



COMMUNICATION FROM THE COMMISSION

on the Guidance on the application for an undertaking to obtain the status of integrated production facility and open EU foundry pursuant to Article 15 of the Chips Act Regulation (EU) 2023/1781

(C/2024/4911)

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I. Introduction

This Communication (also referred to as ‘Guidance’) gives guidance on the **application process for an undertaking to obtain the status of integrated production facility (IPF) or open EU foundry (OEF)** pursuant to Article 15 of the Chips Act Regulation (EU) **2023/1781** ⁽¹⁾ (**‘Chips Act’**). Article 15 of the Chips Act places an obligation on the Commission to provide guidance on the information required to submit an application to grant a project the status of IPF or OEF and its relevant format.

The Chips Act entered into force on 21 September 2023 and is part of a broader package of measures to strengthen the EU’s semiconductor ecosystem ⁽²⁾.

The Chips Act is structured around three pillars:

- Pillar 1 establishes the ‘Chips for Europe Initiative’, supporting large-scale technological capacity building and innovation throughout the EU to enable the development and deployment of cutting-edge, next generation semiconductor and quantum technologies.
- **Pillar 2 creates a framework to ensure security of supply and resilience by promoting the attraction of investments and enhanced production capacities** in semiconductor manufacturing, advanced packaging, test, and assembly.
- Pillar 3 creates a coordination mechanism between the Member States and the Commission to strengthen collaboration with and across Member States for monitoring and crisis response, under the governance of the European Semiconductor Board ⁽³⁾.

Under the framework of Pillar 2, **‘first-of-a-kind’ facilities** (i.e., new or substantially upgraded semiconductor manufacturing facilities that provide a dimension of innovation not yet present in the EU) can apply to obtain the status of IPF or OEF. That framework provides these facilities with means to facilitate their establishment and operation in the EU. It also requires compliance with criteria in order ensure their contribution to the objectives of the EU and their reliability as suppliers of chips in times of crisis.

To provide guidance on the application process for the status of IPF and OEF, the present document is structured as follows.

- **Section II** presents the concept of ‘first-of-a-kind facility’ in the EU, in particular how this unique innovation should be demonstrated for the purpose of the Chips Act (i.e., how it is to be recognised as an IPF or OEF). Section II also details the benefits and synergies with the State aid procedure, as well as what the Chips Act requires once the status of IPF or OEF has been obtained.
- **Section III** provides practical guidance for companies on how to apply for the status of IPF or OEF, and how the Commission assesses these applications. In particular, Section III identifies the main steps in the application process and specifies how applicants should submit the application form, supporting documents and commitments.
- **Section IV** contains a checklist for companies that sets out all the important aspects to consider when preparing their application, as well as some technical guidelines on how to use the IT application systems ‘Futurium’ and ‘S-CIRCABC’.

⁽¹⁾ Regulation (EU) 2023/1781 of the European Parliament and of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe’s semiconductor ecosystem and amending Regulation (EU) 2021/694 (Chips Act) (Text with EEA relevance), PE/28/2023/INIT, OJ L 229, 18.9.2023, p. 1 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2023.229.01.0001.01.ENG&toc=OJ%3AL%3A2023%3A229%3ATOC)

⁽²⁾ On 8 February 2022, the Commission adopted a package made up of:

- (a) a communication outlining the rationale and the overall semiconductor strategy (COM/2022/45 final);
- (b) a proposal for a regulation to strengthen the EU’s semiconductor ecosystem (the Chips Act);
- (c) a proposal for amendments to a Council Regulation establishing the KDT Joint Undertaking (COM/2022/47 final);
- (d) a recommendation to Member States promoting actions for monitoring and mitigating disruptions in the semiconductor supply chain (C/2022/782, OJ L 35, 17.2.2022, p. 17).

⁽³⁾ The European Semiconductor Board is a governance body composed of the EU Member States’ high-level representatives and established by Articles 28-30 of the Chips Act. The European Semiconductor Board provides the Commission with advice, assistance and recommendations, pursuant to Chapter V of the Chips Act.

II. ‘First-of-a-kind’ facilities

1. Definition of first-of-a-kind

As already mentioned, **‘first-of-a-kind’ facilities** can apply to obtain the status of **‘integrated production facility’** or **‘open EU foundry’**. Article 2(11) of the Chips Act defines ‘first-of-a-kind’ as ‘a new or substantially upgraded semiconductor manufacturing ⁽⁴⁾ facility, or a facility for the production of equipment or, key components for such equipment predominantly used in semiconductor manufacturing, which provides innovation with regard to the manufacturing process or final product that is not yet substantively present or committed to be built within the Union, including innovation that concerns improvements in computing power or in the level of security, safety or reliability, energy and environmental performance, the technology node or substrate materials, or in the implementation of production processes that lead to efficiency gains, or improves recyclability, or reduces production inputs’.

To be considered ‘first-of-a-kind’, the Commission will assess if a facility offers a dimension of innovation that is not yet present in the EU. The qualifying factor for being a ‘first-of-a-kind’ facility is to bring an innovative element to the internal market regarding the manufacturing processes or the final product ⁽⁵⁾, which could be based on new or existing technology nodes. Relevant innovation elements could relate to the technology node or substrate material, or to approaches that lead to improvements in computing power or other performance attributes, energy efficiency, level of security, safety, or reliability, as well as integration of new functionalities, such as memory capacity. Integration of different processes leading to efficiency gains, and packaging and assembly automation are also examples of innovation. With regard to environmental gains, innovation elements can include the reduction of the amount of energy, water or chemicals used, or improved recyclability. A suitable reference source for identifying the areas where such innovation can take place is the IEEE International Roadmap for Devices and Systems (IRDS), which identifies key technological trends related to devices, systems, and all related technologies ⁽⁶⁾.

According to the definition, **the manufacturing facility should** not only be innovative, but should also **feature an innovation capability that is not yet substantially present or planned to be built in the EU.** This means that a manufacturing facility capable of producing a comparable product, process or performance at an industrial scale should not already exist or currently be under establishment in the EU. In turn, if such an innovation were already in use in R&D or small-scale production in the EU, this would not necessarily exclude new mass production qualifying as ‘first-of-a-kind’. For instance, a manufacturing facility planning to use a novel substrate material could qualify as ‘first-of-a-kind’ in the EU, despite this substrate material being tested in a pilot line in a Member State. In this respect, it should be noted that it is not excluded that several parallel projects may be recognised as ‘first-of-a-kind’ if none of them crowds out existing or planned private activities and if there is no risk of overcapacity ⁽⁷⁾. Both the installation of a new or of a substantially upgraded facility could lead to qualification as a ‘first-of-a-kind’ facility.

2. Definition of integrated production facility and open EU foundry

To encourage investment in new production capacity, while at the same time ensuring that it benefits the EU as a whole, the Chips Act lays down in Chapter III a framework for the implementation of **two types of ‘first-of-a-kind’ facilities**. These two types reflect the two common business models of semiconductor manufacturing facilities in today’s semiconductor industry landscape and are specified in Article 13 and 14 of the Chips Act.

⁽⁴⁾ Article 2(15) of the Chips Act defines “semiconductor manufacturing” as meaning any of the stages of production and processing of semiconductor wafers (including substrate materials, front-end and back-end) necessary to deliver a finished semiconductor product.

