



2017/0224(COD)

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AMENDMENTS

29 - 182

Draft opinion

Roberts Zīle

Establishing a framework for screening of foreign direct investments into the European Union

Proposal for a regulation

(COM(2017)0487 – C8-0309/2017 – 2017/0224(COD))

Amendment 29
Miguel Viegas

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Amendment

(1) Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes. ***Foreign investment has, however, also been leading to serious cases of poverty and unemployment, especially when a foreign investor, having established itself in given Union regions, relocates its production years later, despite having repeatedly received national and Union support.***

Or. pt

Amendment 30
Markus Ferber

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Amendment

1. Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes. ***In implementing the Regulation, Member States should endeavour not to limit foreign direct***

investment in non-strategic sectors unnecessarily.

Or. de

Amendment 31
Bernard Monot

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Foreign direct investment contributes to the *Union's* growth, by enhancing *its* competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Amendment

(1) Foreign direct investment contributes to the *EU Member States'* growth, by enhancing *their* competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Or. fr

Amendment 32
Cătălin Sorin Ivan

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Amendment

(1) Foreign direct investment contributes to the Union's growth, by enhancing its competitiveness, creating jobs and economies of scale, *stimulating productivity*, bringing in capital, technologies, innovation, expertise, and by opening new markets for the Union's exports. It supports the objectives of the Commission's Investment Plan for Europe and contributes to other Union projects and programmes.

Amendment 33
Gunnar Hökmark

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) A strong economy based on open markets, an entrepreneurial climate fostering innovations, global leadership and growth is the best base for security, integrity and sovereignty. Foreign investments contribute not only to European growth but also to our leadership regarding innovations, research and science. When foreign actors are investing in innovation and research in Europe, they are investing in Europe and our future strength and capacities. Protectionism makes us weaker, open markets makes us stronger. This doesn't exclude the fact that some investments from some actors can be of a kind where we need to be vigilante in order to hinder what can be threats to our security, integrity and sovereignty.

Or. en

Amendment 34
Miguel Viegas

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The Union and the Member States have an open investment environment, which is enshrined in the Treaty on the Functioning of the European Union ("TFEU") and embedded in the international commitments undertaken by the Union and its Member States with respect to foreign

(2) The Union and the Member States have an open investment environment, which is enshrined in the Treaty on the Functioning of the European Union ("TFEU") and embedded in the international commitments undertaken by the Union and its Member States with respect to foreign

direct investment.

direct investment. *In other words, the Union and its Member States are now victims of their policies of globalisation and all-out liberalisation of capital movements.*

Or. pt

Amendment 35
Cătălin Sorin Ivan

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Pursuant to the international commitments undertaken in the World Trade Organisation, the Organisation for Economic Cooperation and Development, and in the trade and investment agreements concluded with third countries, the Union and Members States may adopt restrictive measures relating to foreign direct investment on the grounds of security or public order, subject to certain requirements.

Amendment

(3) Pursuant to the international commitments undertaken in the World Trade Organisation, the Organisation for Economic Cooperation and Development, and in the trade and investment agreements concluded with third countries, the Union and Members States may adopt restrictive measures relating to foreign direct investment **only** on the grounds of security or public order, subject to certain requirements.

Or. en

Amendment 36
Miguel Viegas

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) There is currently no comprehensive framework at EU-level for the screening of foreign direct investments on the grounds of security or public order.

Amendment

(5) There is currently no comprehensive framework at EU-level for the screening of foreign direct investments on the grounds of security or public order. ***There are, however, several outlying countries which, because austerity policies had been imposed on them, were virtually forced to privatise key companies that have consequently ended up***

in foreign ownership, a fact which is undermining the quality of public service and the role of those companies as a lever for development.

Or. pt

Amendment 37
Bernard Monot

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Foreign direct *investment falls* within the common commercial policy. *In accordance with* Article 3(1)(e) TFEU, the European Union has exclusive competence with respect to the common commercial policy.

Amendment

(6) Foreign direct *investments are essentially stakes in the capital of companies, and do not therefore fall* within the *scope of* common commercial policy. *It must be borne in mind that under* Article 3(1)(e) TFEU the European Union has *an* exclusive competence with respect to the common commercial policy, *which does not apply to foreign direct investments.*

Or. fr

Amendment 38
Gunnar Hökmark

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) *The fact that non-direct investment does not fully fall within the common commercial policy has been clarified by the Court of Justice in its opinion of 16 May 2017^{1a}.*

^{1a} *Opinion 2/2015 of the Court of Justice of 16 May 2017 (OJ C 239, 24.7.2017, p. 3).*

Justification

Given recent case law, it is appropriate to clarify that portfolio investments cannot be covered by the regulation.

Amendment 39

Anne Sander

Proposal for a regulation**Recital 7***Text proposed by the Commission*

(7) It is important to provide legal certainty and to ensure EU wide coordination and cooperation by establishing a framework for the screening of foreign direct investment in the Union on grounds of security or public order. This is without prejudice to the sole responsibility of the Member States for the maintenance of national security.

Amendment

(7) It is important to provide legal certainty and to ensure EU wide coordination and cooperation by establishing a framework for the screening of foreign direct investment in the Union on grounds of security or public order. This is without prejudice to the sole responsibility of the Member States for the maintenance of national security. ***The current legal framework must be bolstered in the light of changes in practices relating to direct foreign investment and in screening systems around the world.***

Or. fr

Amendment 40

Bernard Monot

Proposal for a regulation**Recital 7***Text proposed by the Commission*

(7) ***It is important to provide legal certainty and to ensure EU wide coordination and cooperation by establishing*** a framework for the screening of foreign direct investment in the Union ***on grounds of security or public order.*** ***This is*** without prejudice to the sole responsibility of the Member States for the

Amendment

(7) ***The establishment of*** a framework for the screening of foreign direct investment in the Union ***should be*** without prejudice to the sole responsibility of the Member States for the maintenance of national security ***and public order.***

maintenance of national security.

Or. fr

Amendment 41
Anne Sander

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This framework should be seen as a tool for promoting more regular dialogue between the competent national and European authorities and investors. It should create a relationship of trust and greater transparency, whilst at the same time offering investors greater legal security. The Commission should be able to monitor the screening systems employed in the other jurisdictions around the world.

Or. fr

Amendment 42
Miguel Viegas

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances. ***The nationalisation of one or more companies should be considered***

where there are risks to security or public order, when the sectors concerned are of strategic importance to the national economy.

Or. pt

Amendment 43
Anne Sander

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

Amendment

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to **monitor and** address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

Or. fr

Amendment 44
Cătălin Sorin Ivan

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to address **risks** to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct

Amendment

(8) The framework for the screening of foreign direct investment should provide the Member States and the Commission with the means to address **any risk** to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to

investments on grounds of security and public order taking into account their individual situations and national circumstances.

screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

Or. en

Amendment 45
Bernard Monot

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The framework for the screening of foreign direct investment should provide the Member States **and the Commission** with the means to address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

Amendment

(8) The framework for the screening of foreign direct investment should provide the Member States with the means to address risks to security or public order in a comprehensive manner, and to adapt to changing circumstances, whilst maintaining the necessary flexibility for Member States to screen foreign direct investments on grounds of security and public order taking into account their individual situations and national circumstances.

Or. fr

Amendment 46
Pirkko Ruohonen-Lerner

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) A broad range of investments which establish or maintain lasting and direct links between investors from third countries and undertakings carrying out an economic activity in a Member State should be covered.

