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Mutual Learning Exercise (MLE)

Widening participation and strengthening synergies

Challenge paper topic 7: Synergies at operational level – "The devil is in the detail"

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MLE Widening participation and strengthening synergies: Challenge Paper: Synergies at operational level – "The devil is in the detail"

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Challenge paper topic 7: Synergies at operational level – “The devil is in the detail”

Challenge paper No 7

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1 INTRODUCTION

Developing and putting in practice synergies between FP and the ESIF is a mechanism for stepping up R&I performance by pulling together resources for the efficient implementation of R&I activities. Synergies between ESIF and Horizon 2020 programme are therefore strongly encouraged in order to maximise the impact of investment in R&I and ensure the efficient use of the available funding. At the operational level this is reflected in the financial resources at the programming level of ESIF and FP (i.e. how to implement State aid rules and rules for participation, how to deal with differences as regards the cost models and eligibility of researchers' salaries payments, Interreg, Cofund, EIB, EFSI).

National policies for H2020 focus on helping research teams to succeed in the EU calls for proposals but obviously do not directly influence selection and hence funding. Support can take the form of information on H2020 and more importantly of supporting the national ecosystem to become more competitive (through funding of infrastructure, human resources and partnership building) and thus increase its likelihood of H2020 success. This can be done through national funding and (to the extent that national funding is not sufficient) through ESIF. National practices for synergies start when the Partnerships Agreement and Operational Programmes are designed through the cooperation or coordination between national and regional actors that are responsible for development planning and R&I respectively. ESIF funds are necessary to complement national funds for building up the national ecosystem or for supporting H2020 projects when the intensity of the support is not sufficient.

There are two main principles regarding the use of ESIF when they enter the budget of Member States:

- ***Competition rules***: Money coming from ESIF have to respect exactly the same State Aid rules as national funds; independently of the original source when incentives come from the national budget and are applied for support in a national territory, they are bound to ensure that they do not create any kind of discrimination between Member States.
- The ***Additionality Principle*** foresees that "*the financial allocations from the Structural and Investment Funds may not result in a reduction of national structural expenditure in those regions, but should be in addition to national public spending*"[1]. This means that national funding originating from ESIF (as earmarked by the PA and OPs) is not considered equivalent to national matching funds in several H2020 support schemes (see details below).

Hence, while the focus of the paper is in actual and potential synergies **between ESIF and H2020** and **NOT** synergies between ESIF and national activities, H2020 and national activities, or even other sources of EU funding (e.g. EIB) it is imperative to investigate the interaction of ESIF with other national sources to clearly see where and how synergies can be obtained or are hampered. So, the main message of topic 7 is that ***a careful allocation of ESIF*** (mainly ERDF and ESF) ***and non-ESIF*** (purely national funds originating from other resources) ***funds is needed to ensure synergies and maximisation of H2020 success***. This allocation has to respect a frame of binding rules that hamper unlimited ESIF co-funding, namely State Aid rules and the Additionality Principle. Maximising synergies under opportunities and constraints at the operational level is a matter of attitudes and capabilities of the many actors involved: at national level they may share a vision and objectives, but they also have individual targets, perceptions and organisational-specific concerns or restrictions. In this spirit expectations differ between Managing Authorities of the Structural Funds (trying to maximise fund absorption and ensure legal compliance), national R&I funding agencies (interested in

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[1] http://ec.europa.eu/regional_policy/en/policy/what/glossary/a/additionality/

maximising R&I input, output and impact) and R&I teams interested in maximising their funding opportunities.

The ultimate decision for ESIF incentives lies in the hands of the MAs, which have to bear the burden of interpreting rules and taking decisions on the one hand, and dealing with the complaints of all other actors when they feel that their interests have not been taken into consideration sufficiently. For this reason, a clarification of rules and, if possible, their broad and user-friendly interpretation is the best way help achieve synergies at the operational level.

The paper describes the key issues under "Scope" in Section 2, explaining what each type of rules or H2020 support programmes is about. Then in Section 3 "Landscape" we focus on the way these rules and schemes are or can be applied and present some Good Practices in Section 4. Finally in Section 5 we propse three major Challenges for synergies to increase and specify each one of them with detailed questions.

2. SCOPE

The following rules to respect and programmes that need to be carefully addressed by national and regional actors already at the policy design level, in order to ensure smooth implementation are relevant for the creation of synergies:

2.1 Implementation of State aid rules

State Aid rules are mandatory rules deriving from the Treaty and applied to all EU policies. Recognizing the specificities of R&I (in particular the serendipity and appropriability issues) DG Competition is adopting specific Frameworks, the most recent one in 2014[2], specifying how to apply State Aid for R&D&I (Appendix 1 gives an overview of the rules). Over the years the R&I Frameworks tend to become more flexible through the introduction of De Minimis and the adoption of the Block Exemption regulation (GBER)[3] are facilitating certain activities but have also unintended effects[4]), although in some cases there are stricter specific rules (as in the case of economic activities of public research organisations and HEI labs). The background, rationale and process of State Aid rules are based on the TFEU and made explicit in the Regulations. The process includes the incentives that are well-known to be eligible (presented in the GBER) where operationalisation is easy and automatic and incentives that need notification, which imply interaction between the Member State and the Commission that may lead to disagreements and delays. In the case of doubt Member States prefer an informal exchange of messages with DG COMP before deciding whether they apply a measure based on GBER or they follow the notification procedure*. By and large it seems that national authorities, in particular with lower management/ administrative potential, would rather avoid the notification procedure and adopt the provisions of GBER as policy guidelines*.

In the real world even the clearest rules are subject to interpretation. As there are many levels of interaction before an incentive is decided, there are also many layers of interpretation:

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[2] COMMUNICATION FROM THE COMMISSION, Framework for State aid for research and development and innovation http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0627(01)&from=EN

[3] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0651&from=EN

[4] It is sometimes argued that funding authorities, in order to avoid delays and friction, tend to adopt incentives as described in the Block Exemption Regulation, even if they are not the most appropriate components of their policy mix.

