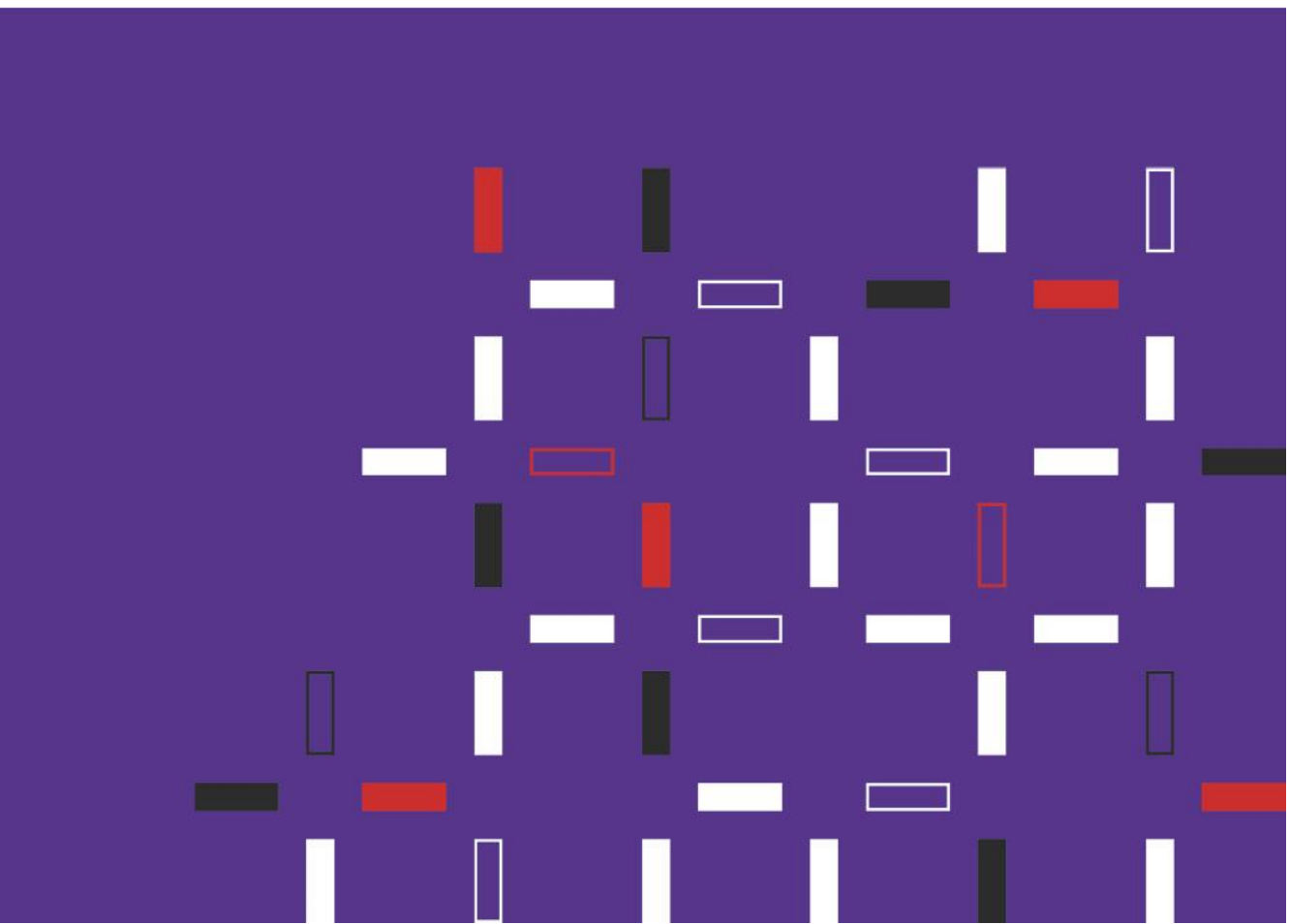


# EIC Forum

## Position Paper and Wishlist for the European Innovation Act



## **EIC Forum – Position Paper and Wishlist for the European Innovation Act**

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# EIC Forum

## Position Paper and Wishlist for the European Innovation Act

# 1. INTRODUCTION

The **EIC Forum** brings together representatives of the public authorities and bodies in charge of innovation policy and programmes in **EU Member States, Associated EEA EFTA States, and Associated Countries**. Its main role is to promote coordination, dialogue, and mutual learning on the development of the Union's innovation ecosystem, ensuring synergies between national and EU-level initiatives. High-level representatives meet several times a year in the Plenary formation – joined by the **EIC Board** and **EIT Governing Board** – and are supported by thematic working groups, including one dedicated to **Innovation Policy**.

In this context, the EIC Forum welcomes the **European Commission's initiative to prepare a European Innovation Act (EIA)** – a key legislative proposal under the 2024–2029 Political Guidelines and one of the flagship measures of the **Competitiveness Compass** and the **EU Startup and Scaleup Strategy**. Building on the priorities and flagship initiatives of the **New European Innovation Agenda**, the EIA is a natural continuation of efforts to make the European Single Market more innovation-friendly and to strengthen the role of the EIC Forum in supporting its implementation. The EIA represents a major opportunity to simplify the regulatory framework for innovative companies, reduce administrative burdens, facilitate and strengthen access to finance, and ensure that Europe's startups and scaleups can grow and compete globally without relocating outside Europe.

This position paper consolidates the **Member State and Associated Country wishlists and national inputs** shared through the EIC Forum and the discussions held within the Plenary. It identifies **ten priority measures** and several **cross-cutting recommendations** for implementation support.

The aim is to present **legally actionable, horizontal proposals** that can make the Single Market more innovation-friendly, coherent and inclusive, while preserving flexibility for diverse national innovation systems. The document reflects the Forum's commitment to supporting the Commission in shaping the EIA as a cornerstone of Europe's new competitiveness agenda.

This document represents the broad views of EIC Forum members and does not necessarily represent the views of the penholder, individual public authorities or bodies responsible for innovation policies and programmes in Member States and Associated Countries.