Amendment

(9) A broad range of investments which establish or maintain lasting and direct links between investors from third countries and undertakings carrying out an economic activity in a Member State should be covered. ***In addition, the framework should cover short-term investment masquerading as a long-term commitment, including direct investment***

flows intended to avoid tax or for money laundering purposes, and investment channelled towards sectors with high research and product development expenditure with a view to acquiring technology.

Or. fi

Justification

The increased direct investment from outside the EU has largely been channelled towards high-tech sectors, both as regards acquisitions and as regards new investments. Computers and electronics are, when it comes to acquisitions, the target of choice, in terms of their relative value, for third country investors. More than EUR 323 billion was invested in that sector in the second quarter of 2017. Research shows that business operations are determined according to where investment comes from and why it was made.

Amendment 47
Gunnar Hökmark

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) A **broad** range of investments which establish or maintain lasting and direct links between investors from third countries and undertakings carrying out an economic activity in a Member State should be covered.

Amendment

(9) A **necessary** range of investments which establish or maintain lasting and direct links between investors from third countries and undertakings carrying out an economic activity in a Member State should be covered.

Or. en

Amendment 48
Bernard Monot

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Member States should be able to take the necessary measures, **in compliance with Union law**, to prevent circumvention of their screening

Amendment

(10) Member States should be able to take the necessary measures to prevent circumvention of their screening mechanisms and decisions to protect

mechanisms and decisions to protect security or public order. This should cover investments within the Union by means of artificial arrangements that do not reflect economic reality and circumvent the screening mechanisms and screening decisions, where the investor is ultimately owned or controlled by a natural person or an undertaking of a third country. ***This is without prejudice to the freedom of establishment and free movement of capital enshrined in the TFEU.***

security or public order. This should cover ***cross-border*** investments within the Union by means of artificial arrangements that do not reflect economic reality and circumvent the screening mechanisms and screening decisions, ***in particular - but not only -*** where the investor is ultimately owned or controlled by a natural person or an undertaking of a third country.

Or. fr

Amendment 49
Markus Ferber

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To guide Member States and the Commission in the application of the Regulation, it is appropriate to provide a list of factors that may be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive.

Amendment

11. To guide Member States and the Commission in the application of the Regulation, it is appropriate to provide a list of factors that may be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive. ***When screening foreign direct investment, Member States and the Commission should also consider whether similar possibilities for investment exist for European investors in the third countries concerned thus respecting the principle of reciprocity.***

Or. de

Amendment 50
Esther de Lange

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Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To guide Member States and the Commission in the application of the Regulation, it is appropriate to provide a list of factors that **may** be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive.

Amendment

(11) To guide Member States and the Commission in the application of the Regulation, it is appropriate to provide a list of factors that **should** be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive.

Or. en

Amendment 51
Bernard Monot

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To guide Member States **and the Commission** in the application of the Regulation, it is appropriate to provide a list of factors that may be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive.

Amendment

(11) To guide Member States in the application of the Regulation, it is appropriate to provide a list of factors that may be taken into consideration when screening foreign direct investment on the grounds of security or public order. This list will also improve transparency of the screening process for investors considering making or having made foreign direct investments in the Union. This list of factors that may affect security or public order should remain non-exhaustive.

Or. fr

Amendment 52

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Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Amendment

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country. ***Attention should be paid to investments that originate from countries mentioned in the Council Conclusions of 5 December 2017 on the EU list of non-cooperative jurisdictions for tax purposes, including the 47 jurisdictions that have committed to addressing deficiencies in their tax systems, as well as to sovereign wealth fund investments that need to be aligned with the Generally Accepted Principles and Practices (GAPP) on Sovereign Wealth Funds (“Santiago Principles”).***

Or. en

Amendment 53
Bernard Monot

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States **and the Commission** should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Amendment

(12) In determining whether a foreign direct investment may affect security or public order, Member States should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country **or large multinational companies. Multinational companies known for their aggressive tax optimisation practices and for systematically relocating production activities should be prevented from depriving the Member States of their economic lifeblood and contributing to the gradual exclusion from society of ever larger numbers of people in the Member States.**

Or. fr

Amendment 54
Esther de Lange

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the

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Amendment

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the

disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. ***This should also include the security of food supply, including investments in agricultural land and other agricultural assets.*** In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Or. en

Amendment 55 **Markus Ferber**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also ***be able to*** take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Amendment

12. In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies, ***preferential tax treatment, guarantees, investments by state funds etc.***) by the government of a third country.

Or. de

Amendment 56
Cătălin Sorin Ivan

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Amendment

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have a significant impact in a Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country *or who is the beneficial owner*.

Or. en

Amendment 57
Anne Sander

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have *a significant* impact in a

Amendment

(12) In determining whether a foreign direct investment may affect security or public order, Member States and the Commission should be able to consider all relevant factors, including the effects on critical infrastructure, technologies, including key enabling technologies, and inputs which are essential for security or the maintenance of public order, and the disruption, loss or destruction of which would have *an* impact in a Member State

Member State or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

or in the Union. In that regard, Member States and the Commission should also be able to take into account whether a foreign investor is controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country.

Or. fr

Amendment 58
Anne Sander

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) When a decision about a screening procedure is taken, the Member States and the Commission should pay particular attention to complex and artificial tax arrangements, as they can be a way of circumventing screening systems. The reputation of the investor and the country of origin and transit for the investment should therefore also be taken into account.

Or. fr

Amendment 59
Cătălin Sorin Ivan

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Particular attention should be paid to investments originating from countries designated as tax havens, also to third countries that illegally protect financial assets and goods acquired in the Union.

Or. en

Amendment 60

Anne Sander

Proposal for a regulation

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) *When screening is carried out, the Member States and the EU should take account of the impact of the direct foreign investments on the strategic autonomy of the EU and its Member States and on the value chain for critical technologies and sectors.*

Or. fr

Amendment 61

Bernard Monot

Proposal for a regulation

Recital 13

Text proposed by the Commission

Amendment

(13) *It is appropriate to lay down the essential elements of the procedural framework for the screening of foreign direct investment by Member States to allow investors, the Commission and other Member States to understand how such investments are likely to be screened and to ensure that these investments are screened in a transparent manner and that they are non-discriminatory between third countries. Those elements should at least include the establishment of timeframes for the screening and the possibility for foreign investors to seek judicial redress of screening decisions.*

deleted

Or. fr

Amendment 62

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Anne Sander

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) This cooperation framework should give the Member States and the Commission the flexibility needed to screen direct foreign investments both before (ex-ante) and after (ex-post) they are made.

Or. fr

Amendment 63
Miguel Viegas

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) A mechanism which enables Member States to cooperate and assist each other where a foreign direct investment in one Member State may affect the security or public order of other Member States should be set up. Member States should be able to provide comments to a Member State in which the investment is planned or has been completed, irrespective of whether the Member States providing comments or the Member States in which the investment is planned or has been completed maintain a screening mechanism or are screening the investment. The comments of Member States should also be forwarded to the Commission. ***The Commission should also have the possibility, where appropriate, to issue an opinion to the Member State in which the investment is planned or has been completed, irrespective of whether this Member State maintains a screening mechanism or is screening the investment and irrespective of whether other Member States have provided comments.***

(14) A mechanism which enables Member States to cooperate and assist each other where a foreign direct investment in one Member State may affect the security or public order of other Member States should be set up. Member States should be able to provide comments to a Member State in which the investment is planned or has been completed, irrespective of whether the Member States providing comments or the Member States in which the investment is planned or has been completed maintain a screening mechanism or are screening the investment. The comments of Member States should also be forwarded to the Commission.

