



# The Future EU Foreign Investment Screening Rules

ESPO's 20th Annual Conference

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Why am I here?



How does the EU control foreign investments?



What changes are we proposing?



Changes for „*maritime investments*“



When will our proposal enter into force?



*Why am I  
here?*

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# Relevance of foreign investment controls

Politics

TEN-T / Critical Infrastructures

Need Foreign Investments

ESPO role & invitation



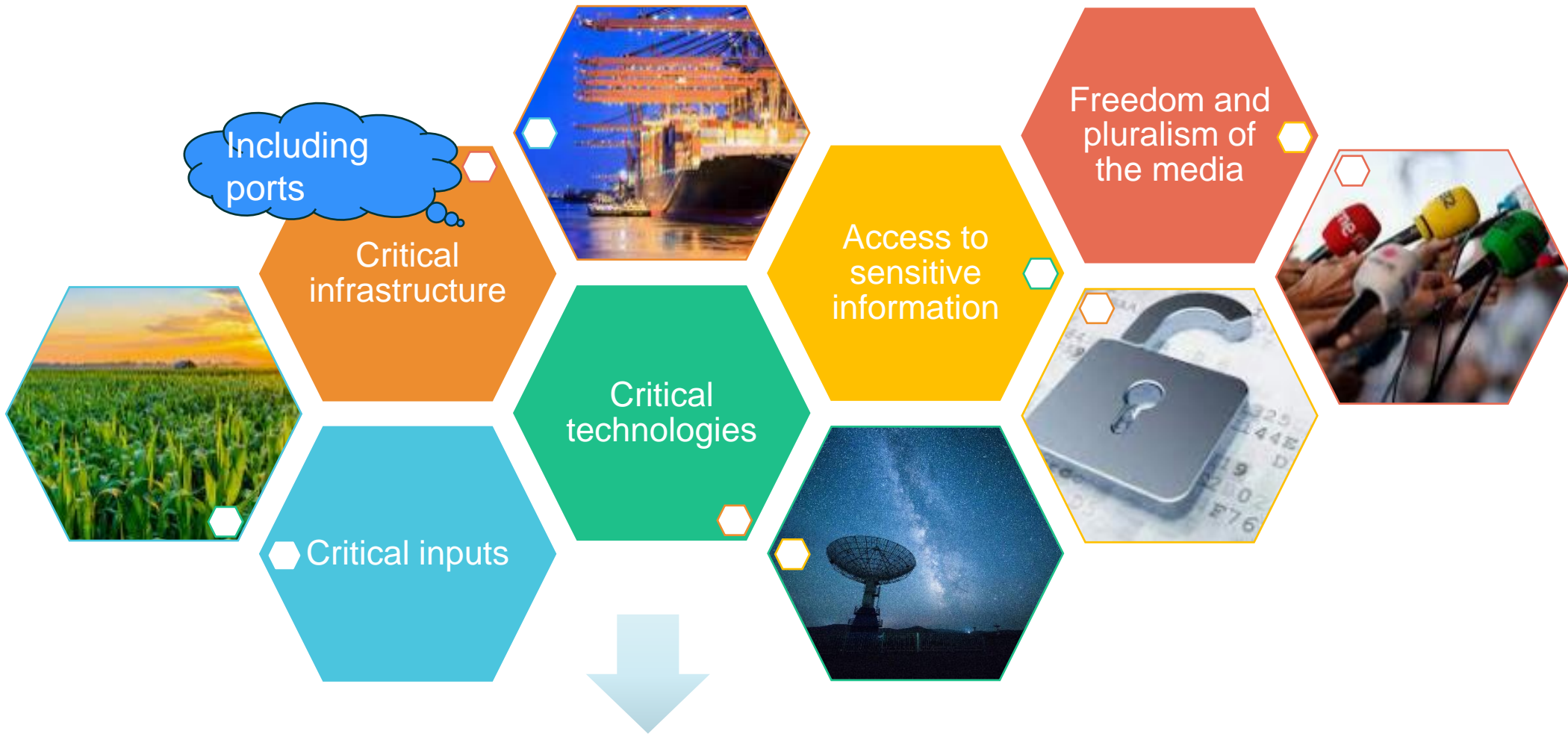
*How does the EU control foreign investments?*