⁽⁵⁾ The final product is at the (potentially packaged) semiconductor level, and not at the level of the device where the semiconductor is applied.

⁽⁶⁾ This builds on the previous work of the International Technology Roadmap for Semiconductors (ITRS), which also defined the reference for the process nodes (in nanometres) resulting from the evolution of transistor scaling in line with the prediction of Moore’s law. The IRDS currently includes work by different international focus teams on the following fields: more Moore (scaling); more than Moore; beyond CMOS; systems and architectures; packaging integration; outside system connectivity; cryogenic electronics and quantum information processing; lithography; yield enhancement; metrology; factory integration; environment, safety, health and sustainability.

⁽⁷⁾ Several parallel projects may be recognised as ‘first-of-a-kind’ if it can be proven that State-supported activities do not crowd out existing or planned private activities. Each State aid proposal will be assessed based on its merits to avoid undue distortions of competition. This includes a comprehensive view on necessity, to avoid situations of overcapacity. See footnote 56 of the Communication, A Chips Act for Europe, COM(2022) 45.

- According to Article 13(1) of the Chips Act, **Integrated production facilities** shall be first-of-a-kind facilities for semiconductor manufacturing, and, where relevant, including design, or for the production of equipment or key components for such equipment predominantly used in semiconductor manufacturing in the Union, which may integrate other steps of the supply chain, and that contribute to the security of supply and the resilience of the Union's semiconductor ecosystem and in addition it may, where relevant, contribute to the security of the global semiconductor supply chains.' In other words, IPFs are vertically integrated semiconductor manufacturing facilities, which are involved in front-end manufacturing ⁽⁸⁾, in the production of equipment or key components for such equipment predominantly used in semiconductor manufacturing in the EU as well as in the design of integrated circuits or the provision of back-end services ⁽⁹⁾, or both.
- According to Article 14(1) of the Chips Act, **Open EU foundries** shall be first-of-a-kind facilities for semiconductor manufacturing in the Union that offer production capacity to unrelated undertakings and thereby contribute to the security of supply for the internal market and the resilience of the Union's semiconductor ecosystem and in addition it may, where relevant, contribute to the security of the global semiconductor supply chain.' OEFs are therefore semiconductor manufacturing facilities which dedicate at least some of their production capacity to producing chips according to the design of other companies, in particular fabless companies.

3. Benefits of the status of integrated production facility and open EU foundry

Receiving the status of IPF or OEF entails several benefits for companies.

- (a) Firstly, the Chips Act provides for a **streamlined approach to administrative applications**. These provisions are designed to address typical barriers to the implementation of large-scale semiconductor manufacturing facilities, in relation to the extensive time required for projects to acquire administrative permits and complex and fragmented permit-granting processes. Under Article 18, projects that have obtained the status can benefit from fast-tracking of administrative applications, such as environmental assessments and spatial planning. Where already existing under national administrative law, they can be allocated a priority status.

Furthermore, the Chips Act states that the security of supply of semiconductors may be considered an imperative reason for overriding the public interest within the meaning of Articles 6(4) and 16(1)(c) of Directive 92/43/EEC ⁽¹⁰⁾ (the 'Habitats Directive') and Article 4(7) of Directive 2000/60/EC ⁽¹¹⁾ (the 'Water Framework Directive'). In exceptional circumstances, these directives allow projects to be implemented despite their having received a negative environmental assessment if certain conditions are fulfilled and there is an imperative reason for overriding the public interest. This provision in the Chips Act clarifies that the planning, construction, and operation of IPFs and OEFs may be considered as being of overriding public interest in such circumstances.

According to Article 18(4), in order to permit applications and enhance coordination of the administrative process, Member States may use a 'one-stop-shop' approach, by designating an authority responsible for facilitating and coordinating administrative applications related to planning, construction and operation of the facilities. Each designated authority may appoint a coordinator to serve as the single point of contact for the IPF or OEF.

- (b) Secondly, IPFs and OEFs can receive **priority access to the pilot lines set up under the 'Chips for Europe Initiative' of Pillar 1 of the Chips Act**. This means, for example, that their application to use the pilot lines could be accelerated and receive preferential treatment (but without excluding or preventing effective access by others).

⁽⁸⁾ 'Front-end' means the entire processing of a semiconductor wafer (Article 2(16)). The front-end manufacturing activities of IPFs and OEFs could include one or all of the steps in the processing of a semiconductor wafer, starting with various substrate materials (Si, SiC, SOI, etc.).

⁽⁹⁾ 'Back-end' means the packaging, assembly, and test of each individual integrated circuit (Article 2(17)).

⁽¹⁰⁾ OJ L 206, 22.7.1992, p. 7.

⁽¹¹⁾ OJ L 327, 22.12.2000, p. 1.

- (c) Thirdly, being granted the status of IPF or OEF means that a facility is **'first-of-a-kind' and contributes to the security of supply in the EU**. Separately, the Commission takes this element among others into account in a possible **State aid procedure** based on Article 107(3)(c) of the Treaty on the Functioning of the European Union (TFEU), as announced in the Communication 'A Chips Act for Europe' ⁽¹²⁾ in case a Member State would propose to support any such facility via State aid. The 'first-of-a-kind' dimensions of the Chips Act Regulation (EU) 2023/1781 and the State aid assessment are closely linked. The Commission may authorise public support for the establishment of 'first-of-a-kind' facilities in the EU under Article 107(3)(c) TFEU. This approach complements the guidelines for Important Projects of Common European Interest (IPCEIs) that are based on Article 107(3)(b) TFEU, which are intended to support multi-country R&I projects up to first industrial deployment in areas of common interest, thus supporting a different stage of the innovation cycle. Even though the wording of the Chips Act Regulation (EU) 2023/1781 is without prejudice to the application of Articles 107 and 108 TFEU, the Commission services will take into consideration the recognition of the 'first-of-a-kind' dimension for projects under State aid assessment.

A. Synergies and differences with State aid

It may be the case that a Member State proposes to support a project applying for the status of IPF or OEF also with State aid. It is important to underline the point that **applying for the status of IPF or OEF is a separate procedure from the State aid assessment. These two procedures may therefore require different types of information.**

The application procedure for the status of IPF and OEF is intended to ensure that the facility of the applicant company meets the definition and related conditions of either Article 13 or Article 14 of the Chips Act and has to be done by the applying company. By contrast, the State aid procedure is initiated by the notification of a Member State and involves a broader legal and economic assessment of the public support measure that is intended to be granted to the applicant company. Moreover, the assessment is carried out on the basis of a number of cumulative conditions under Article 107(3)(c) TFEU in order to ensure that the measure benefits the economic activity that it seeks to facilitate and does not adversely affect trading conditions to an extent that is contrary to the common interest.

If public support via State aid is envisaged, companies wanting to apply for the status of IPF and OEF and the Member State(s) concerned are invited to **notify simultaneously the Commission** of the initiation of these two processes.