Amendment 64**Ernest Urtasun**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 14***Text proposed by the Commission*

(14) A mechanism which enables Member States to cooperate and assist each other where a foreign direct investment in one Member State may affect the security or public order of other Member States should be set up. Member States should be able to provide comments to ***a Member State in which the investment is planned or has been completed, irrespective of whether the Member States providing comments or the Member States in which the investment is planned or has been completed maintain a screening mechanism or are screening the investment. The comments of Member States should also be forwarded to the Commission.*** The Commission should also have the possibility, where appropriate, to issue ***an opinion*** to the Member State in which the investment is planned ***or has been completed, irrespective of whether this Member State maintains a screening mechanism or is screening the investment and irrespective of whether other Member States have provided comments.***

Amendment

(14) A mechanism which enables Member States ***which maintain screening mechanisms*** to cooperate and assist each other where a foreign direct investment in one Member State may affect the security or public order of other Member States should be set up. Member States should be able to provide comments to ***the Commission on investments undergoing screening in other Member States. The Commission should then forward all comments to the Member State where the investment is planned. The Commission should also have the possibility, where appropriate, to issue comments to the Member State in which the investment is planned. Based on the comments received, the Commission may request to discuss planned investments in the framework of the Investment Screening Coordination Group.***

Or. en

Amendment 65**Miguel Viegas****Proposal for a regulation****Recital 15***Text proposed by the Commission**Amendment*

(15) Furthermore, the Commission should have the possibility to screen foreign direct investments likely to affect projects and programmes of Union interest on grounds of security or public order. This would give the Commission a tool to protect projects and programmes which serve the Union as whole and represent an important contribution to its economic growth, jobs and competitiveness. This should include in particular projects and programmes involving a substantial EU funding or established by Union legislation regarding critical infrastructure, critical technologies or critical inputs. For greater clarity, an indicative list of projects or programmes of Union interest in relation to which foreign direct investment can be subject to a screening by the Commission should be listed in an Annex.

deleted

Or. pt

Amendment 66

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Furthermore, the Commission should have the possibility to screen foreign direct investments likely to affect projects and programmes of Union interest on grounds of security or public order. This would give the Commission a tool to protect projects and programmes which serve the Union as whole and represent an important contribution to its economic growth, jobs and competitiveness. This should include in particular projects and programmes involving a substantial EU funding or established by Union legislation regarding critical infrastructure, critical technologies or critical inputs. For greater clarity, an indicative list of projects or

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Amendment

(15) Furthermore, the Commission should have the possibility to screen foreign direct investments likely to affect ***past, current and future*** projects and programmes of Union interest on grounds of security or public order. This would give the Commission a tool to protect projects and programmes which serve the Union as whole and represent an important contribution to its economic growth, jobs and competitiveness. This should include in particular projects and programmes involving a substantial EU funding or established by Union legislation regarding critical infrastructure, critical technologies or critical inputs. For greater clarity, an

23/77

PE618.106v01-00

EN

programmes of Union interest in relation to which foreign direct investment can be subject to a screening by the Commission should be listed in an Annex.

indicative list of projects or programmes of Union interest in relation to which foreign direct investment can be subject to a screening by the Commission should be listed in an Annex.

Or. en

Justification

Projects and programmes that are in the Union's strategic interest; such as those that are funded or have been funded by EU taxpayer money in critical infrastructure. need to be safeguarded by the Commission where appropriate; before, during and after completion.

Amendment 67

Ernest Urtaşun

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) It should be possible for the European Parliament to request the Commission to activate of the cooperation mechanism for projects and programmes of Union interest on grounds of security or public order. The Commission should take utmost account of the European Parliament's position and provide explanations if it is not taken into account.

Or. en

Amendment 68

Miguel Viegas

Proposal for a regulation

Recital 16

Text proposed by the Commission

Amendment

(16) Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union

deleted

interest on grounds of security or public order, the Commission should have the possibility to address an opinion to the Member States in which such investment is planned or completed within a reasonable timeframe. The Member States should take utmost account of the opinion and provide an explanation to the Commission if they do not follow this opinion, in compliance with their duty of sincere cooperation under Article 4(3) TEU. The Commission should also have the possibility to request from those Member States the information necessary for its screening of such investment.

Or. pt

Amendment 69
Bernard Monot

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. For the same reason, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them.

deleted

Or. fr

Amendment 70
Alfred Sant

Proposal for a regulation

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25/77

PE618.106v01-00

EN

Recital 17

Text proposed by the Commission

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. For the same reason, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them.

Amendment

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. For the same reason, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them. ***This Regulation provides a framework for existing screening mechanisms in the Union, without requiring any Member State to develop such a framework.***

Or. en

Amendment 71

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. ***For the same reason***, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them.

Amendment

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. ***However***, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory ***only when they relate to projects and programmes of Union interest***, on the basis of the information available to them.

Amendment 72**Miguel Viegas****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) In order to facilitate the cooperation with other Member States **and the screening of foreign direct investment by the Commission**, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. For the same reason, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them.

Amendment

(17) In order to facilitate the cooperation with other Member States, Member States should notify their screening mechanisms and any amendment thereto to the Commission, and should report on the application of their screening mechanisms on a regular basis. For the same reason, Member States that do not have a screening mechanism should also report on the foreign direct investments that took place in their territory, on the basis of the information available to them.

Or. pt

Amendment 73**Alfred Sant****Proposal for a regulation****Recital 18***Text proposed by the Commission*

(18) To that end, it is also important to ensure a minimum level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. This information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the Member States or of the Commission. Relevant information includes aspects such as the ownership structure of the foreign investor

Amendment

(18) To that end, it is also important to ensure a minimum level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. This information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the Member States or of the Commission. Relevant information includes aspects such as the ownership structure of the foreign investor

and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries. ***Sensitive information should be excluded from the reporting scope and the Commission should in no way interfere with the right of each Member State to protect sensitive or confidential information.***

Or. en

Amendment 74

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) To that end, it is also important to ensure a minimum level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. This information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the ***Member States or of the*** Commission. Relevant information includes aspects such as the ownership structure of the foreign investor and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

Amendment

(18) To that end, it is also important to ensure a minimum level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. This information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the ***Commission or the Investment Screening Coordination Group***. Relevant information includes aspects such as the ownership structure of the foreign investor and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

Or. en

Amendment 75

Anne Sander

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) To that end, it is also important to ensure a **minimum** level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. **This** information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the Member States or of the Commission. Relevant information includes aspects such as the ownership structure of the foreign investor and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

Amendment

(18) To that end, it is also important to ensure a **sufficient** level of information and coordination with regard to foreign direct investments falling under the scope of this Regulation in all Member States. **All this** information should be made available by the Member States in which the foreign direct investment is planned or has been completed upon request of the Member States or of the Commission. Relevant information includes aspects such as the ownership structure of the foreign investor and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

Or. fr

Amendment 76

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The communication and cooperation at Member State and Union level should be enhanced through the establishment of contact points for the screening of foreign direct investments in each Member State.

