



2017/0224(COD)

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AMENDMENTS

59 - 335

Draft opinion

Reinhard Bütikofer

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 59
Notis Marias

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 **should contribute** 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 **should support** the objectives of the Commission's Investment Plan for Europe and **contribute** to other Union projects and programmes.

Or. el

Amendment 60
Răzvan Popa

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, expertise, **by encouraging innovation** 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. ro

Amendment 61

Amjad Bashir

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The decision whether to operate a Screening Mechanism on the grounds of public order and security is a Member State competence.

Or. en

Amendment 62

Amjad Bashir

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Networks already exist which allow Member States to protect their public order and security interests through diplomatic and intelligence channels.

Or. en

Amendment 63

Massimiliano Salini

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

(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

its Member States with respect to foreign direct investment.

direct investment. *Considering this openness the European Union should foster the level playing field in the relations with third countries.*

Or. en

Amendment 64

Angelo Ciocca, Lorenzo Fontana

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 on the grounds of security, public order *or strategic interest*, subject to certain requirements.

Or. it

Amendment 65

Paloma López Bermejo

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

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 on the grounds of ***security or public order***, subject to certain requirements.

measures relating to foreign direct investment on the grounds of ***environmental standards and working conditions***, subject to certain requirements.

(This amendment applies throughout the whole text, as we consider that security and public order are dangerous and arbitrary concepts. Also, the only good reasons to ban foreign investments are the protection of workers and social and environmental standards. Therefore, these should be the grounds for screening.)

Or. en

Amendment 66

Notis Marias

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 on the grounds of security or public order, ***whenever they deem it appropriate***.

Or. el

Amendment 67

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Several Member States have put in place measures according to which they may restrict the movement of capital between Member States and between Member States and third countries on grounds of public policy or *public security*. Those measures reflect Member States' objectives and concerns with respect to foreign direct investment, and result in a number of different measures in terms of scope and procedure. Other Member States do not have such mechanisms.

Amendment

(4) Several Member States have put in place measures according to which they may restrict the movement of capital between Member States and between Member States and third countries on grounds of *public security*, public policy or *strategic interest*. Those measures reflect Member States' objectives and concerns with respect to foreign direct investment, and result in a number of different measures in terms of scope and procedure. Other Member States do not have such mechanisms.

Or. it

Amendment 68

Notis Marias

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Several Member States have put in place measures according to which they may restrict the movement of capital between Member States and between Member States and third countries on grounds of public policy or public security. Those measures reflect Member States' objectives and concerns with respect to foreign direct investment, and result in a number of different measures in terms of scope and procedure. Other Member States do not have such mechanisms.

Amendment

(4) Several Member States have *justifiably* put in place measures according to which they may restrict the movement of capital between Member States and between Member States and third countries on grounds of public policy or public security. Those measures reflect Member States' objectives and concerns with respect to foreign direct investment, and result in a number of different measures in terms of scope and procedure. Other Member States do not have such mechanisms.

Or. el

Amendment 69

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Kathleen Van Brempt, Theresa Griffin, Jens Geier

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Whereas screening mechanisms which exist in several Member States or in non-EU states never constitute an obstacle to foreign direct investments provided that they are known, anticipated and don't extensively delay investments' realisation.

Or. en

Amendment 70
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Recital 5

Text proposed by the Commission

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.

(5) There is currently no comprehensive framework at EU-level for the screening of foreign direct investments.

Or. it

Amendment 71
Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Kathleen Van Brempt, Theresa Griffin, Miroslav Poche, Jens Geier

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Whereas dominant position of individuals, multinationals or foreign public enterprises as defined by European competition law may represent a threat

*for the security and public order within
the European Union.*

Or. en

Amendment 72

**Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Răzvan Popa, Carlos Zorrinho,
Theresa Griffin**

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

*(5b) Whereas security and public order
have become increasingly vulnerable at
the European scale through the
deployment of networks and integrated
systems, which could lead to public
disorders of sanitary, digital or
informational nature spreading virally.*

Or. en

Amendment 73

Notis Marias

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(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.

(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, *while respecting the exclusive competence of its Member States to safeguard their national security in relation to foreign direct investment.*

Or. el

Amendment 74

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Carlos Zorrinho, Theresa Griffin

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Whereas WTO's creation, China's protocol of accession and the expansion of international free trade allowed foreign direct investments' development from emerging countries who are not historically allies with the European Union from a strategic point of view; whereas the relative weakening of the United States with whom the majority of Member States are strategically related perfectly illustrates this evolution; whereas while mainly bipolar during the Twentieth Century, the World of the Twenty-first Century has become multipolar: our allies in international security and public order are not necessarily our main economic partners anymore.

Or. en

Amendment 75

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Carlos Zorrinho

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Whereas the European Union should release itself from its naive understanding of foreign direct investments. Those investment, may they come from individuals, multinationals or public enterprises which are competitors

and potentially opponents of the European Union, require a renewed and differentiated questioning which:

- *Excludes the risk of new or increased European dependencies on the technological level as well as on the economic and skills level, in order to guarantee the strategic autonomy of the European Union and its Member States;*
- *Prevents any vulnerability of systems and networks which shape every activities inside European societies and constitutes a powerful driver of potentially uncontrolled transmissions threatening public order ("virus-like").*

Or. en

Amendment 76
Massimiliano Salini

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 ***including, among others, strategic interests, enabling key technologies, strategic assets, strategic and sensitive data etc.*** This is without prejudice to the sole responsibility of the Member States for the maintenance of national security.

Or. en

Amendment 77
Angelo Ciocca, Lorenzo Fontana

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 ***encourage*** cooperation ***between the Member States*** by establishing a framework for the screening of foreign direct investment in the Union on grounds of security, public order ***or strategic interest***. This is without prejudice to the sole responsibility of the Member States for the maintenance of national security ***and public order***.

Or. it

Amendment 78
Paloma López Bermejo

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 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 ***Member State competences and*** responsibility.

Or. en

Amendment 79
Patrizia Toia

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In assessing the mechanism for controlling foreign direct investment, care should be taken to verify the proper functioning of the internal market through measures to prevent downward competition between companies and between Member States regarding tax and remuneration and reward socially responsible company purchasing policies that ensure sustained employment and decent pay.

Or. it

Amendment 80
Massimiliano Salini

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, ***including, among others, strategic interests, enabling key technologies, strategic assets, strategic and sensitive data, etc.,*** and taking into account their individual situations and national circumstances. ***The framework should also facilitate the Member States without a screening mechanism adopting one.***

Or. en

Amendment 81
Paloma López Bermejo

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 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 nationalization of one or more companies should be considered where its activities constitute risks to environmental standards and working conditions, especially when the sectors concerned are of strategic importance.***

Or. en

Amendment 82
Angelo Ciocca, Lorenzo Fontana

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

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 ***fully safeguarding the prerogatives of the*** Member States to screen foreign

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

direct investments on grounds of *national* security, public *and strategic interest*.

Or. it

Amendment 83 **Notis Marias**

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 *first and foremost* 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.

Or. el

Amendment 84 **Angelika Mlinar, Morten Helveg Petersen**

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,

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.

and to adapt to changing circumstances *in global trade*, whilst maintaining 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. en

Amendment 85
Patrizia Toia

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) *It is necessary to ensure that the European industrial sector can compete on a fair and equal footing at global level, ensuring reciprocity also in public procurement and, more generally, in all trade relations. These reciprocal conditions must also be guaranteed with regard to direct investments inside the EU.*

Or. it

Amendment 86
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 9

Text proposed by the Commission

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.*

deleted

Amendment 87
Angelo Ciocca, Lorenzo Fontana

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) *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. it

Amendment 88
Angelo Ciocca, Lorenzo Fontana

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 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.*

Amendment

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

Amendment 89
Răzvan Popa

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 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.