Similarly, where the State aid procedure has already started or has been concluded, applicants for the status of IPF and OEF are encouraged to submit the application for the status of IPF or OEF as soon as possible and to **indicate the relevant State aid reference in the application form**. Where applicants for the status of IPF or OEF are in the possession of relevant documents submitted by the notifying Member State in the State aid procedure and have the legal rights to use such documents, the Commission services invite such companies to **re-use such supporting documents and descriptions** in the separate application for the status of IPF and OEF (please also see Section III.2). Similarly, applicants for the status of IPF or OEF can, in agreement with and through the Member State in the State aid procedure, re-use, to the extent possible, documents submitted in the context of the application for the status of IPF and OEF also for the State aid procedure. Where possible, in fact, **these two procedures and the respective assessments will be conducted in parallel**. The relevant Commission services will be in close contact with each other to best coordinate regarding the compliance with the criteria for IPF and OEF respectively, to accelerate the decision making and avoid creating further burden for the applicants. The relevant Commission services will also try to issue simultaneous decisions, but the timeframe will depend on the completeness of the information provided by both the applicant and Member State(s), and the merits of each individual case under review.

B. Pre-application phase

The Commission's experience in State aid procedure demonstrates the added value of pre-notification contacts ⁽¹³⁾, which allow the Commission service and the notifying Member State ⁽¹⁴⁾ to discuss the legal and economic aspects of a proposed project informally and in confidence prior to notification, and to thereby enhance the quality and completeness of notifications. In this context, the Member State and the Commission service can also jointly develop constructive proposals for addressing problematic aspects of a planned measure. This phase provides an opportunity to accelerate the treatment of notifications once they have been formally submitted to the Commission. The Commission considers that these considerations can also be applied, *mutatis mutandis*, to the application procedure for the status of IPF or OEF in the form of a 'pre-application phase'.

⁽¹²⁾ Communication from the Commission of 8 February 2022, COM(2022) 45 final. The Communication is available in all the EU's official languages.

⁽¹³⁾ Best Practices Code on the conduct of State aid control proceedings, available at https://ec.europa.eu/competition/state_aid/legislation/best_practices_code_en.pdf

⁽¹⁴⁾ Under State aid procedures, only the Member State(s) concerned can submit the (pre-)notification.

The **pre-application phase** is an opportunity for the applicant to discuss with the Commission and receive guidance on how to ensure that it submits all the required information. A fruitful pre-application phase will also improve understanding of any substantive issues raised by a planned project. **It is important to underline that pre-application is not mandatory.** Companies may wish to consider pre-application especially if their projects involve particular elements or specific features which would make informal prior discussions with the Commission services helpful.

In order to allow for a constructive and efficient pre-application phase, it is in the interest of the applicant to provide the Commission service with the information it will need in order to assess the planned project, using a draft application form. To facilitate swift treatment of the application, pre-application contacts such as emails, conference calls, etc.) are in principle preferable to meetings.

Pre-application contacts should not last longer than two months, are conducted in strict confidence to provide a **non-binding** and informal guidance of the Commission service with the aim to facilitate the formal application process afterwards.

The Commission will therefore not provide any formal or official assessment at this stage. **In particular, companies are not expected to commit** to fulfil any of the obligations linked to the status of IPF and OEF.

4. Obligations deriving from the status of IPF and OEF

In addition to the commitments made in order to be able to apply for the status of IPF or OEF (whose actual implementation will be monitored by the Commission, see section III for more details), undertakings that obtain the status of **IPF or OEF are required to comply with Article 26** of the Chips Act. According to this article, 'where the crisis stage is activated pursuant to Article 23, the Commission may require integrated production facilities and open EU foundries to **accept and prioritise an order of crisis relevant products (priority-rated order)**'.

Both the activation of **the crisis stage** and the application of **priority-rated orders, as 'last resort' measures, are subject to very specific criteria and conditions** that ensure that they are **necessary and proportional**.

A. Crisis stage

The semiconductor crisis stage should be activated if there is concrete, serious, and reliable evidence of such a crisis. A semiconductor crisis would occur if there are serious disruptions to the supply of semiconductors or serious obstacles to trade in semiconductors within the EU that cause significant shortages of semiconductors, intermediate products or raw or processed materials, and if such significant shortages prevent the supply, repair and maintenance of essential products used by critical sectors ⁽¹⁵⁾ (e.g. medical and diagnostic equipment) to the extent that it would have serious detrimental effects on the functioning of the critical sectors due to their impact on society, economy and security of the EU. The crisis would be recognised as such by means of a Council implementing act. **If a crisis stage is initiated and if necessary to address a semiconductor crisis in the EU**, the Commission can exceptionally be enabled to take certain emergency measures contained in an **emergency toolbox** set out in the Chips Act. The execution of each measure takes place after dialogue with the European Semiconductor Board ⁽¹⁶⁾ and will only take place to the extent that it is necessary, appropriate, and proportionate, in accordance with the EU's international obligations.

⁽¹⁵⁾ Critical sectors are defined in Annex IV of the Chips Act and include energy; transport; banking; financial market infrastructure; health; drinking water; wastewater; digital infrastructure; public administration; space; production, processing, and distribution of food; defence; and security.

⁽¹⁶⁾ Please refer to footnote 5 of the present Guidance and to Articles 28-30 of the Chips Act.

The emergency toolbox consists of several tools:

- **information requests** (Article 25): to increase the understanding of the supply chain disruptions and enable decision-making in response to a crisis, the Chips Act empowers the Commission to launch mandatory information requests about production capabilities and capacities, and current primary disruptions, and for other existing data necessary to assess the nature of the crisis or to identify and assess potential mitigation or emergency measures to be put in place,
- **priority-rated orders** (Article 26): see point B below,
- **common purchasing** (Article 27): as an additional instrument to ensure allocation of resources to priority areas, the Chips Act provides for a framework for common purchasing of crisis-relevant products.

In addition, the European Semiconductor Board may advise on the need to introduce protective measures pursuant to Regulation (EU) 2015/479 of the European Parliament and of the Council ⁽¹⁷⁾ (e.g. export authorisations).

B. *Priority-rated orders*

To address the lack of instruments available to ensure the appropriate allocation of resources in the EU during a shortage to particularly vulnerable critical sectors, the Chips Act provides for a priority rating obligation for IPFs and OEFs. This priority rating obligation involves an enforceable obligation to accept and prioritise an order for crisis-relevant products.

Where applicable, this **obligation can be imposed on other semiconductor undertakings** which have accepted such possibility in the context of **receiving public support**. Moreover, under Article 26(3), a semiconductor undertaking established in the EU is **required to inform the Commission** if it becomes **subject to a third-country priority-rated order measure**. If that obligation significantly impacts the operation of certain critical sectors, the Commission may, where necessary and proportionate, require that undertaking to accept and prioritise orders for crisis-relevant products.

Priority-rated orders are to be restricted to beneficiaries that use semiconductors in critical sectors and to undertakings that supply critical sectors whose activities are disrupted or at risk of disruption and which, once they have taken appropriate risk mitigation measures, are unable to prevent or mitigate the impact of the shortage. The Commission may ask a beneficiary to prove this with appropriate evidence.