Amendment

(19) The communication and cooperation at Member State and Union level should be enhanced through the establishment of contact points for the screening of foreign direct investments in each Member State **as well as through the establishment of an Investment Screening Coordination Group. The Investment Screening Coordination Group should be formed of representatives of Member States that maintain screening mechanism and may serve as a platform to exchange views and information and to assist each other on foreign direct investment. The Investment Screening Coordination Group may also consider investments planned in Member States that do not maintain a screening mechanism and those Member States**

should be invited to the meetings of the Investment Screening Coordination Group.

Or. en

Amendment 77
Cătălin Sorin Ivan

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The communication and cooperation at Member State and Union level should be enhanced through the establishment of contact points for the screening of foreign direct investments in each Member State.

Amendment

(19) The communication and cooperation at Member State and Union level should be enhanced through the establishment of contact points for the screening of foreign direct investments in each Member State, *which should be coordinated by a central contact point.*

Or. en

Amendment 78
Alfred Sant

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) This Regulation relates to a new action by the Union to scrutinise foreign direct investments. The importance of an open investment environment should nevertheless continue to be stressed and this Regulation aims to achieve the objective of free movement of capital between Member States and third countries to the greatest extent possible.

Or. en

Anne Sander

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) ***No later than three years*** after the entry into force of this Regulation, the Commission should present ***to*** the European Parliament and the Council a report on the application of this Regulation. ***Where the report proposes modifying the provisions*** of this Regulation, ***it may be*** accompanied, where appropriate, by a legislative proposal.

Amendment

(21) ***Each year*** after the entry into force of this Regulation, the Commission should present the European Parliament and the Council ***with*** a report on the application of this Regulation, ***which should contain relevant information about the way the Member States and the Commission have used their screening systems. No later than three years after the entry into force of this Regulation, the Commission should present the European Parliament and the Council with an in-depth assessment of the frameworks for screening foreign direct investments and developments in screening systems in non-EU jurisdictions in Europe,*** accompanied, where appropriate, by a legislative proposal.

Or. fr

Amendment 80

Esther de Lange

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) No later than ***three*** years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of this Regulation. Where the report proposes modifying the provisions of this Regulation, it may be accompanied, where appropriate, by a legislative proposal.

Amendment

(21) No later than ***two*** years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of this Regulation. Where the report proposes modifying the provisions of this Regulation, it may be accompanied, where appropriate, by a legislative proposal.

Or. en

Amendment 81
Bernard Monot

Proposal for a regulation
Article premier – paragraph 1

Text proposed by the Commission

This Regulation *establishes* a framework for the screening by the Member States and the Commission of foreign direct investments in the Union on the grounds of security or public order.

Amendment

This Regulation *helps to establish* a framework for the screening by the Member States and the Commission of foreign direct investments in the Union on the grounds of security or public order.

Or. fr

Amendment 82
Gunnar Hökmark

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

1. 'foreign direct investment' means investments of any kind by a foreign investor aiming to establish or to maintain lasting and direct links between the foreign investor and the entrepreneur to whom or the undertaking to which the capital is made available in order to carry on an economic activity in a Member State, including investments which enable effective participation in the management or control of a company carrying out an economic activity;

Amendment

1. 'foreign direct investment' means investments of any kind by a foreign investor aiming to establish or to maintain lasting and direct links between the foreign investor and the entrepreneur to whom or the undertaking to which the capital is made available in order to carry on an economic activity *in the territory or the exclusive economic zone of* a Member State, including investments which enable effective participation in the management or control of a company carrying out an economic activity;

Or. en

Amendment 83
Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

2. 'foreign investor' means a natural person of a third country or an undertaking of a third country intending to make or having made a foreign direct investment;

Amendment

2. 'foreign investor' means a natural person of a third country or an undertaking of a third country intending to make or having made a foreign direct investment ***or a natural person or an undertaking that holds the following rights in the investing undertaking:***

Or. en

Justification

By expanding the scope of the definition of 'foreign investor', we ensure that the controlling party in the foreign investor is covered by the scope of this regulation. Otherwise, the definition could easily be circumvented.

Amendment 84

Bernard Monot

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

2. 'foreign investor' means a natural person of a ***third country*** or an undertaking of a ***third country*** intending to make or having made a foreign direct investment;

Amendment

2. 'foreign investor' means a natural person of a ***country other than that Member State*** or an undertaking of a ***country other than that Member State*** intending to make or having made a foreign direct investment;

Or. fr

Amendment 85

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a (new)

Text proposed by the Commission

Amendment

a) right to exercise more than 50% of the voting rights; and

Or. en

Amendment 86

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point b (new)

Text proposed by the Commission

Amendment

b) ownership right amounting to 50% of the undertaking's capital or owns more than 50% of the rights giving entitlement to profit.

Or. en

Amendment 87

Miguel Viegas

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.

1. Member States may maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.
Nationalisation shall be considered a means to employ when security or public order is at stake.

Or. pt

Amendment 88

Gunnar Hökmark

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may maintain, amend or adopt mechanisms to screen

1. Member States may maintain, amend or adopt mechanisms to screen

foreign direct investments *on the grounds of* security or public order, under the conditions and in accordance with the terms set out in this Regulation.

foreign direct investments. *Screening may be undertaken if necessary to protect* security or *to maintain* public order *and shall be done* under the conditions and in accordance with the terms set out in this Regulation.

Or. en

Justification

The necessity criterion for actions set out in GATS XIV (b) and XIV bis should explicitly be maintained in the regulation.

Amendment 89 **Esther de Lange**

Proposal for a regulation **Article 3 – paragraph 1**

Text proposed by the Commission

1. Member States *may* maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.

Amendment

1. Member States *shall* maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.

Or. en

Amendment 90 **Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon**

Proposal for a regulation **Article 3 – paragraph 1**

Text proposed by the Commission

1. Member States *may* maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.

Amendment

1. Member States *shall* maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, under the conditions and in accordance with the terms set out in this Regulation.

Or. en

Justification

According to the Commission, within the EU only 12 Member States have national mechanisms to screen inward Foreign Direct Investment. While leaving the screening itself with the Member States, it might be opportune to at least give them some obligation to take up this responsibility.

Amendment 91 Bernard Monot

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Member States may maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, ***under the conditions and in accordance with*** the terms set out in this Regulation.

Amendment

1. Member States may maintain, amend or adopt mechanisms to screen foreign direct investments on the grounds of security or public order, ***notably on the basis of*** the terms set out in this Regulation.

Or. fr

Amendment 92 Bernard Monot

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission may screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Amendment

2. The Commission, ***in addition to the Member States***, may screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Or. fr

Amendment 93 Gunnar Hökmark

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission may screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Amendment

2. The Commission may screen foreign direct investments that ***it can justify*** are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Or. en

Amendment 94

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission ***may*** screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Amendment

2. The Commission ***shall*** screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Or. en

Amendment 95

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission ***may*** screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Amendment

2. The Commission ***shall*** screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Or. en

Amendment 96

Esther de Lange

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission *may* screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Amendment

2. The Commission *shall* screen foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order.

Or. en

Amendment 97
Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve a substantial amount or a significant share of EU funding, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1.

Amendment

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve a substantial amount or a significant share of EU funding, *under the current Multiannual Financial Framework and future Multiannual Financial Frameworks*, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1. *The Commission is empowered to adopt delegated acts in accordance with Article 13a in order to amend projects and programmes listed in the Annex as well as specify the levels of EU funding considered to be a “significant amount” or “significant share”.*

Or. en

Amendment 98

PE618.106v01-00

38/77

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Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve a substantial amount or a significant share of EU funding, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1.

