Neth-ER reaction to R&D in dual-use consultation

As part of the economic security package of January 24, the Commission published a white paper on enhancing support for dual-use research and development. In the white paper, the Commission showed its intention to stimulate more research on dual-use items in the EU. The paper presented three possible options:

1. Going further based on the current set-up
2. Remove the exclusive focus on civil applications in selected parts of the successor programme to Horizon Europe
3. Create a dedicated instrument with a specific focus on R&D with dual-use potential

To assess the three given options and provide input for a scope for dual-use technologies, the Commission opened a public consultation. The text below is Neth-ER's reaction to the consultation.

Further debate is necessary

Neth-ER believes in general that the White Paper doesn't provide enough information to make an conclusive choice from the given options. Further discussion and conversation on the topic of dual use in the Framework Programme (FP) is highly needed, and should be held together with all relevant stakeholders of Horizon Europe. We encourage the Commission to provide additional information, an analysis of the possible implications of each choice (policy-wise and budget-wise) and to host discussions on the topic. Without the necessary facts, it is too early to make rigorous choices about the future of the highly successful FP.

Neth-ER regards *Option 3* as generally undesirable because this creates yet another EU funding scheme, whereas the existing frameworks are already complex enough.

Because of great uncertainty about the possible consequences of implementing *Option 2*, Neth-ER currently leans towards *Option 1*, because:

- Open transnational research is one of the main goals of Horizon. It would be a shame to harm this freedom.
- Different tensions that surround the incorporation of a military focus in the FP, such as open science, freedom of research, risk of misuse, and tension in collaboration with industry partners.
- Requirements of defence research don't align with civil-focused research. Forming consortiums in the FP becomes too complicated when involving agreements on confidentiality, security protocols, secure facilities/networks, and dissemination.
- Some civil participants in the FP are unaware whether their research has 'risk of misuse' or not. *Option 1* will ensure that fundamental research remains exempt from possible limitations. Spin-in calls can be used to exploit the military application through EDF.

However, as mentioned, Neth-ER finds it too early to make a well-informed choice between the two options. For example, the “exclusive focus on civil application” is no effective safeguard to ensure that (the results of) any Horizon-funded research involving dual-use technologies will not be used in non-civil applications. Dual-use technologies always bear the risk of being used for both civil and military applications. Thus we reiterate: further debate is necessary.

Keep the definition and scope clear

“Dual-use” should be defined as technologies that have a clear civil and military application given the nature and specifications of the technologies in question. In order to address worries regarding sensitive technologies, Neth-ER suggests to refer to the ‘risk of misuse’ instead of ‘potential misuse’.

However, most of today’s important technologies can be considered dual-use. Neth-ER encourages to make a clear distinction between “dual-use” and “dual-use potential”. The last occurring when a military application is not clear yet, but a possibility. The technologies that should definitely be considered as dual-use, are clearly listed in Annex I of Regulation 2021/821 on the control of exports. The list should act as a guide for researchers in order for them to figure out whether their research has dual-use potential. Still, in order to stimulate dual-use research, the focus should be on understanding the technology, its specific areas of military and civil application, and the potential implications of its misuse.

The incorporation of a flag mechanism within relevant calls in Horizon Europe is a pragmatic solution. This mechanism can significantly enhance the integration of dual-use potential within the FP, prompts researchers to carefully assess dual-use implications, while keeping the focus on civil applications. Keys to its effectiveness are:

1. Linkage to rigorous research security measures, scrutinizing consortia entities and research candidates to prevent misuse
2. A robust framework for monitoring research on dual-use technologies within Horizon Europe. Merely relying on a checkbox/promise by the grant applicant could become problematic, even when the focus remains exclusively civil