The consolidation of the input and the preparation of this document were facilitated by the work of Aleksandra Ihnatowicz (EIC Forum representative for Poland) in the role of penholder.

## 2. GENERAL POINTS

Across all Member State and Associated Country contributions, there is strong convergence on the need to **simplify, modernise and harmonise the European innovation framework**, with a view to strengthening Europe's global competitiveness. The European Innovation Act is widely seen as an opportunity to remove regulatory fragmentation, reduce administrative overheads and to create a truly unified innovation market that enables startups and scaleups to operate and grow seamlessly across borders.

The Act should not duplicate existing initiatives but rather **complement and interlink** them – in particular the forthcoming **European Research Area (ERA) Act**, the **28th Company Regime**, the **revision of the Public Procurement Directives**, and the **Savings and Investment Union**. By aligning these initiatives under a coherent legislative framework, the EIA can provide the legal backbone for Europe's transition towards a more innovation-driven, risk-tolerant and competitive economy.

Some EIC Forum members also emphasise that the EIA could further reflect **the widening and enlargement dimensions**, promoting more balanced access to innovation instruments and market opportunities across Europe. This inclusiveness is essential to strengthen Europe's innovation capacity as a whole and to prevent a two-speed innovation system.

Furthermore, the Act should be **anchored in evidence-based policymaking and long-term strategic coherence**. There is a need for stable frameworks that go beyond political cycles, supported by measurable indicators such as the European Innovation Scoreboard. The EIA should introduce mechanisms that ensure policy continuity and systematic monitoring of innovation performance across the Union.

Finally, the EIC Forum itself can play a key role in this process. As the platform that connects the European Commission, Member States and Associated Countries, the Forum is uniquely positioned to act as a **coordination and mutual learning hub** for the implementation of the EIA, facilitating dialogue, monitoring progress, and identifying best practices for innovation-friendly legislation and support measures. This role builds on the Forum's existing mandate under the New European Innovation Agenda, particularly its task of monitoring the implementation of its flagship actions, ensuring continuity and coherence between the NEIA and the forthcoming European Innovation Act.