Amendment

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

Or. ro

Amendment 90
Clare Moody, Theresa Griffin, Jude Kirton-Darling, Wajid Khan

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

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.

process for investors considering making or having made foreign direct investments in the Union *as well as providing a basis for the authority to respond to any potential judicial review of the screening*. This list of factors that may affect security or public order should remain non-exhaustive.

Or. en

Justification

There should be a clear link between the screening of an investment and a security threat. In any potential judicial review, the courts should be able to identify the factors the authority has taken into account.

Amendment 91

Angelo Ciocca, Lorenzo Fontana

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, public order *or strategic interest*. 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. it

Amendment 92

Esther de Lange, Ivo Belet

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 *shall* 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 93
Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

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.

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, *implications for national defence and the European defence industry, critical* 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

through significant funding, including subsidies) by the government of a third country.

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. ***Effective control may also arise through the use of extended credit and lending by the government of a third country or a state-owned financial institution, or any other state-owned enterprise of a third country.***

Or. en

Amendment 94
Françoise Grossetête

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. ***Member States and the Commission should also take into account the lack of reciprocity on the part of an investor's country of origin, in particular as regards the extent to which public procurement there is open to EU undertakings.***

Amendment 95
Massimiliano Salini

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, ***strategic assets***, technologies, including key enabling technologies, ***strategic and sensitive data***, ***strategic interests***, 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, ***extended credit and lending by the government of a third country or by a state-owned financial institution*** by the government of a third country.

Or. en

Amendment 96
Esther de Lange, Ivo Belet

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In determining whether a foreign direct investment may affect security or

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.

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. ***This should also include the security of supply of food, 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 97
Angelo Ciocca, Lorenzo Fontana

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

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.

controlled directly or indirectly (e.g. through significant funding, including subsidies) by the government of a third country *or whether the foreign direct investment could lead to a monopolistic structure.*

Or. it

Amendment 98
Paloma López Bermejo

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 *jobs and environmental risks*, 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. en

Amendment 99
Angelika Mlinar, Morten Helveg Petersen

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 **or sensitive information**, which are essential for security or the maintenance of public order. In that regard, Member States and the Commission should take into account whether a foreign investor is **owned, operated or otherwise significantly** controlled, directly or indirectly (e.g. through significant funding, including subsidies), by the government **or state bodies** of a third country.

Or. en

Amendment 100

Clare Moody, Wajid Khan, Theresa Griffin, Jude Kirton-Darling

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The authority should be able to assess the financial strength and stability of the undertaking carrying out the foreign investment so as to prevent the investing undertaking from asset stripping or funnelling income back to the parent company so as to endanger the financial health of the EU undertaking.

Or. en

Justification

There is precedent of third country undertakings using excessive leverage to acquire an EU undertaking endangering the financial health of the entire group and hollowing out the EU subsidiary. Authorities should have the power to block a takeover to prevent a destabilising takeover, especially in strategic sectors.

Amendment 101

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 13

Text proposed by the Commission

(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.

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, *as well as the procedures for activating these screening mechanisms at the request of the local authorities, in accordance with the constitutional provisions of each Member State, and of the trade unions.*

Or. it

Amendment 102

Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Recital 13

Text proposed by the Commission

(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.

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, ***where appropriate***, 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 ***process*** and the possibility for foreign investors to seek judicial redress of screening decisions.

Or. en

Amendment 103

Notis Marias

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

Amendment

deleted

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.

Or. el

Amendment 104

Angelika Mlinar, Morten Helveg Petersen

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 ***screening*** Member States to cooperate ***in a transparent manner*** 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, ***whose security or public order may be affected by a foreign direct investment in another Member State,*** should be able to provide comments to the Commission ***and the screening Member State.*** The Commission should also have the possibility, where appropriate, to ***provide comments*** to the ***screening*** Member State.

Amendment 105
Paloma López Bermejo

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 to cooperate 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 106
Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

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 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. ***The possibility of setting up voluntary cooperation agreements between the relevant national authorities and the Commission on the one hand and third countries with similar equivalent screening mechanisms should be included in the Economic and Partnership Agreements adopted as part of the Union's external action.***

Or. en

Amendment 107
Massimiliano Salini

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 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. ***In order to improve cooperation, coordination and communication among Member States as well as the sharing of information, related to all the issues within the scope of the Regulation, the European Commission will facilitate the creation of a Coordination Group.***

Or. en

Amendment 108
Reinhard Bütikofer

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 ***maintaining 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 an opinion 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 109

Patrizia Toia

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

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.

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, *for example if asked to do so by a Member State*, 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.

Or. it

Amendment 110
Françoise Grossetête

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

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 *already* been completed, irrespective of whether the Member States providing comments or the Member States in which the investment is planned or has *already* 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.

issue an opinion to the Member State in which the investment is planned or has **already** 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.

Or. fr

Justification

It is important that ex post controls should be guaranteed. The screening arrangements covered by the regulation can therefore be applied to any investment that has already been completed.

Amendment 111
Massimiliano Salini

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In order to give certainty to the investors, the cooperation mechanism should be usually applied to the planned investments. The cooperation mechanism could be activated on completed investments only in exceptional cases or if exist the reasonable doubt that changes to one or more of the points listed in Article 10 paragraph 2 have occurred.

Or. en

Amendment 112
Notis Marias

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. el

**Amendment 113
Paloma López Bermejo**

**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

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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.

Or. en

Amendment 114
Massimiliano Salini

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 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.

Amendment

(15) Furthermore, the Commission should have the possibility to **scrutinize** 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.

Or. en

Amendment 115

Angelo Ciocca, Lorenzo Fontana

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 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.

Amendment

(15) Furthermore, the Commission should screen foreign direct investments likely to affect projects and programmes of Union interest on grounds of security, public order ***or strategic interest***. 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, a 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. it

Amendment 116

Răzvan Popa

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

Amendment

(15) Furthermore, the Commission should 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

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.

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.

Or. ro

Amendment 117
Paloma López Bermejo

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) 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 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.*

Amendment

(16) 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 should have the possibility to address *comments* to the Member States in which such investment is planned or completed within a reasonable timeframe.

Or. en

Amendment 118
Notis Marias

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) 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 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.

Amendment

(16) 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 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 *into* account the opinion *of* the Commission *on the basis* of sincere cooperation. The Commission *may request any information* from the *competent national authorities regarding* such investment.

Or. el

Amendment 119
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) 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 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

Amendment

(16) 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 should have the possibility to address an opinion to the Member States in which such investment is planned within a reasonable timeframe. The Member States should take *due*

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.

account of the opinion and provide an explanation to the Commission if they *diverge from the* opinion. The Commission should also have the possibility to request from those Member States the information necessary for *the* screening of such investment.

Or. en

Amendment 120
Massimiliano Salini

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) 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 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.

Amendment

(16) 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 should have the possibility to address *a non-binding* opinion to the Member States in which such investment is planned or completed within a reasonable timeframe. The Member States should take 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. en

Amendment 121
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) 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 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.

Amendment

(16) Where the Commission considers that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security, public order ***or strategic interest***, the Commission should address an opinion to the Member States in which such investment is planned or completed within a reasonable timeframe. The Member States should take 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. it

Amendment 122
Notis Marias

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

Amendment

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

place in their territory, on the basis of the information available to them.

Or. el

Amendment 123

Paloma López Bermejo

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. en

Amendment 124

Angelika Mlinar, Morten Helveg Petersen

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

Amendment

(17) In order to facilitate the cooperation with other Member States and the screening of foreign direct investment by the Commission, Member States, ***which have*** screening mechanisms ***in place, should notify these*** and any amendment

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.

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. en

Amendment 125
Massimiliano Salini

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. 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.

Or. en

Amendment 126
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 18

Text proposed by the Commission

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.

