

Appendix I: Supplementary Material

Table 1: Modern IPCEIs (Source: European Commission)

| | No. of projects | Approved aid (EUR bn) | Participating MS | Illustrative project |
|---|-----------------|-----------------------|---|--|
| Microelectronics IPCEI #1 (2018) | 45 | 1.9 | 5 (FR, DE, IT, UK, AT) | Globalfoundries' <i>energy efficient semiconductors</i> |
| Batteries IPCEI #1 (2019) | 23 | 3.2 | 7 (BE, FI, FR, DE, IT, PL, SE) | BMW developing more <i>efficient automotive batteries</i> |
| Batteries IPCEI #2 (2021) | 46 | 2.9 | 12 (AT, BE, HR, FI, FR, DE, EL, IT, PL, SK, ES, SE) | Construction of (the now bankrupt) <i>Northvolt Ett gigafactory</i> |
| Hydrogen IPCEI #1 (2022) | 41 | 5.4 | 15 (AT, BE, CZ, DK, ET, FI, FR, DE, EL, IT, NL, PL, PT, SK, ES) | <i>Construction of electrolyzers and carbon-capture technology by Ørsted</i> |
| Hydrogen IPCEI #2 (2022) | 35 | 5.2 | 14 (AT, BE, FI, FR, DE, EL, IT, NL, PL, PT, SE, NO) | <i>Construction of an EDP electrolysis plant; HYBRIT TLR development</i> |
| Microelectronics IPCEI #2 (2023) | 68 | 8.1 | 14 (AT, CZ, DK, ET, FI, FR, DE, EL, IE, IT, MT, NL, PL, RO, SK, ES) | Use of novel materials in <i>semiconductor manufacturing by Infineon</i> |
| Cloudtech IPCEI (2023) | 19 | 1.2 | 7 (FR, DE, IT, NL, PL, HU, ES) | Development of a European <i>global cloud computing competitor</i> |
| Hydrogen IPCEI #3 (2024) | 33 | 6.9 | 7 (FR, DE, IT, NL, PL, PT, SK) | Construction of <i>hydrogen transportation infrastructure</i> |
| Hydrogen IPCEI #4 (2024) | 13 | 1.4 | 7 (ET, FR, DE, IT, NL, PT, SK) | Development of mobile <i>hydrogen storage and refueling capacity</i> |
| Medtech IPCEI (2024) | 14 | 1 | 6 (BE, FR, HU, IT, SK, ES) | Development of <i>AI diagnosis solutions</i> |
| Total | 335 | 37.2 | 22 | |

Table 1: IPCEIs not in COMP database

| Year | Name | Short recap | Country | Source | Aid amount |
|------|---------------|--|---------|--------------------------|------------|
| 1974 | <i>Airbus</i> | The EC reasoned that the 'project [was] set up jointly by several companies in the Common Market and [its] technical and economic features matched the criteria of 'Joint European Interest' | DE | Bulletin 4-74 point 2112 | N/A |

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|------|---|---|------------|---------------------------------|--|
| 1976 | <i>Investment in energy saving R&D</i> | The EC felt that 'aids were compatible with the approach [in the] Community programme for the rational utilization of energy [making the programme] an 'aid to promote the execution of an important project of common European interest" | DK | Bulletin 12-76 point 2131 | 5.3 Mn EUA |
| 1977 | <i>Energy saving schemes</i> | Three aid programmes to promote investment in energy-saving technology, all of which adhered to the 'guidelines laid down in [the] Communication to the Council entitled 'Towards a new energy policy strategy for the European Community' and the 'Community action programme on rational utilization of energy", meaning that they promoted the execution of an 'important project of common European interest' | DE, DK, NL | Bulletin 10-77 points 2.1.20-24 | >197.4 Mn EUA (includes variable component for power generation) |
| 1977 | <i>Investment in energy saving R&D</i> | The EC thought that 'action in favour of energy-saving investments qualified for exemption [...] as 'aid to promote the execution of an important project of common European interest" | DE | Bulletin 11-77 point 2.1.44 | no information/variable |
| 1978 | <i>Energy saving schemes</i> | The EC felt that the 'aid scheme adhered to the guidelines of its proposals to the Council on energy-saving and therefore qualified [...] as 'aid to promote the execution of an important project of common European interest'. | UK | Bulletin 5-78 point 2.1.30 | £50 Mn |
| 1978 | <i>Energy saving schemes</i> | The 'aid scheme followed much the same policy as [the EC's] own proposals to the Council on energy saving and therefore qualified [...] as 'aid to promote the execution of an important project of common European interest". | NL | Bulletin 7/8-78 point 2.1.42 | HFL 75 Mn |
| 1979 | <i>Environmental aid and energy saving scheme</i> | The energy saving scheme followed Commission proposals, and the EC had 'already expressed a favourable view on several occasions in respect of such aid for energy-saving in regard to earlier schemes' | NL | Bulletin 6-79 point 2.1.35 | no information/variable |
| 1979 | <i>Renewable energy</i> | The scheme 'was in conformity with the Community incentives for the economical use of energy. The Commission has several times approved aid of this kind in the past' | DK | Bulletin 7/8-79 point 2.1.35 | 7.5 Mn EUA |
| 1980 | <i>Production pollution</i> | The EC 'decided that the proposed aids satisfied the conditions laid down in the Community approach to State aids in environmental matters [and that] they qualified [...] as 'aid to promote the execution | DK | Bulletin 12-80 point 2.1.38 | 7.7 Mn EUA |