# The front office: Member States



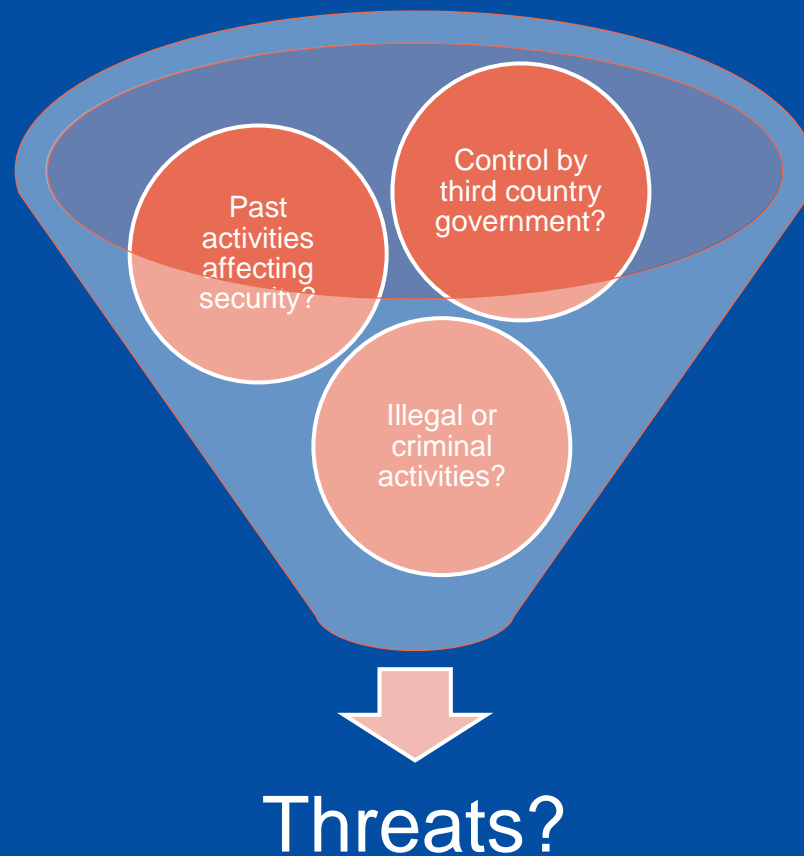


# Target vulnerabilities

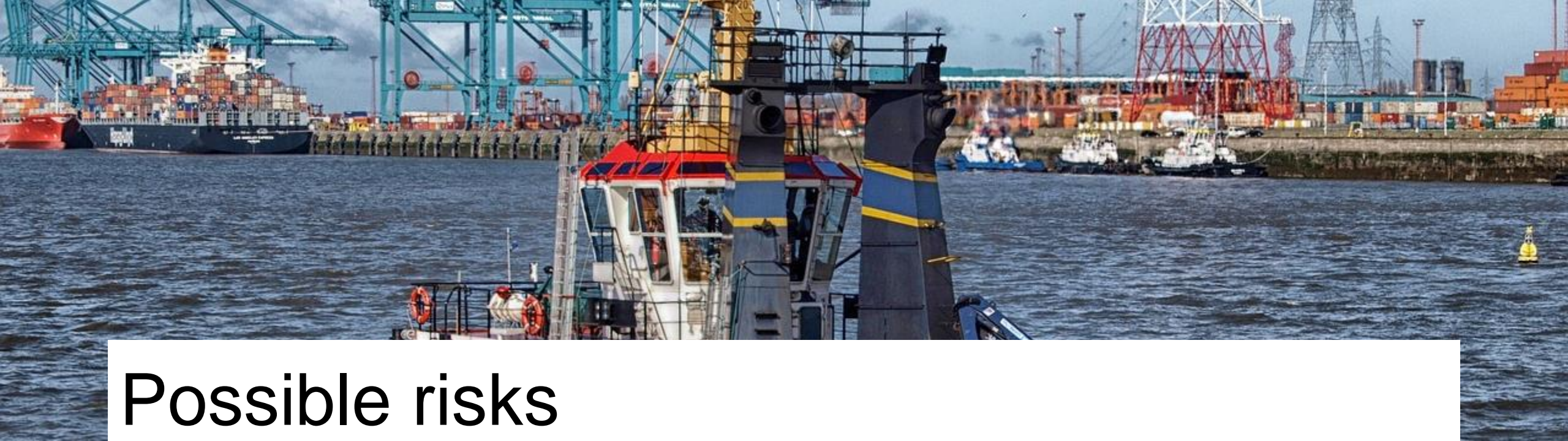


Vulnerabilities?

