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E-000904/2023

Answer given by Executive Vice-President Dombrovskis  
on behalf of the European Commission  
(6.6.2023)

The EU established a framework for foreign direct investments (FDI) screening to identify, assess and mitigate potential risks for security or public order in relation to FDI. The FDI screening regulation<sup>1</sup> applies to all sectors including investments into critical infrastructures, such as ports. It requires a case-by-case assessment of all facts and circumstances to determine whether risks to security or public order arise.

The Commission may issue an opinion if it considers that an FDI is likely to impact the public order or security of more than one Member State or with regard to programmes or projects of EU interest such as the Trans-European Transport Network (TEN-T) projects; or if the Commission has information relevant for the assessment from a security and / or public order perspective. However, the decision to authorise, prohibit or impose conditions regarding an investment remains with the Member State where the investment takes place, for example, Poland.

The EU's Sustainable and Smart Mobility Strategy<sup>2</sup> recognises that ports, as multimodal mobility and transport hubs, are key for their hinterland, for international connectivity and for the European economy.

Therefore, the Commission proposed a mechanism in the revision of the TEN-Regulation<sup>3</sup>, complementary to the mechanism in the FDI screening regulation. It provides for the possibility for the Commission to issue an opinion when Member States notify planned participations or contributions from a third country in any project on the TEN-T network.

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<sup>1</sup> 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 (OJ L 791, 21.3.2019, p. 1 : <https://eur-lex.europa.eu/eli/reg/2019/452/oj>

<sup>2</sup> Sustainable and Smart Mobility Strategy – putting European transport on track for the future, COM(2020) 789 final: <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vlehreu00wv>

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52022PC0384> : COM(2022) 384 final of 27 July 2022.