

# Position Paper

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## Turning ambition into reality: The Guild's vision for the ERA Act

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# Turning ambition into reality: The Guild's vision for the ERA Act

## Introduction

The Guild welcomes the Commission's ambition to advance the development of the European Research Area (ERA) to consolidate Europe's single market for research and innovation through a legal act. This forthcoming legal instrument should respond to the long-term structural challenges of the ERA, helping materialise the fifth freedom, unlock the ERA's full potential and strengthen research excellence throughout Europe.

The ERA Act will be the first legally binding action created within the framework of the European Research Area and therefore will set a key structural precedent. Thus, we believe the design of the Act should prioritise depth of impact over breadth, securing a proportional yet decisive approach to a strategically select set of areas, based on what barriers to the 'fifth freedom' need legal enforcement.

This document highlights the critical issues we think should be prioritised in the ERA Act, notably:

- securing world-leading investment in Europe's future;
- coordinating R&I policy across Europe;
- safeguarding the freedom of scientific research;
- ensuring the seamless mobility of researchers;
- mainstreaming open science;
- framing a common approach to research security.

## Securing world-leading investment in Europe's future

The [Lisbon Strategy](#) established the commitment of EU Member States to dedicate 3% of their GDP to R&D, including a 1.25% of public spending target. Two decades later, only six Member States have honoured that promise, with the EU's average having barely moved, standing at 2.2%.<sup>1</sup>

As the world order is being redefined, the EU can no longer afford to lag behind in key

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1 - Eurostat. (2025). R&D expenditure. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=R%26D\\_expenditure](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=R%26D_expenditure)

strategic areas of knowledge due to chronic underinvestment in R&I compared to its global peers. We call for an ERA Act that ensures investment in R&I is not sacrificed for other policy priorities, understanding that research is critical for fulfilling Europe's pressing needs for enhanced security, prosperity and competitiveness. Legally enforcing Member States' commitment to achieve spending targets is essential for Europe to strengthen its knowledge base, including in complex technologies, and boost its scientific leadership. Without this, the drive for global competitiveness relies on fragile foundations. The ERA Act should create legally binding spending targets for Member States: 3% of GDP spending in R&D, with public investment accounting for 1.25% of GDP. Such targets must be regarded as the minimum, encouraging Member States to go beyond. While this simply codifies the commitment the Member States themselves have already made, we advise coupling these targets with legal obligations to regularly report on the level and structure of expenditure for research, fostering public accountability.

### **Coordinating R&I policy across Europe**

Fragmentation in Europe's R&I landscape persists. While we acknowledge the progress achieved by voluntary measures, such as non-binding recommendations to Member States and dialogue between countries in the ERA governance bodies, we stress the persistent gap between the state of play and the research community's ambitions for the ERA. We need a greater level of coordination between R&I strategies, policies and funding, not only between Member States, but also between the EU and the national levels.

The ERA Act represents an opportunity to go beyond previous attempts to foster complementarities across R&I ecosystems. To achieve this goal, we call for the inclusion of a provision in the legal text requiring Member States to produce national R&I roadmaps, building on the experience of the roadmaps created in response to the [Council Conclusions on the ERA Roadmap 2015-2020](#). Roadmaps should help Member States identify and coordinate common investment priorities in challenged research, while also incentivising continued investment in and protection of bottom-up research. Additionally, Member States should also report on progress in their selected ERA priorities to strengthen research excellence and maximise its impacts. We believe this legal backing, coupled with monitoring through the European Semester, will foster stronger commitment from Member States and stress the importance of such an exercise.

### **Safeguarding the freedom of scientific research**

The freedom of scientific research is currently under pressure, both in the European

Union and beyond.<sup>2</sup> Not only does this challenge the Charter of Fundamental Rights of the European Union,<sup>3</sup> but it also endangers the quality of research. We firmly believe that creating stronger safeguards at the EU-level is fundamental for the success of the ERA. Such safeguards would complement existing protections at the national level, and foster further safeguards at the national and regional levels in the future, showing the EU's commitment towards protecting fundamental freedoms.

In view of the lack of consistent definitions for the freedom of scientific research in most Member States and the inconsistent application of protective measures, we encourage the creation of a two-step solution in the ERA Act.<sup>4</sup>

First, the ERA Act should codify the Bonn Declaration's definition of the freedom of scientific research, which has already been accepted by Member States, in EU law.<sup>5</sup> This would provide national courts with a clear legal reference to rule on this matter.

