

Research and higher education in European Commission impact assessments

Open letter to Ilze Juhansone, Secretary-General of the European Commission

Brussels, 31 January 2024

Dear Secretary-General Juhansone,

We, the signatories representing key actors in the public research and higher education sectors, are writing to you to urge stronger efforts to integrate the needs and concerns of the research and education sectors into the Commission's guidance on the [Better Regulation agenda](#).

Despite the central role that actions in these areas play in Europe's future competitiveness and prosperity, they are too often ignored when the consequences of different options for legislation and regulation are considered.

A recent [assessment](#) of impact evaluations of key legislation in the areas of knowledge, data and digital affairs [by Knowledge Rights 21] demonstrates the need for a more comprehensive, inclusive approach in the guidance given to those preparing legislation and reviews thereof.

In the past, we have too often seen that the needs of research and higher education are not taken into account, leading to harmful uncertainty and inadvertent barriers to research. This contrasts with a growing emphasis on the need to draw on research itself in policy formation.¹

For instance, the Digital Services Act does not explicitly exempt not-for-profit organisations from the obligations that were initially devised to target commercial platforms and to prevent them from abusing their market position. If higher education institutions and research organisations fall in the scope of this regulation, they will bear additional administrative and financial costs, whereas their use of digital repositories is only meant to support their research and teaching activities.²

The current tools for ensuring that proposed legislation is based on a full assessment of its implications in different areas – the EU's Innovation Principle and Better Regulation Toolbox – are not fit for purpose, only narrowly addressing the interests of the research and higher education sector. Moreover, there is no guarantee that the appropriate chapters will even be applied to all relevant legislation.³

¹ See the Council Conclusions of 8 December 2023 on Strengthening the role and impact of research and innovation in the policymaking process in the Union: <https://data.consilium.europa.eu/doc/document/ST-16450-2023-INIT/en/pdf>.

² See, for example, <https://scienceeurope.org/our-resources/dsa-statement-2>.

³ The Toolkit explicitly underlines that chapters should be applied selectively: https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation/better-regulation-guidelines-and-toolbox_en.

Not taking action leaves Europe at risk of failing its researchers, learners, innovators and citizens in general.

In particular, we ask that you:

1. Review the European Union's Innovation Principle to ensure it reflects the importance of public sector research and education.
2. Update the Commission's Better Regulation Toolkit and any other guidance for impact assessment to properly and fully include the needs and interests of higher education and research as well as ensure the protection of academic freedom. Furthermore, there should be a regular evaluation whether this has happened.
3. Ensure – as a matter of internal procedure – that the impacts on education and research in any legislation are duly considered and improved through inter-service collaboration. In particular, those related to intellectual property law and to the Digital Agenda need immediate attention.
4. Actively reach out to education and research groups and institutions as part of the impact assessment process in order to receive informed views and opinions on the impact on the sector.
5. Act now to remedy the negative impacts of recent digital legislation on the research sector.

The signatories are dedicated to building a constructive dialogue with you and your institution. We believe the views expressed in this letter and our expertise will allow us to work together to strengthen the place of research and higher education in the Commission's impact assessments.

Yours faithfully,

- European University Association (EUA)
- The Guild of European Research-Intensive Universities
- International Federation of Library Associations and Institutions (IFLA)
- Knowledge Rights 21 (KR21)
- LIBER (Ligue des Bibliothèques Européennes de Recherche – Association of European Research Libraries)
- Science Europe
- SPARC Europe
- Stichting eIFL.net (EIFL)

Cc: Iliana Ivanova, European Commissioner for Innovation, Research, Culture, Education and Youth, Maroš Šefčovič, Executive Vice-President of the European Commission, and Thierry Breton, European Commissioner for Internal Market

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