- The ministry or agency responsible for designing funding schemes
- The MA; in case of disagreement the MA usually blocks any suggested incentive it considers no-complying (MAs have internal legal departments). Any unclear rules are discussed with DG COMP in a written procedure

As expected, researchers and operating authorities are in favour of a broad interpretation, while legal departments both at the national and the EU level tend to adopt narrow interpretations. The national interpretations, the interaction between individual actors, public authorities and DG COMP occasionally create friction both regarding the content of the interpretation and the delays the process may trigger. The asymmetric power of the MAs compared to funding agencies and research teams leads combined with the lack of security in the interpretation of norms (e.g. on eligibility) is very important and motivates to use a de facto "precautionary principle" which implies avoiding any "innovative use" of the resources that may lead to the burden of notification or eventually declaring the scheme incompatible with State Aid rules.

2.2 Rules for participation

The clarity and functionality of rules determine the potential for synergies. The rules of participation to H2020 are mostly clear. Efforts towards simplification of rules and clarity for joint financing of R&I projects by both H2020 and ESIF have facilitated implementation. But the process is dynamic, the needs and policy mixes as well as the EU priorities evolve and new issues arise. But co-funding rules create problems in the Member States with limited national R&I resources (see examples under 3.2). Also the administrative burdens of audits and controls at all levels discourage synergies. Audits are undertaken ex post and often with long delays and interpretations seem to differ. In particular there is an impression that ESIF funds are:

- sometimes considered as funds that follow EU procedures and are still governed by EU principles or,
- from the moment they enter the national budget, they should follow national principles and procedures. It seems that there is no unifying position in that respect, in particular because goldplating rules applied by the Member States need to be assessed on a case-by-case basis.

The rules of participation are of particular relevance to Operational Actors and MAs regarding the broad selection of funding items but are crucial for end users, who need to be able to prove the accounting in case of audits.

2.3 Interreg (European Territorial Cooperation)

Interreg helps regional and local governments across Europe to develop and deliver better policy. It is built around three strands of cooperation: cross-border (Interreg A), transnational (Interreg B) and interregional (Interreg C). One of the categories Interreg supports is Research and Innovation. Projects are selected following calls for proposals and managed at national level by a Monitoring committee, a Managing Authority and a Certifying Authority. Interreg projects are co-funded from the ERDF and national funds (in the order of 85% EU contribution-15% national contribution). Interreg funds projects in four different areas, one of which is research and Innovation.

2.4 Cofund

Co-funding of regional, national and international programmes (COFUND) is an action under the Marie Skłodowska-Curie actions, co-financing high-quality fellowship or doctoral programmes with transnational mobility. The specific objectives of the COFUND scheme are "stimulating regional, national or international programmes to foster excellence in researchers' training, mobility and career development, spreading the best practices of Marie Skłodowska-Curie actions". This will be achieved by co-funding new or existing regional, national, and international programmes to open up to, and provide for, international, inter-sectoral and interdisciplinary research training, as well as transnational and cross-sectoral mobility of researchers at all stages of their career. It support **Doctoral Programmes (DP)** and **Fellowship Programmes (FP)** for the most promising Early-Stage Researchers and Experienced Researchers, respectively[5]. COFUND synergies with ESIF are foreseen.

2.5 The EIB/EIF support schemes – the special case of EFSI

The EIB has been increasingly contributed to national R&I efforts over the years. As its activities are governed by banking rules it only offers loans, not grants; however, it manages grants following specific mandates of the European Commission. The following instruments have been adopted and may have synergies with:

- The ***European Fund for Strategic Investments (EFSI)*** is one of the mandates of the EIB using European Commission funding. It is an initiative to help overcome the current investment gap in the EU, jointly launched by the EIB Group and the European Commission, which aims to mobilise private investment in projects which are strategically important. EFSI is not primarily geared towards R&I but its contribution can be increased in the future. In this context ***InnovFin*** financing tools cover a wide range of loans, guarantees and equity-type funding, which can be tailored to innovators' needs. Financing is either provided directly or via a financial intermediary, most usually a bank or a fund and is available across all eligible sectors in EU Member States and Associated Countries, under the EU Research and Innovation programme Horizon 2020.It includes several types of support (mid cap, science, risk-sharing facility)[6].

- ***Jeremy Agreements***: It is a joint initiative of the European Commission (Directorate General for Regional Policy) and the EIB Group, mainly through the European Investment Fund, to enhance cohesion across the EU. During the 2007-2013 programming period, JEREMIE offered EU Member States, through their national or regional Managing Authorities, the opportunity to use part of their EU Structural Funds to finance SMEs in a more efficient and sustainable way. JEREMIE's financial resources have been deployed through selected financial intermediaries across the EU, which have provided loans, equity and guarantees to SMEs. . Under the new 2014-2020 programming period, the EIF is currently assessing market needs across EU Member States and Regions to plan the deployment of the second generation of the European Structural & Financial Instruments (ESIF) and design investment solutions through standardised funding agreements and partnerships with national agencies[7].

- ***Global Loans to Member States for R&D infrastructures*** (guaranteed by the national government)

3. LANDSCAPE

3.1 State Aid rule

The following cases were identified as being often a constraint for effective policy, when applying the State Aid rules:

[5] https://ec.europa.eu/research/mariecurieactions/about/cofunding_en

[6] http://www.eib.org/products/blending/innovfin/

[7] http://www.eib.org/products/blending/jeremie/index.htm

The economic activities of Research Organisations and Universities issue: The introduction of the Third Mission in HEIs and the connection of PROs to society constitute an integral part of modern R&I policy in the last decades based on the empirical findings of highly beneficial impact of the research-business interaction. Collaborative projects and cluster formation is in the core of policy design. However, this has triggered a new domain of problems in the context of State Aid rules: for their interaction with market activities publicly funded research organisations are expected to distinguish between funding required to comply with their purely public research and teaching activities and activities that can benefit the business sector. In the latter case national funding constitutes State Aid. The theoretical part of this approach is founded in the Treaty, however, when it comes to its implementation both the benefiting actors and the funding authorities have to deal with almost insurmountable layers of bureaucracy: complex rules of accounting foresee that infrastructures that are also involved in business activities (paid services to companies) can receive only 50% support; in case they reinvest in capacity for economic activities this goes down to 20%. It is up to the beneficiaries to prove the share of utilisation of research equipment and personnel for each activity, but it is not clearly foreseen at which level (organisation, institute or equipment) this attribution (economic and non-economic activities) has to take place, whether it should be measured as share of time used or otherwise. Certain activities are too difficult to divide and attribute. The larger the organisation and the higher the share of cooperation activities with the business sector the more cumbersome the logistics. The argument, of course, is that large companies do this type of accounting and business-cooperating organisations should learn to do it as well.