Amendment

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve ***or have involved*** a substantial amount or a significant share of EU funding, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1.

Or. en

Amendment 99
Anne Sander

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve a ***substantial*** amount or a significant share of EU funding, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1.

Amendment

3. Projects or programmes of Union interest shall include in particular those projects and programmes which involve a ***large*** amount or a significant share of EU funding, or which are covered by Union legislation regarding critical infrastructure, critical technologies or critical inputs. An indicative list of projects or programmes of Union interest is included in Annex 1.

Or. fr

Amendment 100
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The framework for screening carried out by Member States on the grounds of security or public order should, in particular, include projects or programmes relating to critical infrastructure, critical inputs, or critical technology.*

Or. fi

Justification

Just as it does for projects and programmes of Union interest, the annex to the regulation should include an indicative list of projects and programmes to be screened by Member States.

Amendment 101

Esther de Lange

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

Factors that *may* be taken into consideration in the screening

Factors that *shall* be taken into consideration in the screening

Or. en

Amendment 102

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

In screening a foreign direct investment on the grounds of security or public order, Member States and the Commission may consider the potential effects on, inter alia:

In screening a foreign direct investment on the grounds of security or public order, Member States and the Commission may consider the potential *direct and indirect* effects on, inter alia:

Or. en

Amendment 103
Esther de Lange

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

In screening a foreign direct investment on the grounds of security or public order, Member States and the Commission *may* consider the potential effects on, inter alia:

Amendment

In screening a foreign direct investment on the grounds of security or public order, Member States and the Commission *shall* consider the potential effects on, inter alia:

Or. en

Amendment 104
Bernard Monot

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

In screening a foreign direct investment on the grounds of security or public order, Member States *and the Commission* may consider the potential effects on, inter alia:

Amendment

In screening a foreign direct investment on the grounds of security or public order, Member States may consider the potential effects on, inter alia:

Or. fr

Amendment 105
Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – indent 1

Text proposed by the Commission

- critical infrastructure, including energy, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Amendment

- critical infrastructure, including energy, *water*, transport, communications *and the media, health services, research*, data storage, space or financial infrastructure, as well as sensitive facilities;

Amendment 106
Markus Ferber

Proposal for a regulation
Article 4 – paragraph 1 – indent 1

Text proposed by the Commission

- critical infrastructure, including energy, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Amendment

- critical infrastructure, including energy, **water supply**, transport, **health**, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. de

Amendment 107
Gunnar Hökmark

Proposal for a regulation
Article 4 – paragraph 1 – indent 1

Text proposed by the Commission

- critical infrastructure, including energy, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Amendment

- critical infrastructure, including energy, transport, communications, **media**, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. en

Justification

Given the increased risks of foreign disinformation and propaganda, it is suitable to include media as a critical infrastructure, necessary for the protection of security and public order.

Amendment 108
Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – indent 2

Text proposed by the Commission

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, **cybersecurity**, space or nuclear technology;

Amendment

- critical technologies, including artificial intelligence, robotics, semiconductors, **advanced materials, critical raw materials, nanotechnologies, biotechnologies, medical technologies**, technologies with potential dual use applications, **cyber security**, space or nuclear technology;

Or. en

Amendment 109

Pirkko Ruohonen-Lerner

Proposal for a regulation

Article 4 – paragraph 1 – indent 2

Text proposed by the Commission

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, space or nuclear technology;

Amendment

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, space or nuclear technology, **and technologies developed using public support**;

Or. fi

Justification

National public subsidies for R & D are justified if they directly or indirectly benefit growth and jobs in other locally based businesses. If the benefits flow to a foreign country as a result of a company acquisition, so too could possible information leaks. Given the need to place national innovation policy on a sound operational footing, it is legitimate to screen direct investment that has a bearing on technology transfer.

Amendment 110

Anne Sander

Proposal for a regulation

Article 4 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, space *or nuclear* technology;

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity *or* space, *nuclear or aviation* technology;

Or. fr

Amendment 111

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation

Article 4 – paragraph 1 – indent 2

Text proposed by the Commission

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, space or nuclear technology;

Amendment

- critical technologies, including artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, *biotechnology*, space or nuclear technology;

Or. en

Amendment 112

Esther de Lange

Proposal for a regulation

Article 4 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- *the security of supply of food, including agricultural land and other agricultural assets;*

Or. en

Amendment 113

Anne Sander

Proposal for a regulation

Article 4 – paragraph 1 – indent 3

PE618.106v01-00

44/77

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Text proposed by the Commission

- the security of supply of critical *inputs*; or

Amendment

- the *strategic autonomy of the EU, its Member States, and the value chain of critical technologies and sectors, and the security of supply of critical input*; or

Or. fr

Amendment 114

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – indent 4

Text proposed by the Commission

- access to sensitive information *or* the ability to control sensitive information.

Amendment

- access to sensitive information *and the media sector and* the ability to control sensitive information *and the media sector*.

Or. en

Amendment 115

Pirkko Ruohonen-Lerner

Proposal for a regulation

Article 4 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- *foreign investors' property acquisitions that might affect security or public order*.

Or. fi

Justification

Strategic acquisitions of property by foreigners can jeopardise national defence.

Amendment 116

Miguel Viegas

Proposal for a regulation

Article 4 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- *social services such as health, education, or social security.*

Or. pt

Amendment 117

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation

Article 4 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- *the security of supply of critical outputs such as healthcare;*

Or. en

Justification

In addition to inputs, certain outputs can be of strategic interest to EU citizens. Even consumer products that are today regarded as a given, could become a risk to security and public order if they are no longer available; such as certain medication, nutrients, etc.

Amendment 118

Markus Ferber

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When screening foreign direct investment, Member States and the Commission should also consider whether similar possibilities for investment exist for European investors in the third countries concerned (principle of reciprocity).

Or. de

Amendment 119

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *may* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *shall* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding *and whether that government fully respects international human rights law and is complying with relevant international treaties including the Generally Accepted Principles and Practices (GAPP) on Sovereign Wealth Funds (“Santiago Principles”)*.

Or. en

Amendment 120

Bernard Monot

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission may take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission may take into account whether the foreign investor is controlled by the government of a third country, including through significant funding, *as well as the multinational nature of the foreign investor, in particular its practices concerning tax evasion and aggressive tax optimisation and the systematic relocation of production.*

Amendment 121

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *may* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *shall* take into account whether the foreign investor is ***directly or indirectly*** controlled by the government of a third country, including through significant funding.

Or. en

Justification

Direct or indirect control of a foreign investor by the government of a third country should automatically raise the Commission's state of alert without prejudice to the assumption that the investment poses no danger to security or public order.

Amendment 122

Gunnar Hökmark

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission may take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission may take into account whether the foreign investor is ***directly or indirectly*** controlled by the government of a third country, including through significant funding.

Or. en

Justification

It is appropriate to clarify that also indirect control by foreign government shall be taken into account.

Amendment 123

Esther de Lange

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *may take into* account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *shall in any case take utmost* account *of* whether the foreign investor is controlled by the government of a third country, including through significant funding.

Or. en

Amendment 124

Anne Sander

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *may* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *shall* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Or. fr

Amendment 125

Markus Ferber

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *may* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Amendment

In determining whether a foreign direct investment is likely to affect security or public order, Member States and the Commission *shall* take into account whether the foreign investor is controlled by the government of a third country, including through significant funding.

Or. de

Amendment 126

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Member States may maintain, amend or adopt measures necessary to prevent circumvention of the screening mechanisms and screening decisions.

