

EARTO Analysis of Recital 5 of Horizon Europe's Regulation

5 February 2020

Ahead of the trilogue discussions on the Recitals of the Horizon Europe's Regulation, EARTO hereby proposes the following text for Recital 5.

Row	EC Proposal	EP Report	Council PGA	EARTO Proposed text
14	Recital (5) Open	Recital (5) Open	Recital (5) Open	Please retain the Council
1 .	science, including open	science , including open	science, including open	text with the following
	access to scientific	access to scientific	access to scientific	amendment:
	publications and	publications and	publications and	Recital (5) Open science,
	research data, has the	research data, has the	research data, as well	including open access to
	potential to increase	potential to increase	as optimal	scientific publications and
	the quality, impact and	the quality, impact and	dissemination and	research data, as well as
	benefits of science and	benefits of science and	exploitation of	optimal dissemination
	to accelerate the	to accelerate the	knowledge has the	and exploitation of
	advancement of	advancement of	potential to increase the	knowledge has have the
	knowledge by making	knowledge by making	quality, impact and	potential to increase the
	it more reliable, more	it more reliable, more	benefits of science and	quality, impact and benefits
	efficient and accurate,	efficient and accurate,	to accelerate the	of science and to accelerate
	better understandable	better understandable	advancement of	the advancement of
	by society and	by society and	knowledge by making it	knowledge by making it
	responsive to societal	responsive to societal	more reliable, more	more reliable, more efficient
	challenges.	challenges.	efficient and accurate,	and accurate, better
			better understandable by	understandable by society
			society and responsive to	and responsive to societal
			societal challenges.	challenges.
	Provisions should be	Provisions should be	Provisions should be laid	Please retain the Council
	laid down to ensure	laid down to ensure	down to ensure that	text:
	that beneficiaries	that beneficiaries	beneficiaries provide	Provisions should be laid
	provide open access to	provide open access to	open access to peer-	down to ensure that
	peer-reviewed scientific	peer-reviewed scientific	reviewed scientific	beneficiaries provide open
	publications, research	publications, research	publications, research	access to peer-reviewed
	data and other	data and other	data and other research	scientific publications,
	research outputs in an	research outputs in an	outputs in an open and	research data and other
	open and non-	open and non-	non-discriminatory	research outputs in an open
	discriminatory manner,	discriminatory manner,	manner, free of charge	and non-discriminatory
	free of charge and as	free of charge and as	and as early as possible	manner, free of charge and
	early as possible in the	early as possible in the	in the dissemination	as early as possible in the
	dissemination process,	dissemination	process, and to enable	dissemination
	and to enable their	process, and to enable	their widest possible use	process, and to enable their
	widest possible use and	their widest possible	and re use. Likewise it	widest possible use and re
	re-use.	use and re-use. As far as research data is	should be ensured that beneficiaries	use. Likewise it should be ensured that
		concerned, the	provide open access	beneficiaries provide
		principle should be	to research data	open access to research
		"as open as possible,	following the principle	data following the
		as closed as	"as open as possible,	principle "as open as
		necessary",	as closed as	possible, as closed as
		therefore	necessary" and	necessary" and allowing
		recognising the need	allowing exceptions	exceptions for valid
		for different access	for valid reasons	reasons relating to data
		regimes because of	relating to data	protection rules and
		the Union's	protection rules and	security interests as well
		economic interest,	security interests as	as intellectual property
		Intellectual Property	well as intellectual	rights, European Union
		Rights, personal	property rights,	global economic
		data protection and	European Union global	competitiveness and
		confidentiality,	economic	other legitimate
		security concerns	competitiveness and	interests.
		and other legitimate	other legitimate	
		interests.	interests.	
	More emphasis should	More emphasis should	More emphasis should in	Please retain the EP text
	in particular be given	in particular be given	particular be given to the	with the following
	to the responsible	to the responsible	responsible management	amendment:
	management of	management of	of research data, which	More emphasis should in
	research data, which	research data, which	should comply with the	particular be given to the

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Kow	should comply with the FAIR principles of 'Findability', 'Accessibility', 'Interoperability' and 'Reusability', notably through the mainstreaming of Data Management Plans. Where appropriate, beneficiaries should make use of the possibilities offered by the European Open Science Cloud and adhere to further open science principles and practices.	should comply with the FAIR principles of 'Findability', 'Accessibility', 'Interoperability' and 'Reusability', notably through the mainstreaming of Data Management Plans. Where appropriate, beneficiaries should make use of the possibilities offered by the European Open Science Cloud and the European Data Infrastructure and adhere to further open science principles and practices.	FAIR principles of 'Findability', 'Accessibility', 'Interoperability' and 'Reusability', notably through the mainstreaming of Data Management Plans. Where appropriate, beneficiaries should make use of the possibilities offered by the European Open Science Cloud and adhere to further open science principles and practices.	responsible management of research data, which should comply with the FAIR principles of 'Findability', 'Accessibility', 'Interoperability' and 'Reusability', notably through the mainstreaming of Data Management Plans. Where appropriate, beneficiaries should make use of the possibilities offered by the European Open Science Cloud and the European Data Infrastructure and adhere to further open science principles and practices.

> Background: Open Science and Exploitation & Dissemination of results

As stated in the <u>Lamy report</u>: "Data from publicly-funded research should be easily accessible and re-usable across disciplines with due protection of partners' legitimate interests, especially intellectual property." Indeed, industry is usually only willing to invest in R&D leading to a competitive edge over entities that have chosen not to invest. Open science rules need to be balanced to ensure efficient collaboration and cocreation of knowledge, preserving scientific freedom and stakeholders' legitimate interests. Therefore:

- Open access to Research data must be in line with the principle "as open as possible as closed as necessary", and the relevant safeguard (IPR, confidentiality, commercial interests, etc.) need to apply, as cited in the EP text "taking into consideration the legitimate interests of the beneficiaries and any other constraints, such as data protection rules, privacy and security rules or as well as intellectual property rights, confidentiality, or the Union's global economic competitiveness".
- The term research output is too broad: it should not be used. The scope should be clearly limited to scientific publications and research data.
- The emphasis should be on the availability and wide dissemination of scientific publications and research data rather than on the absence of pricing, in order to preserve the crucial element of shared value capture required for Open Innovation.
- To ensure legal certainty, new obligations should not be added, therefore any reference to notyet-defined "further open science principles and practices" should be avoided.
- The dissemination and exploitation of research results should indeed be incentivised, however the prerogative of exploiting or using research results should always lie with their owner(s).
- Open science rules need to be balanced to ensure efficient collaboration and co-creation of knowledge, preserving scientific freedom and stakeholders' legitimate interests. Not all research results can be made publicly available. The necessary safeguards must be applied.
- The possibility of adding new obligations with respects to these articles would deny legal certainty.
- The dissemination and exploitation plan would not be supported after the project ends.

EARTO remains of course ready to further discuss these recommendations with the European Institutions' representatives.

RTOs - Research and Technology Organisations

From the lab to your everyday life. RTOs innovate to improve your health and well-being, your safety and security, your mobility and connectivity. RTOs' technologies cover all scientific fields. Their work ranges from basic research to new products and services' development. RTOs are non-profit organisations with public missions to support society. To do so, they closely cooperate with industries, large and small, as well as a wide array of public actors.

EARTO - European Association of Research and Technology Organisations

Founded in 1999, EARTO promotes RTOs and represents their interest in Europe. EARTO network counts over 350 RTOs in more than 20 countries. EARTO members represent 150.000 highly-skilled researchers and engineers managing a wide range of innovation infrastructures.

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