

Strengthening Europe's innovation capacity:

The Guild's perspective on the revision of
the General Block Exemption Regulation

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October 2026

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DOI: <https://doi.org/10.48620/102066>

To cite this work please use the following reference:

The Guild, (2026). Strengthening Europe's innovation capacity: The Guild's perspective on the revision of the General Block Exemption Regulation. The Guild of European Research-Intensive Universities and Bern Open Publishing. DOI: 10.48620/102066

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Introduction

Universities are at the heart of Europe's innovation capacity, driving the development of excellent and breakthrough research. However, as noted in the Draghi report, too much of the knowledge generated in Europe still struggles to find its way to the market – not for lack of excellence, but because the pathways connecting research to industry remain too slow and too fragmented.¹ While multiple and complementary actions are required to shift this trend, The Guild highlights the importance of clear, predictable and flexible State aid rules in enabling and accelerating knowledge valorisation. Currently, uncertainty in the practical implementation of State aid rules slows down the translation of excellent research into market-ready outputs.

Thus, The Guild welcomes the European Commission's objective of simplifying and streamlining the General Block Exemption Regulation (GBER). We believe that it is crucial for the R&I sector to engage in constructive dialogue with the relevant competition authorities to build a legal framework that further encourages innovation and drives competitiveness. We look forward to joining the discussion by highlighting the daily challenges universities face when dealing with State aid rules and by contributing grounded, practical insights.

Responding to the unique needs of spin-offs

Spin-offs – understood as entities created by universities to exploit their intellectual property (IP) assets – are essential drivers of knowledge valorisation.² In the short term, from early development to sustainable revenue generation, they face a high risk of failure while posing an extremely low risk of distorting market competition. In the long term, once they mature, they can contribute significantly to Europe's competitiveness, prosperity and resilience. However, the current GBER fails to acknowledge their specific needs and characteristics, limiting universities' capacity to strategically support their spin-offs in the early stages and maximise their long-term success.³

1 - European Commission: European Political Strategy Centre. (2025). The future of European competitiveness. Part A, A competitiveness strategy for Europe. Publications Office of the European Union. <https://data.europa.eu/doi/10.2872/9356120>.

2 - European Commission: European Innovation Council and SMEs Executive Agency. (2024). Commercialising intellectual property: spin-offs. Publications Office of the European Union. <https://data.europa.eu/doi/10.2826/929316>.

Hence, we welcome the steps taken in the draft for a new GBER, which recognises innovative enterprises as a distinct category, defined in the Commission recommendation on the definition of innovative enterprises, innovative startups and innovative scaleups (2026).^{4,5} The new draft acknowledges that innovative enterprises, due to their vulnerability at an early stage of development, often qualify as undertakings in difficulty despite having substantive growth potential. Thus, a new exemption is essential to ensure innovative enterprises can continue to receive aid for research, development and innovation even if they meet the criteria for an undertaking in difficulty.

To complement this positive advancement, we call for recognising spin-offs as a separate, well-defined category of undertaking in future guidance documents, acknowledging their particularities within the wider category of innovative enterprises and their significant contribution to knowledge valorisation. Future guidelines should help universities identify the best methods and formulas to maximise support to spin-offs within the limits of the GBER, such as through stimulating IP transfer or licensing. We also recommend providing spin-offs and other relevant companies in universities' local innovation ecosystems with preferential access to research infrastructures as well as to testing and experimentation infrastructures.

Adapting IP valuation methods to innovative products

The Council Recommendation on the guiding principles for knowledge valorisation highlights IP transfer and licensing as a crucial tool for maximising the societal and economic benefits of research results.⁶ It builds on the Commission Recommendation on the management of intellectual property in knowledge transfer activities and the Code of Practice for universities and other public research organisations, which particularly emphasises the central role of universities in facilitating the circulation and use of innovative ideas through knowledge transfer.⁷ Thus, there is a broad recognition of the key role that IP transfer and licensing by universities plays in stimulating innovation, economic growth and competitiveness.

In this sense, the GBER foresees IP transfer and licensing as a tool for universities to support spin-offs and start-ups (Art. 22.7), provided certain conditions are met. For instance, the value of the IP must be set at its market price (Art. 22.7.b). While the GBER foresees several methods to estimate the market price of IP, the proposed methods

3 - European Commission. (2026). Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty. Retrieved 27 October 2026, from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:02014R0651-20230701>.

4 - European Commission. (2026). Draft for a Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, amending Regulations (EU) 2022/2472, (EU) 2022/2473, and (EU) XX/XX [Transport Block Exemption Regulation]. Retrieved 27 October 2026, from https://competition-policy.ec.europa.eu/document/download/13d86416-7f23-466e-83aa-0af8105b72d2_en?filename=empty_file_en.pdf.