Amendment

Member States may maintain, amend or adopt measures necessary to prevent circumvention of the screening mechanisms and screening decisions.
These may relate to situations where, despite being registered in a Member State, an undertaking is effectively controlled or owned by nationals of a third country.

Or. en

Amendment 127

Esther de Lange

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Member States *may* maintain, amend or adopt measures necessary to prevent circumvention of the screening

Amendment

Member States *shall* maintain, amend or adopt measures necessary to prevent circumvention of the screening

mechanisms and screening decisions.

mechanisms and screening decisions.

Or. en

Amendment 128

Pirkko Ruohonen-Lerner

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The measures referred to in the first paragraph shall include direct investment statistics reflecting real investment, compiled in accordance with OECD and IMF guidelines so as to exclude balance of payments financial flows.

Or. fi

Justification

Instead of real investment, statistics on foreign direct investment often record flows of money between the domestic and foreign units of multinational conglomerates, as well as international company acquisitions. Investments 'flow through' when, for example, a subsidiary of a foreign conglomerate uses financing capital received as a direct investment in order to make further investments abroad, thereby adding to the in- and outflow of direct investment.

Amendment 129

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall notify other Member States and the Commission of any attempts by investors to circumvent the screening mechanisms and screening decisions.

Or. en

Justification

If a foreign investor were to attempt to circumvent the screening mechanisms, and thereby Member State and EU legislation, this implies that risks for that Member State, and potentially others, is involved. It is only logical to then notify the other Member States of such a potential risk.

Amendment 130

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Trade unions may be allowed to request to the competent authorities of the Member States the activation of their screening mechanisms.*

Or. en

Amendment 131

Anne Sander

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *Confidential* information, including commercially-sensitive information, made available by foreign investors and undertaking concerned ***shall be protected***.

3. ***The Member States shall guarantee the absolute confidentiality of*** information, including commercially-sensitive information ***and business secrets***, made available by foreign investors and ***the*** undertaking concerned ***in screening procedures***.

Or. fr

Amendment 132

Gunnar Hökmark

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Foreign investors and undertakings concerned shall have the possibility to seek judicial redress against screening decisions of the national authorities.

Amendment

4. Foreign investors and undertakings concerned shall have the possibility to seek judicial redress against screening decisions of the national authorities, ***unless such action is considered contrary to the essential security interests of the Member State.***

Or. en

Justification

While the right to judicial redress is fundamental to rule of law in Europe, this right can under certain circumstances be limited if would be contrary to the interest of national security, especially if screening decisions are made by the highest executive authority in the country.

Amendment 133

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall develop and share a ‘best practice’ screening mechanism which may be adopted by Member States, for instance where there is currently no screening mechanism in place. Member States may call upon the Commission’s Structural Reform Support Service (SRSS) in setting up their screening mechanism.

Or. en

Amendment 134

Bernard Monot

Proposal for a regulation

Article 7

Article 7

deleted

Notification by Member States of screening mechanisms and annual reporting

1. Member States shall notify to the Commission their existing screening mechanisms by [...] (30 days of the entry into force of this Regulation) at the latest.

Member States shall notify to the Commission any amendment to an existing screening mechanism or any newly adopted screening mechanism within 30 days of entry into force of the screening mechanism at the latest.

2. Member States that maintain screening mechanisms shall provide the Commission with an annual report on the application of their screening mechanisms. For each reporting period, the report shall include in particular information on:

(a) foreign direct investments screened and undergoing screening;

(b) screening decisions prohibiting foreign direct investments;

(c) screening decisions subjecting foreign direct investments to conditions or mitigating measures;

(d) the sectors, origin, and value of foreign direct investment screened and undergoing screening.

3. Member States that do not maintain screening mechanisms shall provide the Commission with an annual report covering foreign direct investments that took place in their territory, on the basis of information available to them.

Or. fr

**Amendment 135
Esther de Lange**

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States *that maintain screening mechanisms* shall provide the Commission with an annual report on the application of their screening mechanisms. For each reporting period, the report shall include in particular information on:

Amendment

2. Member States shall provide the Commission with an annual report on the application of their screening mechanisms. For each reporting period, the report shall include in particular information on:

Or. en

Amendment 136
Gunnar Hökmark

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States shall not be obliged to provide any information, the disclosure of which it considers contrary to its essential security interests.

Or. en

Justification

Certain information regarding screening can legitimately be considered secrets of national security and shall be protected.

Amendment 137
Miguel Viegas

Proposal for a regulation
Article 7 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) any decisions to nationalise companies targeted by foreign direct investment screened or undergoing screening.

Amendment 138

Esther de Lange

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States that do not maintain screening mechanisms shall provide the Commission with an annual report covering foreign direct investments that took place in their territory, on the basis of information available to them. **deleted**

Or. en

Justification

Member States shall maintain screening mechanisms.

Amendment 139

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States that do not maintain screening mechanisms shall *provide the Commission with an annual report covering foreign direct investments that took place in their territory, on the basis of information available to them.*

3. Member States that do not maintain screening mechanisms shall *develop a screening mechanism by ... [one year from the entry into force of this Regulation].*

Or. en

Justification

According to the Commission, within the EU only 12 Member States have national mechanisms to screen inward Foreign Direct Investment. While leaving the screening itself with the Member States, it might be opportune to at least give them some obligation to take up this responsibility.

Amendment 140
Cătălin Sorin Ivan

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States that do not maintain screening mechanisms shall provide the Commission *with an annual* report covering foreign direct investments that took place in their territory, on the basis of information available to them.

Amendment

3. Member States that do not maintain screening mechanisms shall provide the Commission, *every 6 months, a* report covering foreign direct investments that took place in their territory, on the basis of information available to them.

Or. en

Amendment 141
Markus Ferber

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. On the basis of annual reports by the Member States and with due regard to the confidentiality of sensitive information, the European Commission shall publish an annual report with aggregated information on the application of the screening mechanisms.

Or. de

Amendment 142
Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall inform the

1. Member States shall inform the

Commission *and the other Member States* of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within 5 working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004.

Commission of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within 5 working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004. ***The Commission shall then share such information with other Member States that maintain a screening mechanism within five working days of its receipt.***

Or. en

Amendment 143
Anne Sander

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States *shall* inform the Commission and the other Member States of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within 5 working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004.

Amendment

1. Member States ***are duty-bound to*** inform the Commission and the other Member States of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within 5 working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004.

Or. fr

Amendment 144
Bernard Monot

Proposal for a regulation
Article 8 – paragraph 1

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58/77

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Text proposed by the Commission

1. Member States shall inform the Commission and the other Member States of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within **5** working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004.

Amendment

1. Member States shall inform the Commission and the other Member States of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms, within **30** working days from the start of the screening. As part of the information, and when applicable, the screening Member States shall endeavour to indicate whether it considers that the foreign direct investment undergoing screening is likely to fall within the scope of Regulation (EC) No 139/2004.

Or. fr

Amendment 145

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where *a* Member *State considers* that a foreign direct investment planned *or completed* in another Member State is likely to affect *its* security or public order, *it may* provide *comments to* the Member State *where* the foreign direct investment is planned *or has been completed*. *The comments shall be forwarded to the Commission in parallel.*

Amendment

2. Where *one or more* Member *States consider* that a foreign direct investment planned in another Member State is likely to affect *their* security or public order, *they shall inform the Commission within 10 working days. Those Member States shall provide exhaustive explanations of how the foreign direct investment planned in another Member State is likely to affect their security or public order. The Commission shall inform* the Member State *in which* the foreign direct investment is planned *within 10 working days of all comments received as well as those Member States maintaining a screening mechanism.*

Or. en

Amendment 146
Alfred Sant

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Where a Member State considers that a foreign direct investment planned or completed in another Member State is likely to affect its security or public order, it may provide comments to the Member State where the foreign direct investment is planned or has been completed. The comments shall be forwarded to the Commission in parallel.

