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COMMISSION STAFF WORKING DOCUMENT

Subsidiarity Grid

Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council

on a framework of measures for strengthening the Union's quantum ecosystem (Quantum Act)

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Subsidiarity Grid

1. Can the Union act? What is the legal basis and competence of the Unions' intended action?
1.1 Which article(s) of the Treaty are used to support the legislative proposal or policy initiative?
Article 173(3) TFEU is the main legal basis. It allows the Union to support Member State action to strengthen industrial competitiveness, including by improving access to quantum facilities and helping firms bring research results to market. Article 114 TFEU provides the basis for targeted internal market measures on quantum procurement and post-quantum cryptography, where divergent national approaches could create barriers.
1.2 Is the Union competence represented by this Treaty article exclusive, shared or supporting in nature?
The Union has **supporting competence** for industry under Article 6(b) TFEU and **shared competence** for the internal market under Article 4(2)(a) TFEU. Article 173(3) TFEU excludes harmonisation of national laws under the industrial policy basis. Subsidiarity applies to both parts of the proposal.
*Subsidiarity does not apply for policy areas where the Union has **exclusive** competence as defined in Article 3 TFEU[1]. It is the specific legal basis which determines whether the proposal falls under the subsidiarity control mechanism. Article 4 TFEU[2] sets out the areas where competence is shared between the Union and the Member States. Article 6 TFEU[3] sets out the areas for which the Unions has competence only to support the actions of the Member States.*
2. Subsidiarity Principle: Why should the EU act?
2.1 Does the proposal fulfil the procedural requirements of Protocol No. 2[4]:
Has there been a wide consultation before proposing the act? Yes. The open call for evidence received 228 contributions, comprising 216 portal submissions and 12 additional papers. The Commission also conducted 32 targeted interviews, received 41 industry survey responses from 13 Member States and held exchanges with national authorities and scientific and industry bodies. **Is there a detailed statement with qualitative and, where possible, quantitative indicators allowing an appraisal of whether the action can best be achieved at Union level?** Yes. Section 2 of the explanatory memorandum and Chapter 3 of the impact assessment explain the need for Union action and its added value, as summarised in point 2.2. Chapter 2 provides evidence on national investment, infrastructure gaps and supply dependencies. Chapter 6 estimates the costs and savings of the policy options.
2.2 Does the explanatory memorandum (and any impact assessment) accompanying the Commission's proposal contain an adequate justification regarding the conformity with the principle of subsidiarity?
Yes. National measures can support research and firms within each Member State. Achieving critical mass across research, fabrication and testing requires access to facilities across borders.

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E003&from=EN
[2] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E004&from=EN
[3] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E006:EN:HTML
[4] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016E/PRO/02&from=EN

Coordinating procurement gives suppliers access to a larger early market, while pooling supply-chain information reveals dependencies that individual Member States cannot identify alone.
2.3 Based on the answers to the questions below, can the objectives of the proposed action be achieved sufficiently by the Member States acting alone (necessity for EU action)?
No. Member States can finance facilities, support firms and purchase quantum technologies. Acting alone, they cannot secure access to facilities elsewhere in the Union, bring together demand from buyers in several countries or assess dependencies across the European supply chain.
(a) Are there significant/appreciable transnational/cross-border aspects to the problems being tackled? Have these been quantified?
Yes. Specialised facilities, suppliers and buyers are distributed across borders. The impact assessment quantifies selected dependencies. For example, it identified no EU-based supplier for 9 of 47 inputs examined. It gives no aggregate estimate of cross-border effects.
(b) Would national action or the absence of the EU level action conflict with core objectives of the Treaty[5] or significantly damage the interests of other Member States?
Divergent national procurement or post-quantum cryptography requirements could make it harder for suppliers to serve several Member States, impairing the functioning of the internal market. The assessment identifies this risk without establishing significant damage to a particular Member State.
(c) To what extent do Member States have the ability or possibility to enact appropriate measures?
Member States can adopt quantum strategies, fund research and infrastructure, develop skills and act as first buyers. By July 2026, 14 Member States had adopted a quantum-specific strategy and four were preparing one. However, few are able to invest significant amounts to reach a breakthrough.
(d) How does the problem and its causes (e.g. negative externalities, spill-over effects) vary across the national, regional and local levels of the EU?
Research facilities, specialist staff and industrial partners are concentrated in established clusters. Firms and research teams in regions with fewer facilities depend more heavily on access to pilot lines and testbeds elsewhere to validate their technologies. Access to quantum capabilities remains uneven throughout the Union.
(e) Is the problem widespread across the EU or limited to a few Member States?
It is widespread, although its intensity varies. Fragmented demand and dependence on external suppliers affect the Union market as a whole. Limited access to specialised facilities is more acute in Member States with smaller quantum sectors. Similarly, not all Member States have a sufficient budget to fund quantum research and deployment initiatives.
(f) Are Member States overstretched in achieving the objectives of the planned measure?
The evidence does not establish that Member States are generally overstretched. They accounted for approximately EUR 9 billion of the more than EUR 11 billion invested or committed by the Union

