

Commissioner Mariya Gabriel  
European Commission  
Rue de la Loi 200  
1049 Brussels  
Belgium

Friday, 23 October 2020

**Re: Clarification on third-country entities' access to Horizon Europe programmes**

Dear Commissioner Gabriel,

We are writing to you on behalf of the American Chamber of Commerce to the European Union (AmCham EU) to ask for clarification on third-country entities' access to Horizon Europe (HEU) programmes, as Europe plans its economic recovery.

The COVID-19 pandemic is an unprecedented challenge. The European Commission put forward its Recovery Plan for Europe, setting out an ambitious fiscal stimulus package along with a forward-looking set of policies to usher in the European society of tomorrow. AmCham EU has expressed full support for the European Commission's efforts to re-launch the EU economy, in our paper "[Investing in Europe's recovery: forging the future vision](#)". As the US business community committed to and invested in Europe, we strongly believe that the EU's economic recovery must be outward looking, open to foreign direct investment and trade.

As the budget negotiations ensue, we have become aware that, in the HEU legal text, the European Council has included a reference which could potentially limit the participation of *'third countries or legal entities of non-associated third countries'* located in the EU (Art. 18(5), recital 40). While we understand the background, this instrument could impact established European entities with third-country ownership that have made significant contributions to the EU's innovation capacity by developing and protecting Intellectual Property (IP) in and for the EU. Our member companies directly support 4.9 million jobs in Europe and have always shown commitment to respect and enforce IP rights, meeting criteria of added value and respect of EU values. Moreover, such exclusions could inadvertently hurt Europe's ability to attract foreign investment that will be crucial for the recovery and could lead to companies pulling away vital research, development and innovation capabilities from the EU. Recital 40 and Art.18(5) call for the exemption to be applied under *"duly justified and exceptional reasons"*, it would however be helpful to know how these restrictions would work in practice and how they would be enforced in the HEU work programmes.

Ahead of the next budget negotiating round, AmCham EU would welcome clarifications on these aspects to ensure that all HEU programmes are open to established European companies with US ownership of all sizes to support Europe's recovery.

On behalf of the entire membership of AmCham EU, I wish you and your colleagues good health. We look forward to engaging with you in the future. In the meantime, we remain at your disposal for any support that we can provide. Please do not hesitate to contact me or Stefano Marmo, Policy Manager, ([SMA@amchameu.eu](mailto:SMA@amchameu.eu)) at the AmCham EU secretariat.

Yours sincerely,



Susan Danger  
**CEO**  
AmCham EU