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

Or. en

Amendment 127
Massimiliano Salini

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 Member States or of the Commission **or the 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.

Amendment 128
Răzvan Popa

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 Member States or of the Commission. Relevant information includes aspects such as the ownership structure of the *direct* foreign investor and the financing of the planned or completed investment, including, when available, information about subsidies granted by third countries.

Or. ro

Amendment 129
Notis Marias

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

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.

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 information about subsidies granted by third countries.

Or. el

Amendment 130
Massimiliano Salini

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 *and through the establishment of a Coordination Group, run by the European Commission and composed of representatives of the Member States.*

Or. en

Amendment 131
Angelika Mlinar, Morten Helveg Petersen

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

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.

screening of foreign direct investments in each Member State, *even if a Member State does not have a screening mechanism in place.*

Or. en

Amendment 132
Notis Marias

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 *screening and monitoring* the *course* of foreign direct investments in each Member State.

Or. el

Amendment 133
Massimiliano Salini

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Member States and the Commission should take all necessary measures to ensure the protection of confidential and other sensitive information.

Amendment

(20) Member States and the Commission should take all necessary measures to ensure the *highest* protection of confidential and other sensitive information.

Or. en

Amendment 134

Angelo Ciocca, Lorenzo Fontana

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 ... [three years after the entry into force of this Regulation], **and every three years thereafter**, 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. it

Amendment 135

Notis Marias

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. el

Amendment 136

Esther de Lange, Françoise Grossetête, Ivo Belet

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 137

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In order to supplement or amend non-essential elements of the provisions of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the integration and updating of the list of the projects and programmes of Union interest referred to in Article 3(3) and listed in Annex I. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts

systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

^{1a} OJ L 123, 12.5.2016, p. 1.

Or. it

Amendment 138
Paloma López Bermejo

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) The implementation of this Regulation by the Union and the Member States should comply with the relevant requirements for the imposition of restrictive measures based on grounds of security or public order stipulated in EU law, in the Agreement on the European Economic Area (EEA Agreement), in the WTO Agreement (including in particular Article XIV(a) and Article XIV bis of the GATS) and in other trade and investment agreements or arrangements to which the Union or Member States are parties.

deleted

Or. en

Amendment 139
Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation establishes a framework for the screening by the Member States and the Commission of foreign direct

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.

investments in the Union on the grounds of *national* security or public order. *It furthermore establishes a mechanism under which the European Commission can screen and take a decision on conditioning or restricting foreign direct investment threatening the security or public order of more than one Member State or the European Union as a whole, as well as foreign direct investment threatening the mid- and long term economic security in certain circumstances.*

Or. en

Amendment 140
Massimiliano Salini

Proposal for a regulation
Article 1 – 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 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 *including, among others, strategic interests, enabling key technologies, strategic assets, strategic and sensitive data, etc..*

Or. en

Amendment 141
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

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.

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

Or. en

Amendment 142

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 1 – 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 establishes a framework **of minimum requirements** for the screening by the Member States of foreign direct investment in the Union on the grounds of **national** security or public order **and sets out the role of the Commission in such screening.**

Or. it

Amendment 143

Paloma López Bermejo

Proposal for a regulation

Article 1 – 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 establishes a framework for the screening by the Member States of foreign direct investments in the Union on the grounds **environmental standards and working conditions.**

(This amendment, as we explain in Recital 3, applies to the whole text, articles

included, but we think it is important to reiterate it here, as the article regards the subject matter and scope of the text.)

Or. en

Amendment 144
Răzvan Popa

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 **direct** foreign investor aiming to establish or to maintain lasting and direct links between the **direct** 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;

Or. ro

Amendment 145
Paloma López Bermejo

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

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 a Member State, including investments which enable effective participation in the management or control of a company carrying out an economic activity;

activity in 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 146
Angelo Ciocca, Lorenzo Fontana

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 **citizen** of a third country intending to make or having made a foreign direct investment;

Or. it

Amendment 147
Răzvan Popa

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

Or. ro

Amendment 148
Răzvan Popa

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. 'screening' means a procedure allowing to assess, investigate, authorise, condition, prohibit or unwind foreign direct investments;

Amendment

3. 'screening' means a procedure allowing to assess, investigate, **analyse** authorise, condition, prohibit or unwind foreign direct investments;

Or. ro

Amendment 149
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. 'undertaking of a third country' means ***an undertaking constituted or otherwise organised under the laws*** of a third country.

Amendment

6. '***citizen of*** a third country' means ***any natural or legal person who does not have his or her domicile, habitual residence, registered or administrative office or principal place of business in a Member State of the Union or otherwise established, as well as any legal entity that is de facto controlled or owned by third country nationals or by the government of*** a third country.

Or. it

Amendment 150
Paloma López Bermejo

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

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.

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 environmental standards and working conditions are at stake.

Or. en

Amendment 151

Angelo Ciocca, Lorenzo Fontana

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 ***national*** security, public order **or** ***strategic interest***, under the ***minimum*** conditions and in accordance with the terms set out in this Regulation.

Or. it

Amendment 152

Esther de Lange, Ivo Belet

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 153

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev

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 154

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

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 155

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. The Commission may screen foreign direct investments that are likely to:

- (a) affect projects or programmes of Union interest on the grounds of ***one or more than one Member State's or the Union's*** security or public order;
- (b) ***affect the security or public order of more than one Member State or the Union as a whole;***
- (c) ***threaten the mid-and long-term economic security of the Union, as defined as key know-how and technologies and listed in Annex II.***

Or. en

Amendment 156
András Gyürk

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 ***assess*** foreign direct investments that are likely to affect projects or programmes of Union interest on the grounds of security or public order ***on the request of the Member State concerned. In case of completed investments screening of the Commission can be carried out if the national screening regulation enables it.***

Or. en

Amendment 157
Angelo Ciocca, Lorenzo Fontana

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 **the national** security **of one or more Member States**, public order **or strategic interest**.

Or. it

Amendment 158
Massimiliano Salini

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 **scrutinize** 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 159
Angelika Mlinar, Morten Helveg Petersen

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 are **considered** to affect projects or programmes of Union interest on the grounds of security or public order.

Or. en

Amendment 160

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Theresa Griffin, Jens Geier

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 161

Esther de Lange, Françoise Grossetête, Ivo Belet

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 162

Reinhard Bütikofer

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

Amendment

2. The Commission may screen foreign direct investments that are likely to affect programmes *or projects* of Union

interest on the grounds of security or public order.

interest on the grounds of security or public order.

Or. en

Amendment 163
Răzvan Popa

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. ro

Amendment 164
Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Theresa Griffin

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every foreign direct investment must be analysed in the light of the vulnerability it could increase or create in the systems and networks which frame European activities, through all types of viral-like disorders.

Or. en

Amendment 165

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Kathleen Van Brempt, Theresa Griffin, Miroslav Poche, Jens Geier

Proposal for a regulation
Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Every foreign direct investment resulting in a dominant position must be analysed in the light of the dependency it creates or increases in a given field or sector.

Or. en

Amendment 166
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

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, 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.

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 *common security and defence policy*, critical *or sensitive* infrastructure, critical technologies or critical inputs. A list of projects or programmes of Union interest is included in Annex 1.

The Commission shall be empowered to adopt delegated acts in accordance with Article 13a regarding the integration and updating of Annex I.

Or. it

Amendment 167

Paloma López Bermejo

**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, or which are covered by Union legislation regarding ***job losses and environmental risks***, 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 168

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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

Text proposed by the Commission

Amendment

3a. The Commission is empowered to adopt delegated acts in order to amend projects or programmes of Union interest listed in Annex I and key know-how and technologies listed in Annex II.