This obligation can be enacted through a **Commission decision** addressed to the individual company, following an assessment of the specific circumstances of the case and **only if necessary and proportionate**, having regard to the legitimate aims of the undertaking and the cost and effort required for any change in the production sequence. The Commission decision would specify the product, quantity, and time limit. Any such order must be placed at a **fair and reasonable price**. Companies that fulfil a priority-rated order will in turn receive a **liability protection** for any breach of contractual obligations required to comply with such an order. The Commission will adopt an implementing act laying down further practical and operational arrangements for the functioning of priority-rated orders (Article 26(8)).

Article 26(6) of the Chips Act states that 'before issuing priority-rated orders, the Commission shall give the envisaged recipient of a priority-rated order the opportunity to be heard on the feasibility and details of the order. **The Commission shall not issue the priority-rated order when:**

- (a) the undertaking is unable to perform the priority-rated order on account of insufficient production capability or production capacity, or on technical grounds, even under preferential treatment of the order;
- (b) acceptance of the order would place an unreasonable economic burden and entail particular hardship for the undertaking, including substantial risks relating to business continuity'.

⁽¹⁷⁾ Regulation (EU) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports (OJ L 83, 27.3.2015, p. 34).

Once the applicant has obtained the status of IPF or OEF, it **will be legally required to respect the provisions related to the prioritisation of orders** in time of crisis under the Chips Act. The Commission will ask companies to explicitly acknowledge this commitment during the application procedure.

III. Application for status as integrated production facility or open EU foundry

The following section contains a series of **questions and answers** (pursuant to Article 15 of the Chips Act) guiding applicants on **the application process, the required documents and the appropriate format**, complementing the application form and the checklist in the Section IV.

This Guidance draws on the evolving experience of the Commissions services with applications for the status of IPF or OEF under the Chips Act. The Guidance takes into account the case law of the Court of Justice and the General Court. The Commission may revise this Guidance in light of future developments and of evolving insights.

The analysis of applications for the status of IPF or OEF is without prejudice to the interpretation of the Chips Act which may be given by the Court of Justice or the General Court. The Commission commits to treat any information that it may acquire in an application for recognition as an IPF or OEF with the greatest confidentiality and to use such information, which is covered by the obligation of professional secrecy in accordance with Article 339 TFEU, as well as internal Commission rules on the secure handling of data (particularly Commission Decision (EU, Euratom) 2015/443⁽¹⁸⁾), only for the purposes of the Chips Act.

1. Who can apply to obtain the status of IPF and OEF?

According to Article 15(1) of the Chips Act, **'any undertaking or any consortium of undertakings may submit an application to the Commission** to grant a project the status of integrated production facility or open EU foundry'. However, some criteria need to be met in order to be granted the status (see the answer to question 2).

2. What are the requirements considered by the Commission in the assessment of the application?

When assessing an application, the Commission checks whether a set of requirements and documents have been met and submitted, as listed below.

Please note that documents provided in the context of the State aid authorisation procedure are also useful for the assessment of applications for the status of IPF or OEF. Applicants for the status of IPF and OEF, and which are already involved in or have terminated a State aid procedure, are encouraged to **provide the relevant State aid reference** in the application form. Where applicants for the status of IPF or OEF are in the possession of relevant documents submitted by the notifying Member State in the State aid procedure and have the legal rights to use such documents, the Commission services invite such companies to **re-use such supporting documents and descriptions** in the separate application for the status of IPF and OEF. Alternatively, applying companies may also provide the authorization from the notifying Member State that certain documents submitted in the context of the State aid notification may be used also for the application process. Any such specifically identified documents do not need to be re-submitted. Similarly, applicants for the status of IPF or OEF can, in agreement with and through the Member State in the State aid procedure, re-use, to the extent possible, documents submitted in the context of the application for the status of IPF and OEF also for the State aid procedure. Please note that this is valid for all the criteria assessed in the application for the status of IPF and OEF as long as the documents and descriptions used for the State aid procedure can be used to prove compliance with the criteria and requirements described below. If this is not the case, new documents and means of proof will have to be provided, or the appropriate supplements will have to be provided.

A. *First-of-a-kind nature*

The Commission first considers the **'first-of-a-kind' nature of the facility** (point 1 of the application form), as required by Article 13(2) or Article 14(2) of the Chips Act.

⁽¹⁸⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

The applicant is requested to describe the project according to the definition of 'first-of-a-kind'. If a State aid decision recognising the nature of the facility as 'first-of-a-kind' has already been notified, that recognition will also be assumed for the procedure under the Chips Act. In particular, the applicant should specify the innovation element(s) that the manufacturing process or the final product of their facility brings to the internal market, which is not yet present or committed to be built in the EU. The applicant should clarify how its project differs from existing facilities and – to its knowledge – planned projects (with or without public support) in the EU.

The applicant should provide evidence from public sources or market knowledge regarding any existing or planned facilities that use similar technologies and explain in detail how they differ from those of the applying facility.

The explanation should **not be longer than 5 000 characters (approximately three pages)**. **Supporting documents can be uploaded to folder '01-First-of-a-kind' in S-CIRCABC.**

Documents that might be relevant for demonstrating the 'first-of-a-kind' nature of the facility include market studies and reports about the facility's business and products, internal documentation of projects and/or documents used by the board for internal decision-making. See also section II of the present Guidance.

B. *Commitment to comply with the criteria set out in Article 13(3) or in Article 14(3) of the Chips Act*

The Commission secondly asks the applicant, in point 2 of the application form, **to commit to complying with the criteria of an IPF or OEF**, as set out in Article 13(3) or Article 14(3) of the Chips Act respectively. The criteria are the following:

- (a) *positive impact* (point 2.1 of the application form): the undertaking needs to prove that its establishment will have a clear positive impact (with spill-over effects beyond the undertaking or the Member State concerned) on the EU's semiconductor value chain in the medium to long term, with a view to ensuring security of supply and resilience of the semiconductor ecosystem (including the growth of start-ups and SMEs) and contributing to the EU's green and digital transitions.

The explanation should **not be longer than 5 000 characters (approximately three pages)**.

Possible spill-over effects will be considered on a case-by-case basis.

Recital 34 of the Chips Act describes various actions to create a positive impact that may be considered by the applicant for the purpose of having its facility qualify as an IPF or OEF. Examples include:

- giving third parties access to manufacturing facilities against a market fee;
- giving process design kits to smaller design companies or to the virtual design platform (Article 5 of the Chips Act);
- disseminating results from their R&D activities;
- engaging in research collaboration with European universities and research institutes;
- cooperating with national authorities or educational and vocational institutions to contribute to skills development;
- contributing to EU-wide research projects;
- or offering dedicated support opportunities for start-ups and SMEs.

The impact on several Member States, including with respect to cohesion objectives, should be considered as one of the indicators of a clear positive impact of an IPF or OEF on the semiconductor value chain in the EU.

For open EU foundries only ⁽¹⁹⁾: the Commission will take into account the extent to which the applicant offers front-end and/or back-end production capacity to undertakings which are not related to the facility, if there is sufficient demand.

⁽¹⁹⁾ Article 14(3)(a).

- (b) *Assurance of not being subject to the extraterritorial application of public service obligations of third countries* (point 2.2 of the application form): the applicant is asked to provide an assurance that it is not subject to the extraterritorial application of public service obligations of third countries that could compromise their ability to use their infrastructure, software, services, facilities, assets, resources, intellectual property (IP) or know-how needed to fulfil the obligation on priority-rated orders under the Chips Act. In addition, the applicant commits itself to informing the Commission if such an obligation arises.

