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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	25 January 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 23 final - ANNEXES 1 to 2
Subject:	ANNEXES to the Proposal for a Regulation of the European Parliament and of the Council on the screening of foreign investments in the Union and repealing Regulation (EU) 2019/452 of the European Parliament and of the Council

Delegations will find attached document COM(2024) 23 final - ANNEXES 1 to 2.

Encl.: COM(2024) 23 final - ANNEXES 1 to 2

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Brussels, 24.1.2024
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ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Regulation of the European Parliament and of the Council

on the screening of foreign investments in the Union and repealing Regulation (EU) 2019/452 of the European Parliament and of the Council

{SWD(2024) 23 final} - {SWD(2024) 24 final}

ANNEX I

Projects or programmes of Union interest

1. Preparatory Action on Preparing the new EU GOVSATCOM programme

Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 58(2) point (b) thereof (OJ L 193, 30.7.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1046/oj).

2. Space Programme

Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69, ELI: http://data.europa.eu/eli/reg/2021/696/oj).

3. Union secure connectivity programme

Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027 (OJ L 79, 17.3.2023, p.1, ELI: http://data.europa.eu/eli/reg/2023/588/oj).

4. Horizon 2020 including research and development programmes pursuant to Article 185 TFEU, and joint undertakings or any other structure set up pursuant to Article 187 TFEU

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 (2014-20) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104, ELI: http://data.europa.eu/eli/reg/2013/1291/oj).

5. Horizon Europe, including research and development programmes pursuant to Article 185 TFEU, and joint undertakings or any other structure set up pursuant to Article 187 TFEU

Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/695/oj).

6. Euratom Research and Training Programme 2021-25

Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-25 complementing Horizon Europe – the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563 (OJ L 167I, 12.5.2021, p. 81, ELI: http://data.europa.eu/eli/reg/2021/765/oj).

7. Trans-European Networks for Transport (TEN-T)

Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport

network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1315/oj).

8. Trans-European Networks for Energy (TEN-E)

Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ L 115, 25.4.2013, p. 39, ELI: http://data.europa.eu/eli/reg/2013/347/oj).

9. Trans-European Networks for Telecommunications [1]

Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC (OJ L 86, 21.3.2014, p. 14, ELI: http://data.europa.eu/eli/reg/2014/283/oj).

10. Connecting Europe Facility

Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38, ELI: http://data.europa.eu/eli/reg/2021/1153/oj).

11. Digital Europe Programme

Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/694/oj).

12. European Defence Industrial Development Programme

Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's defence industry (OJ L 200, 7.8.2018, p. 30, ELI: http://data.europa.eu/eli/reg/2018/1092/oj).

13. Preparatory Action on Defence Research

Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 58(2) point (b) thereof (OJ L 193, 30.7.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1046/oj).

14. European Defence Fund

Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149, ELI: http://data.europa.eu/eli/reg/2021/697/oj).

15. Act in Support of Ammunition Production (ASAP)

[1] Regulation (EU) No 283/2014 is maintained in this Annex in view of Article 27(2) of Regulation (EU) 2021/1153 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014.

Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production (ASAP) (OJ L 185, 24.7.2023, p.7, ELI: http://data.europa.eu/eli/reg/2023/1525/oj).

16. European Defence Industry Reinforcement through common Procurement Act (EDIRPA)

Regulation (EU) 2023/2418 of the European Parliament and of the Council of 18 October 2023 on establishing an instrument for the reinforcement of the European defence industry through common procurement (EDIRPA) (OJ L 2023/2418, 26.10.2023, ELI: http://data.europa.eu/eli/reg/2023/2418/oj).

17. Permanent structured cooperation (PESCO)

Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO (OJ L 65, 8.3.2018, p. 24, ELI: http://data.europa.eu/eli/dec/2018/340/oj).

Council Decision (CFSP) 2023/995 of 22 May 2023 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO (OJ L135, 23.5.2023, p. 123, ELI: http://data.europa.eu/eli/dec/2023/995/oj).

18. European Joint Undertaking for ITER

Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it (OJ L 90, 30.3.2007, p. 58, ELI: http://data.europa.eu/eli/dec/2007/198/oj).

19. EU4Health Programme

Regulation (EU) 2021/522 of the European Parliament and of the Council of 24March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-27, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/522/oj).