Or. en

Amendment 169

Esther de Lange, Ivo Belet

**Proposal for a regulation
Article 4 – title**

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 170

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 *of one or more than one Member State or the security and public order of the Union as a whole*, Member States and the Commission may consider the potential effects on, inter alia:

Or. en

Amendment 171

Angelo Ciocca, Lorenzo Fontana

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 *national* security, public order *or strategic interest*, Member States and the Commission may consider the potential effects on, inter alia:

Or. it

Amendment 172

Esther de Lange, Ivo Belet

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 173
Angelo Ciocca, Lorenzo Fontana

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 *or sensitive* infrastructure, including energy, *water*, transport, *healthcare, education, universities* communications *and the media*, data storage *and management*, space, *research* or financial infrastructure, as well as sensitive facilities;

Or. it

Amendment 174
Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

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, *energy security*, transport, *water*, communications, *public health provision*, data storage, space or financial infrastructure, as well as sensitive facilities

and any security and defence infrastructure;

Or. en

Amendment 175

Daniel Caspary, Godelieve Quisthoudt-Rowohl, Sven Schulze, Dennis Radtke

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, *e.g.* energy, *water*, transport, communications *and the media, health services*, data storage, space, *defence, research* or financial infrastructure, as well as sensitive facilities;

Or. en

Amendment 176

Christelle Lechevalier

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, health services*, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. fr

Amendment 177

Massimiliano Salini

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 **and strategic** infrastructure, including energy, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. en

Amendment 178

Angelika Mlinar, Morten Helveg Petersen

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 **defence**, energy, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. en

Amendment 179

Janusz Lewandowski

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, energy **security**, transport, communications, data storage, space or financial infrastructure, as well as sensitive facilities;

Or. en

Amendment 180

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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;* *deleted*

Or. en

Amendment 181

Angelo Ciocca, Lorenzo Fontana

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, *advanced materials, rare earth elements, critical raw materials, nanotechnologies, biotechnologies, medical technologies*, technologies with potential dual use applications, *defence*, cybersecurity, *aerospace*, space or nuclear technology;

Or. it

Amendment 182

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

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, *aerospace, defence*, space or nuclear technology;

Or. en

Amendment 183
Massimiliano Salini

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

Or. en

Amendment 184
David Borrelli

Proposal for a regulation
Article 4 – paragraph 1 – indent 3

Text proposed by the Commission

– the security of supply of critical inputs; or

Amendment

– the security of supply of critical inputs *in order to ensure the functioning of EU value chains based on strategic industries*; or

Or. en

Amendment 185
Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation
Article 4 – paragraph 1 – indent 3

Text proposed by the Commission

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

Amendment

– the security of supply of critical inputs, *rare and strategic materials and food supply*;

Or. en

Amendment 186
Massimiliano Salini

Proposal for a regulation
Article 4 – paragraph 1 – indent 3

Text proposed by the Commission

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

Amendment

– the security of supply of critical inputs *and critical raw materials*; *or*

Or. en

Amendment 187
Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation
Article 4 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

– *the role that the undertaking plays in collaborative research and development projects and the access to technology, IPR and know-how associated with the research and development programme*;

Or. en

Amendment 188

Esther de Lange, Ivo Belet

Proposal for a regulation

Article 4 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 189

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation

Article 4 – paragraph 1 – indent 4

Text proposed by the Commission

Amendment

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

- access to sensitive *national and European security and defence* information or the ability to control sensitive *security* information.

Or. en

Justification

The difference between security information and personal data such as health or private life should be made clear

Amendment 190

Massimiliano Salini

Proposal for a regulation

Article 4 – paragraph 1 – indent 4

Text proposed by the Commission

Amendment

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

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

Amendment 191

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- *the defence industry, including undertakings in the supply chain for defence products and technologies, the risk of military technology being transferred to a country that poses a global or regional security threat including links to terrorism.*

Or. en

Amendment 192

Paloma López Bermejo

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- *jobs and labour market.*

Or. en

Amendment 193

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- *defence infrastructure such as military bases and foreign direct investment in land and real estate that*

may affect use of that defence infrastructure.

Or. en

Amendment 194

Paloma López Bermejo

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 195

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation

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

Text proposed by the Commission

Amendment

– *access to sensitive personal data of European citizens such as health data and private and public life as well as the ability to control sensitive public and private life such as through news providers, social networks and messaging services.*

Or. en

Justification

Control of either news providers or messaging services such as WhatsApp may give a third country national or state control over information that is publicly available. This should be made distinct from screening on the basis of national security information.

Amendment 196
Paloma López Bermejo

Proposal for a regulation
Article 4 – paragraph 1 – indent 4 c (new)

Text proposed by the Commission

Amendment

– *consumer protection.*

Or. en

Amendment 197
Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In screening a foreign direct investment on the ground of safeguarding the mid- and long-term economic security of the European Union, the Commission may consider the potential effects on specific key know-how and technologies, e.g. in the field of artificial intelligence, robotics, semiconductors, technologies with potential dual use applications, cybersecurity, space or nuclear technology, as listed in Annex II.

Or. en

Amendment 198
Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Carlos Zorrinho, Theresa Griffin, Miroslav Poche, Jens Geier

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Foreign direct investments of public origin, especially when they are realised

by third-country security or intelligence entities, are particularly scrutinised by the Member-States as well as by the Commission.

Or. en

Amendment 199
Françoise Grossetête

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. *They may also take into consideration the lack of reciprocity on the part of an investor's country of origin, in particular as regards the extent to which public procurement there is open to EU undertakings.*

Or. fr

Amendment 200
Clare Moody, Wajid Khan, Theresa Griffin, Jude Kirton-Darling

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

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.

by the government of a third country, including through significant funding, *opaque ownership structures where the ultimate owner is not clear or any other form of leverage, in particular in third countries that do not meet European standards of democracy and the rule of law.*

Or. en

Amendment 201

David Borrelli

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 *and/or pursuing state-led national industrial policy strategies*, including through significant funding *or whether the foreign direct investment could lead to a monopolistic structure.*

Or. en

Amendment 202

Massimiliano Salini

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

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.

Commission may take into account whether the foreign investor is controlled by the government of a third country, including through significant funding ***and subsidies, extended credit and lending by the government of a third country or a state-owned financial institution.***

Or. en

Amendment 203

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 ***of one or more than one Member State or the Union as a whole, or the mid- and long-term economic security of the Union,*** 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.

Or. en

Amendment 204

Angelo Ciocca, Lorenzo Fontana

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

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 ***the fact that*** the foreign investor is controlled by

by the government of a third country, including through significant funding.

the government of a third country, including through significant funding, **or the possibility that the foreign direct investment could lead to a monopolistic structure.**

Or. it

Amendment 205

Angelika Mlinar, Morten Helveg Petersen

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 **significantly directly or indirectly** controlled by the government **or state bodies** of a third country, including through significant funding.

Or. en

Amendment 206

Esther de Lange, Françoise Grossetête, Ivo Belet

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.

Amendment 207
Răzvan Popa

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 *direct* foreign investor is controlled by the government of a third country, including through significant funding.

Or. ro

Amendment 208
Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Kathleen Van Brempt, Theresa Griffin, Miroslav Poche, Jens Geier

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The screening on the grounds of security and public order should include;

– ***The extent to which a foreign direct investment is part of a state-led industrial policy strategy in support of strategic national interests;***

– ***The degree of reciprocity in openness to foreign direct investments.***

Furthermore the Commission may take into account whether the foreign investor:

- *Is controlled by the government of a third country;*
- *Receives substantial state aid ;*
- *Respects core labour standards and international agreements on sustainable development in its global operations.*

Or. en

Amendment 209

Clare Moody, Wajid Khan, Jude Kirton-Darling, Theresa Griffin

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In determining whether foreign direct investment in the defence industry is likely to affect security, the Member States and the Commission may take geopolitical factors into account including when foreign direct investment in the defence sector originates from an undertaking in a NATO member country.

