

Explanatory note on "exclusive focus on civil applications"

H2020, the EU framework programme for research and innovation, aims to promote excellent science, foster industrial leadership and tackle societal challenges. Nearly €80 billion of funding is available for initiatives addressing these objectives. Research funded by H2020 has to meet certain eligibility criteria and should be in line with the programme's general principles. The general principles are described in Chapter II of Regulation 1291/2013 establishing Horizon 2020, and include: societal engagement, open access to scientific publications and research data, ethical considerations and complementarity with other Union programmes. On top of that, research and innovation activities supported by H2020 should respect fundamental ethical principles. Article 19 of the Regulation, which addresses ethics, lists several requirements (i.e. compliance with ethical principles and relevant national, EU and international legislation) and limits the scope of the framework programme by excluding a number of research areas from funding.

Article 19(2) stipulates: "Research and innovation activities carried out under Horizon 2020 shall have an exclusive focus on civil applications". Whereas this provision clearly creates a distinction between those activities that are eligible for funding and those activities that are not, it might not always be clear if a proposed activity falls in the former or in the latter category.

This note aims to clarify when research can be considered as being exclusively focussed on civil applications, and when this is not the case. First, it is useful to set out two factors that are not decisive in determining whether a proposal meets the requirement of Article 19(2).

Non-decisive factors:

- actors involved in the activity/background of project participants: The fact that military partners or partners active in the defence industry or in military research participate in a project does not preclude the funding of the research. FP7, the previous framework programme, had also an exclusive civilian focus. Nonetheless various defence research centres, such as: the UK Defence Science and Technology Laboratory (Dstl) the Swedish Defence Research Agency (FOI) and the Norwegian Defence Research Establishment (FFI), have been involved in FP7 projects.

- subject matter: some research topics, for example explosives and CBRN, are associated with the military and use in armed conflicts. Regulation 1291/2013, however, does not preclude the funding of research in these areas, as long as activities are focussed exclusively on civilian applications. Previous projects on explosives, CBRN and counter-terrorism meeting this requirement received FP7-funding.

Decisive factor:

In order to determine whether a project or proposal meets the conditions laid down in the regulation, the **objective(s) of the proposed activity** have to be assessed. If the technologies/products/services concerned are intended to be used in non-military activities or

aim to serve non-military purposes, they will be considered as having an exclusive focus on civil applications. Research directed towards military applications is excluded from funding.

Dual-use

A considerable number of technologies and products are generic and can address the needs of both civil and military end-users. They are commonly referred to as "dual-use"¹ goods or technologies. In the Commission Communication² *Towards a more competitive and efficient defence and security sector* it is stated:

"While the research and innovation activities carried out under Horizon 2020 will have an exclusive focus on civil applications, the Commission will evaluate how the results in these areas could benefit also defence and security industrial capabilities. The Commission also intends to explore synergies in the development of dual-use applications with a clear security dimension or other dual-use technologies like, for example, those supporting the insertion of civil RPAS into the European aviation system to be carried out within the framework of the SESAR Joint Undertaking."

Research activities aimed at the development or improvement of dual use technologies or goods can be financed through H2020, provided that the research is fully motivated by, and limited to civil applications.

Instructions for applicants, evaluators and EC staff

Applicants planning research and innovation activities with an exclusive focus on civil applications should tick the box in the ethics table in part A and then clearly express in the objective-section in part B of their proposal the exclusive focus on civil applications of the proposed action. Evaluators and EC staff will assess this section based on the criteria mentioned above and may declare the proposal either ineligible or out of scope.

¹ Not to be confused with the specific term "dual-use items" which is defined in Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *Towards a more competitive and efficient defence and security sector* COM(2013) 542 final