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| of an important project of common European interest“ | | | | | |
| 1981 | <i>Energy saving schemes</i> | The EC ‘had in the past given sympathetic consideration to aids for energy-saving [...]’. It therefore felt that this project qualified for exemption under Article 92(3)(b) of the Treaty.’ | UK | Bulletin 6-81 point 2.1.39 | £50 Mn |
| 1985 | <i>Environmental research</i> | The EC ‘took the view that increasing technological and scientific know-how with a view to improving environmental protection could be regarded as being of common European interest.’ | DE | Bulletin 3-85 point 2.1.41 | DM 532 Mn |
| 1986 | <i>Research in wind power</i> | The EC ‘felt that attainment of the Community’s energy policy objectives was sufficient reason to exempt the scheme under Article 92(3) (b) or (c).’ | NL | Bulletin 10-86 point 2.1.70 | HFL 105.5 Mn |
| 1989 | <i>EUREKA HD-TV I</i> | Participation in a EUREKA project to establish PAL-compatible HDTV standards was sufficient for the aid to qualify as an IPCEI. | DE, UK | Bulletin 3-89 point 2.1.64 | ECU 68 Mn |
| 1989 | <i>Airbus privatisation</i> | The EC considered the ‘importance of the aircraft industry for the economic and technological position of the Community’ claiming that the proposal would ‘strengthen the overall competitiveness of the industry and will thus contribute materially to the common European interest’. | DE | Bulletin 3-89 point 2.1.73 | <i>no information</i> |
| 1989 | <i>EUREKA Eprom</i> | The EC granted an exemption ‘under Article 92(3)(b) of the Treaty in respect of participation in Eureka project 102 (Eprom), which is considered to be an important project of common European interest.’ | FR | Bulletin 6-89 point 2.1.81 | ECU 55.45 Mn |
| 1991 | <i>EUREKA JESSI I</i> | The EC considered that ‘the project is an important project of common European interest, so that the aid qualifies for exemption under Articles 92(3)(b) of the EEC Treaty.’ | DE | Bulletin 7/8-91 point 1.2.55 | ECU 29.3 Mn |
| 1991 | <i>EUREKA HD-TV II</i> | See reasoning for EUREKA HD-TV I | FR, IT | Bulletin 7/8-91 points 1.2.59- 60; 62 | >ECU 446.5 Mn (<i>partly variable</i>) |
| 1992 | <i>EUREKA Software Factory</i> | The EC thought that the <i>European software factory</i> project ‘has been deemed to be an important project of | UK | Bulletin 11-92 | <i>no information/variable</i> |

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| | | common European interest and therefore qualifies for the exemption provided for in Article 92(3)(b) of the EEC Treaty.' | | point 1.3.64 |
| 1994 | EUREKA JESSI // | See reasoning for EUREKA JESSI I | DE | Bulletin 3-94 point 1.2.56 |