### 3. BUILDING ON THE ISSUES IDENTIFIED IN THE EU STARTUP & SCALEUP STRATEGY

The EIC Forum notes a strong alignment between the wishlists received and the bottlenecks identified in the **EU Startup and Scaleup Strategy**. Key issues that the EIA should address include:

- Regulatory fragmentation and legal complexity,
- Limited access to risk finance for deep-tech ventures,
- Untapped potential of knowledge transfer and IP commercialisation,
- Underutilised innovation procurement,
- Complex talent mobility and employee ownership regimes,
- The need to strengthen business planning and sustainable growth models to ensure viable company creation and long-term development.

The EIA should therefore act as a **legal backbone for implementing the Startup and Scaleup Strategy** – transforming policy principles into concrete and actionable EU-level measures. In doing so, it should also build on the experience and lessons learned from the implementation of the NEIA, particularly regarding flagship measures such as regulatory sandboxes and employee stock options, ensuring continuity and coherence between the two frameworks.

### 4. WISHLIST – TEN PRIORITY MEASURES

The review of EIC Forum member submissions reveals **broad alignment around ten key areas** where the European Innovation Act could make a tangible and legally meaningful difference. Together, these measures aim to strengthen Europe's innovation ecosystem by creating the conditions for high-risk and high-impact ventures to thrive across the Single Market.

#### 1. Simplification, Innovation Friendly Law-making, and Single-market Efficiency

Innovation cannot flourish in an overly bureaucratic environment. EIC Forum members stress that excessive administrative complexity and long decision-making timelines undermine Europe's competitiveness. The Act should therefore **embed a mandatory proportionality and sustainable-innovation compatibility test in the preparation of all new EU regulations**, building on existing horizontal tools such as the EU 'do no significant harm' assessment and guided by foresight practices.

The Act should also **establish an EU-wide definition of startup and scaleup**, aligned with the 28th regime and with the State Aid Framework (notably GBER criteria), while remaining flexible enough to reflect national contexts. Such a definition should be capable of audit and certification, to help improve access to finance and R&D support and ensure consistent treatment across the EU Single Market. The definition should also be technology neutral.

Simplification should also cover permits and authorisations in innovation-intensive sectors, especially in sectors with key enabling technologies. In this area, one proposal was to

**establish accelerated and streamlined approval pathways for these sectors**, ensuring that innovative sustainable products can reach the market faster.

Within the EIC Forum wishlist, **simplification is recognised as a cross-cutting priority** that underpins and connects all other points. It should be systematically embedded across the entire European Innovation Act – from access to finance and public procurement to talent mobility and regulatory frameworks – ensuring that every initiative contributes to reducing complexity and administrative burden.

Finally, to enhance the efficiency and predictability of public funding, the Act should **introduce binding service standards and maximum processing times for research and innovation calls**, preferably co-developed with Member States, EEA EFTA States, and Associated Countries to ensure feasibility and alignment across jurisdictions.

## 2. EU-Wide Company Regime (28th Regime)

A major reform proposed by many EIC Forum members is the creation of an **optional simplified EU company form for startups and scaleups** – a 28th Regime offering fully digital incorporation and governance procedures, with mutual recognition across the EU Single Market, and minimal administrative burden following the Company Law Digitalisation Directives I and II. The goal is to make cross-border scaling as frictionless as possible by standardising the key corporate steps – which may include incorporation, share issuance, and shareholder updates – within a single European framework, without undermining national labour and social standards. This approach is seen as a crucial step towards making Europe more attractive not only for entrepreneurs but also for investors, provided that full digitalisation is accompanied by appropriate guardrails and controls to prevent fraud and ensure trust in the system. If full implementation of the 28th Regime proves complex, an interim approach could mandate a **digital baseline** for all national company procedures.

