

JOHANNES HAHN
MEMBER OF THE EUROPEAN COMMISSION

Brussels, 25.9.2013
CAB/D(2013)

Dear State Secretary,

I thank you for your letter of 25th July 2013 in which you enquired on the possibility to use the European Regional Development Fund (ERDF) for the payment of the Spanish fees for the participation in international scientific and technological organisations (concerning only the part of the fees related to project costs and improvement of infrastructures), with particular reference to CERN.

The Commission services have further analysed your proposal and remain of the view that eligibility of such expenditure is problematic from both a political and legal point of view and cannot be accepted. Let me recall here the main arguments.

First of all, it is important to determine whether the investment proposed is consistent with the main objectives of cohesion policy as laid down in art.174 of the Treaty on the Functioning of the European Union to reduce disparities between the levels of development of various regions and the backwardness of the least favoured regions. Furthermore, cohesion policy is an investment policy which co-finances projects or groups of projects within a national or regional programme. Operations selected under a programme shall therefore contribute to the achievement of the overall strategy of the programme and its related priorities.

While CERN's research has led to many important innovations and spin off technologies, in our view, there is no indication that the payment of membership fees for CERN (or any other international organisation) would contribute to the overall objective of cohesion policy and to the achievements of the specific objectives of the operational programme. Moreover, the fees for the participation in international organisations, including CERN, cannot be assimilated to an operation.

Secondly, an operation co-financed by the ERDF must fall under the scope of the relevant regulation (Art.3 of Regulation (EC) 1080/2006), which clearly indicates that the ERDF co-finances productive investment, which contributes to creating and safeguarding sustainable jobs; investment in infrastructure; and development of endogenous potential through measures which include investment to enterprises. CERN fees do not fall under any of the above typologies.

Finally, as membership fees to international organisations go into their general budget and are managed by their own specific rules, it would be virtually impossible to ensure that this expenditure complies with the ERDF management and control rules, which might in turn raise major concerns regarding the legality and regularity of such expenditure.

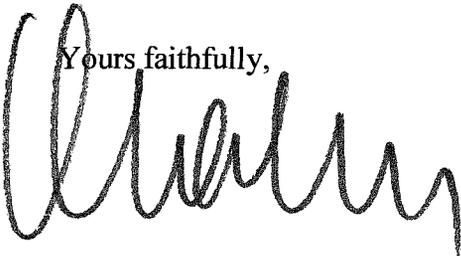
In the light of the above, I have to conclude that the membership fees of Spain in international scientific and technological infrastructure (with particular reference to CERN) are not eligible for ERDF support. I have communicated the same conclusion to the Portuguese authorities.

Obviously, there is no obstacle to continue supporting R&D and innovation activities in Spain which contribute to achieve international scientific excellence. Some of these may well be related or contribute to activities of international research infrastructures (including CERN). Where Spain is involved in trans-national projects for research infrastructure, such projects can apply for support under the European research framework programme, and support of this type will be further strengthened under the new Horizon 2020 programme.

This programme will also support the implementation and operation of research infrastructures of pan-European interest such as those identified on the European Strategy Forum for Research Infrastructures (ESFRI) roadmap. Support to the integration of Regional Partner Facilities to ESFRI projects will also be provided in Horizon 2020 thus reinforcing, together with a complementary support of the European Structural and Investment Funds, the capacity of less favoured regions to host and participate in Research Infrastructures of pan-European interest. It is also worth recalling that the European Union through the 7th Research Framework Programme (and in the future Horizon2020) financially participates directly in different projects of CERN, which clearly benefit all EU Member States.

Finally, let me remind that – in the context of the future cohesion policy 2014-2020 – the main objective is to reinforce the strategic dimension of the policy and to ensure that EU investment is targeted on Europe's priorities for growth and jobs ("Europe 2020"). As indicated in the Position Paper sent to the Spanish Government in October 2012, ESI funds should concentrate their interventions on promoting business-oriented research and innovation investment, product and service development, technology transfer, networking, clusters and open innovation through 'smart specialisation'.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Alvaro', written in a cursive style.

Copy: President Barroso, Commissioner Geoghegan-Quinn