5 - European Commission. (2026). Commission Recommendation on the definition of innovative enterprises, innovative startups and innovative scaleups. C/2026/1800 final. Retrieved 27 October 2026, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=intcom:C%282026%291800>.

fail to recognise that valuing an IP emerging from research poses unique challenges compared to traditional asset valuation. In most cases, these IPs relate to ‘early-stage technologies characterised by significant uncertainty and risk, with limited or no historical financial data and a highly speculative future market performance’.⁸ Universities face multiple challenges when trying to define the market price of their IPs using the prescribed methods, resulting in additional costs, slower processes and administrative burden.

For example, the first proposed method in the GBER, arm’s length negotiation (Art.22.7.b.i), fails to consider the particular relationship that exists between universities and their spin-offs. Not only is knowledge valorisation core to the third mission of universities, but often universities also have direct professional relationships with the personnel involved in the spin-off. Thus, lengthy profit-maximising negotiations are undesirable for both parties, who prefer reaching an acceptable agreement without an exhaustive process that would impose additional costs on the spin-off.

The second method proposed in the GBER, independent expert evaluation (Art.22.7.b.ii), often bears additional substantive costs for universities. This is especially true when such investment might not be covered by the IP’s potential revenues, which are uncertain at that stage. Moreover, independent experts also struggle to assess the value of such innovative and disruptive assets. Thus, they tend to rely on estimates of the asset’s development cost, which universities already have available before the assessment.

Therefore, we endorse the proposed changes to the draft GBER that remove the listing of specific methods for IP valuation (Art. 29). However, while this gives universities more freedom to choose appropriate, tailored IP valuation methods, it may also increase legal uncertainty. Thus, this change to the GBER should be coupled with comprehensive, practical guidelines that provide an overview of available methods. We believe such guidance documents combined with the support of the Competence Centre foreseen in the European Commission’s proposal for a European Innovation Act can contribute to streamlining this critical process and further stimulate the commercialisation of excellent research.⁹

6 - Official Journal of the European Union. (2022). Council Recommendation (EU) 2022/2415 of 2 December 2022 on the guiding principles for knowledge valorisation. Retrieved 27 October, 2026, from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H2415&qid=1670573108748#ntr1-L_2022317EN.01014101-E0001.

7 - Official Journal of the European Union. (2022). Council Recommendation (EU) 2022/2415 of 2 December 2022 on the guiding principles for knowledge valorisation. Retrieved 27 October, 2026, from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H2415&qid=1670573108748#ntr1-L_2022317EN.01014101-E0001.

8 - Organization, W. I. P. (2025). Intellectual Property Valuation Basics for Technology Transfer Professionals. WIPO. <https://doi.org/10.34667/tind.50113>.

9 - European Commission. (2026). REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Establishing a framework of measures for strengthening the Union Innovation Ecosystem and amending Regulation (EU) 2017/1001 (European Innovation Act). Retrieved 27 October 2026, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52026PC0567>.

Developing practical guidelines and implementation-ready support

Multiple resources have been developed to facilitate the application of State aid rules to R&I, such as the R&I State aid framework and DG RTD's guidance in the form of a Decision Tree. While these documents have been useful, universities still report multiple implementation challenges linked to gaps in practical knowledge. We identify three concrete tools that would help bridge this knowledge gap and effectively support universities in applying State aid rules.

First, we support the initiative to develop an EU-level blueprint for IP licensing and spin-off creation as announced under the Lab to Unicorn initiative of the EU Startup and Scaleup Strategy, given the success of similar initiatives at the national level.^{10,11} While such a document would not eliminate universities' responsibility to negotiate appropriate terms on a case-by-case basis, it would substantially reduce the investment of time and resources required. It is also critical to ensure that the use of these blueprints and similar initiatives is not interpreted as an infringement of the obligation to carry out arm's-length negotiations. Universities are deeply concerned about possible tensions between recent policy incentives to facilitate negotiations through the development of guidance and the State aid rules and related case law that require negotiations. We believe the objective of knowledge valorisation should take precedence, especially when negotiating with innovative start-ups at a still very risky stage in their development, but we recognise that blueprints and the like should serve as a basis for negotiations rather than non-negotiable terms.

Second, future guidance documents should include concrete examples that show, in practical terms, how State aid rules are implemented on the ground. This would make the guidance easier to use and apply.

Third, we acknowledge that isolated examples cannot cover all possible situations that may arise in the future. Therefore, we also propose establishing a European, practice-oriented repository targeted at universities and other research-performing organisations (RPOs). Research organisations should be able to share their concrete problems on this platform to receive tailored advice or to be put in direct contact with their national competition authorities. Once solved, and with the permission of the entities involved, anonymised cases should be posted on the platform to guide research organisations. Moreover, the repository should be complemented by a database of anonymised license terms and conditions used in research results from EU-funded projects, providing reliable data to help institutions and RPOs design their own terms.

10 - European Commission. (2026). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The EU Startup and Scaleup Strategy, Choose Europe to start and scale (2025). Retrieved 27 October 2026, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025DC0270>.

11 - University of Copenhagen. (n.d.). Guide to University Standard Licensing Models A and B. In UPC Lighthouse. Retrieved 23 October 2026, from <https://sdunet.dk/en/research/commercialisation/licence-agreement>.

