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Answer given by Executive Vice-President Dombrovskis
on behalf of the European Commission
(4.5.2021)

The EU is open to foreign investment, but this needs to be balanced by appropriate controls to ensure security. Regulation (EU) 2019/452¹ allows the Commission and Member States to identify, assess and mitigate potential risks for security or public order in relation to any foreign direct investment (FDI). The Regulation applies to all sectors and in principle, it cannot be excluded that an FDI into a Notified Body (NOBO) may affect security or public order in one or more Member States. It requires a case-by-case assessment of all facts and circumstances to determine whether this risk arises. The Commission considers that all Member States should maintain such mechanism allowing them to screen FDI in all sectors on grounds of security or public order². Addressing these blind spots would greatly improve our awareness on FDI in the EU.

The quality milestones referred in the third question are laid down in the pieces of legislation applying to the sector in question³ and in the relevant harmonised standards for accreditation and conformity assessment⁴, thus they are immune to any (adverse) influence from stakeholders. Furthermore, through exercising control over NOBOs, Member States shall ensure that the NOBOs monitor correctly the quality milestones/standards, comply with the requirements and act in an independent and impartial way irrespective of their ownership. NOBOs that do not abide to these rules are subject to sanctions.

¹ Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union

² Currently 18 Member States maintain a screening mechanism. The list of screening mechanisms notified by the Member States to the Commission is available under the following link:

https://trade.ec.europa.eu/doclib/docs/2019/june/tradoc_157946.pdf

³ https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards_en

⁴ https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/new-legislative-framework-and-emas_en