It is important to underline that **EIC Forum members differ in their level of ambition and scope regarding the 28th Regime**. While most advocate for an ambitious and fully digital model from the outset, others favour a more gradual approach, starting with a pilot phase to test feasibility. Some members would like to see the creation of two complementary statuses: a simplified European company form for all companies and an additional European status for young innovative companies, to make the startup/scaleup ecosystem within the internal market more visible and channel investment towards these companies. Many members underline the need for the 28th Regime to take the form of a regulation rather than a directive, to ensure full harmonisation and avoid divergent national interpretations.

## 3. Access to Capital and Investment Incentives

Ensuring access to risk finance remains a top priority. EIC Forum members call for **better coordination and synergies between the EIC Fund, the Scale-Up Fund, national instruments and EIB/EIF instruments**, as well as stronger linkages between national and EU-level mechanisms. Associated Countries highlight the need to ensure that coordination between EU financial and scaleup instruments avoids creating competitive asymmetries for non-EU participants in FP10 and that these instruments remain inclusive of Associated, EEA EFTA and Candidate Countries, supporting a more even development of innovation capacity across Europe. Coordination should also cover indirectly managed instruments – including those implemented by national promotional banks and other public or private financial intermediaries – which are particularly important at early stages of company development, while avoiding the crowding out of proven structures, such as EIF instruments.

The European Innovation Act should help advance the **Capital Markets Union and the Savings & Investment Union**, easing cross-border participation by institutional investors and unlocking patient capital for long-term innovation. There is a strong call to simplify and modernise financial instruments by introducing **standardised EU templates** for flexible investment tools such as SAFEs, CLAs, and venture debt, reducing transaction costs and legal uncertainty. A harmonised approach to **intellectual property (IP) valuation and accounting, enabling IP to be used as collateral**, would further improve the financing environment. EU-level guidance on this would be welcome. However, it is important to consider potential risks related to IP collateralisation – particularly the possibility of banks taking ownership of IP in the event of default, which could deter future investors and complicate later-stage fundraising.

Support thresholds in Horizon Europe calls should better reflect the risk profile and capital needs of R&D-intensive scaleups. Current funding limits can discourage participation or result in underfunded projects. Therefore, more flexible and higher support intensities should be considered to match the financial realities of high-risk, high-potential enterprises.

## 4. Innovation-Friendly Public & Private Procurement

Public procurement remains one of the most underused levers of innovation in Europe, despite its crucial role in meeting public needs and stimulating new business development and, when public buyers act as first customers, validating innovative companies' value propositions and crowding in private investment more effectively than direct public funding. EIC Forum members strongly support the **revision of EU procurement directives to prioritise quality and innovation over lowest price**, and to encourage wider use of **pre-commercial procurement and early testing mechanisms**. To ensure that such revisions lead to tangible changes in procurement practices, clear indicators and minimum standards should be introduced to guide and incentivise public buyers, many of whom currently lack the time, competence, or risk budget to prioritise innovation. This could be complemented by the introduction of **EU-level guidelines on intellectual property management** in procurement processes, promoting functional specifications and preventing automatic IP transfers to public buyers.

The EIA must also address private markets by strengthening the connection between innovative companies and their private customers. In this regard, the Act should clearly promote the concrete implementation of the **European Corporate Network initiative**.

Several initiatives already support innovation-friendly public procurement – such as European Innovation Ecosystems calls, SPIN4EIC, the EIC Innovation Procurement Working Group, and various EU prizes. Building on these, the EIA should propose actionable measures – ideally presented as a practical toolbox – to scale up these efforts and move towards a more ambitious, innovation-driven procurement culture across Europe. To promote innovative solutions, easily accessible pilot and challenge formats with minimal administrative effort, similar to DARPA/SPRIND, should be supported. Tender documents should be further simplified and bundled on a central platform to facilitate SME and startup participation.

Some countries propose going further, suggesting the introduction of a **European preference principle** and a **European definition of innovative purchasing**, as a reference framework for monitoring progress and KPIs on innovation procurement. Such a principle should remain compatible with open competition and international obligations, while ensuring that associated and partner countries are not excluded. In the latter case, specific carve-outs could be considered through trade or association agreements to preserve reciprocity and market access, as exclusion from EU preference could affect incentives to associate to FP10.



