



ESFRI

Position Paper on the European Innovation Act (EIA)

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INTRODUCTION

The European Strategy Forum on Research Infrastructures (ESFRI) recognizes the pivotal role that the continuous ecosystem formed by Research and Technology Infrastructures (RIs/TIs) play in driving innovation, fostering entrepreneurial growth, and enhancing Europe's competitiveness. Moreover, RIs/TIs constitute a powerful resource for industry, a prerequisite for collaboration between industry and academia¹.

Through a range of publications, ESFRI has highlighted its efforts to foster greater industry involvement in RIs, focusing particularly on enhancing access to RIs. Initiatives such as the ESFRI Report on Access to Research Infrastructures and Charter on Access to RIs² highlighted the marked willingness to open up RIs to, among others, industry users. The report proposed several recommendations like promote technological transfers, co-development initiatives, and broader collaborations with industry and SMEs. Furthermore, the ESFRI report on Cooperation of ESFRI RIs with Industry³, through surveys conducted with industry, identified lack of financial resources, lack of staff in the company side and legal issues (e.g. IPR) as the main barriers to cooperation with RIs.

These efforts by ESFRI were aimed at strengthening the synergy between academia and industry, ensuring that RIs serve as pivotal resources for scientific advancement, technology development and European competitiveness.

The upcoming European Innovation Act (EIA) aims to enhance the framework conditions for European innovative companies, and among other things it is considering to include legal measures to promote company access to Research - Technology Infrastructures (RIs/TIs). Therefore, the EIA presents a unique opportunity to optimize the research and innovation ecosystem to facilitate impactful collaborations with RIs and TIs.

Where legislative action is either not necessary or can be accompanied by additional actions, proposed measures could also be implemented through the upcoming Charter of Access for industrial users to research and technology infrastructures, as announced in the EU Startup and Scaleup Strategy.

This position paper outlines ESFRI's views on key aspects of the EIA, focusing on ensuring that the opportunities that European RIs present for the European competitiveness and technology development are adequately reflected in the EIA.

¹ https://www.esfri.eu/sites/default/files/White_paper_ESFRI-final.pdf

² <https://www.esfri.eu/esfri-report-access-charterofaccess->

³ www.esfri.eu/Survey-Report-Cooperation-ESFRI-Landmarks-Industry

KEY POINTS FROM ESFRI ON THE FUTURE EUROPEAN INNOVATION ACT

Tailored Transnational Access (TNA) for Startups and Scale-ups

Direct access to RIs/TIs for scale-up and startup companies through tailored TNA. However, it would be important to define specific criteria for these companies, such as financial thresholds or annual revenue limits, to ensure balanced access.

Clarification on State Aid Regulations

Any cost savings achieved via access or collaboration with RIs/TIs by startups and scale-ups should not be classified as State Aid.

Flexibility in RI/TI Status for Collaborations

Removal of restrictions concerning the status of RIs/TIs (e.g., ERICs or EIRO Forum- type organizations) when collaborating with startups and scale-ups. This flexibility will foster broader and more effective partnerships.

Extended Data Embargo Periods

A longer embargo period (up to five years) for data generated through collaborations between RIs/TIs and startups/scale-ups. This approach balances the general open- science policy with the commercial interests of innovative companies.

Clear Intellectual Property (IP) Regulations

Need for specific regulations addressing IP issues arising from the use of RIs/TIs by startups and scale-ups.

Temporary Personnel Exchanges

Legal mechanisms should be established, supported by financial incentives, to enable temporary personnel exchanges between RIs/TIs and startups/scale-ups for periods of up to three years. Such exchanges will enhance knowledge transfer and foster innovation.

Temporary Co-location Opportunities

Provide opportunities for startups and scale-ups to be temporarily based within RIs/TIs with specific access to equipment. This arrangement will support early-stage companies by offering them proximity to critical infrastructure and expertise.

RIS AS INNOVATION HUBS AND KNOWLEDGE SHARING PLATFORM

RIs should be positioned as Innovation Hubs, hosting Knowledge Sharing Platforms and regulatory sandboxes to support entrepreneurial development and training programs.

Talent Attraction and Retention

Measures within the EIA aimed at attracting and retaining skilled professionals should incorporate the unique role of RIs. We propose that RIs serve as physical spaces for talent development, upskilling, and entrepreneurial training hubs, leveraging programs like Marie Skłodowska-Curie Actions (MSCA) to facilitate these efforts.

Alignment of RIs and TIs for Commercial Impact

The EIA can serve as a platform to align the objectives of RIs and TIs. ESFRI recommends

incentivizing projects that integrate both RIs and TIs to accelerate the transformation of research ideas into commercial applications.

CONCLUSION

By incorporating these recommendations, the European Innovation Act, accompanied by the upcoming Charter of Access for industrial users, can significantly enhance the role of RIs/TIs in fostering innovation across the EU. ESFRI remains committed to supporting the EIA's objectives and ensuring that European research infrastructures continue to serve as catalysts for scientific excellence and economic growth.