Table 2: Decisions relating to xx(3)(b)

| Year | Number | Name | Country | Type |
|-------------|--------------|--------------------------------------|---------|----------|
| 1964 | 64/651/EEC | <i>Ford Tractor</i> | BE | Decision |
| 1983 | 83/320/EEC | <i>Belgian Textiles</i> | BE | Decision |
| 1987 | 87/419/EEC | <i>Sicily Sea Fishing</i> | IT | Decision |
| 1990 | 91/389/EEC | <i>Hamburg</i> | DE | Decision |
| 1990 | C 25/90 | <i>FIOV</i> | BE | Notice |
| 1991 | 413/90 | <i>Hessen</i> | DE | Notice |
| 1992 | 93/134/EEC | <i>Brussels R&D</i> | BE | Decision |
| 1996 | C 49/95 | <i>Brandenburg</i> | DE | Notice |
| 1996 | C 50/95 | <i>Austrian Internationalisation</i> | AT | Notice |
| 1996 | C 51/95 | <i>Austrian Ost-ERP</i> | AT | Notice |
| 1997 | C 57/96 | <i>Austrian Wine</i> | AT | Notice |
| 2001 | C(2001) 1762 | <i>Navarre</i> | ES | Decision |
| 2001 | C(2001) 1760 | <i>Álava</i> | ES | Decision |
| 2002 | C 50/2001 | <i>Finance Companies</i> | LU | Decision |
| 2002 | C 49/2001 | <i>Coordination Centres</i> | LU | Decision |
| 2002 | C(2002) 1785 | <i>Sardinia Agriculture</i> | IT | Decision |
| 2003 | C 65/2002 | <i>Austrian Air</i> | AT | Decision |
| 2004 | C(2004) 327 | <i>Bank Berlin</i> | DE | Decision |
| 2004 | C(2004) 3953 | <i>German Brandy</i> | DE | Decision |
| 2004 | C(2004) 471 | <i>Sardinia Blue Tongue</i> | IT | Decision |
| 2005 | C(2004) 4769 | <i>Italian Olives</i> | IT | Decision |
| 2006 | C 46/200 | <i>French Tax</i> | FR | Decision |
| 2018 | SA.37977 | <i>Correos</i> | ES | Decision |
| 2014 (2009) | SA.36662 | <i>Øresundsbro Konsortiet</i> | SE | Decision |
| 2020 (2014) | SA.39078 | <i>Femern A/S</i> | DK | Decision |

Table 3: Cases dealing with 107;87;93(3)(b)

| Year | Name | Description |
|------|--|---|
| 1969 | <i>France v Commission</i> | Court underlines the restrictive nature of article 92 derogations |
| 1985 | <i>LPF</i> | Court criticises the brevity of the EC's statement of reasons in a decision |
| 1998 | <i>Opinion in Éxecutif régional wallon</i> | AG Lenz reads then-92(3)(b) in the light of article 110 of the treaty which states that the common commercial policy should contribute to the <i>harmonious development of world trade</i> , which would imply that 'conquering world markets' is not a project of common European interest. He then underlines the fact that neither S.A. Glabervel nor the Belgian government claimed to use 92(3)(b) in the original administrative procedure, laying the groundwork for the intentionality that has since become part of the IPCEI process. |
| 1998 | <i>Éxecutif régional wallon</i> | Court highlights the idea that an IPCEI entails a joint undertaking, and that it is not simply enough for an MS to use then-92(3)(b) to claim that investments in underserved areas are a common European interest as such |
| 2003 | <i>Sicilcassa</i> | Court does not rule on the admissibility of 87(3)(b) considering that it is a referred case (although <i>Hotel Cipriani</i> may give some guidance on how it <i>would have ruled</i>) |
| 2005 | <i>Italy v Commission I</i> | Court disagrees that the full and permanent privatisation of Italian banking institutions may constitute a 'project of common European interest' |
| 2005 | <i>Unicredito</i> | See reasoning above |
| 2008 | <i>Hotel Cipriani</i> | Court underlines the fact that an IPCEI must benefit other countries than just the project instigator |
| 2009 | <i>Germany v Commission</i> | ECJ highlights the cross-border aspect of then 87(3)(b), according to which an RDI effort in isolation cannot constitute an IPCEI |
| 2011 | <i>Italy v Commission II</i> | Italy tries to use the 87(3)(b) exception in its defence of an expired, reapplied, and non-notified aid scheme, but the court rejects it on procedural grounds |
| 2014 | <i>Albergo Quattro</i> | See reasoning in <i>Hotel Cipriani</i> |
| 2014 | <i>Greece v Commission</i> | ECJ underlines that derogations to the general state aid regime under 107(3)(b) must be interpreted strictly (which also as seen in later decisions applies to the IPCEI part of that article, despite that not being at issue) |
| 2018 | <i>HH Ferries</i> | Partial annulment of the 2014 decision following a complaint from a ferry operator (on primarily procedural grounds) |
| 2018 | <i>Scandlines I</i> | Partial annulment of previous decision, but the Court heeded the IPCEI communication and found no issue with the argument that this was, in fact, an IPCEI |
| 2021 | <i>Scandlines II</i> | Court rejects the appeal |