If an IPF or OEF could expect to be subject to a public service obligation from a third country as well as a conflicting obligation from the Commission, it would be requested to organise and sequence its production capacity in such a way as to ensure that the obligations imposed by the Commission can be fulfilled.

Such assurance could for instance be given in a written statement and would need to include a commitment to inform the Commission if such an instance arises.

Please note that the explanation should **not be longer than 5 000 characters (approximately three pages)**.

The proof that an undertaking is not subject to the extraterritorial application of public service obligations of third countries should be uploaded to folder ‘02-IPF-OEF compliance criteria’ in S-CIRCABC.

Obligations that need to be notified to the Commission are any other priority-rated orders accepted by the undertaking from non-EU countries or any obligation imposed on the undertaking by legislation or contract to provide a public service to a non-EU country that might compromise or conflict with the ability of the undertaking to fulfil its obligations under the Chips Act.

- (c) *Investing in continued innovation* (point 2.3 of the application form): the undertaking is asked to commit itself to continuing innovation with a view to achieving concrete advances in semiconductor technology or preparing next-generation technologies.

Please note that the explanation should **not be longer than 5 000 characters (approximately three pages)**.

Such a commitment could entail, for example, contributing to the implementation of Pillar 1 of the Chips Act by providing knowledge and skills in preparing pilot lines, closely following them and contributing to their development. The commitment could also be to install a pre-production facility in their facilities, for taking the results of the pilot line effort from the lab (e.g. the RTO) to the fab. The commitment could be demonstrated by planning to invest in more advanced technological nodes (e.g. improving computing power and energy efficiency), contributing to the preparation of pilot lines or having pre-production facilities on the premises, etc. The applicant should explain how the facility focuses on bringing innovation to the EU and achieving concrete advances in semiconductor technology and/or preparing next-generation technologies and chips.

It is important for the undertaking to show how it plans to deliver continued innovation (for example, by mentioning year-by-year investments in R&D or setting concrete milestones along the way towards the launch of new leading-edge chips and products). The Chips Act does not impose specific KPIs for measuring continued innovation, but the applicant undertaking must use clear innovation metrics to distinguish continued innovation from daily business.

- (d) *Intention to invest in education and skills* (point 2.4 of the application form): the applicant must explain how its project will concretely support the EU’s talent pipeline by developing and deploying educational and skills training, and by increasing the pool of qualified and skilled workers.

Please note that the explanation should **not be longer than 5 000 characters (approximately three pages)**.

Supporting material should be uploaded to folder ‘02-IPF-OEF compliance criteria’ in S-CIRCABC.

The applicant should mention educational and skills training courses to increase the pool of qualified and skilled workforce in the EU that have been planned. The applicant should clarify the distinction between usual workforce training courses and activities specifically intended to acquire employees whose skills are most appropriate for and needed in the EU semiconductor sector.

For example, the applicant could provide more detail on its intention to work with a technical university to increase the visibility of and students' interest in jobs in the semiconductor field. Similarly, the applicant could mention partnerships with experts of technology research centres. The applicant may also showcase on-boarding programs, workshops and trainings aimed at equipping existing employees with the skills of the future. For instance, demand for digital and analytics skills might increase with respect to engineering and manufacturing. Finally, mention of career development opportunities for talented employees might also be helpful.

C. *Business plan (Article 15(2)(b) of the Chips Act)*

Thirdly, the application must allow the Commission to understand the undertaking's **business plan evaluating the financial and technical viability of the facility** (point 3 of the application form). The business plan must cover the entire lifetime of the facility, including information on any public funding planned to be received from the government or state-owned enterprises of the Member State of installation or other (non-)EU countries.

The Commission does not provide guidance on any specific format for these documents. The content of such documents should be clear and concise.

Please note that the explanation should **not be longer than 15 000 characters (i.e., up to 10 pages)**.

Supporting material should be uploaded to folder '03-Business plan' in S-CIRCABC.

Any information provided here will be used only for the purposes of the Chips Act and is covered by the obligation of professional secrecy in accordance with Article 339 TFEU, as well as internal Commission rules on the secure handling of data, in particular Commission Decision (EU, Euratom) 2015/443.

D. *Documentation of the experience of the applicant (Article 15(2)(c) of the Chips Act)*

Fourthly, the application must allow the Commission to assess the **experience of the applicant** in installing and operating similar facilities (see point 4 of the application form). This could be demonstrated through the provision of an **activity report** for the previous years or a description of the project team and the respective relevant experience in managing similar projects and/or operating similar facilities. If no activity report is available, the Commission suggests one to be created specifically for this application and certified by a legal representative.

The above-mentioned document should be uploaded to folder '04-Proven experience' in S-CIRCABC.

E. *Document proving the readiness of the Member State(s) on whose territory the facility would be built to facilitate its establishment (Article 15(2)(d) of the Chips Act)*

Fifthly, the application must allow the Commission to check the provision by the applicant of an appropriate **supporting document proving the readiness of the Member State(s)** where the applicant intends to establish its facility **to support the establishment of such a facility** (see point 5 of the application form).

This document could be a letter from the Member State (e.g. the relevant minister according to national competences) or a preliminary decision by the Member State to support (financially, administratively and/or otherwise) the establishment of the applicant's facility.

It is not sufficient to provide an abstract intention of the Member State to support facilities similar to the intended facility. The Member State's support can, but need not, involve a monetary subsidy.

The document should be uploaded to folder '05-Member State support' in S-CIRCABC.

F. *Existence of IP policies and plans (Article 15(2)(e) of the Chips Act)*

Innovative high-tech businesses are increasingly exposed to misappropriation of confidential information, trade secrets and protected data such as IP, theft, unauthorised copying, forced technology transfers, economic espionage, and the breach of confidentiality requirements – from within and in particular from outside the EU. Recent developments (e.g. increased outsourcing, longer global value chains and the increased use of information and communication technology) have increased this risk. The unlawful acquisition, use or disclosure of confidential information, trade secrets and protected data compromises undertakings' ability to obtain first-mover returns from innovation-related efforts.

The applicant must (see point 6 of the application form) prove the existence of appropriate policies, including technical protection and implementing measures, aimed at:

- (a) **ensuring the protection of undisclosed information;**
- (b) **ensuring the protection of IP rights**, especially with a view to preventing the unauthorised disclosure of trade secrets or the leaking of sensitive emerging technologies.

The applicant may submit for example internal company policies or employee manuals, contracts between IP owners and suppliers, such as manufacturing plants, compliance certifications or industry codes of practice, whether voluntary or mandatory.

It is preferable if the existing corporate policies are written in simple terms and in clear, concise language with well-defined measures. The measures should clearly indicate how instructions in the corporate policies will be carried out to appropriately protect information, data, and IP rights.

The documents proving the existence of the protection of these two aspects should be uploaded to folder '06-Protection of sensitive information' in S-CIRCABC.

G. *Commitment to prioritise orders in time of crisis (Article 26 of the Chips Act)*

An undertaking that has obtained the status of IPF or OEF is legally required to respect the provisions related to the prioritisation of orders in time of crisis under the Chips Act. At the occasion of the application procedure, in point 2.2 of the application form, companies are asked to explicitly confirm that they have acknowledged this commitment to comply with the obligation that the status of IPF and OEF involves in relation to priority-rated orders, as described in Article 26 of the Chips Act.

