Irish comments on draft RDI guidelines.

Ireland endorses the comments in the attached TAFTIE document. In addition to the items covered in the TAFTIE document we would also make the following points:

Article 28: In Ireland’s experience the ownership of IPR generated from effective collaboration is leading to time consuming difficult negotiations between Universities and Undertakings. Both are interpreting the guidelines differently and more guidance to the negotiating parties re article 28 would be most welcome.

- Article 28 (a): It should be clarified if indirect costs can be counted as part of costs and can they be offset against other costs? e.g. company training of researchers.
- Article 28 (b) Regarding IPR resulting from the activities of the research organisations or research infrastructures, it should be clarified if the above means that all IPR resulting from the collaboration should stay with the research organisations/infrastructures? Does this clause allow joint ownership of IPR free of compensation requirements?

It should also be clarified how the Common Assessment Principles within the RD&I Framework relate to the General Block Exemption Regulation.

While the following two points relate, in the first instance to the draft Group Block Exemption Regulation, they are RDI specific so are included.

The draft GBER permits “repayable advances”, but these are defined in Annex 1 of that document (at point 25) as a form of loan. There seems to be no reason for not extending the definition to include redeemable shares with a fixed dividend which are not convertible into ordinary shares – i.e. they will always appear as a liability in the company’s accounts until redeemed, and the amount of aid to an enterprise is clearly less than a non-repayable grant for the same amount.

We would request that either the definition of “repayable advance” be amended to include such redeemable shares, or that such shares be added as another category in the list of “transparent aid” in Article 5.

The wording of Article 29 of the GBER will mean in effect that it is very unlikely that Member States will be able to give R&D support to fishery sector companies, as it unlikely that a company in that sector will undertake research if they have to share all outputs with competitors. Ireland requests that this restriction be revised so that it does not restrict fishery/aquaculture companies from carrying out R&D.

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