A long discussion in the past was conducted between DG COMP and the Czech Republic, when designing a research infrastructure. This has created a negative climate in the country and beyond. "Some stakeholders consider the State aid rules as a potential barrier to the inclusion of private sector partners into the design, financing and implementation of Research, Development & Innovation (RDI) infrastructures in the Czech Republic, even when such partnerships could have desirable effects on the initiative's outputs and financial sustainability. In some recent Czech cases, ensuring compliance with the State aid rules proved to be a challenge for the project promoters, which generated delays and unexpected complexity. These unfortunate experiences triggered reluctance by the Czech public authorities to deal with complex State aid issues, pushing organisations receiving public aid to seek legal ways to avoid the notification of the State aid to the Directorate General for Competition (DG COMP) of the European Commission. However, non-notification means economic activity must not exceed the 20% threshold. The tendency of Czech public authorities to avoid notification by application of the Framework's provision on the ancillary of the economic activity (i.e. 20% threshold) may impact in the short-medium term the RDI infrastructures' performance (volume of economic activity, public-private intellectual cooperation, job prospects of graduates, etc.). In the longer term, it may also negatively impact their financial sustainability. In an S3 discussion platform this led to a Key Issue referring to "The reluctance of authorities to notify State aid hampers the creation of economic activity and threatens the sustainability of infrastructures", where as possible Actions the Czech national authorities suggested to "Provide assistance to organisations on the State aid notification process and Include State aid notification at the design phase of a research infrastructure" while the EU Commission suggested to "Increase communication on the State aid framework to demystify the process"[8].

[8] JOINT STATEMENT OF THE NATIONAL EVENT OF THE CZECH REPUBLIC Synergies between European Structural and Investment Funds (ESIF) & Research and Innovation Funding Organised by the European Commission (Stairway to Excellence Initiative) and the Government Office of the Czech Republic 3 March 2016, Prague – Czech Republic

http://s3platform.jrc.ec.europa.eu/documents/20182/151804/Joint+statement+CZ.pdf/ecae447c-8990-4ce5-8aa2-e1d7df28efa7

The large and prestigious public research organisations in the EU were most affected by the economic-non-economic accounting rules and had to refund incentives and even pay fines (Check FhG**).**

The situation is complicated further when ***definitional issues*** arise. In the State aid framework, there is different treatment of categories of research aid, depending on whether the type of research is more or less remote from the market. There are challenges in achieving synergies between 'upstream' actions, for instance research based on Horizon 2020 projects and 'downstream' actions where Member State authorities have more control over fund allocation. This can be the case for funding for clusters, science parks etc., where State aid rules can come in to play. This complexity inhibits the scope for fully integrated operations that combine ESIF with EFSI, Horizon 2020, and COSME etc.[9]

Difficulties to apply Seal of Excellence (SoE): The Seal of Excellence is the high-quality label awarded to projects submitted to Horizon 2020 which were deemed to deserve funding but did not receive it due to budget limits. The experts identify proposals which are above the quality threshold necessary for funding. Theoretically the SoE would be expected to be applied directly and without any delays in the Member States once awarded by the EU project selection process. However, there are many levels of difficulty that render the process far less automatic than initially hoped/conceived:

- For proposals with participants from many Member States common pots and internal rules for (real or virtual) common pots are necessary. The difficulties associated with common pots (see 2.1 below) makes it difficult to organise SoE in Collaborative Research activities.

- For proposals where individual research teams are selected in one country State Aid rules constitute a barrier: when successful applicants are funded by the EU (e.g. SME Instrument,) there is no issue of State Aid, since applicants from all Member States are treated in the same way. However, when the results of the same selection procedure are applied by national/regional authorities to local companies, the funding takes place at sub-European level and is thus State Aid. One can circumvent the problem, when the amount is small (e.g. SME Instrument Phase 1) using De Minimis, as long as the selected company has not reached the threshold foreseen by the State Aid Regulation. If the amount is larger the funding rules (type of activity supported and intensities) applied have to be those of the State Regulation and not the original budget as declared by the applicant and selected based on the peer review evaluation. In this case Funding Organisations have to use and additional evaluation procedure (to assess a new type of application) and applicants, even if successful, may have to amend the content and budget of their proposal; this process practically annuls the original EU evaluation. As an illustrative example: SME Instrument Phase II may fund up to 100%, while national funds are bound to intensities depending on the GBER (25%) or the regional map for each country (5-40%).

The latter applies to funding of research infrastructures and all cases where H2020 funding is unsuccessful and efforts to replicate it with national funding are made.

Promising innovative start-ups: Among the companies created in high tech areas hoping to take advantage of disruptive technologies the most promising ones (potential gazelles or even unicorns) grow very fast. This means that they need significant support and the can very rapidly exceed the De Minimis ceiling. This (together with the bureaucracy of public funding) is seen as one of the reasons potential champions avoid relying on public R&I funding. National authorities in some cases are under the

[9] European Parliament (2017), p. 41

impression that the most dynamic among start-ups, those that the most successful/promising tech start-ups find funding opportunities in the market (VC, Business Angels, Private Equity and Crowdfunding) more attractive, despite having to offer equity rather than receive grants, which imply going through the limits and bureaucracy of public funding. It also derives from the reluctance of VC to participate with public administrations in the management of share funds unless market conditions can be replicated (as in the case of the Jeremy funds).