3. **What is the procedure followed by the Commission to evaluate the applications?**

In line with Article 15 of the Chips Act the Commission assesses the application through a fair and transparent process based on the criteria and examples mentioned in answer to question 2 and following the procedure outlined in Article 15 of the Chips Act. **The assessment is divided into four phases**, as described below. The **timeframe indicated for each phase takes into account the fact that the Commission must process an application and adopt a decision within 6 months from the receipt of a complete application**. An incomplete application may – at any stage of the procedure – lead to delays in the application process.

A. *Reception of the application and first-level assessment (verification of the web form)*

Through the Futurium platform, the companies can show their interest in applying for the status of IPF or OEF by completing a **web form** with their identification information and a brief description of the facility and project (see the Annex for more details). As soon as the application is submitted, the applicant receives an automatic message from the Futurium platform and the Commission is notified.

Once the applicant will have been notified, the Commission starts checking that the web form has been properly completed. At this stage of the procedure the Commission may contact the company using the email address provided in the web form to request additional details or information, if needed.

Once the Commission is able to verify the identity and intention of the applicant, the applicant is invited to a subgroup in Futurium that is only accessible to them and the Commission. Within this subgroup, the Commission notifies the applicant and shares the link to the secured platform S-CIRCABC, where the applicant can continue the application for the status of IPF or OEF. In S-CIRCABC, the applicant is requested to upload the filled-in application and related supporting documents.

Once the applicant has uploaded all needed documents and proofs, the Commission confirms to the applicant through the sub-group in Futurium that their application has been completed and is now entering the second-level of assessment.

The times below are given as an indication and are based on an estimate of the time needed to assess the application at each stage of the procedure.

— The receipt and first-level assessment phase should last **2 weeks**.

B. *Second-level assessment (completeness of the application)*

The Commission assesses at this point that **all documents are included and technically readable**. Where the Commission considers that the information provided in the application is incomplete, it will ask the applicant in the Futurium sub-group to submit the additional information required to complete the application without undue delay.

— Once the Commission estimates that the application is **complete** and contains all relevant documents and information, **within 2 weeks**, it notifies the applicant via the Futurium sub-group of the start of the third and final assessment level.

C. *Third-level assessment (compliance with the criteria for the status of IPF and OEF)*

The third-level assessment considers **compliance with the criteria for the status of IPF or OEF and the viability of the project**, as explained in the answer to question 2. For the latter, the Commission assesses the business plan evidencing the financial viability of the project, documentation of the experience of the applicant, and the letter or document proving the readiness of the Member States(s) on whose territory the facility would be built to facilitate its establishment. This documentation enables the Commission to target the status to projects with a demonstrated prospect of success.

— The third-level assessment may last between three to four months out of the total of six months, depending on the complexity of the submitted project and on the existence of a previous assessment of it in the context of the State aid procedure.

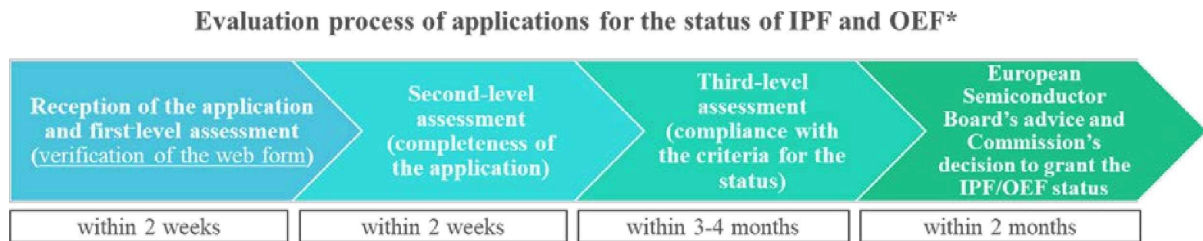
D. *European Semiconductor Board advice and decision*

Once it has completed its assessment, the Commission consults the **European Semiconductor Board** on the basis of the non-confidential information submitted by the applicant and in compliance with the information security framework used by the Commission and all confidentiality rules (please see below).

Taking into account the views of the European Semiconductor Board, the Commission finalises its assessment and notifies to the applicant a Commission **decision via email**. The decision is later also made public in Futurium. In the public version of the decision, any reference to confidential information will be removed.

The **Commission's decision** indicates the status granted (IPF or OEF) and the duration of the status on the basis of the predicted lifetime of the project.

- The decision is issued **no later than 6 months following the receipt of a complete application** (see also second-level assessment).



*Please note that from the moment where the Commission notifies the receipt of a complete application with all the necessary elements, it has 6 months to process the application and adopt a decision.

Figure 1

Evaluation process of applications for the status of IPF and OEF

4. **Once the IPF or OEF status has been granted, does the Commission monitor the implementation of the project?**

The Commission monitors the progress achieved in the establishment and operation of the IPF or OEF. In particular, the Commission may require the undertaking to provide (annually or at a different frequency, depending on the total duration of the project) a report detailing the project's progress and continued compliance with the essential criteria and commitments on the basis of which the status of IPF or OEF was granted. The Commission also regularly informs the European Semiconductor Board via S-CIRCABC.

A. *Amendments to the status*

Amendments requested by the operator of the facility

When duly justified, in the case of unforeseen external circumstances, the operator of the facility having obtained the status of IPF or OEF may submit a motivated request to the Commission (via the Futurium subgroup and, if necessary, through proofs uploaded in S-CIRCABC) to **review the duration of the status or to modify its implementation plans** with respect to compliance with the requirements. The motivation and/or external circumstances, are assessed by the Commission on a case-by-case basis. The Commission may revise the duration of the status granted in its original decision or accept the modification of the implementation plans.

Amendments requested by the Commission

If the Commission finds that a facility no longer fulfils the requirements of an IPF or OEF as established by Articles 13 and 14 of the Chips Act, it will ask the operator to comment and to propose appropriate measures.

B. *Repeal of the status*

The Commission can repeal a decision recognising the status of an IPF or OEF if the recognition was based on an **application that contains incorrect information or if, despite completing the procedure, the facility does not fulfil the requirements** for being granted the status. Before taking such a decision, the Commission consults the European Semiconductor Board, providing it with the reasons for the proposed repeal.

The operator of the facility has the right to appeal against the Commission's decision to repeal a status. Facilities whose status has been repealed lose all rights linked to the recognition of this status arising from the Chips Act. However, according to Article 15(8) of the Chips Act, such **facilities remain subject to the obligation** set out in Article 26(1) of the Chips Act **to accept and prioritise an order for crisis-relevant products** (priority-rated order) **for a period equivalent to that which was initially foreseen when the status was granted or reviewed, if the crisis stage is activated.**

5. How does the electronic submission of the application work?

Applicants for the status of IPF and OEF are asked to submit documents as electronic files and preferably by electronic means. Hand deliveries, which are only accepted in exceptional cases, should be made within opening hours to the address specified on the contact page in Futurium.