Second, the ERA Act should also establish enforceability mechanisms to ensure the effective and consistent application of the protection of the freedom of scientific research. We believe it is crucial to create an independent European Ombudsperson to monitor and identify impartially any breaches of the freedom of scientific research. The Ombudsperson should take a comprehensive approach that addresses directly not only any infringements of the freedom of scientific research and specific disciplines, but also any funding decisions that undermine the freedom of scientific research. Moreover, they should contribute to fostering a culture of scientific freedom and discussion within the academic community, establishing cooperation with research institutions to ensure that researchers have access to secure and trusted channels to raise concerns or report interferences.

If the advice of the European Ombudsperson is not followed, the postholder should be able to submit an opinion to the European Commission, recommending the use of disciplinary action. This may include the use of fund conditionality, if appropriate and proportional to the breach.

## Ensuring the seamless mobility of researchers

As stated in the Letta Report, we must work to realise the freedom of "investigating, exploring and creating for the benefit of humankind without disciplinary or artificial

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2 - European Parliament: Directorate-General for Parliamentary Research Services, Maassen, P., Kosta, V., Ceran, O., Martinsen, D., & Živanić, L. (2026). Academic Freedom Monitor 2025: analysis of academic freedom trends in the EU, European Parliament. <https://data.europa.eu/doi/10.2861/2776340>; Kinzelbach, K., Lindberg, S. I., Lott, L., & Panaro, A. V. (2025). Academic Freedom Index 2025 update. FAU Erlangen-Nürnberg & V-Dem Institute. <https://doi.org/10.25593/open-fau-1637>

3 - European Union. (2010). Charter of Fundamental Rights of the European Union. Official Journal of the European Union.

4 - European Commission: Directorate-General for Research and Innovation. (2025). A comprehensive legal, policy, and comparative analysis for promoting and protecting the freedom of scientific research in Europe: final report document. Publications Office of the European Union. <https://data.europa.eu/doi/10.2777/4268123>.

5 - Ministerial Conference on the European Research Area. (2020, October 20). Bonn Declaration on Freedom of Scientific Research. Federal Ministry of Education and Research. [https://www.bmfr.bund.de/SharedDocs/Downloads/EN/b/bonn\\_declaration\\_en.pdf?\\_\\_blob=publicationFile&v=5](https://www.bmfr.bund.de/SharedDocs/Downloads/EN/b/bonn_declaration_en.pdf?__blob=publicationFile&v=5)

borders and limitations”.<sup>6</sup> The fifth freedom – freedom of movement for knowledge, research and researchers – is crucial in consolidating the European single market for R&I, and is a key missing piece in the ERA. Therefore, we welcome the Commission’s ambition to create an EU-level contract template for researchers to foster seamless mobility across Europe and enhance the attractiveness of research careers. This would send a strong signal of alignment to national systems without being prescriptive.

We believe that the EU contract template could generate the most added value by covering clearly identified obstacles to researchers’ mobility, rather than replicating complete employment contracts. In our view this initiative should be seen as an enabling framework, offering a resource to overcome concrete challenges. For instance, the EU contract template could facilitate cross-border mobility of researchers by harmonising research career stages and mutually recognising titles, achievements and research positions.

Additionally, the EU contract template should enable pension and social security portability. Existing initiatives, like RESAVER, could potentially tackle core challenges and address concrete barriers to the mobility of researchers if they become more widely accessible. Including them in the EU contract template could contribute to building a critical mass of Member States offering them, and thus maximise their impact.

## **Mainstreaming open science**

Open science is a core priority of the ERA, as it strengthens research quality not least through facilitating and accelerating collaboration, speeding up discovery and improving the impact of research.<sup>7</sup> This echoes the vision of the Treaty on the Functioning of the European Union, which aims to create an ERA in which “researchers, scientific knowledge and technology circulate freely”.<sup>8</sup> While we acknowledge the considerable advances that have been achieved by the ERA, like the creation of the European Open Science Cloud, the ERA Act should build upon these foundations to further strengthen an open and FAIR framework for knowledge sharing across Europe. We urge the Commission to create a European Secondary Publishing Rights framework, which would not only improve access to scientific advancements but also enhance the cross-border circulation of knowledge. While national frameworks exist in some Member States, they remain fragmented, inconsistent and are often weakened by embargo periods, lack of clarity about conditions for reuse or limited scope. An EU-level framework would bring a substantial added value by ensuring a