Or. en

Justification

Many European countries already make a distinction between different countries when screening investment. Austria, Finland, France and others do not apply the full spectrum of screening to i.e. other EU or EEA members. Given the close collaboration between the defence industries of NATO allies, the Commission and Member State screening mechanisms should take into account the fact that FDI may come from an undertaking in a NATO member country

Amendment 210

Esther de Lange, Ivo Belet

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 **shall** maintain, amend or adopt measures necessary to prevent circumvention of the screening mechanisms and screening decisions.

Or. en

Amendment 211

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Carlos Zorrinho, Theresa Griffin

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The setup of a screening mechanism is a prerequisite to the participation of a Member-State to European programmes of common interest which can fall under the remit of security or public order considerations.

Or. en

Amendment 212

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Amendment

Framework for Member States' screening

Mechanisms for Member States' screening

Or. it

Amendment 213

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States' screening mechanisms shall be transparent and not discriminate between third countries. In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules.

Amendment

1. Member States' screening mechanisms shall be transparent and not discriminate between third countries. In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules, ***as well as the procedures for activating these screening mechanisms at the request of local authorities, in accordance with their constitutional provisions, or of trade union organizations.***

Or. it

Amendment 214
Christelle Lechevalier

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States' screening mechanisms shall be transparent and ***not discriminate between*** third countries. In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules.

Amendment

1. Member States' screening mechanisms shall be transparent and, ***in the light of reciprocity criteria, may result in*** third countries ***being treated differently.*** In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules.

Or. fr

Amendment 215
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States' screening mechanisms shall be transparent and not discriminate between third countries. In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules.

Amendment

1. Member States' screening mechanisms shall be transparent and not discriminate between third countries. In particular, Member States shall set out the circumstances triggering the screening, the grounds for screening and the applicable detailed procedural rules ***regarding the screening and the screening decisions.***

Or. en

Amendment 216

Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall establish timeframes for issuing screening decisions. Such timeframes shall allow them to take into account the comments of Member States referred to in Article 8 and the opinion of the Commission referred to in Articles 8 and 9.

Amendment

2. Member States shall establish timeframes for issuing screening decisions ***and make them publicly available.*** Such timeframes shall allow them to take into account the comments of Member States referred to in Article 8 and the opinion of the Commission referred to in Articles 8 and 9.

Or. en

Amendment 217

Paloma López Bermejo

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. Member States ***shall*** establish timeframes for issuing screening decisions. Such timeframes ***shall*** allow them to take into account the comments of Member

Amendment

2. Member States ***may*** establish timeframes for issuing screening decisions. Such timeframes ***could*** allow them to take

States *referred to in Article 8 and the opinion* of the Commission referred to in *Articles 8 and 9*.

into account the comments of Member States *and* of the Commission referred.

Or. en

Amendment 218
Paloma López Bermejo

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall establish timeframes for issuing screening decisions. Such timeframes shall allow them to take into account the comments of Member States referred to in Article 8 and the opinion of the Commission referred to in Articles 8 and 9.

Amendment

2. Member States shall establish timeframes for issuing screening decisions. Such timeframes shall allow them to take into account the comments of Member States referred to in Article 8 and the opinion of the Commission referred to in Articles 8 and 9.

Or. en

Amendment 219
Massimiliano Salini

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 220
Răzvan Popa

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. **Direct** foreign investors and undertakings concerned shall have the possibility to seek judicial redress against screening decisions of the national authorities.

Or. ro

Amendment 221

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Theresa Griffin, Jens Geier

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Every screening mechanism shall consist in an ex ante examination and shall lead to a formal authorisation by the relevant Member-State, or by the Commission for projects and programmes of Union interest.

Or. en

Amendment 222
Amjad Bashir

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

7 Notification by Member States of screening mechanisms and **annual** reporting

7 Notification by Member States of screening mechanisms and reporting

Amendment 223
Massimiliano Salini

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Notification by Member States of screening mechanisms and *annual* reporting

Amendment

Notification by Member States of screening mechanisms and reporting

Amendment 224
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall notify to the Commission their existing screening mechanisms by [...] (**60** 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 *by* 30 days of entry into force of the screening mechanism *or of the amendment to the existing one* at the latest.

Amendment 225
Amjad Bashir

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall notify to the Commission their existing screening mechanisms by [...] (150 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 90 days of entry into force of the screening mechanism at the latest.

Or. en

Amendment 226

Paloma López Bermejo

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 227

Amjad Bashir

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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:

2. **By ... [3 years after the entry into force of this Regulation], and every five years thereafter,** Member States that maintain screening mechanisms shall provide the Commission with **a** report on the application of their screening mechanisms. For each reporting period, the report shall include in particular information on:

Or. en

Amendment 228
Massimiliano Salini

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

Text proposed by the Commission

Amendment

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:

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

Or. en

Amendment 229
Esther de Lange, Françoise Grossetête, Ivo Belet

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

Text proposed by the Commission

Amendment

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:

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:

Amendment 230

Angelika Mlinar, Morten Helveg Petersen

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 that maintain screening mechanisms shall provide the Commission with **a biannual** report on the application of their screening mechanisms. For each reporting period, the report shall include in particular information on:

Or. en

Amendment 231

Paloma López Bermejo

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

Or. en

Amendment 232

Amjad Bashir

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *foreign direct investments screened and undergoing screening;* ***deleted***

Or. en

Amendment 233

Amjad Bashir

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) *screening decisions prohibiting foreign direct investments;* ***deleted***

Or. en

Amendment 234

Amjad Bashir

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 235

Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 7 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) specific cases and public interests that motivated the activation of the screening mechanisms.

Or. it

Amendment 236

Esther de Lange, Françoise Grossetête, Ivo Belet

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

Amendment 237

Amjad Bashir

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 provide the Commission with *a* report covering foreign direct investments that took place in their territory *on a case-by-case basis if they consider the investments liable to prejudice public order or security in other Member States*, on the basis of information available to them.

Or. en

Amendment 238

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Theresa Griffin, Miroslav Poche

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 with an annual report covering foreign direct investments that took place in their territory.

Or. en

Amendment 239

Angelika Mlinar, Morten Helveg Petersen

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 with *a biannual* report covering foreign direct investments that took place in their territory, on the basis of information available to them.

Or. en

Amendment 240

Paloma López Bermejo

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 *may* 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. en

Amendment 241
Amjad Bashir

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 shall inform the Commission of any foreign direct investments that are undergoing screening within the framework of their screening mechanisms *which it considers likely to affect public order or security in another Member State or in the Union*, within **20** 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. en

Amendment 242
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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 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.

1. Member States shall inform the Commission and other Member States *that maintain a screening mechanism* 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. en

Amendment 243
Paloma López Bermejo

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, *when they consider it necessary, may* inform the Commission and the other Member States of foreign direct investments that are undergoing screening within the framework of their screening mechanisms, *after* 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. en

Amendment 244
Françoise Grossetête

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 shall inform the Commission and *all* 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 245

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the Commission considers that a foreign direct investment is likely to affect the national security or public order of the Member State where the investment is planned or has been completed, it shall issue a reasoned opinion addressed to the Member State.

Or. en

Amendment 246

Paloma López Bermejo

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 *may* be forwarded to the Commission in parallel. ***However, the Member State where the foreign investment is planned has the exclusive competence to make a decision.***

Or. en

Amendment 247

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 ***national or the Union's*** security or public order, it ***shall indicate this to the Commission and*** to the Member State where the foreign direct investment is planned or has been completed. The Commission ***shall take adequate action as outlined in Article 9.***

Or. en

Amendment 248

Angelika Mlinar, Morten Helveg Petersen

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 ***duly*** considers that a foreign direct investment ***undergoing screening*** 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 ***undergoing screening and*** to the Commission.