While the De Minimis rule is a non-negotiable at the moment, ideas on ways out can be valuable: they may include Public Procurement (***Estonia*** successfully has used public procurement to support start-ups in ICT, check also with Public Procurement MLE), accelerated).

One reason, besides delays and bureaucracy the MAs and Operational actors try to minimise potential problems with DG COMP and adopt GBER examples is to ***minimise the burden of strict and multilayer audits***. For instance the Greek R&I portfolio is composed of incentives mirroring the GBER exemptions in an effort to speed up implementation. In this context it is important to note that Greece, because of its financial difficulties has a minimum of national funding and needs ESIF for practically all its R&I incentives. While at Member State level the design of audits is inherent to the national system, an outline of the audits MAs are likely to undergo includes National Audits specially designed for Cohesion Funds, the National Court of Auditors, Audits by DG Regio and the EU Court of Auditors and occasionally OLAF. In case DG COMP identifies cases of non-compliance fines can be high, including the request for returning wrongly spent funds to the EU. The return is horizontal not applying only to cases identified.

3.2 Funding rules

Co-funding is a story that dates back to the beginning of R&D supported by the Structural Funds. The rules for combining H2020 and ESIF have been made explicit in the current programming period[10] but there are still important incompatibilities when ESIF is considered as EU funding and not national funding. The following cases are the most frequently stated:

Partnership Instruments (PIs) introduced in the context of the Lisbon strategy and the aim to develop the European Research Area are designed to address the observed fragmentation in the European landscape and to avoid duplication of efforts. The partnership instruments refer to an operational modality which requires numerous actors from several Member states to establish some form of a joint R&D and innovation agenda (long term agenda, roadmap, joint thematic call, etc.), and facilitate networking, preparation and execution of joint R&D and innovation activities launched for the purpose of implementing the joint agenda. It is likely that in the future the PIs share will increase making synergies with ESIFs an important issue.

A variety of ***partnerships have developed expected to reach 25% of H2020*** in the current programming period. They include: Public-to-public (ERA-NETs, Article 185 Initiatives, Joint Programming Initiatives and European Innovation Partnerships), Public-Private Partnerships (European Technology Platforms, Joint Technology Initiatives, European Innovation Partnerships and Contractual Public Private Partnerships), as well as the special cases of Future Emerging Technologies and the European Institute of Technology are established instruments with high ambitions. PIs share is increase over time, as pointed out by their evaluation indicating that the problem with PIs is that over time "instead of replacing existing ones, the approach has been to launch new partnership instruments alongside with the existing ones. This has resulted in a rather

[10] Doc explanation

complex landscape of partnership instruments, many with the same fundamental rationale, and several focusing on the same thematic areas. Even though the approach is often different, the synergies from combining industrial opportunities, scientific research and societal needs can hardly be captured if each are being pursued in separate partnerships"[11]. If this is the case the difficulty to match national funds with ESIFs will increase for Member States with low national budgets.

Despite criticism to the PIs their share and rationale of the common agenda is a big opportunity for building expertise and future competitive advantages in the Member States. Hence, countries unable to join the PIs are disadvantaged. A major issue for countries with limited national funds is the decision that the European Commission does not top up Common Pots (whether virtual or real) if the national contribution comes from ESIFs. The top up is calculated up to the level of national contribution to the ESIF project.

The rules are clear based on the examples of the EU guidelines[12]:

- ESIF can be used for ERA-NET Cofund but no ESIF contribution can be taken into account to calculate the Horizon 2020 contribution (33%). The total budget of the joint call or additional joint calls may include ESIF, provided that they are **not declared as eligible costs and are not used for calculating the topping-up by Horizon 2020 grants**. ESIF will be used in parallel to the ERA-NET[13]. When considering ERA-NETs in Horizon 2020, Member States will usually contribute with their own budgets to the Joint Call (that is the central element of the ERA-NET) and the costs of additional coordination activities. These budgets will be complemented by additional amounts from Horizon 2020 (in the case of a successful evaluation of this proposal) that will depend on the overall amount of budgets involved: Horizon 2020 reimburses up to 33% of the total of the national budgets involved in the call, and costs for additional activities on the basis of a unit cost. In order to avoid the risk of any potential double funding, no ESIF money should be used to cover these national budgets (and costs for additional coordination activities) as these form the basis for calculating the Horizon 2020 contribution. However, projects that will be generated from this Call can later on use additional national funds to which corresponding additional matching ESIF funds could be added. This would require however a very rigorous follow-up and accounting system from the MS involved[14].

- ***Use of ESIF in JPI*** is allowed with no limitation to use ESIF in for joint calls in the framework of a JPI, provided that respondents to Joint Calls observe the rules for ESIF funding and that an ESIF programme foresees such competitive award of research grants. The only exception is when the Strategic Research Agenda (SRA) of a JPI (or part of it) is implemented via ERA-NET or Article 185 initiative. In those cases, the conditions to combine Horizon 2020 and ESIF applicable for ERA-NET and Article 185 initiatives must be met[15].

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[11] Technopolis, 2017), Increased coherence and openness of European Union research and innovation partnerships, Final Report

[12] European Commission (2014), Enabling synergies between European Structural and Investment Funds, Horizon 2020 and other research, innovation and competitiveness-related Union programmes, Guidance for policy-makers and implementing bodies

[13] Ibid p. 70-71

[14] Ibid. p.73

[15] Ibid. p. 75-76

- Projects financed through grants under a ***JTI/JU***, can enjoy combined funding, provided that double funding is avoided (different cost items funded by different grants). Simultaneous funding (***JTI2 ECSEL example***) and parallel funding are foreseen. In this case timing is important: if no decision on the ESIF financing of Part B can be taken in time, the viability of Part A as a stand-alone project needs to be assessed.[16].