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6 - Letta, E. (2024). Much more than a market: Speed, security, solidarity—Empowering the Single Market to deliver a sustainable future and prosperity for all EU citizens. Council of the European Union, p.7

7 - Council Recommendation of 24 June 2025 on the European Research Area Policy Agenda 2025-2027. <https://eur-lex.europa.eu/eli/C/2025/3593/oj>

8 - Consolidated Version of the Treaty on the Functioning of the European Union [2016] OJ C 202/1, art 179. [https://eur-lex.europa.eu/eli/treaty/tfeu\\_2016/art\\_179/oj/eng](https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_179/oj/eng)

coherent approach. To maximise the impact of this provision, the ERA Act should also create a non-waivable legal right for researchers and research performing organisations to share the outputs of publicly funded research with zero embargo. This would provide further legal certainty for researchers and research performing organisations, contributing to a more integrated and competitive ERA.

Moreover, to reflect the diversity of research outputs, the ERA Act should set up a framework that is comprehensive and wide-reaching, including not only academic articles but also other forms of knowledge like datasets, books and other research outputs. Consequently, we recommend integrating a variety of internationally recognised licences that enable researchers to share their findings freely while retaining ownership of their intellectual property rights. Examples include, but are not limited to, Creative Commons licences for publications and datasets, as well as the MIT License or Apache License 2.0 for software.

Furthermore, data access rules remain a core barrier to knowledge development and dissemination, as evidenced in the Commission's study on improving access to and reuse of research results, publications and data for scientific purposes.<sup>9</sup> The ERA Act should reflect on those recommendations in the study which contribute to simplifying and streamlining the process of data access and reuse for researchers, aiming to create a framework that is fit for purpose for the public research sector. It should do so in a consistent manner with existing legal frameworks to avoid discrepancies.

### **Framing a common approach to research security**

Since the adoption of the Council Recommendation on enhancing research security three years ago, the political and strategic relevance of research security has only grown, not least in response to an increasingly unstable and unpredictable geopolitical arena.<sup>10</sup> Universities are observing first-hand how national authorities in the ERA are taking divergent approaches to research security, at different speeds.<sup>11</sup>

The ERA Act should underpin the creation of a common understanding of research security which translates the vision of the Council Recommendation on enhancing research security, rooted in the EU principles of responsible internationalisation. Thus, it should be based upon the protection of the freedom of scientific research, allowing researchers to make responsible judgements about the nature of their research collaborations. This would be enabled by autonomous institutions which facilitate compliance with minimum standards, in cooperation with national

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9 - European Commission: Directorate-General for Research and Innovation. (2024). Improving access to and reuse of research results, publications and data for scientific purposes: study to evaluate the effects of the EU copyright framework on research and the effects of potential interventions and to identify and present relevant provisions for research in EU data and digital legislation, with a focus on rights and obligations. Publications Office of the European Union. <https://data.europa.eu/doi/10.2777/633395>.

10 - Council Recommendation of 23 May 2024 on enhancing research security. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ%3AC\\_202403510](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ%3AC_202403510).

11 - European Commission: Directorate-General for Research and Innovation. (2026). Research security monitor 2025: raising awareness and building resilience: staff working document. Publications Office of the European Union. <https://data.europa.eu/doi/10.2777/4186725>.

authorities. These minimum standards should specify the aspects of international cooperation that should be addressed by Member States, setting a common approach without prescribing obligations or methods of enforcement, which – owing to the diversity of institutional structures, missions and disciplinary contexts – would be counterproductive and difficult to implement. It is particularly important that they reflect the type of actions defined in the Council Recommendations on enhancing research security, in order to create an EU-level research security framework that promotes and co-exists with the voluntary actions deployed in parallel by Member States, stakeholders and funders.

Any minimum standards in the ERA Act, or parallel national policy actions, should have a strong focus on building a living culture of responsibility, in which researchers and universities are empowered to understand and mitigate risks thanks to their expertise. Building such a culture requires sustainable investment in research performing organisations, enabling them to be open and secure.



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