For the recognition of their (planned) project as an IPF or OEF, individual companies or a consortium of companies can apply directly to the Commission via the community platform **Futurium**. On Futurium, the applicant should fill in a web form with key information such as:

- name of the undertaking and acronym (if relevant);
- type of application (IPF or OEF);
- main contact point (operator of the facility or manager of the project);
- country of origin;
- Member State(s) of installation;
- short summary of the company and the project (max. 5 000 characters);
- Non-confidential summary of the facility or its project and objectives (max. 5 000 characters). The summary must be drafted so that it contains no confidential information or business secrets. It is intended that this non-confidential summary will be shared, in compliance with the information security framework of the Commission and all confidentiality rules (please see section below), with the European Semiconductor Board for consultation before the final decision is taken.

Once this form is submitted, the Commission and the applicant are automatically notified, and the Commission can start verifying the information submitted in the web form. Once the Commission is able to verify the identity and intention of the applicant, the Commission creates a folder in **S-CIRCABC**, which is a web-based application that enables the secure sharing of documents, information, and resources in private workspaces. This folder is visible only to the Commission and the applicant. In this main folder, the Commission creates a series of subfolders, one for each of the assessment steps explained in answer to question 3. The Commission then invites the applicant to a Futurium subgroup and provides them with the information and material for the next steps in the application process. The applicant receives a link in order to access S-CIRCABC and the created individual folders and subfolders, as well as the application form that is to be filled in and uploaded together with the supporting material mentioned in this Guidance. After the undertaking has uploaded all relevant documents to S-CIRCABC, it should notify the Commission of this via the Futurium subgroup.

As a general rule, all documents must be submitted via S-CIRCABC. Documents are accepted in any of the official and working languages of the Union institutions. Applicants assume the full responsibility for the content of the documents.

Submissions filed electronically on Mondays to Thursdays before 17:00 Brussels time and on Fridays and days preceding Commission holidays before 16:00 Brussels time will be processed on the same day and will thus have the date of receipt as the notification date, in line with previous practice regarding paper filings. Submissions arriving after 17:00 or 16:00 respectively will be dealt with the following working day, which is to be considered the notification day.

Confidentiality and personal data

Article 339 of the Treaty on the Functioning of the European Union (TFEU) require the Commission, the members of the institutions of the EU, the members of committees, and the officials and other servants of the EU, even after their duties have ceased, not to disclose information covered by the obligation of professional secrecy, in particular information about undertakings, their business relations, or their cost components.

Moreover, under Article 32 of the Chips Act Regulation (EU) 2023/1781, information acquired in the course of implementing the Regulation may be used only for its purposes and is protected by relevant EU and national law. Notably, with regard to the scope of this Guidance, information acquired pursuant to Articles 15 and 26(3) is subject to professional secrecy and protected by the rules applicable to the EU institutions and relevant national law, including the triggering of the provisions applicable to the violation of those rules.

The Chips Act also requires the Commission and the national authorities, their officials, servants, and other persons working under the supervision of those authorities to ensure the confidentiality of data obtained in carrying out their tasks and activities in such a manner as to protect, in particular, IP rights and sensitive business information or trade secrets. This obligation applies to all representatives of Member States, observers, experts, and other participants attending meetings of the European Semiconductor Board pursuant to Article 28 and the members of the Semiconductor Committee pursuant to Article 38(1).

If applicants believe that their interests would be harmed if any of the requested information were to be published or otherwise disclosed to other parties, applicants should submit this information separately with each page clearly marked 'Business Secrets'. Applicants should also explain why this information should not be disclosed or published.

Any personal data ⁽²⁰⁾ submitted in the application form will be processed in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽²¹⁾.

IV. Checklist and IT tools

A. Checklist

Please refer to the following checklist when applying for the status of IPF or OEF. Please note that the pre-application phase is not mandatory (Action 1). Moreover, before being able to carry out Action 2 and complete the application form in S-CIRCABC, the Commission needs to have positively assessed your web form in Futurium.

Action	Task	Information needed	Check
1. (OPTIONAL) Pre-applying for the status of IPF or OEF.	(OPTIONAL) Contact the Commission at CNECT-IPF-OEF@ec.europa.eu	N/A	
2. Applying for the status of IPF or OEF – Showing interest.	Complete the web form in Futurium by clicking on the yellow button 'Application for integrated production facility and open EU foundry'.	Undertaking or Consortium name	
		Project acronym (if relevant)	
		Type of application (for IPF or OEF)	
		First and last name, role, organisation, and email address of the operator of the facility/ manager of the project	
		EU Member State or States of installation of the facility	
		Short presentation of the undertaking/consortium (max. 5 000 characters)	
		Executive summary of the facility or its project and objectives (max. 5 000 characters)	

⁽²⁰⁾ DPR-EC-22368.

⁽²¹⁾ OJ L 295, 21.11.2018, p. 39, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018R1725>. See also a privacy statement relating to merger investigations at https://ec.europa.eu/competition-policy/index/privacy-policy-competition-investigations_en.

Action	Task	Information needed	Check
		Non-confidential executive summary of the facility or its project and objectives (max. 5 000 characters). The summary must be drafted so that it contains no confidential information or business secrets. It is intended that this summary will be shared, in compliance with all rules of confidentiality, with the European Semiconductor Board for consultation before the final decision is taken.	
3. Applying for the status of IPF or OEF – Showing compliance.	Complete the application form and upload it as a PDF document to folder '00-application form' in S-CIRCABC. Please respect the indications in this Guidance as regards the length of the text.	Description of the facility in light of the definition of first-of-a-kind and explanation of how the project differs from existing facilities and planned projects, with or without public support, in the European Economic Area. Supporting material may include: <ul style="list-style-type: none"> — e.g. relevant market studies and reports on the facility's business and products, internal documentation of projects, and/or documents used by the Board for internal decision-making etc., — supporting material to be uploaded to folder '01-First-of-a-kind' in S-CIRCABC. 	
		Explanation of the facility's positive impact and spill-over effects on the EU's semiconductor value chain in the medium to long term. Supporting material: not specified. Only for OEFs: specification of the facility's front-end or back-end production capacity	

Action	Task	Information needed	Check
3. Applying for the status of IPF or OEF – Showing compliance.	Complete the application form and upload it as a PDF document to folder '00-application form' in S-CIRCABC. Please respect the indications in this Guidance as regards the length of the text.	Assurance that the facility is not subject to obligations to third countries. Supporting material: <ul style="list-style-type: none"> — written statement, including the legal or policy basis establishing such obligation, — supporting material to be uploaded to folder '02-IPF-OEF compliance criteria' in S-CIRCABC. 	
		Confirmation of the commitment to accept priority-rated orders pursuant to Article 26 of the Chips Act. Supporting material: not needed.	
		Explanation of the undertaking's commitment to continued innovation. Supporting material: not specified.	

Action	Task	Information needed	Check
		Description of the intention to invest in education and skills. Supporting material may include: <ul style="list-style-type: none"> — e.g. Links to agendas, trainings, partnerships etc., — supporting material to be uploaded to folder ‘02-IPF-OEF compliance criteria’ in S-CIRCABC. 	
		Description of the facility’s business plan. Supporting material: <ul style="list-style-type: none"> — format not specified, but user-friendly (e.g. Excel), — supporting material to be uploaded to folder ‘03-Business Plan’ in S-CIRCABC. 	

