



Brussels, 16 January 2026

CM 1243/26

**Interinstitutional File:
2025/0229(NLE)**

**RECH
COMPET
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PROCED**

COMMUNICATION

WRITTEN PROCEDURE

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Subject: COUNCIL REGULATION amending Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488
- END of written procedure

Delegations are informed that the written procedure, opened by CM 1148/26 of 15 January 2026 was completed on 16 January 2026 and that all delegations voted in favour of the adoption of *COUNCIL REGULATION amending Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488*, as set out in document 16311/1/25 REV 1 (en).

The required qualified majority has been reached. Therefore, the above Council Regulation is adopted.

The statement by France, Poland, Austria, Denmark, Czechia, Germany, Lithuania, Spain, the Netherlands and Sweden is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by written procedure as statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Statement by France, Poland, Austria, Denmark, Czechia, Germany, Lithuania, Spain, the Netherlands and Sweden

*We reiterate our full commitment to the AI Gigafactories initiative, which represents a pivotal milestone in the development of AI capabilities in Europe. It is precisely for this reason that we do not intend to hinder the adoption of the regulation, but rather to **engage constructively to ensure that the necessary conditions are met** before the launch of the call for proposals.*

*It is in this spirit that we wish to highlight our concerns regarding several critical issues. In order to guarantee full endorsement in the upcoming stages, **it is essential that sufficient clarity, legal robustness, and a comprehensive consideration of Member States' interests and engagement** are reflected.*

The clarity and legal robustness of the elements provided by the Commission for the implementation of the Regulation—such as technical notes—remain a cause for concern, particularly as Member States are expected to make binding commitments within a matter of weeks. Besides, drafts of legal texts that will entail binding commitments of Member States, notably the draft Joint Procurement Agreement, the draft Call, and the draft Hosting Agreement, have not been shared with Member States, to date.

While committed to the overall ambitious timeline for the realization of the AI Gigafactories, Member States need sufficient time to evaluate these texts and to ensure that Gigafactories to which Member States make binding commitments duly incorporate technical and security specifications relevant to them as well as their preferred financing terms