# Possible threats factors – investor





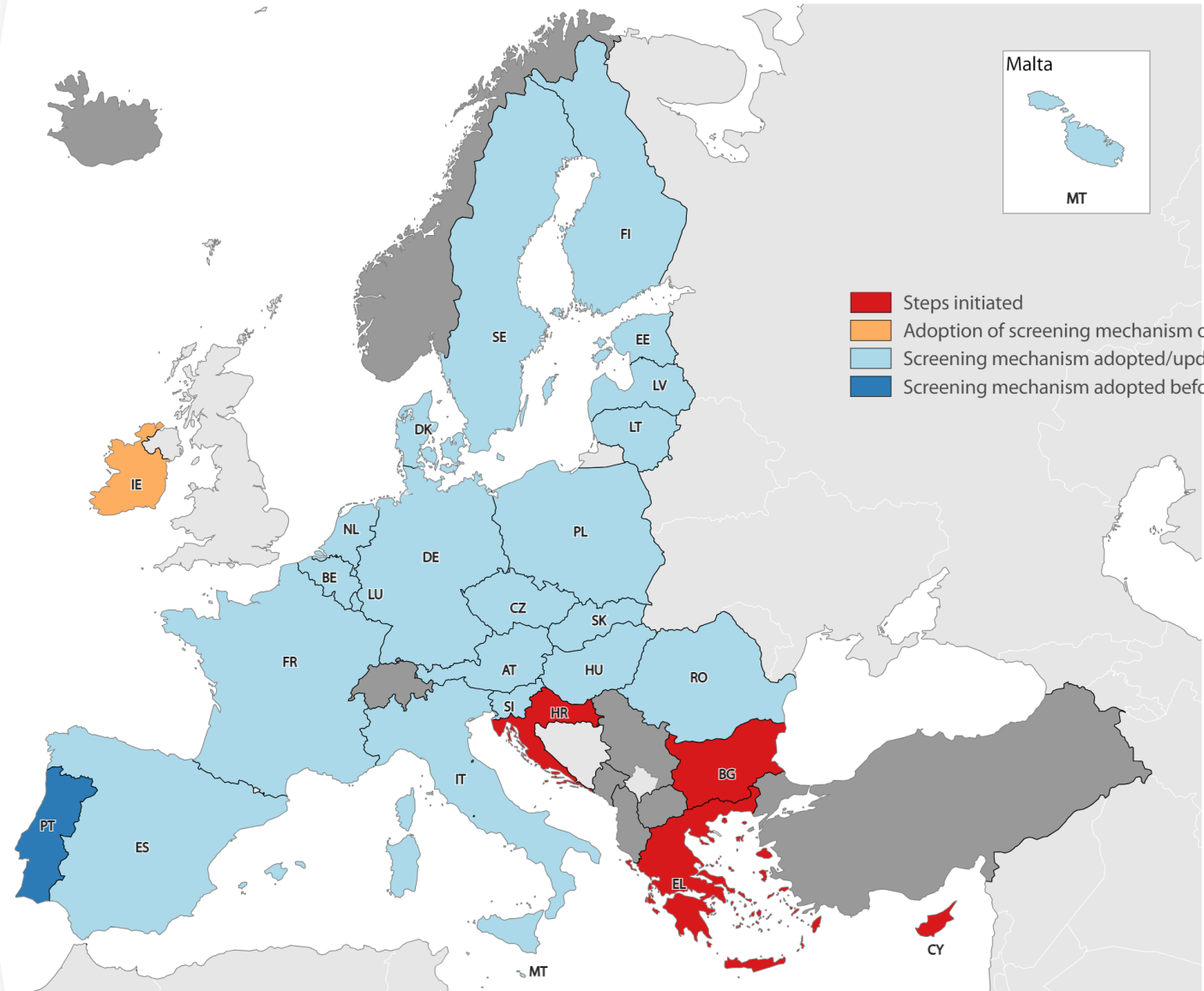


# Possible risks

- Interoperability of the TEN-T project
- Continued functioning of transport infrastructure
- Security of supply of goods
- Impacts on military mobility
- Cybersecurity
- Access to information about sensitive activities

## Achievements in the past 3 ½ years

- EU remains open
  - collectively assessed 1400+ transactions.
  - Transactions not delayed
  - Commission opinions < 3%
- # screening Member States: 14 => 24
- Cooperation & trust @ EU & nat'l





# *Our Change Proposals*

# EU Economic Security Strategy June 2023



# EU Economic Security Strategy





# EU Economic Security Strategy



## **PROMOTING**

the EU's competitiveness by bolstering its Single Market, innovation, technological and industrial capacities.

## **PROTECTING**

the EU's economic security through a range of existing and new tools.

## **PARTNERING**

with others to strengthen economic security, notably by working with reliable partners to address shared security concerns through diversified and improved trade agreements, strengthening international rules and institutions, and investing in sustainable development.