Amendment

2. Where a Member State considers that a foreign direct investment planned or completed in another Member State is likely to affect its security or public order, it may provide comments to the Member State where the foreign direct investment is planned or has been completed. The comments shall be forwarded to the Commission in parallel ***only if the Commission provides a motivated request to access the comments or if the comments relate to projects of Union interests or EU funded projects.***

Or. en

Amendment 147
Esther de Lange

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Where a Member State considers that a foreign direct investment planned or completed in another Member State is likely to affect its security or public order, it ***may*** provide comments to the Member State where the foreign direct investment is planned or has been completed. The comments shall be forwarded to the Commission in parallel.

Amendment

2. Where a Member State considers that a foreign direct investment planned or completed in another Member State is likely to affect its security or public order, it ***shall*** provide comments to the Member State where the foreign direct investment is planned or has been completed. The comments shall be forwarded to the Commission in parallel.

Or. en

Amendment 148
Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that a foreign direct investment is likely to affect security or public order in **one or more Member States, it may** issue an opinion addressed to the Member State in which the foreign direct investment is planned or has been completed. The Commission may issue an opinion irrespective of whether other Member States **have provided comments**.

Amendment

3. Where the Commission considers that a foreign direct investment is likely to affect security or public order in more **than one Member State, it shall** issue an opinion addressed to the Member State in which the foreign direct investment is planned or has been completed **and addressed to the other Member State(s) which could potentially be impacted, or which have been impacted**. The Commission may issue an opinion irrespective of whether other Member States **choose to do so**.

Or. en

Amendment 149
Esther de Lange

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that a foreign direct investment is likely to affect security or public order in one or more Member States, it **may** issue an opinion addressed to the Member State in which the foreign direct investment is planned or has been completed. The Commission **may** issue an opinion irrespective of whether other Member States have provided comments.

Amendment

3. Where the Commission considers that a foreign direct investment is likely to affect security or public order in one or more Member States, it **shall** issue an opinion addressed to the Member State in which the foreign direct investment is planned or has been completed. The Commission **shall** issue an opinion irrespective of whether other Member States have provided comments.

Or. en

Amendment 150
Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation
Article 8 – paragraph 3 a (new)

3 a. *Where the Commission, Member States or the Coordination group have been made aware of a threat to security or public order, such as coordinated efforts by one or more foreign countries to obtain critical assets, this information shall be shared without undue delay so that FDI screening efforts can be coordinated.*

Or. en

Amendment 151

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission *or a Member State which duly considers that a foreign direct investment is likely to affect its security or public order* may request from the Member State where the foreign direct investment is planned *or has been completed, any information necessary to provide comments referred to in paragraph 2, or to issue the opinion* referred to in *paragraph 3*.

4. *On the basis of the comments provided under paragraph 2 and 3 of this Article, the Commission may request additional information as referred to in Article 10* from the Member State where the foreign direct investment is planned. *Additionally, the Commission may request the issue to be discussed in the framework of the Investment Screening Coordination Group* referred to in *Article 12a within 30 days*.

Or. en

Amendment 152

Lieve Wierinck, Thierry Cornillet, Enrique Calvet Chambon

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission or a Member State which duly considers that a foreign

4. *Upon request* by the Commission or a Member State which duly considers

direct investment is likely to affect its security or public order *may request from* the Member State where the foreign direct investment is planned or has been completed, any information necessary to provide comments referred to in paragraph 2, or to issue the opinion referred to in paragraph 3.

that a foreign direct investment is likely to affect its security or public order, the Member State where the foreign direct investment is planned or has been completed, *shall deliver* any information necessary to provide comments referred to in paragraph 2, or to issue the opinion referred to in paragraph 3.

Or. en

Amendment 153

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public order, the Commission *may* issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Amendment

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public order, the Commission *shall* issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Trade unions may request the Commission to screen foreign direct investment affecting project and programmes of Union interest. The European Parliament may request the activation of the cooperation mechanism for projects and programmes of Union interest on grounds of security or public order. The Commission shall take utmost account of the European Parliament's position and provide an explanation in case it is not taken into account.

Or. en

Amendment 154

Anne Sander

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security **or public order**, the Commission **may** issue **an** opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Amendment

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security, the Commission **is empowered to** issue **a binding** opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. fr

Amendment 155

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public order, the Commission **may** issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Amendment

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public order, the Commission **shall** issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. en

Amendment 156

Esther de Lange

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public

Amendment

1. Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public

order, the Commission *may* issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

order, the Commission *shall* issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. en

Amendment 157

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where Member States are in an Excessive Deficit Procedure, the Commission conducts additional oversight over foreign direct investments in these Member States. Where the Commission considers that a foreign direct investment is likely to affect security or public order, it shall issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. en

Amendment 158

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may request from the Member State where the foreign direct investment is planned or has been completed ***any*** information ***necessary to issue the opinion referred to in paragraph 1.***

2. The Commission may request ***additional information as referred to in Article 10*** from the Member State where the foreign direct investment is planned or has been completed. ***When requesting such information, the Commission shall explain how security and public order may be affected by the foreign direct investment planned or under***

consideration.

Or. en

Amendment 159

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. The Commission *may request from* the Member State where the foreign direct investment is planned or has been completed any information necessary to issue the opinion referred to in paragraph 1.

Amendment

2. *Upon request of* the Commission, the Member State where the foreign direct investment is planned or has been completed *shall deliver* any information necessary to issue the opinion referred to in paragraph 1.

Or. en

Amendment 160

Lieve Wierinck, Thierry Cornillet

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The Commission shall address its opinion to the Member State concerned within a reasonable period of time, and in any case no later than 25 working days following receipt of the information requested by the Commission pursuant to paragraph 2. Where *a Member State has a screening mechanism in place as referred to in Article 3(1) and* the information on foreign direct investment undergoing screening has been received by the Commission pursuant to Article 8(1), the opinion shall be delivered no later than 25 working days following receipt of such information. Where additional information is needed to issue an opinion, the 25-day period shall run from the date of receipt of the additional information.

Amendment

3. The Commission shall address its opinion to the Member State concerned within a reasonable period of time, and in any case no later than 25 working days following receipt of the information requested by the Commission pursuant to paragraph 2. Where the information on foreign direct investment undergoing screening has been received by the Commission pursuant to Article 8(1), the opinion shall be delivered no later than 25 working days following receipt of such information. Where additional information is needed to issue an opinion, the 25-day period shall run from the date of receipt of the additional information.

Justification

All Member States should have screening mechanisms in place.

Amendment 161

Miguel Viegas

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

5. The Member States where the foreign direct investment is planned or has been completed ***shall take utmost account of the Commission's opinion and provide an explanation to the Commission in case its opinion is not followed.***

Amendment

5. The ***Commission's opinion shall not be binding on the*** Member States where the foreign direct investment is planned or has been completed.

Or. pt

Amendment 162

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the information requested by the Commission ***and other Member States*** pursuant to Articles 8(4) and 9(2) is made available ***to the Commission and the requesting Member States*** without undue delay.