While some members advocate the establishment of **5–10% innovation procurement quotas** to target innovative startups, stimulate early markets and increase demand for European innovation, others note that binding quotas may not be the most effective tool, especially in Member States with lower uptake of innovation procurement. They emphasise that such targets would have to be accompanied by concrete support measures such as training, methodological guidance, capacity-building initiatives or risk-sharing mechanisms, which could help public buyers adopt more innovative practices.

## 5. Regulatory Sandboxes and Regulatory Learning

There is broad consensus among EIC Forum members that the EU should establish a **horizontal legal framework for regulatory sandboxes**, setting common principles for experimentation, transparency and mutual recognition between Member States. This would allow innovators to test emerging technologies under real market conditions, while ensuring proportionate safeguards for consumers and competition. For sandboxes to be effective, they must be accessible, operate with transparent procedures and robust safeguards, remain simple and unbureaucratic, and provide clear added value for companies, particularly start-ups and SMEs. These test environments not only trial innovations but also support policy learning with regard to adapting legislation, provided that structured mechanisms are in place to transfer knowledge and evidence from sandbox experiments to EU and national legislators.

At the same time, members underline the importance of **avoiding fragmentation and regulatory arbitrage** between national sandbox regimes, as differing levels of stringency, eligibility, or oversight could undermine the goal of reducing cost and burden for European innovators. Lessons learned from the AI Act, which introduced minimum common requirements and coordination mechanisms through the European AI Board, should inform this process, while avoiding the creation of new layers of bureaucracy. Establishing clear standards, definitions, and interoperability principles will be essential, potentially supported by a light-touch EU coordination structure to ensure coherence and mutual recognition across Member States. Nonetheless, several members stress that any EU framework should consider existing national frameworks and not curtail the freedom to establish regulatory sandboxes based on national priorities and needs. They also emphasise that **experimentation clauses should be systematically integrated into EU law-making**, allowing for temporary derogations, and that new EU legislation should be systematically reviewed to identify where such clauses can provide appropriate legal leeway for innovation while respecting high levels of protection.

Cooperation with Associated Countries, EEA EFTA states, and enlargement countries on regulatory sandbox schemes should be explicitly foreseen, promoting regulatory convergence, broader participation, and cross-border collaboration within the European Innovation Area.

## 6. State Aid and the 'Undertaking in Difficulty' (UiD) Rule

Revising the **State Aid Framework** and especially the General Block Exemption Regulation (GBER) is regarded as essential to make it fit for innovative companies with non-linear growth trajectories. The current definition and interpretation of UiD criteria, which focus primarily on balance-sheet ratios, fail to capture the reality of deep-tech and R&D-intensive startups, many of which operate with losses during their first years of scaling. In particular, hybrid forms of financing ('mezzanine capital', quasi-equity), such as subordinated loans, typical dormant investments and convertible loans, are currently not treated as 'own funds' within the meaning of the UiD definition, which can lead to innovative firms being unjustifiably classified as 'undertakings in difficulty'. In this context, special attention should be paid to the growth

potential of deep-tech and R&D-intensive startups, ensuring that assessment frameworks recognise their long-term value creation rather than short-term financial indicators.

EIC Forum members broadly agree that UiD and startup aid windows should be **extended from three to seven or even ten years** (or even further depending on the nature and maturity of the business) after establishment or first commercial sale. They also recommend simplifying notification procedures, clarifying lump-sum and overhead treatments, and allowing greater flexibility in combining different forms of support.

## 7. Talent Mobility and Employee Ownership Regimes

Access to talent is one of Europe's most pressing challenges. The Act should therefore pave the way for a **more convergent approach to Employee Stock Ownership Plans (ESOPs)**, with many members calling for a **harmonised EU framework** ensuring fair taxation at the moment of liquidity rather than at grant, and eliminating cross-border distortions that currently discourage mobility, while leaving the social security valuation under national law unaffected. Given significant differences between national tax systems, some members propose starting with an EU-level review and exchange of best practices on ESOP design and taxation to inform any future initiative.