- ***Regarding Art. 185***: as one main objective of Art. 185 initiatives is to integrate national public research funding, matching contributions from the Participating States to the programme may not come from other EU funding sources such as ESIF. This means in practice that for the calculation of the Horizon 2020 contribution (50% in general, possibly only 25% or 33% for Eurostars-2) only the national contribution per country is counted[17].

Here *the interpretation is that ESIFs that enter the national budget are still EU funds* so the EU cannot top them up. This is a major impediment for countries with limited availability of national public funds. ***Using EIB Loans for national funds is a way to overcome these problems provided the Member State is able and willing to guarantee an R&I loan[18]***.

The P2P evaluation explicitly mentioned that "Before creating new instruments, the use of existing ones needs to be optimised. This also necessitates the transnational alignment of national programmes, and long-term commitment and support that also utilises alternative sources of funds, such as the European Structural and Investment Funds"[19].

Participation fees in the form of annual contributions with long term commitments are another area where ESIF funds cannot be used independently whether they are international (e.g. ESA, CERN)[20] or EU organisations. ESIF could be used to up-grade a research infrastructure (if this supports the socio-economic development of the host region and is in line with the RIS3 and relevant ESIF programme), while Horizon 2020 funds the research activities, but not ***annual fees for joining Research Infrastructures.*** Similarly ESIFs cannot *be used for* Partnerships Instruments (referring not to the Common pots of the PIs as above but the participation fees) as well as the participation for Knowledge Innovation Centres (KICs) and Co-location Centres (CLCs) of the European Institute of Innovation and Technology (EIT). ESIFs can be used for complementing KIC "added value activities". While KICs are funded up to 100% by EIT

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[16] Ibid p.83 and 85

[17] Ibid. p. 79

[18] The rules set by the EIB for such loans are: I*nstrument* medium and long-term loans; *Purpose:* to partly finance the "R&I project"; *Project:* the cumulative investment costs related to eligible R&I activities typically over a period of up to 3 years, or longer on a case-by-case basis. As part of the due diligence process, the EIB reviews budgeted investments in order to define the R&I project and identify those items that are eligible for EIB support; *Eligibility:* implementation of multi-year R&I investment programmes geared towards innovation, skills and greater competitiveness; *Loan size:* min approximately EUR 25m, taking into account: max. 50% of the total eligible R&I investment costs/project, and the credit risk limits applicable for the risk profile of the borrower and the operation structure; http://www.eib.org/products/sheets/loans-for-research-innovation-features.htm

[19] University of Manchester (2017), 15 Years of European Public-Public Partnerships in Research & Innovation

Great achievements with stronger potential

[20] European Commission (2014), Enabling synergies between European Structural and Investment Funds, Horizon 2020 and other research, innovation and competitiveness-related Union programmes, Guidance for policy-makers and implementing bodies, p. 92

for the so-called “added value activities”, the "complementary activities" are not funded by EIT. It is up to the KIC to find funding sources for these activities. Amongst them can be ESIF (if the activities correspond to ESIF priorities in the region of the KIC), but also RDI actions within Horizon 2020[21].

The special case of how to deal with differences as regards the cost models and eligibility of researchers’ salaries payments is a practical problem faced by MAs, Funding Agencies and individual final users. A derogation of the non-cumulative principle (Art 37 Rules of participation) allows for Cumulative Funding: An Action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of regulation Horizon 2020 provided that the grants do not cover the same cost items. Regulatory reforms introduced for 2014-20 have addressed the issue of synergies (e.g. increased scope cumulating grants or pooling funding from different EU instruments or the potential to align cost models = scale of unit costs, lump sums and flat rates[22]). Alignment of similar cost options for easier combining of funds: lump sums, flat rates, standard scales of unit costs under ESIF may use the Horizon 2020 rules applicable for similar types of operations and beneficiaries (Art 67 §5b, 68 CPR). For instance, this includes the possibility for CP projects supporting research and innovation to use the same cost reimbursement rules as Horizon 2020[23]. However, substantial challenges remain, notably separate regulations for Funds and instruments. Reaming barriers include regulatory impediments to cumulative funding and the regulatory framework for the use of Financial Instruments. For implementing organisations the co-funding rules from the organisation itself (own contribution) create also administrative problems (different accounting in time-sheets of permanent researchers in public organisations).

The Common Provisions Regulation 1303/2013 (CPR) foresees[24]:

- Possibility to combine H2020 and ESIF money in the same project via a derogation from the non-cumulative principle of Art. 129 Fin. Regulation that prohibits a beneficiary to receive 2 EU grants for a project (Art. 65(11) CPR*)

- More ESIF can be spent outside an Operational Programme’s territory (e.g. to pool funding for technology parks, clusters, research infrastructures abroad, …) if for the benefit of the programme area: Article 70(2) CPR (also contract research is possible outside OP territory irrespective of Art 70(2)!)

- Stronger obligation to work with innovation actors in other regions & Member States beyond "INTERREG": Art 96(3)d CPR

- Alignment of similar cost options possible for easier combining of funds: lump sums, flat rates, standard scales of unit costs under ESIF may use the H2020 rules applicable for similar types of operations and beneficiaries (Art 67(5)b, 68 CPR)

There are weaknesses in strategic frameworks that could impede synergistic working in practice[25]; Discussions on the not-yet adopted Omnibus Regulation[26] try to address the issue.

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[21] Ibid. p. 89

[22] European Parliament (2017) p. 39

[23] ibid

[24] https://www.kpk.gov.pl/wp-content/uploads/2016/07/synergie-2016-03-17.pdf

[25] European Parliament (2017) p. 37

Administrative problems: As in the case of State Aid, H2020 audits are also multiple and complex: individual beneficiaries undergo national audits, H2020 audits address samples of funding organisations and at highest instance there are again Courts of Auditors and OLAF. Counterintuitively research is among the OLAF cases frequently concerned "*OLAF cases frequently concern: subsidy fraud in different forms, as fraudsters take advantage of the difficulties of managing and controlling transnational expenditure programmes. Examples include the delivery of the same piece of research to several funding authorities within or beyond EU borders, plagiarism – the copying of research which has already been undertaken by others, and the deliberate gross disrespect of the conditions of financial assistance*[27]".