Table 4: European Communication, full documents available at: doi.org/10.6084/m9.figshare.30455453

| Date | Name | Institution |
|------|--|---|
| 1974 | <i>Community Energy Policy: Objectives for 1985</i> | European Commission |
| 1974 | <i>New Energy Policy Strategy for the European Community</i> | European Commission |
| 1976 | <i>Bulletin of the European Communities, no. 12 1976</i> | European Commission |
| 1977 | <i>Bulletin of the European Communities, no. 10 1977</i> | European Commission |
| 1978 | <i>Seventh Report on Competition Policy: Published in Conjunction with the 'Eleventh General Report on the Activities of the European Communities'</i> | European Commission |
| 1993 | <i>JESSI-0024: Joint meetings Board/Committee</i> | JESSI Board and JESSI Committee |
| 1993 | <i>JESSI-0026: Joint meetings Government Action Team (GAT)/Board Support Group (BSG)</i> | JESSI Government Action Team and JESSI Board Support Group |
| 1995 | <i>JESSI-0029: Assessment of JESSI programme</i> | JESSI Coordination Group |
| 2002 | <i>Presidency Conclusions: Barcelona European Council 15 and 16 March 2002</i> | European Council |
| 2003 | <i>Presidency Conclusions of 20 and 21 March 2003</i> | European Council |
| 2003 | <i>Brussels European Council 12 and 13 December 2003, Presidency Conclusions</i> | European Council |
| 2004 | <i>Community Rules on State Aid for Innovation: Vade Mecum, SWD</i> | European Commission |
| 2005 | <i>State Aid Action Plan: Less and Better Targeted State Aid: A Roadmap for State Aid Reform 2005–2009</i> | European Commission |
| 2006 | <i>Community Framework for State Aid for Research and Development and Innovation</i> | European Commission |
| 2007 | <i>Proposal for a Council Regulation on Setting up the 'ENIAC Joint Undertaking'</i> | European Commission |
| 2007 | <i>Proposal for a Council Regulation on Setting up the 'ARTEMIS Joint Undertaking'</i> | European Commission |
| 2012 | <i>EU State Aid Modernisation (SAM)</i> | European Commission |
| 2013 | <i>Comparison of European and Non-European Regional Clusters in KETs: The Case of Semiconductors</i> | European Commission |
| 2014 | <i>A European Industrial Strategic Roadmap for Micro- and Nano-Electronic Components and Systems: A Report to Vice President Kroes by the Electronic Leaders Group</i> | Electronics Leaders' Group/European Commission |
| 2021 | <i>Criteria for the Analysis of the Compatibility with the Internal Market of State Aid to Promote the Execution of Important Projects of Common European Interest</i> | European Commission |

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|---------|--|----------------------------|
| 2023 | <i>DG COMP Code of good practices for a transparent, inclusive, faster design and assessment of IPCEIs</i> | European Commission |
| No date | <i>Participating in an Important Project of common European Interest: Technical guidance on conditions and process</i> | European Commission |

Appendix II: List of informants

| Date | Subject | Date | Subject |
|------|-------------------------|------|---------------------------|
| 2023 | National Official A | 2023 | NGO Worker B |
| 2023 | National Official B | 2023 | European Offical A |
| 2023 | National Official C | 2023 | European Official B |
| 2023 | National Official D | 2023 | European Official C |
| 2023 | National Official E | 2023 | European Official D |
| 2025 | National Official F | 2023 | European Official E, F, G |
| 2025 | National Official G | 2023 | European Official H |
| 2025 | National Official H | 2025 | European Official I |
| 2023 | Private Sector Expert A | 2025 | European Official J |
| 2025 | Private Sector Expert B | 2025 | European Official K |
| 2023 | NGO Worker A | 2025 | European Official L |