In parallel, there are also calls among some members to establish a **Startup & Digital Nomad Visa**, which would simplify entry procedures for founders and skilled workers from third countries, and the extension of the **EU Blue Card**, which could further facilitate the recruitment of highly qualified professionals. It is important, however, that any Startup Visa scheme be based on minimum but clearly measurable criteria that are non-discriminatory towards smaller or emerging innovation ecosystems.

Additionally, links with the Union of Skills should be explored, while simplifying the coordination of taxation and social security obligations – particularly with respect to **A1 certificates** – is also seen as critical to enabling agile, cross-border startup teams.

## 8. Knowledge Transfer, IP and Research Commercialisation

Turning research excellence into market impact remains a key challenge for Europe. Many EIC Forum members call for **harmonised spin-off and licensing frameworks**, alongside **professionalisation and adequate resourcing of Technology Transfer Offices**.

Even in Member States with specific national systems, such as Sweden's 'professor's privilege', there is broad recognition that greater alignment of agreements, best practices, and contractual frameworks would be beneficial. It is therefore important that any new measures under the EIA are well coordinated and closely aligned with the **ERA Knowledge Valorisation initiative**, ensuring coherence across EU and national efforts.

Universities and research organisations should be empowered to **build investment capacity**, allowing them to participate in the creation of spin-offs and to hold equity in innovative ventures (see Austria's *aws Spin-off Initiative* for inspiration). Other suggestions from members include **simplifying IP registration**, adopting **Unitary Supplementary Protection Certificates (SPCs)** and **establishing a common framework for university-owned IP**, ensuring legal clarity and supporting a pan-European framework for knowledge valorisation.

In addition, simple funding schemes (e.g. vouchers) dedicated to testing, experimentation, and demonstration activities could significantly enhance technology transfer and commercialisation

outcomes. Building the capacity of Technology Transfer Offices is crucial to achieving these objectives – TTOs are, and should be, the main drivers and enablers of academic spin-offs and knowledge valorisation. A **formal European network of TTOs** could be established to provide structured capacity building, advisory support, and training on intellectual property, investment, and related topics. Moreover, efforts should be made to strengthen the entrepreneurial mindset within higher education institutions, recognising entrepreneurship as an integral component of their core missions alongside research and education.

The revision of the **Technology Transfer Block Exemption Regulation (TTBER)** beyond 2026 should further enhance legal certainty for collaborative research, including across borders, licensing and spin-off activities.

## 9. Access to Research and Technology Infrastructures

Equitable and transnational access to cutting-edge research and technology infrastructures is indispensable for Europe's innovators. The Act should facilitate **transparent and affordable access** for startups and SMEs to publicly funded facilities, equipment, and data. Creating a **single EU portal**, based on existing national portals, for accessing such infrastructures would improve transparency, while harmonised contractual and IP rules could reduce legal complexity. Simplified liability and co-usage arrangements would further enable SMEs and startups to use existing infrastructure efficiently, accelerating the development and market deployment of deep-tech innovations. In addition, research and technology infrastructures should be incentivised to adopt startup-friendly commercial terms and clearly defined access conditions, ensuring fair opportunities for early-stage innovators to benefit from these shared resources.

Beyond providing access to research and technology infrastructure, the EIA should also promote the allocation of European resources to the most critical infrastructures at European level. This would avoid duplication and enable better support for businesses.

## 10. Policy Coordination

A key cross-cutting issue identified by several members is the lack of coordination between EU and national innovation policies. Many members therefore call for the EIA to establish a more **formal and structured mechanism for policy coordination** between the Commission and Member States, ensuring alignment and continuity beyond political cycles. Others are more cautious, stressing that the mechanism's scope, governance, and mandate should be defined in close cooperation with Member States before any decision is taken.

While the primary objective of the EIA is to reduce the EU's innovation gap with its main global competitors, several members also stress the importance of ensuring that its implementation supports more balanced participation across the Union in a way that is complementary to the widening and enlargement dimensions. The **EIC Forum** can play a leading role in this process by serving as a platform for dialogue, benchmarking, and mutual learning, in complementarity with existing networks such as TAFTIE. Several members highlight the importance of providing the Forum with a clear mandate and adequate resources to effectively support its coordination and implementation functions, while ensuring that its role ultimately contributes to simplification and does not add unnecessary complexity to existing governance structures. While some members caution against assigning the Forum a direct technical assistance function, they recognise its potential to enhance coherence and reduce fragmentation in EIA implementation.

