of an innovative solution.	◉	○	○	○	○	○
The EU should provide legal clarity on how **value engineering** can be used in such public procurements that buy R&D and/or innovative solutions. *This would enable public buyers i) to accept proposals from their suppliers to incorporate new technological improvements that become available only during contract implementation (e.g. to improve quality/performance at the same cost or lower cost) and ii) to provide contractors financial incentives for engaging in such an approach.*	◉	○	○	○	○	○
Payment methods used in public procurements that buy R&D and/or innovative solutions should be made more suitable for start-ups and scale-ups: e.g. by increasing the use of **pre-financing payments** and **accelerated payments** to start-ups and scale-ups (e.g. within 15 days)	○	◉	○	○	○	○
A template subcontracting agreement should be created that protects the **rights of subcontractors** in public procurements that buy R&D and/or innovative solutions (such as the						

right to proper payment, respect of their IPR and the rights that financial investors may have in such innovative companies) in order to help such companies avoid financial difficulties.	◉	○	○	○	○	○
Unjust disqualification of bidders in procurements for R&D and/or innovative solutions **should be prevented**. *This could be facilitated e.g. by clearly defining when financial requirements are disproportionate, by ensuring that bidders can prove their financial capacity by means other than just turnover (e.g. backing from financial investors / banks), and by discouraging disqualification of bidders based solely on lack of performance history or purely on administrative omissions that could be rectified.*	○	◉	○	○	○	○
To make it easier for new players to enter the market, public buyers should have a simpler way to implement **multiple sourcing** in procurements for R&D and/or innovative solutions.	○	◉	○	○	○	○
Legal hurdles that make it difficult for public buyers from different EU countries to **procure R&D and/or innovative solutions collaboratively should be removed** so that such procurements can create sufficient critical mass of demand that enables innovative companies to grow across the EU.	◉	○	○	○	○	○
Clear legal provisions should be provided for how public buyers can **reinforce EU technological sovereignty** in procurements that buy R&D and/or innovative solutions.	○	◉	○	○	○	○

Public buyers that own/operate critical infrastructure* should take special care to procure in a more innovation-friendly way. *Why? Firstly, the procurement of R&D and/or innovative solutions can help **upgrade their critical infrastructure with cutting edge solutions** that are essential for them to deliver high quality, safe and robust essential services to society, and, secondly, it can help them to **diversify their supply chains with innovative companies** and **prevent over-reliance** on non-EU suppliers that could have a detrimental effect on the security of supply of strategic technologies.*	◉	○	○	○	○	○
Public buyers that own/operate critical infrastructure* should award public contracts for R&D and /or innovative solutions that rely on **strategic technologies not only based on the lowest price, but also on other criteria.**	◉	○	○	○	○	○

** Some **public buyers** own or operate **critical infrastructure** that offer essential services that underpin functions or economic activities that are vital to society in the EU (e.g. government data networks, energy and water utilities)*

Please let us know if, **as public buyer or as supplier of R&D services and/or innovative solutions, you have experienced other barriers** in the EU, and we would ask you to provide any suggestions you may have as to how to overcome such barriers. *(200 words maximum)*

Innovation matters when it reaches people: Even the most promising innovations mean little if they cannot reach their markets. Access must therefore be ensured not only to private clients but also to public institutions, which often set the tone for large-scale adoption. As above mentioned, as universities, both public buyers and suppliers of R&D and innovative solutions, the most critical is the rigidity of current procurement frameworks, which often prioritise lowest-cost bids and standardised specifications over innovation, flexibility, and performance-based outcomes. Legal uncertainty around IPR ownership and licensing in collaborative projects can deter private buyers from engaging with university spin-offs, especially when customer IPR policies conflict with university policies. This limits the integration of academic innovations into broader supply chains. Cross-

border collaboration is also hindered by fragmented national procurement rules, making joint procurement of R&D and innovative solutions complex and legally risky. To overcome these barriers, the EU should: - Introduce functional and performance-based specifications as standard practice. - Provide legal clarity on value engineering and innovation criteria beyond price. - Develop template subcontracting agreements to protect SMEs and spin-offs. - Enable fast-track procedures for pre-commercial procurement (PCP), allowing public buyers to procure R&D and first innovative solutions outside traditional directives. - Promote IPR flexibility, leaving ownership with innovators unless public interest dictates otherwise. These measures would empower universities to act as lead customers and suppliers of innovation, strengthening EU resilience and technological sovereignty. The key lies in making it easier for ideas to leave the lab and find their place in society, whether through business partnerships, public tenders, or direct user engagement.

