Council of the European Union

Brussels, 14 January 2026
(OR. en)

16671/2/25
REV 2

Interinstitutional File:
2025/0229 (NLE)

RECH 552
COMPET 1328
IND 602

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Council Regulation amending Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488 - Adoption - Decision to use the written procedure

1. On 15 July 2025, the European Commission transmitted the *Proposal for a Council Regulation amending Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488*[1] to the Council.

2. The European Economic and Social Committee issued its opinion on 18 September 2025[2].

3. The European Parliament appointed Mr Borys BUDKA (EPP, PL) as Rapporteur and adopted its report at the plenary of 15-18 December 2025 with 604 votes in favour, 37 votes against, and 18 abstentions.

[1] 11675/25
[2] 13752/25

4. On 9 December 2025 the Council reached a General Approach on the amending Council Regulation[3].

5. Due to the intensity and length of negotiations on the proposal, the entry into force of the Council Regulation could be delayed until 9 February 2026 at the earliest, counting twenty days from publication after adoption at one of the first Council meetings in January. This would limit the time available to Member States for the mobilisation of their national financial contributions, in particular via the Recovery and Resilience Facility (RRF), to AI Gigafactories. The Presidency consulted with the European Commission, the Council Legal Service and the General Secretariat of the Council on this issue. In order to facilitate Member States in their preparation of their national RRF plans, the following minor adjustments to the proposal are suggested:

   i. amending Article 2 so that the Council Regulation enter into force on the day following that of its publication in the Official Journal (instead of the usual twenty days), and

   ii. introducing a corresponding recital.

   Moreover, it is suggested that adoption at the Council take place by means of a written procedure, so as to ensure its earliest possible entry into force. With these amendments, entry into force of the Regulation can be moved forward to 20 January 2026. This will allow Member States sufficient time to adjust their national Recovery and Resilience plans in order to submit their proposals for an AI Gigafactory.

6. On 17 December 2025, delegations in the Research Working Party were requested to indicate in writing whether they oppose the amendment of the General Approach with regard to the entry into force of the Council Regulation, as indicated above. No delegation raised objections to such amendment by the expiration of the deadline on 19 December 2025.

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[3] 15977/25

7. The Permanent Representatives Committee is, therefore, invited to:

- recommend that the Council adopt the 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, after legal-linguistic finalisation, in document 16311/1/25 REV 1;

- decide, in accordance with Article 12(1) of the Council's Rules of Procedure, that the Council use the written procedure for its adoption.