This is a significant tension, on the one hand the administrative requirements and delays created for national administrations to prevent fraud, which undermine the effectiveness of incentives and on the other the identification of fraud that prevents national administrations of claiming R&I is among the least deceptive activities.

At any rate "*Auditors need to be informed & trained on both sides on new synergies possibilities and different accounting systems, terminologies, etc*."[28]

3.3 Interreg

National and regional policy-makers in charge of the development of smart specialisation strategies are recommended to (i.a.) ….get internationally connected to be faster in the development of multi-country proposals for Horizon 2020 and European Territorial Cooperation (INTERREG) calls for transnational cooperation[29].

Interreg synergies and National Fund synergies are based on co-funding at the national level. While in the past there were difficulties with different rules (EU rules and national funding rules) applied in the current programming period Certifying Authorities are applying EU rules to the whole programme, thus facilitating Interreg funded companies, HEIs and PROs. Concrete synergies with H2020 are inherent: for the Research and Innovation applications the Interreg selection process evaluates positively synergies with H2020 supported projects leading to sequential funding.

3.4 Cofund

The combination of COFUND with ESIF is explicitly foreseen. Examples include[30]:

Example 1: A new research centre is being created in a specific region of a certain country, the building of its large research infrastructures being financed by the ESIF. It aims at attracting promising researchers in several fields of expertise and in particular in recruiting young fellows. However, no PhD programmes exist in this Region to support

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[26] COM (2016) 605 final.

[27] A recent OLAF investigation involved persons from four different Member States and third countries and concerned allegations of systematic fraud in the recruitment and secondment of a large number of researchers engaged in several EU research projects

https://ec.europa.eu/anti-fraud/sites/antifraud/files/olaf_report_2016_en.pdf p.18

[28] https://www.kpk.gov.pl/wp-content/uploads/2016/07/synergie-2016-03-17.pdf

[29] European Commission (2014), Enabling synergies between European Structural and Investment Funds, Horizon 2020 and other research, innovation and competitiveness-related Union programmes, Guidance for policy-makers and implementing bodies

[30] GUIDE FOR APPLICANTS, Marie Skłodowska-Curie actions

training of research fellows in those scientific areas. The research centre therefore decides to apply for COFUND, to help establish new doctoral programmes covering training in those scientific fields of interest at the local University. As part of their doctoral training, the recruited fellows shall follow some research training abroad in order to gain international experience and to diversify their skills and working methods.

Example 2: An existing fellowship programme run by a University is lacking an international and inter-sectoral dimension in the current training it proposes and consequently failing to recruit sufficient researchers who will meet the increasing and diversified needs triggered by its evolving research activities. In order to address this issue, the University decides to apply for ESIF to fund national and international researchers that will experience working in the private sector, while applying for COFUND to support further international researchers recruitment and to improve the quality and streamlining of the selection and recruitment procedures of the programme.

SoMoPro[31] is a COFUND Marie Curie ***good practice*** project exploiting synergies: it is a regional grant programme backed by European funding set up to attract skilled researchers to the South Moravian Region. SoMoPro is a pilot programme planned for four years (2009 - 2013) with an overall budget of 3 887 158 EUR, 60% of which will be financed by regional public sources (Region of South Moravia) and remaining 40% is co-funded by the European Commission through the Marie Curie Actions (COFUND project). It was designed to attract skilled researchers from Czech Republic and abroad to come and carry out their work in South Moravia.

3.5 EIB/EIF

Pure EIB/EIF support schemes have increased considerably over the years but, as they take the form of loans requesting guarantees, Member States are more sceptical and there is a need of strong political commitment to obtain such loans. They are used both from the public sector (supporting research infrastructures and operational expenditure) and the businesses. Such loans can be used as matching funds and overcome the difficulties mentioned under IPs above.

In the context of the EFSI (Juncker Plan) the EIB has received a mandate by the European Commission to create the InnovFin (EU Finance for Innovators) and a corresponding Innovation Advisory Board (InnovFin Advisory). The function of the Board is to help potential (private and public) applicants for EIB loans to prepare a bankable business plan in order to ensure loans respecting the EIB rules. The successful implementation of this type of advisory services are explicit synergies between the EIB and national R&I capabilities and performance. The InnovFin instrument under Horizon 2020 promotes firms pursuing research and innovation and has a leverage target of 9 times[32]. Of particular interest for the MLE is the InnovFin Emerging Innovators, which bridges the research and innovation (R&I) investment gap in EU Member States which are labeled as Moderate Innovators and Modest Innovators in the European Innovation Scoreboard and Horizon 2020 Associated Countries[33]. The InnovFin Emerging Innovators improves availability of risk finance for fast-growing or R&I-driven enterprises, R&I infrastructures, innovation-enabling infrastructures and other entities.

JEREMIE was a joint initiative set up in 2007 by the European Commission (Directorate-General for Regional and Urban Policy) in co-operation with the European Investment Bank Group and other financial institutions to enhance cohesion across the EU. The JEREMIE instrument was set up to deploy part of the EU Structural Funds allocated to the

[31] http://ec.europa.eu/research/mariecurieactions/success-stories/thinking-big

[32] European Parliament (2017), p. 41-42

[33] http://www.eib.org/products/blending/innovfin/products/emerging-innovators.htm

regional and national Managing Authorities through new risk finance initiatives for SMEs. It was a successful pilot used to match private funding schemes (Venture Capital, Growth Funds, Seed Finance etc.) replicated by the current ESIF-backed programmes managed by EIF under the new 2014-2020 programming period[34].