Or. en

Amendment 249

Françoise Grossetête

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 ***already*** been completed. The comments shall be forwarded to the Commission in parallel.

Or. fr

Justification

It is important that ex post controls should be guaranteed. The screening arrangements covered by the regulation can therefore be applied to any investment that has already been completed.

Amendment 250

Esther de Lange, Ivo Belet

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 251

David Borrelli

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 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. ***The Commission shall systematically assess the market compatibility of FDI operations notified by the Member States, including screening of the degree of state influence and state aid.***

Or. en

Amendment 252

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 or the Union as a whole**, **it shall indicate this** to the Member State in which the foreign direct investment is planned or has been completed. The Commission **shall take adequate action as outlined in Article 9**, irrespective of whether other Member States have provided comments.

Or. en

Amendment 253

Răzvan Popa

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 **should** 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. ro

Amendment 254

András Gyürk

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 may issue an opinion addressed to the Member State *maintaining a screening mechanism* in which the foreign direct investment is planned. The Commission may issue an opinion irrespective of whether other Member States have provided comments.

Or. en

Amendment 255

Esther de Lange, Ivo Belet

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 256

Paloma López Bermejo

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 may issue ***comments*** 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.

Or. en

Amendment 257

Angelika Mlinar, Morten Helveg Petersen

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 ***duly*** considers that a foreign direct investment ***undergoing screening in a Member State*** is likely to affect security or public order in one or more Member States, it may ***provide comments*** to the Member State in which the foreign direct investment is ***undergoing screening*** irrespective of whether other Member States have provided comments.

Or. en

Amendment 258

Reinhard Bütikofer

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

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 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.

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. The Commission may issue an opinion irrespective of whether other Member States have provided *any* comments.

Or. en

Amendment 259
Massimiliano Salini

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

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.

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. *The European Commission or a Member State can ask to discuss the issue in the framework of the Coordination Group.*

Or. en

Amendment 260
Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

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.***

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 ***take an informed decision as*** referred to in paragraph 23, ***while paying utmost attention to the potential sensitivity of the information.***

Or. en

Amendment 261

Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

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.

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 ***undergoing screening***, information necessary to provide comments ***pursuant to*** paragraph 2 ***and to*** paragraph 3.

Or. en

Amendment 262

András Gyürk

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

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.

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, any information necessary to provide comments referred to in paragraph 2, or to issue the opinion referred to in paragraph 3.

Or. en

Amendment 263

Amjad Bashir

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

5. Comments pursuant to paragraphs 2 or opinions pursuant to paragraph 3 shall be addressed to the Member State where the foreign direct investment is planned or has been completed within a reasonable period of time, and in any case no later than 25 working days following receipt of the information referred to in paragraphs 1 or 4. In cases where the opinion of the Commission follows comments from other Member States, the Commission shall have 25 additional working days for issuing the opinion.

Amendment

deleted

Or. en

Amendment 264

Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

5. Comments pursuant to paragraphs 2 **or opinions pursuant** to paragraph 3 shall be addressed to the Member State **where the foreign direct investment is planned or has been completed** within a reasonable period of time, and in any case no later than 25 working days following receipt of the information **referred to in paragraphs 1 or 4. In cases where the opinion of the Commission follows** comments **from other Member States, the Commission shall have 25 additional working days for issuing the opinion.**

Amendment

5. Comments pursuant to paragraphs 2 **and** to paragraph 3 shall be addressed to the **screening** Member State within a reasonable period of time, and in any case no later than 25 working days following receipt of the information **necessary to issue** comments **pursuant to paragraph 2 and to paragraph 3.**

Or. en

Amendment 265
Massimiliano Salini

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. Comments pursuant to paragraphs 2 or opinions pursuant to paragraph 3 shall be addressed to the Member State where the foreign direct investment is planned or has been completed within a reasonable period of time, **and in any case no later than 25 working days following receipt of the information referred to in paragraphs 1 or 4. In cases where the opinion of the Commission follows** comments **from other Member States, the Commission shall have 25 additional working days for issuing the opinion.**

Amendment

5. Comments pursuant to paragraphs 2 or opinions pursuant to paragraph 3 shall be addressed to the Member State where the foreign direct investment is planned or has been completed within a reasonable period of time, **in order to not hamper neither the foreign direct investment nor the national screening.**

Or. en

Amendment 266

András Gyürk

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

5. Comments pursuant to paragraphs 2 or opinions pursuant to paragraph 3 shall be addressed to the Member State where the foreign direct investment is planned ***or has been completed*** within a reasonable period of time, and in any case no later than 25 working days following receipt of the information referred to in paragraphs 1 or 4. In cases where the opinion of the Commission follows comments from other Member States, the Commission shall have 25 additional working days for issuing the opinion.

Amendment

5. Comments pursuant to paragraphs 2 or opinions pursuant to paragraph 3 shall be addressed to the Member State where the foreign direct investment is planned within a reasonable period of time, and in any case no later than 25 working days following receipt of the information referred to in paragraphs 1 or 4. In cases where the opinion of the Commission follows comments from other Member States, the Commission shall have 25 additional working days for issuing the opinion.

Or. en

Amendment 267

Reinhard Bütikofer

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. The Member States where the foreign direct investment is planned ***or has been completed*** shall give due consideration to the comments of the other Member States referred to in paragraph 2 and to the opinion of the Commission referred to in paragraph 3.

Amendment

6. The Member States where the foreign direct investment is planned shall ***in their final decision*** give due consideration to the comments of the other Member States referred to in paragraph 2 and to the opinion of the Commission referred to in paragraph 3 ***as well as to comments expressed within the framework of the Investment Screening Coordination group referred to in paragraph 4.***

Or. en

Amendment 268
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. The Member States ***where the foreign direct investment is planned or has been completed*** shall give due consideration ***to the comments of the other Member States*** referred to in paragraph 2 and ***to the opinion of the Commission referred to*** in paragraph 3.

Amendment

6. The ***screening*** Member States shall give due consideration ***of*** the comments referred to in paragraph 2 and in paragraph 3.

Or. en

Amendment 269
Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. The Member States where the foreign direct investment is planned or has been completed shall give due consideration to the comments of the other Member States referred to in paragraph 2 ***and to the opinion of the Commission referred to in paragraph 3.***

Amendment

6. The Member States where the foreign direct investment is planned or has been completed shall give due consideration to the comments of the other Member States referred to in paragraph ***1(new).***

Or. en

Amendment 270
András Gyürk

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

Amendment

6. The Member States where the foreign direct investment is planned *or has been completed* shall give due consideration to the comments of the other Member States referred to in paragraph 2 and to the opinion of the Commission referred to in paragraph 3.

6. The Member States where the foreign direct investment is planned shall give due consideration to the comments of the other Member States referred to in paragraph 2 and to the opinion of the Commission referred to in paragraph 3.

Or. en

Amendment 271

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Carlos Zorrinho, Theresa Griffin

Proposal for a regulation

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In cases where comments pursuant to paragraph 2 or opinions pursuant to paragraph 3 are not followed by concrete action in terms of screening of the foreign direct investment, or when the Commission's opinion in the frame of Article 9 is not followed, a Member-State or the Commission can request a final decision on the matter by the Coordination Group of Article 12a. This decision is adopted by a 2/3 majority and is binding for the Member-State where the foreign direct investment is planned or completed.

Or. en

Amendment 272

Massimiliano Salini

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. Cooperation between Member States pursuant to this Article shall take place through the contact points referred to in Article 12.

7. Cooperation between Member States pursuant to this Article shall take place through the contact points referred to in Article 12 *and to the Coordination Group as defined in Article 12a.*

Or. en

Amendment 273
Massimiliano Salini

Proposal for a regulation
Article 8 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. In order to give certainty to the investors, the cooperation mechanism should be usually applied to the planned investments. The cooperation mechanism could be activated on completed investments only in exceptional cases or if exist the reasonable doubt that changes to one or more of the points listed in Article 10 paragraph 2 have occurred.