Are there any **other aspects not mentioned above** that should be looked at for the procurements that could be covered by European Innovation Act, that you think need clarification? *(200 words maximum)*

To make procurement processes truly innovation-friendly, the European Innovation Act must address a number of additional issues. Rigid procurement frameworks often prioritise the lowest-cost bids over innovative or high-impact solutions, which limits flexibility and slows the adoption of new technologies. Procurement rules must evolve to prioritise innovation, enabling public institutions to act as early adopters of emerging solutions. First, clarity is needed on how intellectual property rights (IPR) are handled in collaborative R&D procurements. Conflicts between the IPR policies of suppliers and buyers — especially those involving universities and their spin-offs — can prevent innovative solutions from being integrated into broader value chains. Second, procurement thresholds and procedures should be simplified for R&D services and emerging technologies. Current rules impose administrative burdens that deter smaller, innovative suppliers, including university spin-offs. Third, legal guidance on risk-sharing models would help public buyers adopt innovation more confidently. Flexible contracting, phased development and co-financing mechanisms are essential. Fourth, cross-border procurement collaboration must be made easier through harmonised procedures and legal interoperability. Finally, capacity building for public buyers is essential. EU-level training and support tools could empower public buyers to assess the impact of innovation and apply performance-based specifications.

4.3. Stimulating innovation procurement through R&I policies

R&I policies in Europe are gradually shifting towards supporting demand-driven R&I, rather than focusing solely on the supply side. EU benchmarking shows that so far 22 EU Member States have recognised that fostering innovation procurement is a strategic priority in their national R&I policies. However, innovative companies are still struggling to bring their innovative solutions to the public and private procurement market. The Draghi report and EU expert reports highlighted that there is still a lack of EU and national action plans for innovation procurement and that innovation procurement is still insufficiently rooted in R&I policies to help companies bring their innovative solutions to the procurement market and to support and encourage buyers to buy in a more innovation-friendly way. Therefore, as highlighted in the May 2024 EU Council conclusions on knowledge valorisation, there is a need to better anchor support for innovation procurement in research and innovation policies across Europe.

To what extent do you agree with the following expert recommendations for improving strategic **planning and anchoring of innovation procurement in research and innovation policies?**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Innovation procurement should be better anchored into R&I policies. *This could include encouraging innovation procurement through R&I policies for specific sectors and strategic technologies, and monitoring the contribution of innovation procurement investment to total R&I investment.*	○	◉	○	○	○	○
R&I policies and programmes should provide better support and incentives for innovation procurement. *For example, i) financial support for lighthouse innovation procurement projects, including for strategic technologies to enable public and private buyers to use publicly funded research and technology infrastructure for testing high-tech innovations for their procurements, ii) training and support for SMEs in applying for innovation procurement, and iii) training and support for R&I /technical staff of public and private buyers in emerging innovative technologies and in drafting technical and IPR requirements in tender specifications in an innovation-friendly way.*	◉	○	○	○	○	○
In the context of increasing overall public and private R&I investment in the EU: **An EU roadmap or action plan** should be created to reinforce public and private	◉	○	○	○	○	○

innovation procurement investment **across the EU** with a view to making Europe competitive with other major economies in this field.						
In tandem with national roadmaps and action plans for increasing overall public and private R&I investments: **National roadmaps or action plans for innovation procurement** should be drawn up , with clear goals, a timeline and monitoring of progress.	◉	○	○	○	○	○
It would be useful to create a clear **EU definition for innovation procurement** in line with definitions already used in R&I policies, in order to facilitate i) the anchoring of innovation procurement in R&I policies, ii) the creation of innovation procurement action plans or roadmaps, iii) the monitoring of progress and iv) the creation of innovation procurement incentives for public and private buyers.	◉	○	○	○	○	○
The EU should **make procurement of EU institutions and EU agencies more innovation-friendly**, so as to enable the monitoring of innovation procurement investment of EU institutions and EU agencies, thus enabling this aspect to reflected in total EU-wide R&I investment.	◉	○	○	○	○	○

5. Access to infrastructures

5.1. Access to research and technology infrastructures

Research Infrastructures and technology infrastructures* can provide resources (such as advanced equipment, infrastructure and data collection) and services (such as R&D and testing services, consulting on experimental design and business-acceleration services). This can prove helpful for both companies and end-users in terms of i) conducting R&D, including testing of innovative solutions, and ii) fostering innovation.