The revisions of the Financial Regulation for 2014-20 aimed to clarify the coordinating function of the EIF, the role of financial institutions and intermediaries and increase the use of FIs across EU instruments. Nevertheless, ***the extended use of FIs introduces challenges to synergistic working***. The first relates to the potential rivalry between FIs and grant-based support. The question of whether to use FIs or grants is problematic in the pursuit of synergies. Without full harmonisation of the relevant regulations and guidelines there is scope for instruments to compete with each other and for beneficiaries to favour grants rather than instruments that will involve some form of repayment. There are also challenges stemming from the fact that alongside the Financial Regulation, the rules for FI implementation in different instruments are in many cases similar but not identical, complicating synergistic working. For example, different EU-funded instruments include FIs in the form of guarantees.

There is some scope for operational synergies between EFSI and ESIF. EFSI and ESIF can combine at a project level, exploiting the complementarity between grants and market-based instruments. For instance, EFSI can finance the revenue-generating parts of an infrastructure project supported by ESIF grants. EFSI and ESIF can combine at a higher level, through a FI[35]. Recent research among ESIF MAs indicates limited identification of synergies with EFSI. At present, these instruments tend to operate in a parallel and separate way. There are still important fundamental characteristics and orientations in ESIF and EFSI that impede the pursuit of synergies[36]. There is a tendency for geographic concentration in EFSI, too. The EIB is incentivised to fund projects that are ready, which are ***more likely to emerge in countries with more capacity and expertise***. Moreover, potential investors may prefer allocating funds in already strong and structured markets. The strong involvement of National Development Banks may orientate EFSI more on countries with such strong institutions. The applicability of the 'investment clause' from the Pact for Stability and Growth is potentially restrictive: it offers larger possibilities for eligible countries to use public funding to lever private funding. However, countries with larger deficits such as Greece, Spain, Portugal and Cyprus do not benefit from it. It should be noted that the EFSI Regulation allows its Steering Board to define indicative geographical diversification and concentration guidelines to avoid excessive concentration at the end of the investment period[37].

4. LESSONS LEARNED

A broad conclusion is that although ***"The potential for operational synergies to develop exists and it is possible to identify emerging initiatives, but these represent good rather than common practice"[38].*** They possibilities exist but are not amply used. In studies and evaluation reports the conclusion is that synergies are envisaged but sufficiently used/facilitated:

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[34] http://www.eif.org/what_we_do/resources/jeremie/index.htm

[35] European Parliament (2017), p...59

[36] Rubio E, Rinaldi D and Pellerin-Carlin T (2016)

[37] European Parliament (2017), p.61

[38] Ibid p. 8

- Via derogations in Art. 129 of the Financial Regulation and Art. 65(11) CPR Horizon 2020 Art. 37 Rules for Participation it is now possible in theory to cumulate ESIF and Horizon 2020 funds in the same project providing they do not cover the same cost item. Nevertheless, the challenges involved in developing joint project proposals, in synchronising ESIF and Horizon 2020 project application procedures, in coordinating joint management and in taking into account the territorial dimension of ESIF. Different funding rates and eligibility rules apply in different ESIF programmes and these may not always cohere with Horizon 2020 plans. All of these challenges mean that it is easier to use successive projects that build on each other or parallel projects than to pool funding in one project[39].

- The potential of P2Ps to address diverging research and innovation needs in different regions of Europe has also been recognised. The ERA-Net Cofund evaluation recommended better exploiting the potential of Cofund actions to support a pro-active widening strategy that would engage low-performing countries. The JPI evaluation suggests that marginal countries and selective players might explore potential synergies with their Smart Specialisation Strategies in order to enable more strategic participation. The importance of attracting lower R&D-intensive countries and creating synergies with European Structural and Investment Funds was also stressed in the Art 185 Metaevaluation[40].

Synergies at operational level take many forms:

- H2020 programmes/organisations can be used as models for cooperation (KIC/EIT) and promoting dialogue with the EU and between Member States/applicants from many Member States in different funding opportunities

- RIS3 supports common agenda settings and helps overcome silos at Member State level, promoting dialogue within the country

- H2020 successful projects are considered positively in evaluations for sequential funding (INTERREG, PIs, RFFF)

- However, from the point of view of the Member States the most relevant, interesting and frequently used synergies at operational level have to do with funding rules, what State Aid allows and when can ESIFs be used to co-fund H2020. In both cases MAs feel often unjustifiably burdened.

- The EIB/EIF funding (including EFSI) constitutes a way to foresee synergetic funding, provided the quality of the projects submitted is satisfactory. This is directly connected with H2020 if loans are used for research Infrastructures and indirectly as it helps improve capabilities and national R&I performance.

Good practices in that respect are of two kinds:

- Apply along terms funding plan to create excellent research organisations able to complete in H2020 in the medium term, such as the cases of the German Leibnitz Society and the Slovenian Competence Centres (to be added after the presentation in Zagreb).

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[39] Ibid. p. 42

[40] University of Manchester (2017), 15 Years of European Public-Public Partnerships in Research & Innovation

Great achievements with stronger potential, p. 19

- Apply rules in a more innovative way (as yet no examples found)

The **example of the Leibniz-Institute for Plasma Science and Technology** – INP Greifswald: The Institute's strategy is to become the leading institution in low-temperature plasma physics in Europe and for this it needs the best laboratory equipment, attraction of excellent scientists, cooperation with ‚the best' and ensuring Knowledge and technology transfer – from ideas to prototype. The institute has linked its future activities in the RIS3 and planned a long term strategy of operational synergies including:

- Access to FP7 Capacities (Project Plasma Shape)
- ERDF investments for Technology – open promotion of R&D&I in enterprises and acceleration of Knowledge and Technology Transfer
- H2020 for upgrade of applied research infrastructure.