Or. en

Amendment 274
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 8 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States and the Commission shall take all necessary measures to ensure the protection of confidential and other sensitive information, including commercially-sensitive information.

Or. en

Amendment 275
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

9 Framework for **Commission**
screening

Amendment

9 Framework for screening *of foreign*
direct investments affecting projects or
programmes of Union interest

Or. en

Amendment 276
Massimiliano Salini

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

9 Framework for Commission
screening

Amendment

9 Framework for Commission
scrutinizing

Or. en

Amendment 277
András Gyürk

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Framework for Commission *screening*

Amendment

Framework for Commission *assessing*

Or. en

Amendment 278
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

9 Framework for Commission screening

Amendment

9 ***Role of the Commission in the screening process***

Or. it

Amendment 279

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 ***or more than one Member State consider*** that a foreign direct investment is likely to affect projects or programmes of Union interest on grounds of security or public order, ***to threaten the security or public order of more than one Member State of the European Union or the Union as a whole or the mid-and long-term economic security of the Union, as defined as key know-how and technologies and listed in Annex II, it shall screen the investment.***

Or. en

Amendment 280

Angelo Ciocca, Lorenzo Fontana

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

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.

interest *referred to in Annex I*, on grounds of *the national* security *of one or more Member States*, public order *or strategic interest*, the Commission *shall* issue an opinion addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. it

Amendment 281
András Gyürk

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 may issue an opinion addressed to the Member State *maintaining a screening mechanism* where the foreign direct investment is planned.

Or. en

Amendment 282
Massimiliano Salini

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

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 *a non-binding* opinion addressed to the Member

where the foreign direct investment is planned or has been completed.

State where the foreign direct investment is planned or has been completed.

Or. en

Amendment 283

Esther de Lange, Ivo Belet

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 284

Paloma López Bermejo

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 may issue *comments* addressed to the Member State where the foreign direct investment is planned or has been completed.

Or. en

Amendment 285
Angelika Mlinar, Morten Helveg Petersen

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 **duly** considers that a foreign direct investment is likely to **significantly** 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. en

Amendment 286
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Parliament, a Member State or a trade union organization of a Member State may, where a direct foreign investment might affect projects or programmes of Union interest, as referred to in Annex I, ask the Commission to carry out screening in accordance with the provisions of this article for reasons of national security, public policy or strategic interest. The Commission shall respond within thirty days from the date of receipt of the request, indicating the reasons for its decision.

Or. it

Amendment 287

Patrizia Toia

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a Member State considers that a foreign direct investment is likely to affect projects or programmes of Union interest, it shall ask the Commission shall issue an opinion addressed to the Member State in which the foreign direct investment is planned.

Or. it

Amendment 288

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 from the Member State where the foreign direct investment is planned or has been completed, *from the foreign investor and from the target company* any information necessary to *take an informed decision, while paying utmost attention to the potential sensitivity of the information. The Member State, the target company and the investor may submit to the Commission any information they deem necessary to take an informed decision.*

Or. en

Amendment 289

Paloma López Bermejo

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. 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 *comments* referred to in paragraph 1.

Or. en

Amendment 290
Angelika Mlinar, Morten Helveg Petersen

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. The Commission may request from the Member State where the foreign direct investment is planned information necessary to issue *an* opinion *pursuant to* paragraph 1.

Or. en

Amendment 291
András Gyürk

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

Amendment

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

issue the opinion referred to in paragraph 1.

Or. en

Amendment 292

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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 ***take a decision*** 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. ***This decision can be:***

- (a) a general authorisation of the investment;***
- (b) an authorisation under certain conditions necessary to eliminate the threat;***
- (c) no authorisation;***
- (d) an in-depth investigation in case that there are reasons to assume that more time and information is necessary to take an informed decision, which shall not take longer than 50 days.***

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. ***The opinion of the Commission shall be communicated to the other Member States.***

Or. en

Amendment 293

Angelika Mlinar, Morten Helveg Petersen

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 ***issue*** 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 ***necessary to issue an opinion*** pursuant to paragraph 1.

Or. en

Amendment 294
Massimiliano Salini

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, ***in order to not hamper neither the foreign direct investment nor the national screening.*** 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), ***within a reasonable period of time, in order to not hamper neither the foreign direct investment nor the national screening.***

Or. en

Amendment 295
Paloma López Bermejo

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

Amendment

3. The Commission ***may*** address its ***comments*** 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.

foreign direct investment undergoing screening has been received by the Commission pursuant to Article 8(1), the *comments* shall be delivered no later than 25 working days following receipt of such information. Where additional information is needed to issue *the comments*, the 25-day period shall run from the date of receipt of the additional information.

Or. en

Amendment 296

Clare Moody, Wajid Khan, Theresa Griffin, Jude Kirton-Darling

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. The opinion of the Commission shall be communicated to the other Member States.

Amendment

4. The opinion of the Commission shall be communicated to the other Member States. *Where the Commission has provided an opinion under this article, it shall inform the European Parliament as part of a structured dialogue on foreign direct investment that affects security and public order.*

Or. en

Amendment 297

Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. The opinion of the Commission shall be communicated to the other Member States.

Amendment

4. The opinion of the Commission shall be communicated to the other Member States. *Member States and the Commission shall take all necessary measures to ensure the protection of*

confidential and other sensitive information, including commercially-sensitive information.

Or. en

Amendment 298
Amjad Bashir

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The opinion of the Commission shall be communicated to the other Member States.

Amendment

4. The opinion of the Commission shall be communicated to the other Member States *with the permission of the Member State where the foreign direct investment is planned or has been completed in strict compliance with applicable rules of notification of EC decisions.*

Or. en

Amendment 299
Paloma López Bermejo

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The *opinion* of the Commission *shall* be communicated to the other Member States.

Amendment

4. The *comments* of the Commission *may* be communicated to the other Member States.

Or. en

Amendment 300
Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The *opinion* of the Commission shall be communicated to the *other* Member States.

Amendment

4. The *decision* of the Commission shall be communicated to the Member States.

Or. en

Amendment 301

Daniel Caspary, Sven Schulze, Godelieve Quisthoudt-Rowohl, Dennis Radtke

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

deleted

Or. en

Amendment 302

Paloma López Bermejo

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. en

Amendment 303
Massimiliano Salini

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

Or. en

Amendment 304
András Gyürk

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 Member States where the foreign direct investment is planned shall ***give due consideration to*** the Commission's opinion and provide an explanation to the Commission in case its opinion is not followed.

Or. en

Amendment 305
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

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.

5. The Member States where the foreign direct investment is planned shall take *due* account of the Commission's opinion and provide *a written* explanation to the Commission in case its opinion is not followed.

Or. en

Amendment 306

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Carlos Zorrinho, Theresa Griffin

Proposal for a regulation

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. In case of unresolved disagreement between the Member-State where the foreign direct investment is planned or has been completed and the Commission, a binding final decision is taken by the Coordination Group of Article 12a by 2/3 majority.

Or. en

Amendment 307

Massimiliano Salini

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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 undue delay.

