

Guiding list of good practices for a more efficient design and pre-notification of an Important Project of Common European Interest (IPCEI)

Below list sets out good practices for national authorities that can help accelerate and streamline the Commission assessment and is not exhaustive.

IPCEI Emergence (Interested Member States)

Before any announcement, consult relevant policy DG(s) and DG COMP to discuss the objectives and scope of the proposed IPCEI

- Consult DG COMP early on the scope; it ensures that the objectives are in line with the IPCEI Communication;
- Consult relevant policy DG(s); it ensures that its scope is in line with current EU strategic and policy priorities.

The emergence of an IPCEI ecosystem can also entail aid to be assessed under other State aid rules

- Note that the joint effort of the Member States can take the form of an IPCEI as well as other appropriate forms of collaboration and use of the appropriate State aid tools (e.g. other Guidelines or the General Block Exemption Regulation (GBER)) depending on the specificities of projects;
- Companies benefitting from aid on other legal bases can be indirect participants in an IPCEI and contribute in the same way to the policy objective. Devise communication to potential participants accordingly, so that suitable projects can be awarded support on such legal bases.

IPCEI Design

Involve DG COMP (and other policy DGs) from the start in a timely and open manner

- Consult DG COMP on a regular basis for guidance, in particular on the scope;
- Organise regular workshops including DG COMP with authorities and companies for guidance and streamlining the efforts.

Invite all Member States to participate

- Better to do it in writing and organise several meetings, and provide information, including at Council working parties level;
- Always underline the possibility for Member States to either directly participate or to be associated.

Designate one coordinator

- Select a coordinating Member State with sufficient administrative capacity and in-depth knowledge of and experience with IPCEI rules;
- The coordinator needs to coordinate the efforts of the Member States, and to maintain sincere cooperation with DG COMP;
- The coordinator needs to include in the coordinating team from the start, State aid (IPCEI) experts from the national authorities of the coordinating Member State.

Share IPCEI knowledge and experience

- Among the Member States on process, substance, best practices, coordinator's role and work. In particular, devise appropriate ways to spread the knowledge and experience on the coordinator's work among the Member States that have not yet undertaken this role;
- Within a Member State between different national authorities (including the State aid authority), teams in different ministries, different national consultancy agencies or industry associations that may assist national authorities throughout the process.

Organise open, transparent and non-discriminatory national calls

- National calls should be aligned to the scope and objective of the IPCEI as agreed among Member States (after consulting DG COMP and other policy DG(s));
- Include in the calls a possibility to aid the projects under alternative State aid rules (such as the General Block Exemption Regulation (GBER), Framework for State aid for research and development and innovation (RDIF) or Guidelines on State aid for climate, environmental protection and energy (CEEAG)), depending on their specificities (e.g. low amount of aid); such projects can still be part of the IPCEI ecosystem;
- Flexible budgetary approach - ensure that the national budget for the IPCEI can be transferred to the next year(s) and/or to other support instruments (such as GBER, RDIF and CEEAG);
- Select the projects after a proper evaluation. Select only projects which fit well within the scope and objectives of the IPCEI;
- Member States should clarify to companies that the pre-selected projects at national level would not remain in the IPCEI as direct participants, if they do not fulfil all eligibility and compatibility criteria.

Organise open, transparent, non-discriminatory match-making process

- The purpose is to establish integration of an IPCEI as an EU-wide project and not stand alone projects. Companies must form effective cross-border collaborations in a manner compliant with EU antitrust rules;
- Involve with full access the relevant policy DG(s) and DG COMP from the start.

Scrutinise carefully all IPCEI documents on substance before pre-notification

- Pre-mature pre-notifications cause more delays;
- Apply scrutiny equally to the companies' projects and to the overall IPCEI "Chapeau" before pre-notification;
- Request from the companies and coordinators (regarding the Chapeau) the necessary quality improvements, before submission to the Commission.

Pursue scrutiny during the entire pre-notification phase and support the Commission's assessment

- IPCEIs are no exception to State aid rules. They are subject to criteria adapted to the logics of the instrument. The Commission will assess thoroughly the companies' and the overall IPCEI submissions based on the conditions laid down in the IPCEI Communication and its established case practice;
- The Commission will, in particular, verify that the IPCEI delivers significant spill-overs beyond direct beneficiaries and that the aid is limited to what is needed for the projects to go ahead;
- The Commission will question the credibility of projects' financial data and projections where there are doubts;
- The Commission will send Request for Information where needed;
- Companies invoking confidentiality as a reason not to provide information to the Commission will cause delays. Commission officials are bound by strict confidentiality rules and the Commission only requests information necessary to carry-out the required assessment;
- Member States need to scrutinise the quality and completeness of the replies companies prepared following a Request for Information from the Commission before submission. Member States can always ask for a reasonable extension to the deadline where needed to improve the quality. This is preferable than sending a reply which is largely deficient, leading subsequently to longer delays in the assessment;
- Where irrelevant or poor-quality information is submitted, the project assessment by the Commission will not proceed and hence the overall progress delayed;
- The Commission will invite Member States to withdraw from the IPCEI projects of poor quality or immature projects already during an early phase, if a first screening reveals major gaps.