



DECISION 29/2023
OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
ON MEMORANDA OF COOPERATION AND ON MANDATING THE EIT DIRECTOR

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 establishing the European Institute of Innovation and Technology¹, (hereinafter "EIT Regulation"), and in particular Articles 2 (15), 7 (4), 11 (7), 12, 13 (1) thereof, and point 1 g) of Section 2 of the Statutes of the EIT, as annexed to the EIT Regulation (hereafter "EIT Statutes");

Having regard to Decision (EU) of the European Parliament and of the Council of 20 May 2021 on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe and repealing Decision No 1312/2013/EU², in particular Section 3.6.4. thereof;

Having regard to Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013³, in particular Article 10 (2) c) and point 4 of Annex III thereof;

Having regard to the In-depth study report of EIT Climate-KIC, EIT Digital and EIT InnoEnergy prepared by external, independent experts;

Having regard to the File note of the EIT: Summary and conclusions of the in-depth independent study of the 1st wave of KICs⁴;

Having regard to the observations of the Commission Representative at the 77th meeting of the EIT Governing Board on 21 June 2023, and the express agreement provided on 12 July 2023 in the course of the written procedure;

¹ OJ L 189, 28.5.2021, p. 61–90.

² OJ L 189, 28.5.2021, p. 91-118.

³ OJ L 170, 12.5.2021, p. 1-68.

⁴ eit.ic.2(2023)5737441

WHEREAS:

- (1) In line with the EIT Regulation, 'memorandum of cooperation' means an agreement between the EIT and a KIC, aiming to keep the KIC as an active member of the EIT Community after the expiry of the partnership agreement, and which includes the conditions for access to EIT competitive calls for some specific activities and transnational activities with a high Union added value;
- (2) The memorandum of cooperation shall include: rights and obligations linked to the continuation of the knowledge triangle activities as well as the maintenance of the KIC's ecosystem and network; conditions for the use of the EIT brand and participation in EIT Awards and in other initiatives organised by the EIT; conditions for the participation in higher education and training activities including the use of the EIT label for education and training programmes and relations with the EIT Alumni Community; conditions for participation in EIT competitive calls for some specific activities, including cross-KIC activities and shared services; and conditions for additional support from the EIT for transnational coordination activities among the co-location centres with a high Union added value.
- (3) The duration, content and structure of the memorandum of cooperation shall be established by the Governing Board, taking into account an in-depth, independent study. The study shall include an assessment of the KIC's efforts to achieve financial sustainability, the revenues generated and the KIC's financial outlook. In addition, the assessment shall identify any activities the continuation of which might be at risk due to a lack of resources.
- (4) The In-depth study report of EIT Climate-KIC, EIT Digital and EIT InnoEnergy established that the three KICs are not at the same level of progress towards financial sustainability, due to the different strategic approach adopted by each KIC and the level of success when capitalising on opportunities arising from the societal challenges they address.
- (5) The report found that several key areas of the KICs concerned would be expected to scale down substantially, and in some cases even terminated without continued EIT or other public funding.
- (6) Against this background, it is necessary to provide incentives for the continuation of these activities. Furthermore, in order to maintain the KIC as an active member of the EIT Community, participation in the EIT Alumni network, and cooperation in the field of prizes and flagship initiatives shall be encouraged;
- (7) At the same time, the change in the status of the KICs after the expiry of the Partnership Agreements, and the change in their relations with the EIT shall be duly reflected in the memoranda of cooperation and the interests, including the financial interests of the Union must be duly safeguarded;
- (8) In line with the EIT Regulation, a memorandum of cooperation may be concluded with a KIC only upon positive outcome of the final review and subject to final approval by the Governing Board, which requires the agreement of the Commission;
- (9) Pursuant to point 5 of Section 3 of the EIT Statutes, the agreement of the European Commission, expressed by its Representative in the Governing Board, is necessary for the adoption by the EIT Governing Board of the present decision establishing the duration, structure and content of the memoranda of cooperation and mandating the EIT director to start negotiations. The Commission

Representative's observations were shared at the 77th meeting of the EIT Governing Board on 21 June 2023. On 12 July 2023 in writing, the Commission, by way of its Representative, gave its written agreement to the adoption of the present decision.

HAS DECIDED AS FOLLOWS

Article 1

Duration of the memoranda of cooperation

The memoranda of cooperation shall be concluded for a period of three years (2025-2027), starting on 1 January 2025 and until 31 December 2027, in line with the duration of the Horizon Europe Framework Programme.

Article 2

Content and structure of the memoranda of cooperation

- (1) Having due regard to the outcome of the in-depth study, the memoranda of cooperation shall address the content elements identified in the outline provided in Annex to the present decision.
- (2) The memoranda of cooperation shall be based on the structure indicated in the outline provided in Annex to the present decision.

Article 3

Mandate and authorisation of the EIT Director

- (1) The EIT Director is hereby mandated and authorised to prepare and negotiate memoranda of cooperation with EIT Climate-KIC, EIT Digital and EIT InnoEnergy in line with the provisions of this decision.
- (2) The EIT Director shall regularly inform the Governing Board of the progress made, organise the consultation of the Member State Representatives Group and submit the negotiated memoranda of cooperation to the Governing Board for final approval.

Article 4
Entry into force

This decision shall enter into force on the day of its signature.

Done in Budapest on 13 July 2023⁵

Nektarios Tavernarakis

Chairperson of the EIT Governing Board
[E-signed in ARES]

⁵ Adopted by means of written procedure.