However, small innovative companies and potential buyers of innovative solutions may find it difficult to find and access suitable research and technology infrastructure to support their innovation, technology development and testing.

*Examples of research infrastructure include high-performance computing centres, biobanks, and climate and air-quality databases. Examples of technology infrastructure include biogas plants, clean-room facilities for chip production and test areas for road traffic safety solutions.

Current situation

To what extent do you agree with the following statements about the relevance of access to research and technology infrastructure for your organisation.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Accessing a research or technology infrastructure is an **important part of the R&D operations** of my organisation.	◉	○	○	○	○	○
I do not usually have sufficient **financial resources** in my organisation to access the necessary research and technology infrastructure.	○	○	○	○	○	◉
I do not have sufficient **expertise and experience** in my organisation to collaborate effectively with research and technology infrastructure.	○	○	○	○	○	◉
I am not sufficiently **aware of the services** of research and technology infrastructure that could help me scale-up my innovations.	○	○	○	○	○	◉
The **conditions for accessing** research and technology infrastructure are often complex and unclear.	○	○	○	○	○	◉
The **models for working** with research and technology infrastructure are not suited to the needs of my organisation.	○	○	○	○	○	◉
The services and facilities of the research or technology infrastructures that I know **match my expectations** compared to how they promote themselves.	○	○	○	○	○	◉
Infrastructure staff are generally **aware of the needs of companies** such as mine and sufficiently tailor their standard experimental services to the specific needs of industrial users.	○	○	○	○	○	◉

The research and technology infrastructures that I am familiar with are NOT sufficiently open to **small innovative companies or prepared to work with them**.	○	○	○	○	○	◉
Research and technology infrastructures that I am familiar with are NOT sufficiently open to **public sector organisations** (e.g. to public buyers that want to test solutions) or prepared to work with them.	○	○	○	○	○	◉
Legal, cultural or language barriers deter me from using research and technology infrastructure available in another EU country.	○	◉	○	○	○	○
Research and technology infrastructures offer **sufficient non-technological services other than experimentation** (such as consultation on experimental design and business-acceleration services).	○	◉	○	○	○	○

What are the **most significant challenges** your organisation has faced when accessing research and technology infrastructure in the EU?

- [ ] Limited availability of facilities,
- [ ] High access costs,
- [ ] Complex administrative procedures,
- [ ] Lack of information regarding available infrastructure and the services offered,
- [x] Fragmented IPR management frameworks and confidentiality concerns,
- [ ] Legal barriers in terms of access to research and technology infrastructure in other EU countries.

Feel free to provide more information on any **difficulties, in particular legal barriers**, that you have experienced in accessing research and technology infrastructure in the European Union, how critical they were and how to overcome them. *(200 words maximum)*

Behind every breakthrough is access to the right tools and facilities. Shared infrastructures, whether they are laboratories, testing platforms, or digital environments, are vital to ensure that innovators do not face insurmountable entry barriers. However, infrastructure should be thought of broadly: not only physical spaces but also platforms that allow the reuse, repurposing, and combination of technologies. Universities face legal and regulatory barriers when it comes to accessing shared research and technology infrastructure across the EU. A key challenge is the uncertainty surrounding State Aid rules. When providing access or transferring IP to spin-offs or private partners, universities must prove fair market value—an often complex and burdensome process, especially for early-stage technologies. Additionally, inconsistent access conditions, usage rights and cost structures resulting from fragmented national frameworks make cross-border collaboration difficult and limit the efficient use of EU-wide infrastructure. Universities also report a lack of guidance on access policies, particularly for SMEs and start-ups. This results in underutilised facilities and missed innovation opportunities. To address these barriers, the EU should: - Clarify and simplify state aid rules for infrastructure access. - Harmonise access frameworks across Member States. - Provide legal templates and guidance for infrastructure sharing; - Support training and capacity building for technology transfer offices. - Recognise that rigid procurement processes hinder innovation and slow the adoption of new technologies. - Adapt procurement rules to prioritise innovation and enable public institutions to act as early adopters of emerging solutions.