[5] https://europa.eu/european-union/about-eu/eu-in-brief_en

and its Member States over five years. The practical constraint is that the cost of a specialised facility may exceed what demand in one country can sustain.
(g) How do the views/preferred courses of action of national, regional and local authorities differ across the EU?
Consultation feedback highlighted the need for better coordination and greater use of existing facilities. The available evidence does not establish systematic differences in preferences between Member States or between national, regional and local authorities.
2.4 Based on the answer to the questions below, can the objectives of the proposed action be better achieved at Union level by reason of scale or effects of that action (EU added value)?
Yes. A pilot line in one Member State can serve firms in several others. Public buyers can bring demand together, and authorities can pool information to identify suppliers on which several Member States depend. Research-wise, joining efforts between leading centres can build the sufficient critical mass to achieve a breakthrough and avoid duplications and overlaps of very costly research. Lastly, better monitoring of supply chain risks at the EU-level can streamline a coordinated international cooperation for quantum and mitigate dependencies.
(a) Are there clear benefits from EU level action?
Yes. Firms gain access to facilities and potential first buyers beyond their home market. Authorities gain a more complete picture of critical dependencies and possible alternative suppliers. Research centres join efforts to solve critical scientific and technological bottlenecks and avoid duplication.
(b) Are there economies of scale? Can the objectives be met more efficiently at EU level (larger benefits per unit cost)? Will the functioning of the internal market be improved?
Yes. Shared pilot lines and testbeds spread fixed costs across more users and reduce the need for duplicate investment. Coordinated procurement can combine orders that would individually be too small to support early deployment and make it easier for suppliers to reach buyers across the Union. Quantum is highly capital-intensive, yet this needs to be patient capital. The private pool of capital in the EU is shallower than its competitors, making it crucial to pool resources around common projects and firms to eventually scale up and deploy quantum solutions.
(c) What are the benefits in replacing different national policies and rules with a more homogenous policy approach?
Common conditions for EU designation and access make it easier for firms and research teams to participate in projects and use facilities across borders. National programmes can continue to reflect each Member State's scientific and industrial strengths.
(d) Do the benefits of EU-level action outweigh the loss of competence of the Member States and the local and regional authorities (beyond the costs and benefits of acting at national, regional and local levels)?
Yes. The benefits of shared facilities and cross-border procurement justify common conditions for those activities. National and regional authorities retain discretion over their investment priorities, and contracting authorities remain responsible for individual procurement decisions under the applicable rules.
(e) Will there be improved legal clarity for those having to implement the legislation?

Yes. Common designation criteria and access conditions clarify which requirements apply to project applicants, facility operators and implementing authorities across the Union.

3. Proportionality: How the EU should act

3.1 Does the explanatory memorandum (and any impact assessment) accompanying the Commission's proposal contain an adequate justification regarding the proportionality of the proposal and a statement allowing appraisal of the compliance of the proposal with the principle of proportionality?

Yes. Section 2 of the explanatory memorandum and Sections 7.6 and 8 of the impact assessment explain why voluntary coordination is insufficient and why more extensive obligations would impose additional costs. Private participation is generally voluntary. The proposal targets obligations at public authorities, actors seeking designation or support, and defined cases where supply-chain information is necessary. Existing facilities and information are to be reused wherever possible.

3.2 Based on the answers to the questions below and information available from any impact assessment, the explanatory memorandum or other sources, is the proposed action an appropriate way to achieve the intended objectives?

Yes. A regulation provides common conditions for cross-border activities while relying primarily on existing authorities, facilities and programmes. It preserves national budgetary choices and limits administrative obligations to the actors and activities concerned.

(a) Is the initiative limited to those aspects that Member States cannot achieve satisfactorily on their own, and where the Union can do better?

Yes. It concentrates on cross-border infrastructure access, coordination of early demand and Union-wide supply dependencies. Member States retain responsibility for their national quantum strategies and programmes.

(b) Is the form of Union action (choice of instrument) justified, as simple as possible, and coherent with the satisfactory achievement of, and ensuring compliance with the objectives pursued (e.g. choice between regulation, (framework) directive, recommendation, or alternative regulatory methods such as co-legislation, etc.)?

Yes. A regulation allows authorities to apply the same designation criteria, access conditions and governance procedures directly. A directive would require separate national transposition, while a recommendation would leave the continuity of cross-border arrangements uncertain.

(c) Does the Union action leave as much scope for national decision as possible while achieving satisfactorily the objectives set? (e.g. is it possible to limit the European action to minimum standards or use a less stringent policy instrument og approach?)

Yes. Member States retain discretion over national budgets, programmes and investments. Contracting authorities continue to make procurement decisions within the applicable rules. Common procedures are limited to matters requiring consistent cross-border implementation.

(d) Does the initiative create financial or administrative cost for the Union, national governments, regional or local authorities, economic operators or citizens? Are these costs commensurate with the objective to be achieved?

Yes. The impact assessment estimates **EUR 105.92 million in total societal costs** and **EUR 13.59 million in monetised savings** over 2028–2037, in present-value terms. Most costs fall on public

authorities and implementing bodies. The estimated administrative burden on businesses is **EUR 3.55 million** over the period. Citizens face no direct obligations. The assessment considers the costs commensurate in view of the expected gains in infrastructure access, industrial capacity and supply-chain resilience, most of which could not be monetised.
(e) While respecting the Union law, have special circumstances applying in individual Member States been taken into account?
Yes. Firms in Member States without specialised facilities can benefit from access to facilities elsewhere in the Union. Existing capacity is to be used first, with upgrades or new facilities supported where mapping demonstrates a gap or unmet demand. This accommodates differences in national and regional infrastructure and industrial capacity.