# Proposed revision (January 2024)



## Key principles unchanged

- Grounds: security and public order
- Investigation, & final decision remain @ nat'l level
- Focus on cross-border risks and EU assets



## Fix shortcomings of the current system

- All MS to have a screening mechanism
- Minimum harmonisation of national mechanisms
- Extension to foreign-controlled intra-EU deals



## Consolidate existing good practices

- Screening is a tool of „last resort”
- Cumulative Impact of transactions

***Evolution, not  
revolution***



## Don't fix what is not broken

- Own-initiative procedure
- Confidentiality





Changes for  
*„maritime  
investments“*

MS must screen Intra-EU deals

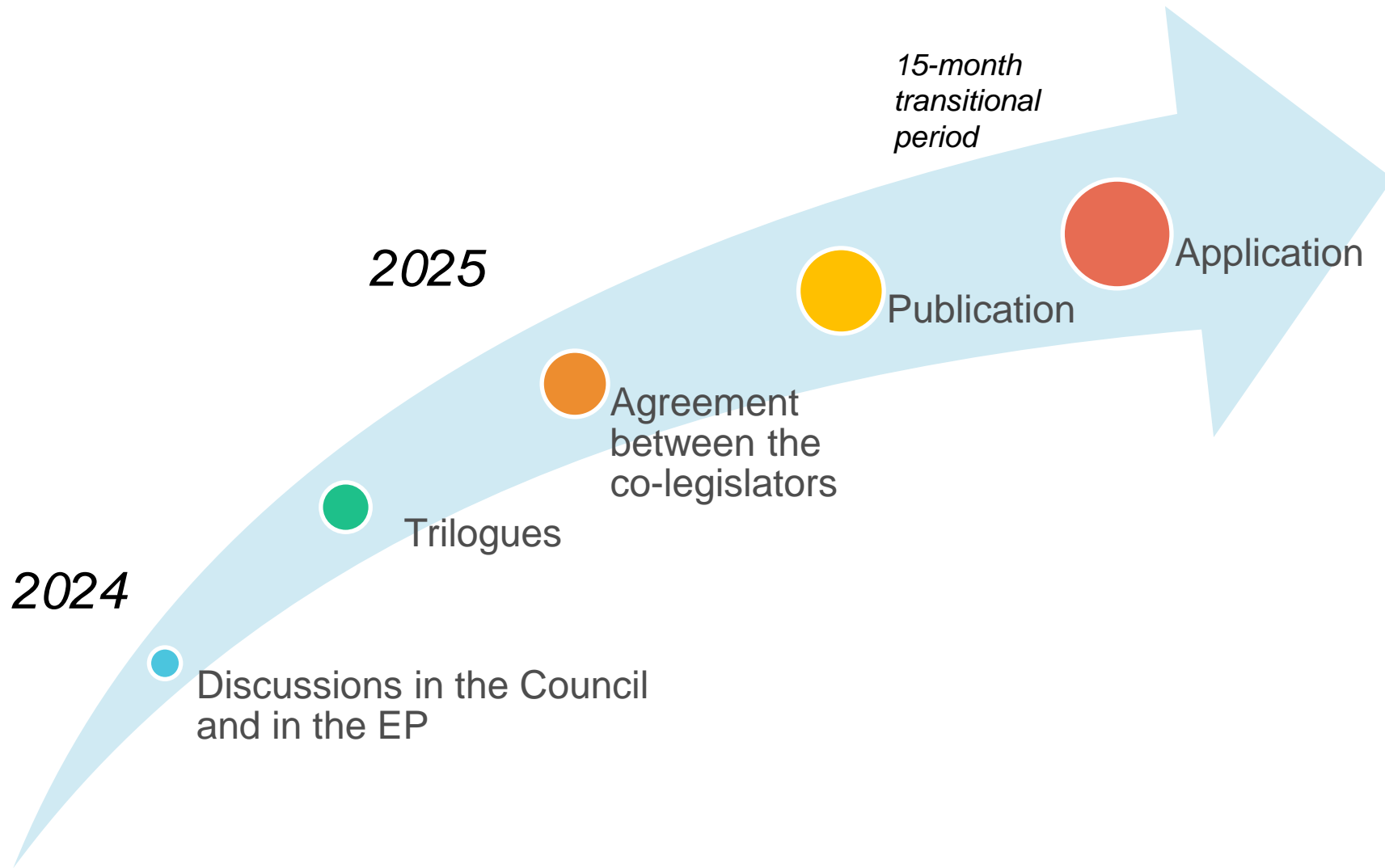
All MS must screen investments into TEN-T

Notify to network if certain risk based criteria met

Greater attention to cumulative impact



When will new rules enter into force?



# *Takeaways*

- Foreign investment control here to stay
- MS remain front office authority
- EU discussing new rules to make it more effective & efficient
- New rules by 2027

# Thank you for your attention



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