Amendment

1. Member States shall ***endeavour to*** ensure that the information requested by the Commission ***or the Investment Screening Coordination Group*** pursuant to Articles 8(4) and 9(2) is made available without undue delay.

Or. en

Amendment 163

Anne Sander

Proposal for a regulation

Article 10 – paragraph 1

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Text proposed by the Commission

1. Member States shall ensure that the information requested by the Commission and other Member States pursuant to Articles 8(4) and 9(2) is made available to the Commission and the requesting Member States without **undue** delay.

Amendment

1. Member States shall ensure that the information requested by the Commission and other Member States pursuant to Articles 8(4) and 9(2) is made available to the Commission and the requesting Member States without **unjustified** delay.

Or. fr

Amendment 164
Cătălin Sorin Ivan

Proposal for a regulation
Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) The ownership structure of the foreign investor and of the undertaking in which the foreign direct investment is planned or has been completed, including information on the ultimate **controlling shareholder or shareholders**;

Amendment

(a) The **full** ownership structure of the foreign investor and of the undertaking in which the foreign direct investment is planned or has been completed, including information on the ultimate **beneficial owners**;

Or. en

Amendment 165
Cătălin Sorin Ivan

Proposal for a regulation
Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) The value of **the** foreign direct investment;

Amendment

(b) The value of **total** foreign direct investment;

Or. en

Amendment 166
Cătălin Sorin Ivan

Proposal for a regulation
Article 10 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) Where no ultimate beneficial owner can be identified, the foreign direct investment concerned should not be allowed.

Or. en

Amendment 167

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Information received as a result of the application of this Regulation shall be used only for the purpose for which it was requested.

1. Information received as a result of the application of this Regulation shall be used only for the purpose for which it was requested, ***without leading to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy.***

Or. en

Justification

A part of this regulation entails cooperation involving an exchange of information. This amendment addresses potential concerns with regard to confidentiality, safeguarding commercially and professionally sensitive information.

Amendment 168
Anne Sander

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States and the Commission shall ensure the ***protection of***
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2. Member States and the Commission shall ensure the ***highest***

69/77

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confidential information acquired in application of this Regulation.

degree of confidentiality and protection of information acquired *and provided by foreign investors and the undertaking concerned when carrying out screening procedures.*

Or. fr

Amendment 169

Lieve Wierinck, Thierry Cornillet, Ramon Tremosa i Balcells, Enrique Calvet Chambon

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Member States and the Commission shall ensure the protection of confidential information acquired in application of this Regulation.

Amendment

2. Member States and the Commission shall ensure the protection of confidential *and commercially sensitive* information acquired in application of this Regulation.

Or. en

Amendment 170

Cătălin Sorin Ivan

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall appoint a foreign direct investment screening contact point ('FDI screening contact point') for the screening of foreign direct investment. The Commission and other Member States shall involve these FDI screening contact points on all issues related to implementation of this Regulation.

Amendment

Each Member State shall appoint a foreign direct investment screening contact point ('FDI screening contact point') for the screening of foreign direct investment. The Commission *should also establish a central screening point in order to co-ordinate the activities of screening points established at national level. The Commission* and other Member States shall involve these FDI screening contact points on all issues related to implementation of this Regulation.

Or. en

Amendment 171

Anne Sander

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Each Member State shall appoint a foreign direct investment screening contact point ('FDI screening contact point') for the screening of foreign direct investment. The Commission and other Member States shall ***involve*** these FDI screening contact points on all issues related to implementation of this Regulation.

Amendment

Each Member State shall appoint a foreign direct investment screening contact point ('FDI screening contact point') for the screening of foreign direct investment. The Commission and other Member States shall ***ensure close cooperation between*** these FDI screening contact points on all issues related to implementation of this Regulation.

Or. fr

Amendment 172

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Investment Screening Coordination Group

1. An Investment Screening Coordination Group chaired by a representative of the Commission shall be setup. Each Member State that maintains a screening mechanism shall appoint a representative/expert to the Investment Screening Coordination Group.

2. The Investment Screening Coordination Group may exchange views and information on any foreign direct investment that are undergoing screening within the framework of Member States' screening mechanisms and for which a cooperation mechanism has been

activated under Articles 8 and 9.

3. At the request of the Member States the Commission may put on the agenda investments planned in Member States that do not maintain a screening mechanism and invite the member State where the investment is planned to the Investment Screening Coordination Group.

4. The Commission shall submit an annual report in writing to the European Parliament on the activities, examinations and exchange of views of the Investment Screening Coordination Group.

Or. en

Amendment 173
Anne Sander

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. *The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation **no** later than **3** years after **its** entry into force. **Member States** shall **be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.***

Amendment

1. *Each year after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Regulation **setting out relevant information on the activities of Member States' and the Commission's filtering systems.** No later than **three** years after **the** entry into force **of this Regulation, the Commission shall submit to the European Parliament and the Council an in-depth assessment of the frameworks for filtering foreign direct investment in Europe and developments in filtering systems in non-EU jurisdictions, accompanied, where appropriate, by a legislative proposal.***

Or. fr

Amendment 174
Esther de Lange

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Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation no later than **3** years after its entry into force. Member States shall be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.

Amendment

1. The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation no later than **two** years after its entry into force. Member States shall be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.

Or. en

Amendment 175
Bernard Monot

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation no later than **3** years after its entry into force. Member States shall be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.

Amendment

1. The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation no later than **five** years after its entry into force. Member States shall be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.

Or. fr

Amendment 176
Bernard Monot

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. ***Where the report recommends***

Amendment

deleted

modifying the provisions of the Regulation, the report may be accompanied by an appropriate legislative proposal.

Or. fr

Amendment 177

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to Article 3(3) shall be conferred on the Commission for a period of five years from the date of the entry into force of this Regulation.***
- 3. The delegation of power referred to in Article 3(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously***

to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

Amendment 178

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – indent 6 a (new)

Text proposed by the Commission

Amendment

- European Fund for Strategic Investments

Regulation (EU) No 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013;

Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 as regards the extension of the duration of the European Fund for Strategic Investments as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub;

Amendment 179

Esther de Lange

Proposal for a regulation

Annex I – indent 6 a (new)

Text proposed by the Commission

Amendment

- ***European Defence Industrial Development Programme:***

Regulation of the European Parliament and of the Council of ... establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry; OJ L ... (COM(2017)0294).

Or. en

Amendment 180

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – indent 6 b (new)

Text proposed by the Commission

Amendment

- ***European Defence Fund and EU Defence Industrial Development Programme:***

Regulation of the European Parliament and the Council of ... establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry; OJ L ... (COM(2017)0294)

Council Decision (EU) 2017/1967 of 23 October 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31

to the EEA Agreement, on cooperation in specific fields outside the four freedoms (The Union's preparatory action on defence research); OJ L 279, 28.10.2017, p. 50.

Or. en

Amendment 181
Esther de Lange

Proposal for a regulation
Annex I – indent 6 b (new)

Text proposed by the Commission

Amendment

- ***European Defence Fund:***
Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Launching the European Defence Fund' (COM(2017)0295)

Or. en

Amendment 182
Esther de Lange

Proposal for a regulation
Annex I – indent 6 c (new)

Text proposed by the Commission

Amendment

- ***Permanent structured cooperation (PESCO):***
Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States; OJ L 331, 14.12.2017, p. 57.

Or. en