Possible way forward

To what extent do you agree with the following statements about the possible way forward?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion

Public financing for research and technology infrastructure should be subject to their **openness to users across the EU**.	○	◉	○	○	○	○
The EU should have in place **dedicated access schemes for start-ups and scale-ups** for using research and technology infrastructure.	○	◉	○	○	○	○
Innovative companies should be given discounted **access** to research and technology infrastructure.	○	○	○	○	○	◉
The EU should have in place **dedicated schemes for public buyers** to access research and technology infrastructures, in order to test solutions in the context of innovation procurement.	○	○	○	○	○	◉
Access schemes should include **both technological and non-technological services**.	◉	○	○	○	○	○
Industry **access to research and technology infrastructures should be simplified**, for example by proposing an EU blueprint for collaboration agreements with these infrastructures that clarifies specific contractual provisions such as IPR management and liability.	◉	○	○	○	○	○
The EU should aim for **greater alignment of conditions governing access** to research and technology infrastructure across Europe.	◉	○	○	○	○	○

6. Encouraging commercialisation of publicly funded research and innovation

In Europe, only a third of the inventions patented by universities and research technology organisations (RTOs) are commercialised. SMEs and large companies are equally active as commercialisation partners.

There is thus still significant untapped potential to commercialise the knowledge / IPR that is created in publicly funded research and innovation. This requires to foster the commercialisation of academic research results and to enable better collaboration between industry, academia and the public sector.

IPR policies in universities and RTOs are not always designed to incentivise academic researchers to become entrepreneurs themselves, or to transfer or license academic IPR efficiently to other companies on the market. Collaboration between industry, academia and public organisations can also be hampered when there are conflicts between the IPR policies of these different stakeholders. Standardisation, certification and permits are often a key requirement for placing a product on the market. However, academic researchers and small innovative companies such as university spinoffs and start-ups face difficulties with these processes due to their limited resources and pressure to start selling their products as early as possible.

Current situation

To what extent do you agree with the following statements?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
IPR policies in European universities and RTOs are not sufficiently geared to fostering the commercialisation of academic research results.	○	○	○	○	○	◉
Standardisation policies in European universities and RTOs are not sufficiently developed to fostering the commercialisation of academic research results.	○	○	○	○	○	◉
There are still **barriers to research and innovation collaboration** between industry, academia and public sector organisations.	◉	○	○	○	○	○

6.1 Commercialisation of academic research results

Possible way forward

To what extent do you agree with the following statement about improving **the framework conditions for commercialisation of academic research results?**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Member States should adopt, if not yet in place, **strategies promoting commercialisation of publicly funded research results generated in universities and RTOs**, including intellectual asset management, spin-off creation, and go-to-market strategies.	◉	○	○	○	○	○

To what extent do you agree with the following statements about overcoming **IPR-related barriers** that hamper the commercialisation of academic research results?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
European universities and RTOs should **have an IPR policy in place** that clearly outlines how they handle not only the protection, but also **licensing and transfer of intellectual assets.**	○	◉	○	○	○	○
For all their publicly financed research, European universities and RTOs should **pursue adequate protection and commercialisation** of academic research results. To this end, every university/RTO should **have their own transfer office or set up joint transfer offices** between networks of universities / RTOs.	○	◉	○	○	○	○
Incentives and reward mechanisms, both financial and non-financial, should be put in place to motivate researchers and universities/RTOs to pursue robust IPR protection and to enable them to benefit from successful commercialisation of academic IPRs.	◉	○	○	○	○	○

IPR transfer and licensing processes should **mitigate liquidity issues for start-ups /spinoffs**, while allowing universities and researchers to benefit from the economic success of the commercialisation of academic research results. **Templates** should be made available for organising the IPR transfer/licensing process based on e.g. virtual shares or licensing conditions that draw liquidity out of the company only when it starts making profits from successfully selling the solution to customers on the market or when co-investors [e. g. Venture Capitalists] exit.	◉	○	○	○	○	○
Capacity building (which includes technology scouting, identifying and assessing the appropriate technology transfer routes, IPR valuation, venture building, teaming up with investors and/or industry partners etc.) for staff in universities and RTOs should be strengthened to ensure that their technology transfer offices operate at high quality standards and facilitate the cross-border exploitation of knowledge.	◉	○	○	○	○	○
A **Europe-wide platform should be available** to researchers and universities and RTOs where they can list their IPR assets. This would make it easier for them to contact companies interested in exploiting their IPRs and for investors to assess, value and invest in innovative projects.	◉	○	○	○	○	○