20. Important Projects of Common European Interest (IPCEI)

Described in the Communication from the Commission - Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest (2021/C 528/02) (OJ C 528/10, 30.12.2021, p.10) as referred to on the website of the Commission services.[2]

[2] https://competition-policy.ec.europa.eu/state-aid/ipcei/approved-ipceis_en

ANNEX II

List of technologies, assets, facilities, equipment, networks, systems, services and economic activities of particular importance for the security or public order interests of the Union

1. Items listed in Annex I to Regulation (EU) 2021/821 of the European Parliament and of the Council (common list of dual-use items subject to export controls)

2. Equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment (Common Military List of the European Union)

3. The following critical technology areas for the EU's economic security annexed to Commission Recommendation (EU) 2023/2113 of 3 October 2023 on critical technology areas for the EU's economic security for further risk assessment with Member States:

   a. Advanced semiconductors technologies:

      - microelectroics, including processors
      - photonics (including high energy laser) technologies
      - high frequency chips
      - semiconductor manufacturing equipment at very advanced node sizes

   b. Artificial intelligence technologies:

      - high performance computing
      - cloud and edge computing
      - data analytics technologies
      - computer vision, language processing, object recognition

   c. Quantum technologies:

      - quantum computing
      - quantum cryptography
      - quantum communications
      - quantum sensing and radar

   d. Biotechnologies:

      - techniques of genetic modification
      - new genomic techniques
      - gene-drive
      - synthetic biology

   e. Advanced connectivity, navigation and digital technologies:

      - Secure digital communications and connectivity, such as RAN & Open RAN (Radio Access Network) and 6G

- Cyber security technologies incl. cyber-surveillance, security and intrusion systems, digital forensics
- Internet of Things and Virtual Reality
- Distributed ledger and digital identity technologies
- Guidance, navigation and control technologies, including avionics and marine positioning

f. Advanced sensing technologies:

- Electro-optical, radar, chemical, biological, radiation and distribu ted sensing
- Magnetometers, magnetic gradiometers
- Underwater electric field sensors
- Gravity meters and gradiometers

g. Space & propulsion technologies:

- Dedicated space-focused technologies, ranging from component to system level
- Space surveillance and Earth observation technologies
- Space positioning, navigation and timing (PNT)
- Secure communications including Low Earth Orbit (LEO) connec tivity
- Propulsion technologies, including hypersonics and components for military use

h. Energy technologies:

- Nuclear fusion technologies, reactors and power generation, radi ological conversion/enrichment/recycling technologies
- Hydrogen and new fuels
- Net-zero technologies, including photovoltaics
- Smart grids and energy storage, batteries

i. Robotics and autonomous systems:

- Drones and vehicles (air, land, surface and underwater)
- Robots and robot-controlled precision systems
- Exoskeletons
- AI-enabled systems

j. Advanced materials, manufacturing and recycling technologies:

- Technologies for nanomaterials, smart materials, advanced ceramic materials, stealth materials, safe and sustainable by design materials
- Additive manufacturing, including in the field

- Digital controlled micro-precision manufacturing and small-scale laser machining/welding
- Technologies for extraction, processing and recycling of critical raw materials (including hydrometallurgical extraction, bioleaching, nanotechnology-based filtration, electrochemical processing and black mass)

4. Listed critical medicines: Medicines for human use that are essential for the proper functioning of the EU healthcare system and whose shortage would lead to an interruption in treatment and thus serious harm to patients, as listed in the Union list for critical medicines [3].

5. The following critical entities and activities in the Union's financial system: central counterparties[4], payment systems and payment institutions[5], electronic money institutions[6], market operators and investment firms that operate a multilateral trading facility or an organised trading facility[7], central securities depositories[8], significant issuers of asset-referenced tokens or e-money tokens and crypto asset service providers operating trading platforms for crypto-assets[9], large institutions[10], global providers of specialised financial messaging services and designated critical ICT third-party service providers[11].

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3 Union list of critical medicines https://www.ema.europa.eu/en/human-regulatory-overview/post-authorisation/medicine-shortages-and-availability-issues/availability-critical-medicines#ema-inpage-item-64278

4 Article 2(1) of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p.1, ELI: http://data.europa.eu/eli/reg/2012/648/oj.

5 Article 4(7) and Art 4(4)of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35, ELI: http://data.europa.eu/eli/dir/2015/2366/oj .

6 Article 2(1) of Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p.7, ELI: http://data.europa.eu/eli/dir/2009/110/oj.

7 Article 4(1)(18) of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349, ELI: http://data.europa.eu/eli/dir/2014/65/oj.

8 Article 2(1)(1) of Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p.1, ELI: http://data.europa.eu/eli/reg/2014/909/oj.

9 Articles 3(1)(6), 3(1)(7) and 3(1)(10), 3(1)(15) and Article 3(1)(18) of Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p.40, ELI: http://data.europa.eu/eli/reg/2023/1114/oj.

10 Article 4(1)(146) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1, ELI: http://data.europa.eu/eli/reg/2013/575/oj.

11 Article 3(23) of Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p.1, ELI: http://data.europa.eu/eli/reg/2022/2554/oj.