The Success record, based on performance indicators 2013-2015 is proven through:

- Management: recruitment of an IP specialist
- Total funding: 10,84 mil EUR (FP7 / H2020, ESIF, national, industry, R&I partners)
- 404 international publications
- 6 incoming international researchers (only within Plasma Shape)
- 1 outgoing researcher to Japan: new research collaboration at institutional level
- 4 spin-offs (start-ups) on the market: neoplas GmbH, neoplas tools GmbH, neoplas control GmbH und coldplasmatech GmbH
- 78 patents

5. CHALLENGES

The challenges still to be faced in this Topic area are implicit in the questions below.

Challenges of application and interpretation of State Aid:

The key issue is to interpret rules, ensure compatibility but also be able to use innovative ways (beyond the GBER) to comply with the specific need of each ecosystem.

Q1: Is it true that MAs case more about absorption and legal compliance than about impact when designing R&I incentives supported by the Structural Funds?

Q2: Are there specific incentives that would have a high impact in your country/region, which are not adopted because rules are (beyond any doubt) too restrictive? Name examples.

Q3: Are specific incentives that would have a high impact in your country/region, which are not adopted because rules are not sufficiently clear and they are interpreted too strictly?

Q4: How systematically do MAs consult with intermediaries and beneficiaries at a technical level to see whether there are any windows of opportunity for simplification within the boundaries of the national systems and the EU rules?

Q5: Are there any examples of better regulation-simplification in the last year?

Q6: Are there examples of large company research that was considered important for national competitiveness but (despite agreement of companies and line ministries) could not be covered because of State Aid rules?

Q7: Is there a tension to follow examples included in the categories of the Block Exemption Regulation rather than risk misinterpretation or a notification procedure? Name examples.

Q8: How often is the ceiling of De Minimis a barrier to fund companies? Is this the case for the most dynamic companies? How are gazelles supported in the case they grow faster than De Minimis allows? Would you support the statement that "because of State Aid rules and the deriving bureaucracy the best companies do not apply for H2020 or ESIF?"

Q9: Are there National State Aid assessments for R&I? What are their results?

Q10: What methods do you use to distinguish between economic and non-economic activities of publicly funded research?

Q11: Are there specific difficulties in applying the Seal of Excellence for SME support? SME instrument or otherwise?

Challenges related to funding rules:

The challenge for national authorities is to adequately plan what can be used from purely national funds versus national funding that originates from ESIFs. Optimisation exercises are necessary (with risks associated since one cannot know in advance what partnership applications will take place and how many will be successful) to see how much H2020 funding may be lost if the design is inadequate or the national funds insufficient.

Q1: Are ESIF eligible/considered necessary to enlarge participation in Partnership Instruments? Or the Common Pots?

Q2: Are ESIF eligible/considered necessary to increase participation to KICs?

Q3: Do you see a contradiction in ESIF being treated as EU funds (barrier to top up in PI) and being treated as national funds (based on State Aid rules and type of rules to follow)

Q4 Are the regulatory reforms for cumulative funding sufficient?

Q5: What are the most frequent complaints of final users on complexity or otherwise when using co-funding?

Q6: What are the main constraints in the trade-off speed-effectiveness-audits?

Q7: Has your country used COFUND? If yes how was the experience, if No why not?

Challenges related to specific instruments

Additional opportunities are offered for which national authorities do not always take advantage.

Q1: Have you used the EIB InnovFin Advisory? If yes what was your experience? If no why not?

Q2: How are ESIFs used for EIT Knowledge Added Value Activities?

Q3: Do you apply H2020 success as an eligibility criterion for INTERREG?

Appendix 1: The R&I State Aid regime

State aid[41] is defined as an **advantage** in any form whatsoever conferred on a **selective basis to undertakings** by national public authorities. Therefore, subsidies granted to individuals or general measures open to all enterprises are not covered by this prohibition and do not constitute State aid (examples include general taxation measures or employment legislation).

To be State aid, a measure needs to have these features:

- there has been an **intervention by the State or through State resources** which can take a variety of forms (e.g. grants, interest and tax reliefs, guarantees, government holdings of all or part of a company, or providing goods and services on preferential terms, etc.);

- the intervention gives **the recipient an advantage on a selective basis**, for example to specific companies or industry sectors, or to companies located in specific regions

- **competition has been or may be distorted**;

- the intervention is likely to **affect trade between Member States**.

Despite the general prohibition of State aid, in some circumstances government interventions is necessary for a well-functioning and equitable economy. Therefore, the Treaty leaves room for a number of **policy objectives for which State aid can be considered compatible**. The legislation stipulates these **exemptions**[42]. The l**aws** are regularly reviewed to improve their efficiency and to respond to the European Councils' calls for less but better targeted State aid to boost the European economy. The Commission adopts new legislation is adopted in close cooperation with the Member States.

Subject to certain exception there is a State Aid rule, known as the De Minimis rule, facilitating support to SMEs foreseeing national support allowed as follows:

The total amount of de minimis aid granted per Member State to a single undertaking shall not exceed EUR 200 000 over any period of three fiscal years. The total amount of de minimis aid granted per Member State to a single undertaking performing road freight transport for hire or reward shall not exceed EUR 100 000 over any period of three fiscal years. This de minimis aid shall not be used for the acquisition of road freight transport vehicles.

In particular for R&I the European Commission foresees, in the context of recognizing certain categories of aid to be compatible with State Aid, that "Aid for research and development and innovation aid can contribute to sustainable economic growth, strengthen competitiveness and boost employment. Experience with the application of Regulation (EC) No 800/2008 and the Community framework for State aid for research and development and innovation (3) shows that market failures may prevent the market from reaching optimal output and lead to inefficiencies related to externalities, public goods/knowledge spill-overs, imperfect and asymmetric information, and coordination and network failures" and foresees a set of categories of aid and corresponding aid

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[41] http://ec.europa.eu/competition/state_aid/overview/index_en.html

[42] COMMISSION REGULATION (EU) No 1407/2013 of 18 December 2013, on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid

intensities that are acceptable in the context of State Aid rules[43]. This is known as the ***General Block Exemption Regulation (GBER).*** All other schemes, not explicitly foreseen in the GBER, are expected to be notified to DG Competition.

[43] COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty

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