## 5. RECOMMENDATIONS FOR ACCOMPANYING SUPPORT MEASURES

For the European Innovation Act to deliver its full potential, legislative reforms must be accompanied by a set of **support measures** that ensure consistent implementation, policy learning, and alignment across Member States. The EIC Forum emphasises that the success of the Act will depend not only on the design of legal provisions but also on the **capacity of national authorities and ecosystems to apply them effectively**.

A first priority is to strengthen the **coordination and governance framework**. The EIC Forum itself is well placed to act as the central platform for the **implementation and monitoring** of the EIA, serving as a bridge between the European Commission, Member States, EEA EFTA States and Associated Countries. Through regular exchanges of experience, peer learning and joint workshops, the Forum could support coherent transposition of EIA principles into national legislation and policy practice. The establishment of a formal coordination mechanism at EU level, understood by many members as a structured framework with agreed roles, timelines and outputs for regular dialogue, joint priority-setting and monitoring between EU and national authorities, built on the EIC Forum, could enhance policy coherence and ensure continuous feedback between EU and national authorities.

Capacity building will also be essential. The Act should be accompanied by a **technical support facility**, hosted for example within EISMEA or DG RTD, to help Member States, EEA EFTA States and Associated Countries align their regulatory and administrative frameworks with the new EU provisions. This facility could provide guidance on topics such as **innovation-friendly regulation, state aid interpretation, intellectual property management, and the use of public procurement for innovation**. It could also serve as a hub for training public officials and sharing best practices among innovation agencies and ministries.

In addition, the Act should **harness existing EU innovation ecosystems and instruments** to strengthen the pipeline from early-stage creation and talent development to the scaling of deep-tech and knowledge-intensive companies. In this context, the EIT Community and Regional Innovation Scheme (RIS) could help diffuse innovation capacity in widening regions and serve as testbeds for cross-sectoral sandboxes, feeding practical lessons back into EU and national policymaking.

A complementary action should be the further development of **evidence-based policymaking tools**. Building on the progress of the **European Startup Nations Alliance (ESNA)**, a harmonised and quality-assured EU data platform should monitor key indicators on startups, scaleups, and innovation finance across the Union. In this context, the forthcoming European Startup and Scaleup Scoreboard could serve as a key reference framework, providing common definitions and metrics to identify and address weaknesses at regional and national levels. Reliable data are indispensable for assessing the impact of the EIA and for designing responsive policy measures at both EU and national level.

Finally, the EIA should be supported by targeted **communication and outreach activities** to ensure that startups, scaleups and innovation intermediaries are aware of the new opportunities it creates. Clear guidance, user-friendly information materials and visibility campaigns can help companies navigate the new regulatory environment and access available tools more efficiently.

Together, these support measures will ensure that the European Innovation Act becomes not only a legislative milestone but also a **practical catalyst for innovation-driven growth**,

strengthening Europe's competitiveness, technological sovereignty and cohesion across regions.

## **6. CONCLUSIONGENERAL POINTS**

The EIC Forum reiterates its strong support for the European Innovation Act as a cornerstone of the EU's new competitiveness agenda. Delivering on these measures will help ensure that innovation can scale within the EU Single Market, transform Europe's research excellence into market leadership, and strengthen Europe's technological sovereignty and social prosperity.

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The EIC Forum Plenary, consisting of representatives from Member States and Associated Countries responsible for innovation policy, prepared this document in response to the European Innovation Act's open public consultation and call for evidence. Drawing on national wishlists and EIC Forum discussions, it sets out ten priority, legally actionable measures and cross-cutting recommendations to ensure that innovation can scale within the EU Single Market, transform Europe's research excellence into market leadership, and strengthen Europe's technological sovereignty and social prosperity.

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