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

Amendment 308
Angelika Mlinar, Morten Helveg Petersen

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

Or. en

Amendment 309
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 of this Article **shall** include **in particular**:

Amendment

2. The information referred to in paragraph 1 of this Article **may** include, **inter alia**:

Or. en

Amendment 310
Angelika Mlinar, Morten Helveg Petersen

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

Amendment

(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;

which the foreign direct investment is planned, including information on the controlling shareholder or shareholders, *the administrative management and supervisory bodies*;

Or. en

Amendment 311
Răzvan Popa

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 ownership structure of the *direct* 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;

Or. ro

Amendment 312
Edouard Martin, Pervenche Berès

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 the foreign direct investment *and a projection of its sectoral impact*;

Or. en

Amendment 313
Răzvan Popa

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

Text proposed by the Commission

(c) The products, services and business operations of the foreign investor and of the undertaking in which the foreign direct investment is planned or has been completed ;

Amendment

(c) The products, services and business operations of the **direct** foreign investor and of the undertaking in which the foreign direct investment is planned or has been completed ;

Or. ro

Amendment 314
Angelika Mlinar, Morten Helveg Petersen

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

Text proposed by the Commission

(c) The products, services and business operations of the foreign investor and of the undertaking in which the foreign direct investment is planned **or has been completed** ;

Amendment

(c) The products, services and business operations of the foreign investor and of the undertaking in which the foreign direct investment is planned;

Or. en

Amendment 315
Răzvan Popa

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

Text proposed by the Commission

(d) The Member States in which the foreign investor and the undertaking in which the foreign direct investment is planned or has been completed conduct business operations;

Amendment

(d) The Member States in which the **direct** foreign investor and the undertaking in which the foreign direct investment is planned or has been completed conduct business operations;

Amendment 316
Angelika Mlinar, Morten Helveg Petersen

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

Text proposed by the Commission

(d) The Member States in which the foreign investor and the undertaking in which the foreign direct investment is planned ***or has been completed*** conduct business operations;

Amendment

(d) The Member States in which the foreign investor and the undertaking in which the foreign direct investment is planned conduct business operations;

Or. en

Amendment 317
Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Theresa Griffin, Miroslav Poche

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

Text proposed by the Commission

(e) The funding of the investment, on the basis of information available to the Member State.

Amendment

(e) The funding of the investment ***and the guarantee of the lawfulness of its source***, on the basis of information available to the Member State.

Or. en

Amendment 318
Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States and the Commission shall ensure the protection of confidential information, ***including***

confidential information acquired in application of this Regulation.

commercially-sensitive information,
acquired in application of this Regulation.

Or. en

Amendment 319
Massimiliano Salini

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 **highest** protection of confidential information acquired in application of this Regulation.

Or. en

Amendment 320
Clare Moody, Wajid Khan, Theresa Griffin, Jude Kirton-Darling

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 involve these FDI screening contact points on all issues related to implementation of this Regulation. ***The Commission and the Member States shall meet regularly to discuss best practice in investment screening and coordinate on factors for the purposes of Article 4 with a view to harmonising those factors.***

Or. en

Justification

Ultimately, the factors that form part of the consideration in a screening mechanism should be harmonised to help prevent circumvention

Amendment 321

Massimiliano Salini

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 involve these FDI screening contact points ***and the Coordination Group*** on all issues related to implementation of this Regulation.

Or. en

Amendment 322

Angelika Mlinar, Morten Helveg Petersen

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, ***regardless of whether it maintains a screening mechanism,*** shall appoint a foreign direct investment screening contact point ('FDI screening contact point'). 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 323
Reinhard Bütikofer

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

***Investment Screening Coordination
Group***

- 1. An Investment Screening Coordination Group chaired by a representative of the Commission shall be set up. Each Member State shall appoint a representative/expert to this group.***
- 2. The group may exchange views and information on any foreign direct investment that is undergoing screening within the framework of Member States' screening mechanisms and for which a cooperation mechanism has been activated under Article 8 or 9.***
- 3. At the request of Member States the Commission may put on the agenda investments planned in Member States that do not maintain a screening mechanism.***
- 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 324
Massimiliano Salini

Proposal for a regulation
Article 12 a (new)

Article 12a

Coordination Group

The European Commission will as soon as possible facilitate the creation of a Coordination Group dedicated to inward foreign direct investment, including all issues within the scope of the proposed Regulation.

The Group will be run by the Commission and composed of representatives of Member States.

It could be active in particular in the following areas:

- identify sectors and assets that have strategic implications from a security, public order and/or control of critical assets point of view at national level, cross-border level (e.g. assets situated in one Member State that may have strategic implications on another Member State) or at EU level (building on the list of projects or programmes of Union interest);***
- exchange information and analysis on foreign direct investments, including motives for investment, geographic origin and sources of financing (public or private);***
- discuss issues of common concern, including level playing field issues such as subsidies and other practices by third countries facilitating strategic acquisitions, and reasons preventing European investors from acquiring and maintaining critical European technologies and inputs;***
- share best practices and lessons learned among Member States for screening foreign direct investment;***
- discuss the opportunity of cooperation with third countries with shared interests and shared challenges in***

respect of the impact of foreign direct investment on security and public order;

- promote convergence in policies, while respecting Member States' autonomy in choosing whether to screen foreign direct investment or not;*
- further reflect on the means to protect European strategic assets, including through an EU-level screening mechanism;*
- following the entry into force of the proposed Regulation, consider any question relating to its application.*

Or. en

Amendment 325

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Alessia Maria Mosca, Răzvan Popa, Carlos Zorrinho, Peter Kouroumbashev, Theresa Griffin, Miroslav Poche

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Investment Screening Coordination Group

- 1. An Investment Screening Coordination Group chaired by a representative of the Commission shall be set up. Every Member-State shall be represented.**
- 2. The group may exchange views and information on any foreign direct investment that is undergoing screening within the framework of Member States' screening mechanisms and for which a cooperation mechanism has been activated under Article 8 or 9.**
- 3. The Commission shall submit an annual report in writing to the European Parliament on the activities, examinations**

Amendment 326

Angelo Ciocca, Lorenzo Fontana

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 three 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 three years after its entry into force **and after that at intervals of three years**. Member States shall be involved in this exercise and shall provide the Commission with necessary information for the preparation of that report.

Amendment 327

Esther de Lange, Françoise Grossetête, Ivo Belet

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 **2** 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 328
Massimiliano Salini

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 **4** 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 329
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred to the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 3(3) shall be conferred on the Commission for a period of five years from ... [the date of 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. it

Amendment 330
Reinhard Bütikofer

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation shall enter into force ***on the twentieth day following that of*** its publication in the Official Journal of the European Union.

This Regulation shall enter into force ***six month after*** its publication in the Official Journal of the European Union.

Or. en

Amendment 331
Angelo Ciocca, Lorenzo Fontana

Proposal for a regulation
Annex I – indent 3 – paragraph 1

Text proposed by the Commission

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC, including actions therein relating to Key Enabling Technologies such as artificial intelligence, robotics, semiconductors and cybersecurity.

Amendment

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC, including actions therein relating to Key Enabling Technologies such as artificial intelligence, robotics, semiconductors and cybersecurity.

Linguistic amendment to Italian version – does not affect English version.

Or. it

Amendment 332
Esther de Lange, Françoise Grossetête, Ivo Belet

Proposal for a regulation
Annex I – indent 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

European Defence Industrial Development Programme:

Proposal for a Regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness

and innovative capacity of the EU defence industry (COM(2017)294).

Or. en

Amendment 333

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Carlos Zorrinho, Jens Geier

Proposal for a regulation

Annex I – indent 6 a (new)

Text proposed by the Commission

Amendment

– ***Research Fund for Coal and Steel
COUNCIL DECISION (EU) 2017/955 of
29 May 2017 amending Decision
2008/376/EC on the adoption of the
Research Programme of the Research
Fund for Coal and Steel and on the
multiannual technical guidelines for this
programme.***

Or. en

Amendment 334

Esther de Lange, Ivo Belet

Proposal for a regulation

Annex I – indent 6 a (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 335
Esther de Lange, Ivo Belet

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

Text proposed by the Commission

Amendment

– *Permanent structured cooperation (PESCO):*

Council Decision establishing Permanent Structured Cooperation (PESCO) and determining the list of Participating Member States.

Or. en