To what extent do you agree with the following statements about overcoming barriers relating to **standardisation and certification and obtaining permits for innovative solutions** that hamper the commercialisation of academic research results?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
European universities and RTOs should **adopt a standardisation policy**, closely linked to their research and innovation and IPR policies, that clearly outlines how they will pursue standardisation and certification to foster market uptake of their innovations.	◉	○	○	○	○	○
European universities and RTOs should **pursue adequate standardisation and certification** activities in cooperation with their transfer offices. This involves identifying standardisation and certification objectives from the early research stages and pursuing them throughout the research and innovation cycle.	◉	○	○	○	○	○
Training, advisory and support services should be put in place to help researchers understand how standardisation and certification works and to support them in taking part in standardisation and certification processes.	◉	○	○	○	○	○
Incentives should be provided to encourage researchers to carry out standardisation and certification activities (e.g. stronger career recognition and potential secondments of academic researchers to spinoffs/start-ups for standardisation and product certification activities).	◉	○	○	○	○	○

Processes for **standardisation, certification and permitting of** strategic technologies should be shortened (**fast-track procedure**).	◉	○	○	○	○	○
It should become the norm in the EU that start-ups and scale-ups pay **reduced prices** for certification and permitting processes.	○	○	○	○	○	◉

6.2 Facilitating collaboration between industry, academia and the public sector

Current situation

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
Collaboration between industry, academia, other public sector organisations and buyers can be difficult when they work under **incompatible IPR policies** (e.g. if there is a conflict between a university's IPR licensing requirements for a spinoff conflict and the IPR requirements of IPR-backed financers or those of public buyers, then the spinoff may have difficulty obtaining financing or taking part in public procurements).	○	○	○	○	○	◉

Possible way forward

To what extent do you agree with the following statement?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree	No opinion
To get innovations out of the lab into the market, **IPR policies should be better aligned across different forms of public financing for research and**						

innovation, so that innovators are not blocked from commercialising their IPR when using different types of public R&I financing, either in sequence or in combination.	◉	○	○	○	○	○

Feel free to provide information on any **difficulties you have experienced** in the commercial exploitation of publicly funded research and innovation, and please provide any suggestions you may have on how to overcome those difficulties. *(200 words maximum)*

Transforming the results of public research into real-world impact requires moving beyond traditional, linear transfer models. Instead of seeing commercialization as a one-way street from lab to market, it is more effective to approach it as a circular process, where ideas are constantly reshaped, tested, and adapted. Universities face several barriers in commercialising publicly funded research. A key issue is the non-supportive academic merit system, which prioritises publications over entrepreneurship, societal impact, and industry collaboration. This discourages engagement in spin-offs, licensing, and innovation partnerships. Initiatives like CoARA are vital in promoting recognition of innovation within academic career frameworks. Another major barrier is legal uncertainty around State Aid rules, especially in the transfer or licensing of IP and access to infrastructure. Current rules significantly affect university-industry collaboration, creating complexity for technology transfer offices (TTOs) and delaying commercialisation. Conflicting IPR policies between universities, companies, and public bodies further hinder cooperation, particularly when licensing terms or ownership expectations are misaligned. Additionally, university spin-offs often struggle with standardisation and certification, which are essential for market entry but resource intensive. To unlock the full potential of university innovation, clearer guidance on State Aid, harmonised IP frameworks, and support for infrastructure access are urgently needed. The ultimate goal is not only to launch start-ups or file patents but to create a living cycle where knowledge is continuously translated into tangible benefits for society.

Submitting additional files

Thank you for your contribution. Please feel free to provide **further comments** or to attach a file. You may use this opportunity to provide us with further comments on specific questions raised by this consultation or any information on **other innovation barriers** that you think the European Innovation Act should address. You may also upload a paper summarising your view on the European Innovation Act or a **background document with evidence** that may help provide further grounds for EU action (e.g. evidence of specific innovation barriers that you have experienced or of different types of positive impacts that could be achieved by removing certain barriers). *(500 words maximum)*

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