Action	Task	Information needed	Check
3. Applying to the status of IPF or OEF – Showing compliance.	Complete the application form and upload it as PDF document to folder ‘00-application form’ in S-CIRCABC. Please respect the indications in this Guidance as regards the length of the text.	Documentation of the experience of the facility (including an activity report describing the facility’s activities of the previous years or, if not available, a legal certificate). Supporting material: <ul style="list-style-type: none"> — activity report or description of project team and related experience — supporting material to be uploaded to folder ‘04-Proven experience’ in S-CIRCABC. 	
		Assurance of the support to the establishment of the facility by the Member State(s) of installation. Supporting material may include: <ul style="list-style-type: none"> — e.g. legal certificate, letter from the Member State or preliminary decision, State aid documents, — supporting material to be uploaded to folder ‘05-Member State support’ in S-CIRCABC. 	

Action	Task	Information needed	Check
		<p>Description of the existence of appropriate policies and measures to protect confidential information and intellectual property rights, with a clear explanation of how the instructions in the policies should be carried out.</p> <p>Supporting material may include:</p> <ul style="list-style-type: none"> — e.g. internal company policies or employee manuals, contracts between IP owners and suppliers, such as manufacturing plants, compliance certifications or industry codes of practice, — supporting material to be uploaded to folder '06-Protection of sensitive information' in S-CIRCABC. 	

B. *The IT tools for the application process*

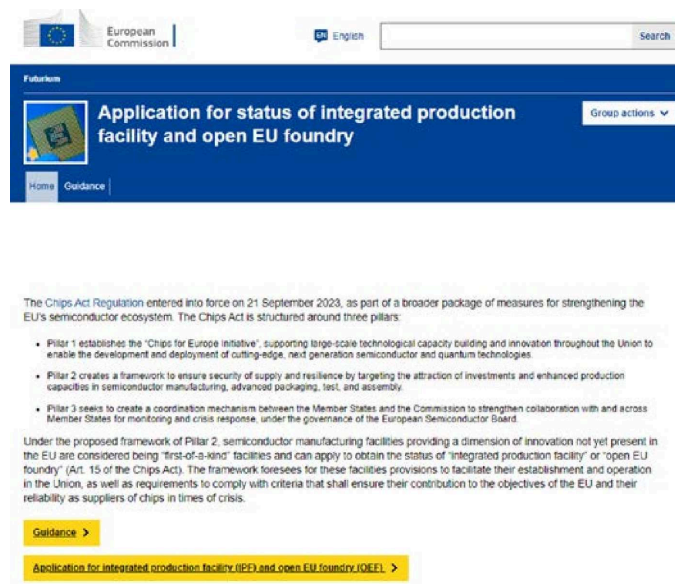
A prerequisite for accessing the IT tools used for the application process for the status of IPF and OEF – Futurium and S-CIRCABC – is to have an **EU Login**.

- To learn **how to create a new EU Login**, please visit the page: <https://ecas.ec.europa.eu/cas/eim/external/register.cgi>.
- For technical support, please also visit the dedicated section for external users: <https://europa.eu/lrdDfPj>.

Futurium

- Once your EU Login has been created, **you can access Futurium** by using the following URL: <https://futurium.ec.europa.eu/en/application-status-integrated-production-facility-and-open-eu-foundry>.

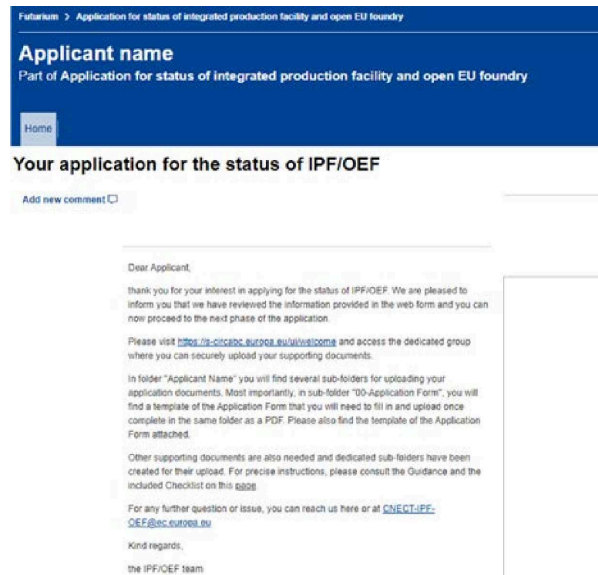
Once logged in, you will see the **Home** page and you will be able to access the **Guidance** and the **web form** in order to express your interest. For a complete overview of information required, please refer to the **Checklist** in the Annex to the Guidance (see screenshot below).



Once the information provided in the web form has been approved, you will be added to a **subgroup** that is visible only to you and the Commission staff. This will be the main communication channel throughout the application process (see example in screenshot below).

Please avoid uploading any sensitive or confidential information in Futurium.

S-CIRCABC and, if necessary, secured emails should be used for this purpose.



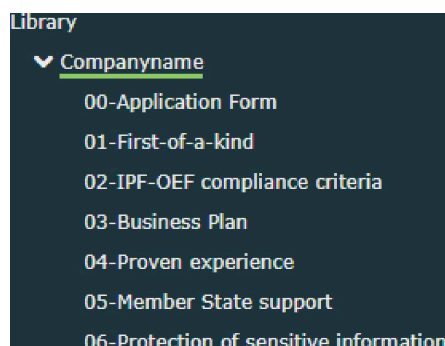
— For more information on the main functionalities of Futurium, please consult the **User Guide** at <https://futurium.ec.europa.eu/en/documentation>.

S-CIRCABC

Besides the necessary EU Login, please note that, for this particular application, the access to S-CIRCABC is only possible with **two-factor authentication**. Please make sure to configure your EU Login accordingly by adding a mobile number.

— Once your EU Login has been created, **you can access S-CIRCABC and your assigned group** by using the following URL: <https://s-circabc.europa.eu/ui/welcome>.

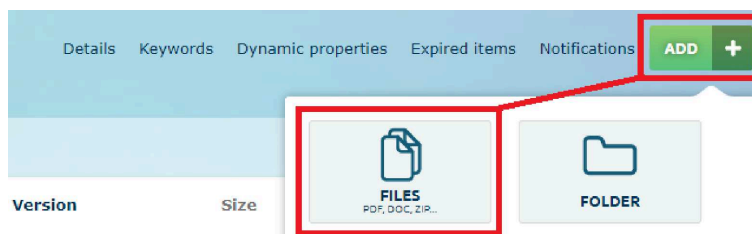
Once logged in, you will see the following folder structure in the **Library** section:



Please **upload the supporting documents** to the appropriate folders, as indicated in the Guidance.

For a complete overview of documents and folders, please refer to the **Checklist** in the Annex to the Guidance. Please note that the **complete application form needs to be uploaded to folder '00-application form' S-CIRCABC**.

To upload documents, please go to the relevant folder or subfolder and click on 'ADD' and choose 'FILES' (see screenshot below).



For any further information or issue, please contact the Directorate for Artificial Intelligence and Digital Industry in DG CNECT at the following functional mailbox: CNECT-IPF-OEF@ec.europa.eu.